



ORDINANCE NO. 2230

**KELLY PARK CROSSING
DEVELOPMENT OF REGIONAL IMPACT**

THIS DEVELOPMENT ORDER IS MADE AND ENTERED INTO AS OF THIS 21ST DAY OF DECEMBER, 2011, BY AND BETWEEN THE CITY OF APOPKA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, WHOSE ADDRESS IS 120 EAST MAIN STREET, APOPKA, FLORIDA, 32703, HEREINAFTER REFERRED TO AS THE "CITY," AND PROJECT ORLANDO, LLC, A FLORIDA LIMITED LIABILITY CORPORATION, WHOSE ADDRESS IS 1900 SUMMIT TOWER BOULEVARD, SUITE 820, ORLANDO, FLORIDA. PROJECT ORLANDO, LLC IS HEREINAFTER REFERRED TO AS THE "APPLICANT."

This Development Order is for the Kelly Park Crossing Development of Regional Impact ("DRI" or "Kelly Park Crossing DRI").

WHEREAS, the Development Order concerns a mixed use project located on approximately 564 acres in the City, as more particularly described on **Exhibit A**, attached hereto and (hereinafter referred to as the "DRI Property"), and

WHEREAS the Applicant for the DRI is Project Orlando, LLC, and for purposes of this Development Order and for Chapter 380, Florida Statutes, Project Orlando, LLC, constitutes the "Developer." The agent for the DRI is Randall C. Morris; and

WHEREAS, the Applicant is desirous of developing the Kelly Park Crossing DRI as a mixed use development consisting of office, retail, light industrial, residential, institutional, hospital, community college, and hotel; and

WHEREAS, the Applicant submitted an Application for Development Approval pursuant to Chapter 380.06, Florida Statutes on December 23, 2010, which was amended by the Response

Janice G. Goebel, City Clerk
City of Apopka
P. O. Box 1229
Apopka, FL 32704-1229

Return to:

to Requests for Additional Information, dated March, 2011, and the Second Response to Requests for Additional Information, dated June, 2011 (collectively, the “ADA”); and

WHEREAS, the ADA was reviewed and approved by the East Central Florida Regional Planning Council (“ECFRPC”) on August 17, 2011, and

WHEREAS, the ADA contained a master plan, identified as Map H herein and attached as **Exhibit B**, which was reviewed simultaneously with the ADA; and

WHEREAS, the ADA was coordinated by the City and the Applicant with the City’s adopted Comprehensive Plan including the Wekiva Parkway Interchange Vision Plan,

WHEREAS, all public hearings as required by Chapter 380.06, Florida Statutes, were duly noticed and held, on November 8, 2011 - Planning Commission, November 16, 2011 - City Council (1st Reading), and December 7, 2011 - City Council (2nd Reading), affording the public and all affected parties an opportunity to be heard and to present evidence;

NOW, THEREFORE, be it resolved by the City Council of the City of Apopka, that based upon the findings of fact and conclusions of law set forth below and subject to the terms and conditions which follow, the ADA for Kelly Park Crossings, including Map H (**Exhibit B**), is hereby approved, pursuant to the provisions of Section 380.06, Florida Statutes, and other applicable state laws and the Comprehensive Plan, codes and ordinances of the City.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Applicant filed the ADA with the City and with the ECFRPC as well as Department of Community Affairs (now the Department of Economic Opportunity pursuant to Chapter 2011 Laws of Florida, the “Community Planning Act”) and State and Federal agencies and citizen groups as directed by the ECFRPC.

2. The Applicant is the owner of the real property identified herein, or has the authority to file the ADA and is authorized to obtain a development order pursuant to Chapter 380.06, Florida Statutes.
3. The DRI is not located in an area designated as an Area of Critical State Concern;
4. The DRI is consistent with the adopted State Comprehensive Plan.
5. The DRI including the proposed floor area ratios, is consistent with the City Comprehensive Plan.
6. The DRI is consistent with the Land Development Code.
7. The DRI is consistent with the report and recommendations of the ECFRPC submitted pursuant to subsection 380.06(12).

INDEX OF CONDITIONS

1. Application for Development Approval.....	5
2. Project Description.....	5
3. Rezoning.....	7
4. Form Based Code	8
5. Conversion of Uses.....	9
6. Vegetation and Wildlife.....	10
7. Recreation/Parks	14
8. Water Supply and Water Conservation.....	15
9. Wastewater Management.....	17
10. Stormwater Management.....	17
11. Energy & Technology.....	18
12. Solid Waste.....	18
13. Fire, Police, EMS.....	18
14. Affordable Housing.....	18
15. Education.....	19
16. Transportation.....	19
17. Historical and Archaeological Sites.....	37
18. Green Development Standards.....	38
19. Outdoor Lighting.....	38
20. Monitoring Official and Procedures.....	38
21. Phasing and Buildout.....	38
22. Biennial Reporting Requirement.....	39
23. Downzoning Protection.....	40

EXHIBIT LIST

Exhibit A.....	43
Exhibit B.....	44
Exhibit C.....	45

CONDITIONS

1. **Application for Development Approval.** The DRI is approved subject to the following conditions:

- A. The DRI Development Order shall govern the development of the DRI Property.
- B. The Kelly Park Crossing DRI shall be developed in accordance with the information, data, plans and commitments contained in the ADA which includes supplemental information provided in the Responses to Requests for Additional Information all of which are incorporated herein by reference, unless otherwise provided by these recommendations. The final DRI Development Order shall prevail over any conflicting information, data, plan, or commitments. The second response shall prevail over the first response and the first response shall prevail over the original application. For purposes of this condition, the ADA shall consist of the following items:

- a. Application for Development Approval dated December 23, 2010
- b. Responses to Requests for Additional Information #1 dated March 29, 2011
- c. Responses to Requests for Additional Information #2 dated June 10, 2011

2. **Project Description.**

The DRI is designed to be a mixed-use, high density/intensity development centered around the Kelly Park Road interchange of the proposed Wekiva Parkway. As envisioned in the Wekiva Parkway Protection Act (§369.314, Florida Statutes et. seq.) and the City 's Wekiva Parkway Interchange Vision Plan within the City Comprehensive Plan, the DRI Master Development Plan, attached as **Exhibit B**, calls for intense development proximate to the interchange with

densities and intensities decreasing further from the interchange. Mixed use buildings are allowed throughout the DRI except in those areas designated "Neighborhood" as depicted on Map H (Exhibit B).

The development program presented by the Applicant and herein approved includes:

Land Use	Phase 1	Phase 2	Phase 3	Phase 4	Total Development	FAR	Approximate Acres*
Office	100,000 SF	540,000 SF	641,000 SF	639,996 SF	1,920,996 SF	0.4	84.25
Light Industrial	200,000 SF	3,300,000 SF	1,000,000 SF	727,200 SF	5,227,200 SF	0.6	178.00
Retail/Commercial	100,000 SF	450,000 SF	550,000 SF	272,140 SF	1,372,140 SF	0.3	77.00
Community College	130,680 SF	--			130,680 SF	0.3	20.00
Medical	--	250,000 SF	272,720 SF		522,720 SF	0.4	30.00
Residential	300 DU	400 DU	400 DU	450 DU	1,550 DU	10du/ac	58.00
Conservation							*See footnote below.
Parks	40 Acres	33 Acres	20.75 Acres	--	93.75 Acres	15 %	93.75
Institutional	50,000 SF	50,000 SF	60,000 SF	14,240 SF	174,240 SF	0.4	8.00
Hotel	--	100 RMS	100 RMS	200 RMS	400 RMS	0.4	15.00

(* Conservation land use is estimated at 35 to 45 acres and will be identified at the Master Site Plan submittal. Conservation acreage assigned internal to the DRI may result in reduced acreage for those land uses affected by the designation of conservation acreage. The acreage for any land use may be modified and the location of the conservation lands altered without the need for further development-of-regional-impact review if implemented by Condition 5 or 6 contained herein, as applicable. As set forth in Condition 5, designation of conservation lands may also be satisfied through off-site mitigation.)

(*Conservation land use (estimated at 35 to 45 acres) will be revised once the conservation lands are identified at Master Site Plan submittal. The acreage

assigned to lands uses may be increased and the location of the conservation lands altered without the need for further development-of-regional-impact review if implemented by condition 5 contained herein.)

3. Rezoning.

- A. The City acknowledges that the development of the DRI Property will occur over time and in phases. The City agrees that due to the size and scope of the proposed development, the duration of the phasing plan, and the uncertainties in the timeframe for construction of the Wekiva Parkway, the Applicant shall be entitled to effect a rezoning for specific parcels or increments of the DRI Property prior to physical development within increment being undertaken ("Incremental Rezoning"). At the time of submittal of an application for the first Incremental Rezoning, the Applicant shall also submit a conceptual rezoning master plan for the entire DRI Property which shall address conceptually the location of the various uses allowed, including common areas and open space, densities and intensities for permitted uses, traffic circulation for internal roadways, all in conformance with Map H (**Exhibit B**) and the ADA. Further refinement and detailing of the conceptual rezoning master plan as well as a demonstration of conformance with the City's Land Development Code and the Form Based Code shall be demonstrated within each Incremental Rezoning application. Additionally, each Incremental Rezoning applicable to DRI Property located north of Kelly Park Road shall address the feasibility of establishing roadway connections to other properties designated on the Wekiva

Parkway Interchange Vision Plan, and to establish future connection between the DRI and Round Lake Road

- B. The DRI Property is currently utilized for agricultural and silvicultural activities. To ensure compatibility between existing and proposed uses, no new or expanded agricultural or silvicultural activity may occur within one hundred (100) feet of those increments of the DRI Property rezoned pursuant to this section.

4. **Form Based Code.** The Applicant shall be subject to the Form-Based Code being developed by the City for all lands within the Wekiva Parkway Interchange Vision Plan. The Form-Based Code shall include a master site plan development option (known as Option "B") for non-residential development. This Option shall be available for (1) development proposing building(s) exceeding 40,000 gross square feet of floor area for larger-scale commercial, industrial, and institutional uses; and (2). office parks, industrial parks, and retail centers greater than fifteen (15) acres in size, for college campuses (with or without on-site residential housing), hotel convention centers, and hospital campuses greater than eight (8) acres in size. The Option "B" master site plan shall be consistent with the Form-Based Code design standards for this development option. This Option "B" master site plan shall demonstrate compatibility and connectivity with adjacent districts and road systems. The developer requesting an Option "B" master site plan shall demonstrate that average wages and salaries for jobs created by the new development are equal to or greater than the average wages and salaries existing in Apopka at the latest decennial U.S. Census or such other data as may be acceptable to the City.

5. Conversion of Uses.

- A. The Applicant may increase or decrease the amount of a particular land use within the approved development program by using the Equivalency Matrix attached as **Exhibit C**, which is based on equivalent peak hour directional trip ends and is included herein. In order to ensure that a mix of uses is maintained, use of the Equivalency Matrix may increase or decrease the total amount of each land use by no more than the amount provided for in the Land Use Mix Table at **Exhibit C**, and consistent with the substantial deviation criteria identified in Chapter 380.06(19)(b) 1-14, Florida Statutes, unless the Development Order is amended to accommodate such a change. Greater changes than those discussed above shall be considered cumulatively, and shall be subject to normal Development Order amendment processes.
- B. Additionally, changes in land use must address changes to potable water usage and identify if the potable water capacity and allocation under the applicable consumptive use permit are available. Any time the Equivalency Matrix is used, DEO, ECFRPC, the City, Orange County, the FDOT, the SJRWMD, and the School Board of Orange County must be provided notice of the proposal at least thirty (30) days in advance of the change. Use of the Equivalency Matrix will be reported on an individual and cumulative basis and impacts documented in the biennial report. Any future Notice of Proposed Change ("NOPC") shall incorporate any changes occurring due to the use of the Equivalency matrix.

6. Vegetation and Wildlife.

A. **Listed Species.** Site development activities on the Property shall not result in the harming, pursuit or harassment of wildlife species classified as endangered, threatened or a species of special concern ("listed species") in contravention of applicable State or Federal laws. Should such listed species be at any time determined to be nesting or residing on, or otherwise significantly dependent upon the DRI site, the Applicant shall notify FWC, and or FWS, as applicable and to the extent required by laws and regulations, the Applicant shall cease all activities which might negatively affect that individual or population. The Applicant shall provide proper protection, to the satisfaction of all agencies with jurisdiction, as required by statute or regulation. "Harming" and "harassment" as used in this recommendation shall be defined in the same manner as "harm" and "harass" respectively are defined in 50 CFR Section 17.3.

B. **Preserve Areas.** The Applicant may develop the 14 acres, currently designated on Map H (**Exhibit B**) as "preservation", located south of Kelly Park Road, and will establish a preserve for the protection of gopher tortoises, Sherman's fox squirrel and other listed species and indigenous wildlife in the northwest portion of the DRI as provided for in the report and recommendations of the ECFRPC.

Development of the 14-acre area is contingent on other necessary approvals for development (including those identified in this condition) being obtained from the SJRWMD, the U.S. Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, and the Department of Environmental Protection, as may be required by law.

Pursuing this option will add an additional 107 acres, less approximately a 300 foot strip along the eastern property boundary to access Ondich Road, to the 31 acre preserve in the northwest portion of the site and allow development of the 14-acre area near the proposed interchange.

As a part of the approval process for the conceptual rezoning master plan referenced in Condition 3 (A), the City and the Applicant shall reach an open space and parks agreement to preserve a minimum of 45 acres to a maximum of 107 acres for a preservation area. This agreement shall consider the appropriate acreage needs for a viable preservation area while also considering the park and open space needs for people who live and work within the Kelly Park DRI . The maximum preservation area obligation by the Applicant is 107 acres. Any acreage above the 45 minimum acres up to the maximum of 107 acres will receive a credit towards 50% of the open space requirements set forth in the Form-Based Code. Any land set aside for the minimum active recreation area shall not qualify as credit.

As an alternative to land preservation internal to the DRI, preservation may be satisfied through off-site preservation if an off-site mitigation program is jointly accepted by the City and FDEP after consultation with the FFWCC.

- C. If a preserve is established, the following principles and guidelines shall be applied via a management plan to be established by the Applicant, reviewed by State permitting agencies, the City, Orange County, and the ECFRPC, as a non-substantial deviation processed as a NOPC. The management plan does not relieve the Applicant of any State or Federal permitting requirements.
- a. The location of the preserve is to include the existing temperate hardwoods and the improved pasture west and north of the temperate hardwoods, in the northern portion of the development (approximately 100 acres).
 - b. Mowing, controlled burning or livestock grazing are to be utilized to maintain vegetation height suitable for gopher tortoises, Sherman's fox squirrels and foraging by sandhill cranes.
 - c. Pines, preferably longleaf pine, are to be planted in low densities to increase plant diversity and structure for nesting for Sherman's fox squirrel. Pines are not to be planted in densities that would impact gopher tortoises.
 - d. Pedestrian trails and trail infrastructure that do not impact listed species are recommended.

- e. The road, currently shown on Map H (**Exhibit B**) shall be relocated such that it does not intersect the temperate hardwood area, but is moved eastward closer to the eastern property line.
- f. Wetland buffers shall be consistent with the requirements of State permitting agencies or the requirements of the City, whichever is more stringent.
- g. Drought tolerant plants adapted to site conditions shall be utilized.
- h. The Applicant shall identify recreation uses that will be allowed in conservation areas.

The Management Plan shall also include the following components:

- i. Provide for management of gopher tortoises consistent with applicable Florida law.
- j. Establish protocols for exotic and nuisance wildlife and plant control.
- k. Establish a bear management plan that provides educational materials for residents regarding deterrent methods to reduce human-bear conflicts, provide for a trash receptacle and dumpster program to manage potential bear and other wildlife intrusion and develop rules or ordinances that require business and residents to secure wildlife attractants to prevent potential conflicts with bears.
- l. Provide for future residents education regarding the purpose and methods of the management plan.
- m. Provide for installation of kestrel nesting boxes at an appropriate density consistent with the known kestrel population on-site, if any.

- n. Provide for the control of feral and free roaming cats to prevent the depredation of Sherman's fox squirrels and other listed species and indigenous wildlife as recommended by the FWC.
- o. Establish wildlife crossings on interior roads to maintain habitat connectivity where appropriate.
- p. Establish conservation easements and adequate funding to secure and manage preserved areas in perpetuity as needed to implement the management plan. Conservation easements will be conveyed to the SJRWMD, the City, Orange County, the Nature Conservancy, or Florida Audubon, or any other conservation organization whose purpose is the management and preservation of lands.
- q. Conduct biennial wildlife surveys to measure the preserve's success and provide for biennial reporting of the implementation and effectiveness of the management plan at the time of the biennial report.
- r. Develop a mechanism to make modifications to the management plan that are approved via permitting with such modifications being reported within the appropriate biennial report.

7. Recreation/Parks

The Applicant and the City shall enter into a binding developer's agreement to address the provision of parks and recreational facilities for the Kelly Park Crossing DRI prior to approval of the first Incremental Rezoning.

8. Water Supply and Water Conservation

- A. The City's consumptive use permit which expires on September 13, 2031, is anticipated to meet the needs of the City's projected population including the development generated by the DRI. However, each phase of the DRI, beyond phase 1 as identified in the Condition 2, Project Description, of this Development Order, shall proceed only upon confirmation of adequate water supply sources to support the development of said phase through the City's consumptive use permit or other sources that are approved by the SJRWMD.
- B. Reasonably available lower-quality sources of water, including storm water, surface water, and reclaimed water, must be distributed for use or used throughout the DRI in place of higher quality water sources according to the SJRWMD rules and applicable state law. Storm water, surface water and reclaimed water shall be maximized as nonpotable water sources for irrigation.
- C. Any wells no longer in use within the DRI boundary shall be properly plugged and abandoned in accordance with SJRWMD rules and regulations. Any change in the use of the wells is subject to SJRWMD's approval of an appropriate CUP consistent with adopted SJRWMD rules.
- D. Each multifamily residential unit subject to an individual deed for property ownership and nonresidential multi-unit structures shall use submeters for potable water. Multifamily residential units not subject to individual deeds shall use master meters.

- E. Development within the Kelly Park Crossing DRI shall comply with applicable provisions of the City's Landscape and Irrigation Ordinance No. 2069.
- F. The covenants, codes and deed restrictions shall require that only U.S. Environmental Protection Agency Water Sense-labeled water-conserving fixtures or equivalent performing fixtures shall be installed in all residential and nonresidential buildings and structures.
- G. The covenants, codes and deed restrictions shall require that only U.S. Environmental Protection Agency Energy Star-labeled water-conserving fixtures or equivalent performing fixtures shall be installed in all residential and nonresidential buildings and structures.
- H. The Applicant shall implement the water conservation practices described in the ADA and subsequent sufficiency responses to maximize water conservation and enhance water quality.
- I. The Applicant shall obtain water from the City subject to the City's rate resolutions and ordinances. The Applicant shall enter into an agreement with the City addressing the timing and funding of potable water and nonpotable water infrastructure projects that are needed to support the DRI.

- J. A distribution system for nonpotable water (i.e., storm water, surface water and reclaimed water) shall be installed concurrently with both residential and nonresidential development within the DRI. The Applicant and the City shall enter into an agreement addressing the timing and funding of the nonpotable water system. The nonpotable distribution system shall be developed parallel to and concurrently with the potable water distribution system for utilization. All irrigation systems installed in the development shall be designed to accept nonpotable water.

9. Wastewater Management.

- A. Development of the DRI shall proceed concurrent with the provision of adequate central sewer service meeting the adopted level of service standards in the City Comprehensive Plan. The Applicant shall enter into an agreement with the City addressing responsibility for the design, construction and funding of central sewer lines to service the DRI.

10. Stormwater Management.

- A. The stormwater management system shall be designed as a stormwater reuse system, when feasible, to maximize the amount of surface water that will be available for irrigation needs throughout the development.
- B. The Applicant will employ best management practices for erosion and turbidity control.
- C. Low Impact Development (LID) techniques are recommended for the stormwater system to the extent allowed by the SJRWMD. Consultation with

the Program for Resource Efficient Communities at the University of Florida's Institute for Food and Agricultural Services is recommended.

D. The Kelly Park Crossing DRI shall comply with applicable provisions of the City's Landscape and Irrigation Ordinance No. 2069.

11. Energy & Technology.

A. Development within the DRI shall comply with the City's natural gas ordinance that is being developed.

12. Solid Waste. Development within the DRI shall occur consistent with the adopted level of service standards for solid waste identified in the City Comprehensive Plan. The handling, storage, transportation and disposal of any hazardous materials within the DRI will comply with local, state, and federal rules, regulations and laws. All users, generators and operators within the DRI property shall be required to adhere to all federal, state and local laws, codes, ordinances, rules and regulations with respect to the use, management and disposal of hazardous waste.

13. Fire, Police, EMS. Police, fire and EMS service will be provided by the City. This condition does not preclude the application of interlocal agreements for mutual support. The Applicant and the City shall enter into a binding developer's agreement to address the provision of fire, police, and EMS services for Kelly Park Crossing DRI, prior to the approval of the first Incremental Rezoning. Fire/Police/EMS Facilities sites constitutes an Institutional use for purposes of the development program at Condition 2.

14. Affordable Housing. The Affordable Housing Analysis prepared for the Kelly Park Crossing DRI ADA using the approved ECFRPC methodology concluded that

affordable housing will be available at the conclusion of Phase 1. Additional studies shall be conducted for all future phases prior to their commencement. If the ECFRPC methodology is applied, compliance with the ECFRPC methodology shall also mean meeting the requirements to appropriately mitigate impacts for each phase as identified in said methodology. The Kelly Park Crossing DRI can mitigate for very low and/or low affordable housing deficiencies with accessory dwelling units only if found by the City to be consistent with existing zoning requirements and supporting land development regulations.

15. Education. The Kelly Park Crossing DRI shall enter an agreement with the Orange County School Board to address school capacity needs created by the DRI.

16. Transportation.

A. The Kelly Park Crossing DRI shall be divided into the following vehicular traffic phases based on reaching any of the following thresholds or years, as indicated below.

Phase & Year	Daily Trips	Daily Trips Cumulative	External* Daily Trips	External* Daily Trips Cumulative	Peak Hour Trips	Peak Hour Trips Cumulative	External* Peak Hour Trips	External* Peak Hour Trips Cumulative
Phase 1 2016	17,907**	17,907	16,121	16,121	1,497	1,497	1,332	1,332
Phase 2 2021	58,868	76,775	46,078	62,199	5,979	7,476	5,089	6,421
Phase 3 2026	40,708	117,483	32,375	94,574	4,215	11,691	3,507	9,928
Phase 4 2031	21,041	138,521	47,388	141,962	2,533	14,224	2,153	12,081

External trips reflect anticipated internalization reductions but not passer-by reductions

** The Kelly Park Crossing phase 1 is constrained by the City's comprehensive plan which limits the DRI to 7000 total daily trips. However, the applicant's traffic study confirms that phase 1 can generate up to 17,907 total daily trips. Therefore, the DRI is limited to 7,000 total daily trips until such time as the City's

comprehensive plan can be amended. If the amendment is approved, phase 1 shall be 17,907 total daily trips without the need to further amend this development order. Mitigation for phase 1 development must be secured by a development agreement prior to commencement of phase 1 development.

Subsequent to phase 1 but prior to the initiation of each phase thereafter as identified in the preceding paragraph, the Applicant shall conduct a monitoring/modeling (M&M) program. This program shall ascertain the Level of Service ("LOS") on facilities where the Kelly Park Crossing DRI is estimated to contribute an amount of traffic greater than or equal to five percent (5%) of the adopted LOS service volume. The methodology of the M&M program shall be agreed upon by the City, the ECFRPC, Orange County, Lake County, the Florida Department of Transportation ("FDOT"), and the Florida Department of Economic Opportunity and the Applicant. The depth of each M&M effort shall be similar to that required within an ADA (to include all subsequent phases for projected roadway adversity testing) but shall be consistent with the requirements of the City Concurrency Management Systems (if in effect) as it relates to facilities within that jurisdiction. Empirical data will be required to be collected for the M&M program on facilities where it is estimated that the DRI contributes an amount of traffic greater than or equal to five percent (5%) of the adopted LOS maximum service volume. This shall include an origin-destination survey to verify DRI trip distribution on the external roadway network no earlier than seventy-five percent (75%) through any applicable Phase. The origin-destination survey shall also verify the percentage of DRI trips that travel on the Wekiva Parkway. Concurrent with the timing of the origin-destination study, a trip

generation and internal capture study shall be performed to verify trip generation and internal capture assumptions for the development. A trip length study shall also be conducted to verify model results. In the event that all parties cannot come to agreement on the methodology, the ECFRPC, FDOT, the City, Orange County and Lake County shall be the final arbiters. The City's decision shall be final as it relates to its facilities; if required by law, the FDOT's decision shall be final on the strategic intermodal system; Orange County's decision shall be final on Orange County facilities; Lake County's decision shall be final on Lake County facilities; and the ECFRPC's decisions shall be final as it relates to all other facilities. Each M&M program shall provide a roadway needs analysis for each future phase as well as the phase being tested for mitigation requirements.

The facilities to be monitored/modeled for the next phase shall include, but shall not be limited to, those segments of the regional roadways listed below and one segment beyond where the Kelly Park Crossing DRI is estimated to contribute a cumulative amount of traffic 0greater than or equal to five percent (5%) of the adopted LOS service volume. The analyzed facilities will include signalized intersections and link analyses of collector and higher classified roadways and interchange ramps.

The City, the ECFRPC, Orange County, Lake County, FDOT, and DEO shall have the right to make reasonable requests for additional information from the

Applicant to verify adherence to these provisions. The Applicant shall supply adequate information toward compliance with these requirements.

Candidate Roadways for Monitoring and Modeling

Roadway Facility	From	To
US 441	CR 437	Bradshaw Road
SR 46	US 441	CR 437 north
SR 429 (Expressway)	Florida's Turnpike	Apopka Bypass (John Land Expressway)
Wekiva Parkway	SR 429	Interstate 4
CR 435 (Rock Springs Road)	Kelly Park Road	Sandpiper Road
CR 435 (Park Avenue)	Sandpiper Road	Cleveland Street
CR 435 (Clarcona Road)	Cleveland Street	Clarcona-Ocoee Road
CR 437	CR 44A	Orange-Lake County Line
Plymouth - Sorrento Road	Orange-Lake County Line	US 441
Welch Road	Vick Road	Wekiva Springs Road
Binion Road/Orange Avenue	Apopka Ocoee Road	US 441
Errol Parkway	Lake Francis Drive	Lake Arden Drive
Golden Gem Road	Kelly Park Road	Ponkan Road
Haas Road	Plymouth Sorrento Road	Mt. Plymouth Road
Jason Dwelley Parkway	Kelly Park Road	Ponkan Road
Kelly Park Road	Round Lake Road	Rock Springs Road
Lake Francis Drive	Schopke Lester Road	Vick Road
Lester Road	Schopke Road	Plymouth Sorrento Road
Mt. Plymouth Road	Kelly Park Road	Lake County Line
CR 435	Orange County Line	SR 46
Ondich Road	Round Lake Road	Plymouth Sorrento Road
Ponkan Road	Orange Blossom Trail	Rock Springs Road
Round Lake Road	Ponkan Road	Wolf Branch Road
Sadler Avenue	Lake County Line	Orange Blossom Trail
Sadler Avenur/Sadler Road	Orange Blossom Trail	Round Lake Road
Vick Road	Old Dixie Highway	Ponkan Road
Wolf Branch Road	US 441	CR 437
Yothers Road	US 441	Plymouth Sorrento Road

B. The Kelly Park Crossing DRI shall not commence beyond Phase 1 (an equivalent of 1,332 external peak hour trip ends) into Phase 2 or into subsequent phases when service levels are below the minimum service level adopted in the applicable local government's comprehensive plan during the peak hour and if the DRI contributes, or is projected to contribute with the next phase of traffic, five percent (5%) of the adopted LOS service volume of the roadway or intersection unless mitigation measures and/or improvements are secured and committed for completion of construction during the phase in which the impacts occur. This shall be determined by the M&M program required in the preceding condition. The schedule of required roadway improvements shall be tied to the development level when the improvement is needed within each phase. The Development Order shall be amended to incorporate the required improvements and the commensurate trip level by which the improvement is needed to support DRI development.

C. Adequate "secured and committed" mitigation measures shall include one of the following:

- a. A roadway improvement scheduled for construction within the first three (3) years of the appropriate local government's adopted comprehensive plan capital improvement element (or as otherwise provided in the applicable jurisdiction's capital improvement element) or; a roadway improvement scheduled for construction within the first three (3) years of the FDOT's five-year Work Program.

- b. A binding, financially secured and irrevocable commitment by the Applicant or other appropriate persons or entities for the design, engineering, land acquisition and actual construction of the necessary improvements coupled with the posting of a cash bond, surety bond, irrevocable letter of credit, escrow account or other security in a form acceptable to the agency of jurisdiction within the next three (3) years and incorporated by reference into the development order.
 - c. Any other mitigation option specifically provided for in this development order.
 - d. Any other mitigation option permitted by law, including but not limited to a local government development agreement consistent with Chapter 163, Florida Statutes, which ameliorates the projected impact and is incorporated into the DRI Development Order by amendment.
 - e. A proportionate share agreement provided by the Applicant with the City and the jurisdiction or agency whose roadway is impacted, pursuant to Rule 9J-2.045, F.A.C., and Chapter 380.06(15)(e), or Section 163.3180(5)(h)3., Florida Statutes, if applicable at time of agreement.
- D. The above mitigation measures shall occur by the required threshold in order for the DRI to proceed through the balance of the applicable phase. If the Applicant can demonstrate that a portion of a phase does not adversely affect the Regional Roadway network as determined by the M&M tests discussed above, then the Applicant may proceed with that portion of the phase (and only that portion).

- E. In the event that a roadway widening is identified which is not compatible with adopted policy of the FDOT or local government (e.g., constrained), the Applicant, the City, or the party having either maintenance or jurisdictional responsibility for the facility, shall determine alternate mitigation solutions to provide for the movement of people.
- F. Toward the achievement of the objectives in the two preceding conditions, an agreement(s) among the City, Orange County, Lake County, the FDOT, the OOCEA and the Applicant may be created to address and clarify such issues related to equity in the application of collected fees for transportation improvements. In such an event, application of fees shall be applied in a manner consistent with the appropriate rules adopted by the State of Florida or by existing interlocal agreements. However, such an agreement would not alter or waive the provisions and requirements of the other conditions of the Development Order as a mitigative measure for the transportation impacts for the Kelly Park Crossing DRI. In the event that one of the designated parties to the agreement (other than the Applicant) fails to execute said interlocal agreement(s) within the specified time, then the Applicant may proceed with the DRI based upon the modeling M&M schedule and all other recommendations specified herein as it affects the non-participating party. Separate agreements may be entered into with one or more parties and the Applicant.
- G. The following table lists the Phase 1 improvement needs required to mitigate the DRI's intersection impacts during Phase 1. The Applicant shall enter into one or more proportionate share agreement(s) with the City and FDOT, which addresses

the improvement costs, timing of mitigation payments, the option of pipelining proportionate share mitigation fees, and adequate provisions for transportation impact fee credits against proportionate share and mitigation fees. The proportionate share agreements shall be executed prior to any rezoning of the DRI properties.

Phase 1 Intersection Improvement Needs

Roadway/Intersection	Proposed Improvement
SR 46 at CR 437 South	Provide a NB right-turn lane
US 441 at Sadler Avenue	Provide EB and WB left-turn lanes
US 441 at Plymouth-Sorrento Road	Re-stripe to provide an EB and WB auxiliary through lane along US 441. Restripe SB approach to provide an exclusive SB right-turn and shared SB lane for left and right-turns.
Kelly Park Road at Round Lake Road	Add WB right-turn lane.
Kelly Park Road at Plymouth-Sorrento Road	Add EB left-turn lane and re-time signal
Ponkan Road at Plymouth-Sorrento Road	Add NB left-turn lane and re-time signal

H. The following list of improvements has been identified as the result of significant and adverse impacts from the Kelly Park Crossing DRI. It is anticipated that these will be refined by the M&M process prior to each phase. Since widening of

roadways may not be compatible with state and local plans, transit operations or alternate parallel facility improvements should also be considered. A timeframe and responsible party for the implementation of the following improvements, as amended by the M&M program, shall be identified at the beginning of each phase.

Phase 2 (2021)			
Roadway	From	To	Improvement Need
US 441	Yothers Road	Hermit Smith Road	6 Lane Divided
	Plymouth Sorrento Road	Park Avenue	6 Lane Divided
SR 46	Vista View	Round Lake Road	4 Lane Divided
	CR 437 South	CR 437 North	4 Lane Divided
Welch Road	Vick Road	Rock Springs Road	4 Lane Divided
Golden Gem Road	Kelly Park Road	Ponkan Road	4 Lane Divided
Kelly Park Road	Golden Gem Road	Plymouth Sorrento Road	4 Lane Divided
Round Lake Road	Orange County Line	Wolf Branch Road	4 Lane Divided
Phase 3 (2026)			
US 441	SR 19/Duncan Drive	US 19/Bay Street	8 Lane Divided Equivalent
	Donnelly Street	Wolf Branch Road	6 Lane Divided
	Yothers Road	Bradshaw Road	6 Lane Divided
SR 46	US 441	Round Lake Road	4 Lane Divided
	CR 437 South	CR 437 North	4 Lane Divided

SR 429 (Expressway)	Florida's Turnpike	Plant Street	6 Lane Expressway
CR 435/Park Avenue	Orange Street	US 441	6 Lane Divided
CR 435/Clarcona Road	Keene Road	Clarcona-Ocoee Road	4 Lane Divided
Welch Road	Vick Road	Rock Springs Road	4 Lane Divided
Golden Gem Road	Kelly Park Road	Ponkan Road	4 Lane Divided
Kelly Park Road	Golden Gem Road	Jason Dwelley Parkway	4 Lane Divided
Round Lake Road	Orange County Line	Wolf Branch Road	4 Lane Divided
Sadler Road	Lake County Line	Round Tree Road	4 Lane Divided
Vick Road	Welch Road	Lake Francis Drive	4 Lane Divided
Wolf Branch Road	US 441	Britt Road	4 Lane Divided
Phase 4 (2031)			
US 441	CR 473	Old US 441	8 Lane Divided Equivalent
	SR 19/Duncan Drive	Donnelly Street	8 Lane Divided Equivalent
	Donnelly Street	Sadler Road	6 Lane Divided
	Yothers Road	Bradshaw Road	6 Lane Divided
SR 46	US 441	Round Lake Road	4 Lane Divided
	CR 437 South	CR 437 North	4 Lane Divided
SR 429 (Expressway)	Florida's Turnpike	Apopka Bypass	6 Lane Expressway
CR 435/Rock Springs Road	Kelly Park Road	Rock Ridge Boulevard	6 Lane Divided
	Welch Road	Sandpiper Road	6 Lane Divided
CR 435/Park Avenue	US 441	M Gladded Boulevard	4 Lane Divided
CR 435/Clarcona	Cleveland Street	Clarcona-Ocoee Road	4 Lane Divided

Road			
CR 437	SR 44	Orange County Line	4 Lane Divided
Welch Road	Vick Road	Ustler Road	4 Lane Divided
Golden Gem Road	Kelly Park Road	Ponkan Road	4 Lane Divided
Kelly Park Road	Round Lake Road	Jason Dwelley Parkway	4 Lane Divided
Kelly Park Road	Mt. Plymouth- Sorrento Road	Rock Springs Road.	4 Lane Divided
CR 435	Orange County Line	Dubstread Drive	4 Lane Divided
Round Lake Road	Kelly Park Road	Wolf Branch Road	4 Lane Divided
Sadler Road	Lake County Line	Round Tree Road	4 Lane Divided
Vick Road	Welch Road	Lester Road	4 Lane Divided
Wolf Branch Road	US 441	Britt Road	4 Lane Divided

I. If the modeling M&M results as set forth above show that improvements must be made to roadway facilities, and if mitigation is not provided as set forth in these conditions or as otherwise required pursuant to Rule 9J-2.045(7), then prior to any construction of future phases and subject to the provisions of Chapter 380.06(15)(e), Florida Statutes, the Applicant, the City and the entity with jurisdiction over the roadway facility may enter into an agreement which ensures that:

- i. proportionate share payment is made by the Applicant to the appropriate entity(ies) to mitigate DRI impacts; and

- ii. said proportionate share payment shall be used by the appropriate entity only for the design, engineering, right-of-way purchase, permitting and/or construction of improvement to the segments/intersections for which the payment is made; and
- iii. said proportionate share payment by the Applicant constitutes adequate provision for the public facilities needed with respect to the road segments to accommodate the impacts of the DRI through the phase for which the proportionate share was calculated, as required by Chapter 380.15(e)(2), Florida Statutes. All such proportionate share agreements shall be included in this Development Order by amendment pursuant to Chapter 380.06(19), Florida Statutes. The formula to be used to determine proportionate share contribution is as follows:

$$\frac{(\text{DRI Trips})}{\text{SV Increase}} \times \text{Cost} = \text{Proportionate Share}$$

- iv. For this formula, DRI Trips is the cumulative number of trips from the development expected to reach the roadway during the peak hour from the phase under development. Service Volume ("SV") increase is the change in peak hour maximum service volume of the roadway resulting from construction of the improvement necessary to maintain the desired level of service; and Cost of Improvement is the cost (at the time of

Applicant's payment) of constructing an improvement necessary to maintain the desired level of service, including all improvement associated costs (engineering design, right-of-way acquisition, planning, engineering, inspection and other associated physical development costs directly required and associated with the construction of the improvement) as determined by the governmental agency having maintenance obligations over the roadway. Transit service and facilities shall be considered in the proportionate share calculations.

- v. Pursuant to COMMUNITY PLANNING ACT OF 2011 (2011-139 F.S.), the proportionate share provisions above shall be reexamined to address the provisions contained therein, and, in the event of a conflict, the Statute shall prevail. Nothing in this development order shall require the Applicant to fund improvements when such funding is inconsistent with the provisions of Florida Statute or Florida Administrative Code. Should an agency disagree with an exemption allowed by the City under this paragraph, the final arbiter on interpreting the Act shall be the DEO.

- J. Notwithstanding any provision contained herein to the contrary, except as specifically agreed to in writing, the City and the entity with jurisdiction over the roadway facility shall have no financial responsibility to contribute to or participate in the funding of the design, engineering, permitting and/or

construction of roadway improvements unless otherwise required to do so by State law.

- K. The M&M required prior to each phase or subphase shall be used to verify impacts from previous phases and to more accurately estimate probable impacts from later phases. The M&M program undertaken prior to Phase 2 shall also assess full buildout. If necessary, the proportionate share amount will be adjusted to reflect actual impacts from a phase and the more accurate information, which will result from the estimates for later phases. If it is verified that the roadway improvements mentioned above are still needed, then the DRI shall not proceed into later phases until either the proportionate share payment is made or the needed improvements are scheduled for construction in the applicable entities' work program within the first three (3) years from the date when impacts are estimated to be significant and adverse. Pursuant to the COMMUNITY PLANNING ACT OF 2011, the requirements above shall be reexamined to address the provisions contained therein. In the event that the Act (COMMUNITY PLANNING ACT OF 2011) addresses the mitigation of transportation impacts in a different manner than those options provided herein, the Applicant may elect to utilize the options afforded by the Act.

- L. Student enrollment for the community college shall initially be limited to 1,866 students. However, if the demand for additional enrollment is established in the future, the conversion matrix may be applied to convert

from another use such that the peak-hour peak-direction trips for the current phase of the Kelly Park DRI are not increased.

M. The Kelly Park DRI shall not proceed with any portion of the development program that would result in DRI trips above the threshold identified for Phase 1 until the Wekiva Parkway toll facility is constructed and operational. In the event that construction of the Wekiva Parkway is terminated or delayed indefinitely, additional local and state review and approvals will be required for any portion of the DRI beyond Phase 1 to reevaluate impacts and the viability of future development phases.

N. If the parties cannot reach agreement independently prior to the date when impacts are estimated to be significant and adverse, or if so desired by the parties at any time, then the issues in dispute shall be submitted to the ECFRPC for either voluntary mediation pursuant to its adopted dispute resolution process or to binding arbitration pursuant to the rules and procedures of the American Arbitration Association (“AAA”) unless otherwise agreed by the parties in dispute. The solutions recommended as a result of this process shall be implemented and the Development Order amended pursuant to Chapter 380.06(19), Florida Statutes, to include these solutions.

O. In order to provide safe access and to preserve operational capacity, the need for deceleration lanes shall be determined by the appropriate permitting agencies and if required, installed by the Applicant. The Applicant and the appropriate permitting agencies shall confirm the need for and the cost of

signalization at the DRI entrances consistent with policies of the City and the appropriate permitting agencies. Signal costs and geometric improvements at DRI entrances are the financial responsibility of the Applicant through DRI buildout unless other traffic warrants such signalization or improvements in advance of DRI demand or other nearby development contributes traffic to the subject intersection, in which case, the Applicant may pay an appropriate fair share for signalization costs as determined by the City.

- P. The development plan will include multiple roadways through the Kelly Park Crossing DRI in order to provide adequate capacity, to provide alternative routes and to lessen the impacts to community cohesiveness.
- Q. To reduce the impacts on arterial roads, the Kelly Park Crossings DRI will include a gridded and connected street network and shall restrict cul du sacs and dead end streets except as may be provided in Condition 4, Option B, of this development order. The DRI will connect to existing and future street networks on and off site when practical as determined by the City in conjunction with Orange County. Nothing in this recommendation is intended to preclude the Applicant from developing a use where a campus is desired without a grid network, or in the event that a grid network would create otherwise unnecessary environmental impacts to wetlands or upland preserve areas.
- R. The Applicant shall cooperate with LYNX to identify the need and confirm the steps necessary to implement the following:
 - i. By Phase 3, identify a potential location for a 200 space park

and ride lot proximate to the Wekiva Parkway and Kelly Park Road interchange, which may be shared with commercial uses.

- ii. Coordinate with LYNX and Kelly Park Crossing DRI businesses to promote workplace flextime strategies.
- iii. Reserve sites with adequate size and accessibility for future transit routes, stops and amenities (passenger shelters, transit parking bays and parking spaces for vanpool vehicles) in the development area. During the design, the Applicant shall consult the Lynx Central Florida Mobility Design Manual available at www.golynx.com under publications.
- iv. Preferential parking for employees who participate in ridesharing programs.
- v. Financial assistance to provide a route to the site once LYNX and the City determine that ridership levels justify such a connection to the system. Said financial contribution shall be based on a proportionate share of ridership to or from the Kelly Park Crossing DRI, to the extent allowed by law.
- vi. Coordinate with FDOT's ReThink program (www.rethinkyourcommute.com) in order to increase the modal split of the DRI.
- vii. Should the Orange Blossom Express (along the US 441 corridor through Apopka) become operational for rail transit, the Applicant shall assess actions to facilitate ridership on the

system, including but not limited to shuttle operations to and from the nearest station during peak traffic hours.

S. In the interest of safety, and to promote alternative forms of transportation, the Applicant shall provide the following bicycle and pedestrian systems:

- i. The on-site bicycle systems shall be connected into any external bicycle systems abutting the Kelly Park Crossing DRI and existing at the time of construction within the DRI, and shall anticipate the connection to the Wekiva Trail.
- ii. Bicycle and pedestrian facilities shall adhere to minimum state standards as contained in the Florida Bicycle Facilities Planning and Design Handbook.
- iii. Provided that there is no conflict with the City's adopted Form Based Code, covered walkways shall be designed into the front of non-residential structures to the maximum extent practicable, but such provision shall not be construed so as to create a mandatory design element, but to create a heightened sensitivity to ensuring cover from the elements for pedestrians.
- iv. In all areas of the Kelly Park Crossing DRI where cycling will be accomplished on both sidewalk/bikeways and streets, appropriate signage identifying bike routes shall be installed.
- v. Special consideration shall be given to bikeways connecting neighboring residential areas to employment and commercial

areas and schools.

vi. Bicycle support facilities, such as parking racks and/or lockers, shall be provided at commercial areas and work areas.

vii. DRI roadways and improvements to area roadways approaching the site are recommended to incorporate bicycle and pedestrian facilities.

17. Historical and Archaeological Sites. The Applicant, or any other subsequent developers developing within the DRI, shall notify, or ensure the notification of construction personnel, through posted advisories or other methods, of the potential for artifact discoveries on the Kelly Park Crossing DRI site and to report suspected findings to the DRI manager. In the event of discovery of artifacts of historic or archaeological significance during construction, the Applicant and/or subsequent developers shall immediately halt any construction activity within one hundred fifty (150) feet of the location of any discovery that has the potential to adversely affect the archeological find; and will, within three (3) business days of the discovery of artifacts notify the City and the Division of Historical Resources (“DHR”) of the Florida Department of State. Thereafter, the Applicant will coordinate the evaluation of the artifacts with review agencies and provide any professional assistance necessary to document, relocate, preserve or conserve the site and/or physical artifacts; provide proper protection of the discovery in accordance with applicable law; and provide a written report to the agencies listed above documenting the results of the site evaluation and mitigation/preservation actions proposed or completed. The process and actions described above shall not extend beyond one hundred twenty (120) days to allow evaluation of the site, and, thereafter, the Applicant may continue with development.

18. **Green Development Standards.** The Kelly Park Crossing DRI shall meet the standards of any of the following: the US Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Florida Green Building Coalition (FGBC), the Green Building Initiative's Green Globes program or any other nationally recognized, green building system that is approved by the Department of Management Services (DMS). The Kelly Park Crossing DRI shall at a minimum, meet Energy Star standards for all development.
19. **Outdoor Lighting.** Appropriate "dark skies" measures shall be implemented in all new construction except in areas proximate to the interchange area, provided that acceptable public safety and security are maintained. Actions to direct lights downward and away from existing rural areas may be based upon the Model Lighting Ordinance Users Guide from the Illuminating Engineering Society. These provisions may be accessed at http://docs.darksky.org/MLO/MLO_FINAL_June2011.pdf.
20. **Monitoring Official and Procedures.** The City Administrator, or his or her designee, shall be responsible for monitoring the development and enforcing the provisions of this Development Order. The City shall not issue any permits or approvals or provide any extensions of services if the Applicant fails to comply with this Development Order. This Development Order will be enforced by the City of Apopka through implementation of its adopted Comprehensive Plan, Land Development Code, Code Enforcement by the designated Zoning Official of the City, pursuant to the provisions of Section 380.11, Florida Statutes, or as otherwise provided by law.
21. **Phasing and Buildout.** The Kelly Park Crossing DRI is to be developed as a four-phase project. The projected buildout date for all DRI development is December 31, 2031. The

Applicant shall commence physical development of five percent (5%) of Phase 1 of the DRI (e.g. one hundred seventy-two (172) [residential units, commercial square footage, etc.] or equivalent number of PM peak-hour external trips) within five (5) years after the effective date of this Development Order, otherwise this Development Order shall expire. Should the Applicant donate property to the City for an institutional use (e.g. fire station, police station, City Hall Annex, etc.) the maximum FAR allowed under the adopted comprehensive plan shall be assigned to the parcel and the square footages resulting from this analysis shall be applied to the 5% of phase 1 referenced herein. Alternatively, should the applicant commence construction on the spine road from Kelly Park Crossing to Ondich Road within three years of the effective date of this development order then the five percent threshold shall have been met. The Applicant and the City estimate that approximately twenty (20) years will be required to complete the development described herein.

22. Biennial Reporting Requirement. In accordance with Chapter 380.06(18), Florida Statutes, the Applicant, its successors or assigns, shall submit a biennial report on or before the two year anniversary date of this Development Order and in every other or second year thereafter during the buildout of the DRI (the "Biennial Report"). The Biennial Report shall be submitted to the City, the ECFRPC, the DCA (or successor agency, as applicable), the SJRWMD and all affected agencies formally requesting copies of the same in writing to the Applicant. The contents of the Biennial Report shall comply with the relevant conditions of approval of this Development Order, Chapter 380.06(18), Florida Statutes, Rule 9J-2.025(7), F.A.C, and any and all other and further information required under applicable law. The Biennial Report shall include a statement that all persons/agencies listed above or otherwise entitled to receive the Biennial Report

have been sent copies and the failure to timely submit the Biennial Report may subject the Applicant and the Kelly Park Crossing DRI to the temporary suspension of this Development Order in accordance with Chapter 380.06(18), Florida Statutes. In each biennial report the Applicant shall provide information and documentation as to how and in what manner the DRI is striving to meet and/or is meeting the foregoing energy goals.

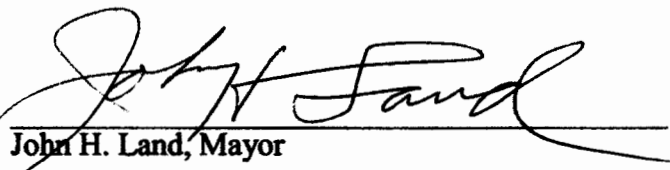
23. Downzoning Protection. In accordance with Section 380.06(15), Florida Statutes, the DRI, as approved in this Development Order, shall not be subject to downzoning, unit density reduction, or intensity reduction before December 31, 2031, as such date may be extended, unless the Applicant consents to such change, or the City demonstrates that substantial changes in the conditions underlying the approval of the Development Order have occurred or unless the City demonstrates that the Development Order was based on substantially inaccurate information provided by the Applicant or unless the change is clearly established by the City to be essential to the public health, safety, or welfare.

EFFECTIVE DATE: That this ordinance shall take effect upon passage and adoption.

FIRST READING: November 16, 2011

SECOND READING December 7, 2011

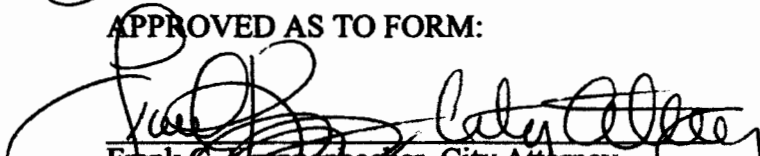
THIRD READING
AND ADOPTION: December 21, 2011


John H. Land, Mayor

ATTEST:


Janice G. Goebel, City Clerk

APPROVED AS TO FORM:


Frank C. Kruppenbach, City Attorney

DULY ADVERTISED FOR PUBLIC HEARING:



August 5, 2011
December 9, 2011

[End of document provisions and City Signatures. Glossary, Exhibits, and Map H to follow]

PROJECT ORLANDO, LLC,
A Florida Limited Liability Corporation

By: 

Randall C. Morris


It's: Agent

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 5th day of January,
2012, by Randall C. Morris, as Agent of Project Orlando, LLC, a Florida Limited Liability
Corporation. He is known to me to has produced MB20-723-55-253-0 FL Morris
As identification and did not take an oath. 1/erse



Michelle A. Gomez
COMMISSION #DD817671
EXPIRES: AUG. 26, 2012
WWW.AARONNOTARY.COM


Signature of Person Taking Acknowledgement

Print Name: Michelle A. Gomez
Title: Notary Public
Commission No.: DD817671
Commission Expires: August 26, 2012

Glossary of Acronyms Used

AAA	American Arbitration Association
ACOE/USACOE	Army Corps of Engineers
ADA	Application for Development Approval
AM&M	Annual Monitoring & Modeling
BRT	Bus Rapid Transit
CCR	Codes, Covenants and Restrictions
CDD	Community Development District
CSDA	Critical Smoke Dispersal Area
DEO	Department of Economic Opportunity
DHR	Division of Historical Resources
DO	Development Order
DRI	Development of Regional Impact
ECFRPC	East Central Florida Regional Planning Council
ERP	Environmental Review Permit
FAC	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FFWCC/FWC	Florida Fish and Wildlife Conservation Commission
FGBC	Florida Green Building Coalition
FIHS	Florida Intrastate Highway System
FLEPPC	Florida Exotic Pest Plant Council
USFWC/FWC	US Fish and Wildlife Service
HMP	Habitat Management Plan
LEED	Leadership in Energy and Environmental Design
LOS	Level of Service

MDA	Master Development Association
M&M	Monitoring & Modeling
MMTD	Multimodal Transit District
MPO	Metropolitan Planning Organization
NOPC	Notification of a Proposed Change
OHW	Ordinary High Water
SFS	Sherman's fox squirrel
SHCA	Strategic Habitat Conservation Area
SJRWMD	St. Johns River Water Management District
SOAR	System Operation Assessment Report
SV	Service Volume
TMDL	Total Maximum Daily Load
TOD	Transit Oriented Development
USFWS/FWS	US Fish and Wildlife Service
USGBC	US Green Building Council

EXHIBIT A

PROPERTY DESCRIPTION

LEGAL DESCRIPTION:**SOUTH PARCEL:**

A TRACT OF LAND LYING IN SECTION 13, TOWNSHIP 20 SOUTH, RANGE 27 EAST BEING THOSE LANDS DESCRIBED IN THE FOLLOWING DOCUMENTS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA: OFFICIAL RECORDS BOOK 9192, PAGE 3515; OFFICIAL RECORDS BOOK 9022, PAGE 4867; OFFICIAL RECORDS BOOK 7529, PAGE 1955; OFFICIAL RECORDS BOOK 6844, PAGE 562; AND OFFICIAL RECORDS BOOK 9022, PAGE 4561, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13 FOR A POINT OF REFERENCE; THENCE RUN NORTH 89°53'56" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 30.00 FEET TO A POINT LYING ON THE NORTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF GOLDEN GEM ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 61, PAGE 315, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°29'41" WEST, ALONG SAID NORTHERLY EXTENSION LINE, 30.00 FEET TO THE POINT OF INTERSECTION OF THE AFORESAID EAST RIGHT-OF-WAY LINE OF GOLDEN GEM ROAD WITH THE SOUTH RIGHT-OF-WAY LINE OF KELLY PARK ROAD, AS DESCRIBED IN DEED BOOK 398, PAGE 190, PUBLIC RECORDS OF ORANGE COUNTY FLORIDA; THENCE RUN NORTH 89°53'56" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, AND ALSO ALONG THE SOUTH RIGHT-OF-WAY LINE OF KELLY PARK ROAD, AS DEPICTED ON THE MAPS OF ORANGE COUNTY ROAD BOND PROJECT 49E, PAGES 164 THROUGH 172, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 1324.28 FEET TO THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4983, PAGE 3251, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4983, PAGE 3251 AND ALONG THE SOUTHERLY AND EASTERLY LINES OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7106, PAGE 2430 THE FOLLOWING COURSES: SOUTH 00°04'09" EAST, PARALLEL WITH AND 30.00 FEET EAST OF, BY PERPENDICULAR MEASURE, THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 853.18 FEET; THENCE, RUN NORTH 89°34'22" EAST, PARALLEL WITH THE SOUTH LINE OF NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 160.19 FEET; THENCE RUN SOUTH 00°25'38" EAST, 30.00 FEET; THENCE RUN NORTH 89°34'22" EAST, PARALLEL WITH THE SOUTH LINE OF NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 476.14 FEET TO THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE RUN NORTH 00°21'13" WEST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 579.56 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTH 330.00 FEET OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE RUN SOUTH 89°53'56" WEST, ALONG THE SOUTH LINE OF THE NORTH 330.00 FEET OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 66.00 FEET; THENCE RUN NORTH 00°21'13" WEST, PARALLEL WITH AND 66.00

FEET EAST OF, BY PERPENDICULAR MEASURE, THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 300.00 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF KELLY PARK ROAD; THENCE RUN ALONG THE SOUTH RIGHT-OF-WAY LINE OF KELLY PARK ROAD, AS DEPICTED ON THE AFORESAID MAPS OF ORANGE COUNTY ROAD BOND PROJECT 49E, AND AS DESCRIBED IN DEED BOOK 398, PAGE 158, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA THE FOLLOWING COURSES: NORTH 89°53'56" EAST, 620.35 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY; THENCE RUN EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 5759.65 FEET, A CENTRAL ANGLE OF 01°04'20", AN ARC LENGTH OF 107.79 FEET, A CHORD LENGTH OF 107.79 FEET, AND A CHORD BEARING OF NORTH 89°21'46" EAST TO THE WEST LINE OF THE NORTHEAST QUARTER OF AFORESAID SECTION 13; THENCE RUN SOUTH 00°38'22" EAST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 1.01 FEET; THENCE RUN NORTH 88°20'48" EAST, 678.92 FEET TO POINT LYING ON THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE RUN SOUTH 00°26'23" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, A DISTANCE OF 2584.29 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE RUN NORTH 89°15'10" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 669.79 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE RUN SOUTH 00°20'17" EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 1344.79 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN SOUTH 88°58'18" WEST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1332.53 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 13; THENCE RUN SOUTH 00°38'22" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 1351.30 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE RUN SOUTH 89°32'06" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 1356.70 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13; THENCE RUN NORTH 00°29'50" WEST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, A DISTANCE 2147.97 FEET TO THE NORTH LINE OF THE SOUTH 800.00 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE RUN SOUTH 89°23'39" WEST, ALONG THE NORTH LINE OF THE SOUTH 800.00 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 13, A DISTANCE OF 1321.35 FEET TO THE AFORESAID EAST RIGHT-OF-WAY LINE OF GOLDEN GEM ROAD; THENCE RUN NORTH 00°21'15" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, 544.71 FEET; THENCE RUN NORTH 00°29'41" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE 2603.65 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH,

NORTH PARCEL:

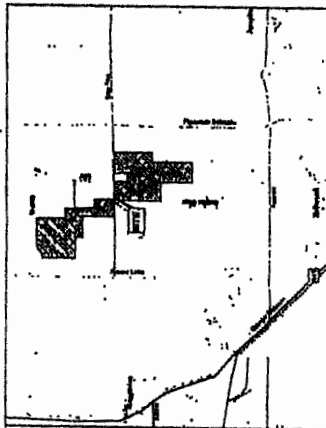
A TRACT OF LAND LYING IN SECTIONS 11 AND 12, TOWNSHIP 20 SOUTH, RANGE 27 EAST, BEING THOSE LANDS DESCRIBED IN THE FOLLOWING DOCUMENTS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA: OFFICIAL RECORDS BOOK 9748, PAGE 6465; OFFICIAL RECORDS BOOK 9022, PAGE 3571; OFFICIAL RECORDS BOOK 9022, PAGE 4722; OFFICIAL RECORDS BOOK 6512, PAGE 3520; AND OFFICIAL RECORDS BOOK 9022, PAGE 4215, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 11 FOR A POINT OF REFERENCE; THENCE RUN NORTH 00°27'50" WEST, ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF KELLY PARK ROAD, AS DESCRIBED IN DEED BOOK 398, PAGE 158, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 89°12'25" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 1182.82 FEET TO THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9748, PAGE 6465 AND ALSO THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7171, PAGE 1402, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°27'50" WEST, ALONG SAID WEST LINE, 2144.38 FEET TO THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7171, PAGE 1402; THENCE RUN SOUTH 89°12'25" WEST, ALONG SAID NORTH LINE, 406.12 FEET TO A POINT LYING ON THE EAST LINE OF LOT 1, OCB ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 53, PAGE 82, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°22'27" WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 0.41 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN SOUTH 89°15'33" WEST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 1078.73 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 00°17'05" WEST, ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER, 498.24 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE RUN SOUTH 89°30'17" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 1330.44 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SAID NORTHWEST QUARTER OF SECTION 11; THENCE RUN NORTH 00°07'41" WEST, ALONG THE WEST LINE OF SAID EAST ONE-HALF OF THE NORTHWEST QUARTER, 2239.19 FEET TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY LINE OF ONDICH ROAD, AS DESCRIBED IN DEED BOOK 984, PAGE 314, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY; THENCE RUN ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE SOUTH MAINTAINED RIGHT-OF-WAY LINE OF ONDICH ROAD THE FOLLOWING COURSES: THENCE, FROM A TANGENT BEARING OF NORTH 89°15'33" EAST, RUN NORTHEASTERLY ALONG SAID RIGHT-OF-WAY CURVE, HAVING A RADIUS OF 603.70 FEET, A CENTRAL ANGLE OF 44°59'58", AN ARC LENGTH OF 474.14 FEET, A CHORD LENGTH OF 462.05 FEET, AND A CHORD BEARING OF NORTH 67°23'06" EAST TO THE POINT OF TANGENCY; THENCE RUN NORTH 44°53'07" EAST, 69.20 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY; THENCE, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, RUN NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 543.70 FEET, A CENTRAL ANGLE OF

45°00'00", AN ARC LENGTH OF 427.02 FEET, A CHORD LENGTH OF 416.13 FEET, AND A CHORD BEARING OF NORTH 67°23'07" EAST TO THE POINT OF TANGENCY; THENCE RUN NORTH 89°53'07" EAST, 462.90 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF AFORESAID SECTION 11; THENCE, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, RUN NORTH 89°08'52" EAST, PARALLEL WITH AND 30.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 1328.91 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE, DEPARTING THE AFORESAID SOUTH MAINTAINED RIGHT-OF-WAY LINE OF ONDICH ROAD, RUN SOUTH 00°22'34" EAST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 1960.23 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11, SAID CORNER ALSO LYING ON THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS 9022, PAGE 3571, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN ALONG THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9022, PAGE 3571 THE FOLLOWING COURSES: NORTH 89°24'56" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND ALONG THE NORTH LINE THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 742.90 FEET; THENCE RUN SOUTH 00°28'01" EAST, 634.56 FEET; THENCE RUN NORTH 89°30'17" EAST, PARALLEL WITH AND 30.00 FEET NORTH OF, BY PERPENDICULAR MEASURE, THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 589.09 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF AFORESAID SECTION 12; THENCE RUN NORTH 89°12'49" EAST, PARALLEL WITH AND 30.00 FEET NORTH OF, BY PERPENDICULAR MEASURE, THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, DISTANCE OF 1313.70 FEET TO THE WEST MAINTAINED RIGHT-OF-WAY LINE OF EFFIE DRIVE; THENCE, DEPARTING THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9022, PAGE 3571, RUN SOUTH 00°02'47" EAST, ALONG SAID WEST MAINTAINED RIGHT-OF-WAY LINE, 15.00 FEET TO THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6082, PAGES 1970 THROUGH 1972; THENCE RUN SOUTH 89°12'49" WEST, ALONG SAID NORTH LINE, BEING 15.00 FEET NORTH OF THE NORTH LINE OF THE AFOREMENTIONED SOUTHWEST QUARTER, BY PERPENDICULAR MEASURE, 1313.70 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 12; THENCE RUN SOUTH 89°30'17" WEST, PARALLEL WITH AND 15.00 FEET FROM, BY PERPENDICULAR MEASURE, THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 11, A DISTANCE OF 589.09 FEET TO THE WEST LINE OF THE EAST 589.09 FEET OF SAID NORTHEAST QUARTER OF SECTION 11; THENCE RUN SOUTH 00°28'01" EAST, ALONG SAID WEST LINE, ALSO BEING THE WEST LINE OF THE SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 6082, PAGES 1970 THROUGH 1972, A DISTANCE OF 15.00 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 11; THENCE RUN SOUTH 00°27'50" EAST, ALONG SAID DESCRIBED WEST LINE, PARALLEL WITH AND 589.09 FEET FROM, BY PERPENDICULAR MEASURE, THE SAID EAST LINE OF SAID SECTION 11, A DISTANCE OF 1481.61 FEET TO THE SOUTH LINE OF THE NORTH 150.00 FEET OF THE EAST 589.09 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST

QUARTER OF SAID SECTION 11; THENCE RUN NORTH 89°21'20" EAST, ALONG SAID SOUTH LINE, 589.09 FEET TO THE EAST LINE OF SAID SECTION 11; THENCE RUN SOUTH 00°27'50" EAST, ALONG SAID EAST LINE, 1150.07 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACTS OF LAND LIE IN ORANGE COUNTY, FLORIDA AND CONTAIN A COMBINED TOTAL OF 562.836 ACRES, MORE OR LESS.



LOCATION MAP

[illegible]

SHEET 1385

- SHEET NO. 1
1 - COVER SHEET
2 - SOUTH PARCEL
3 - NORTH PARCEL
4 - PERIMETER MAP

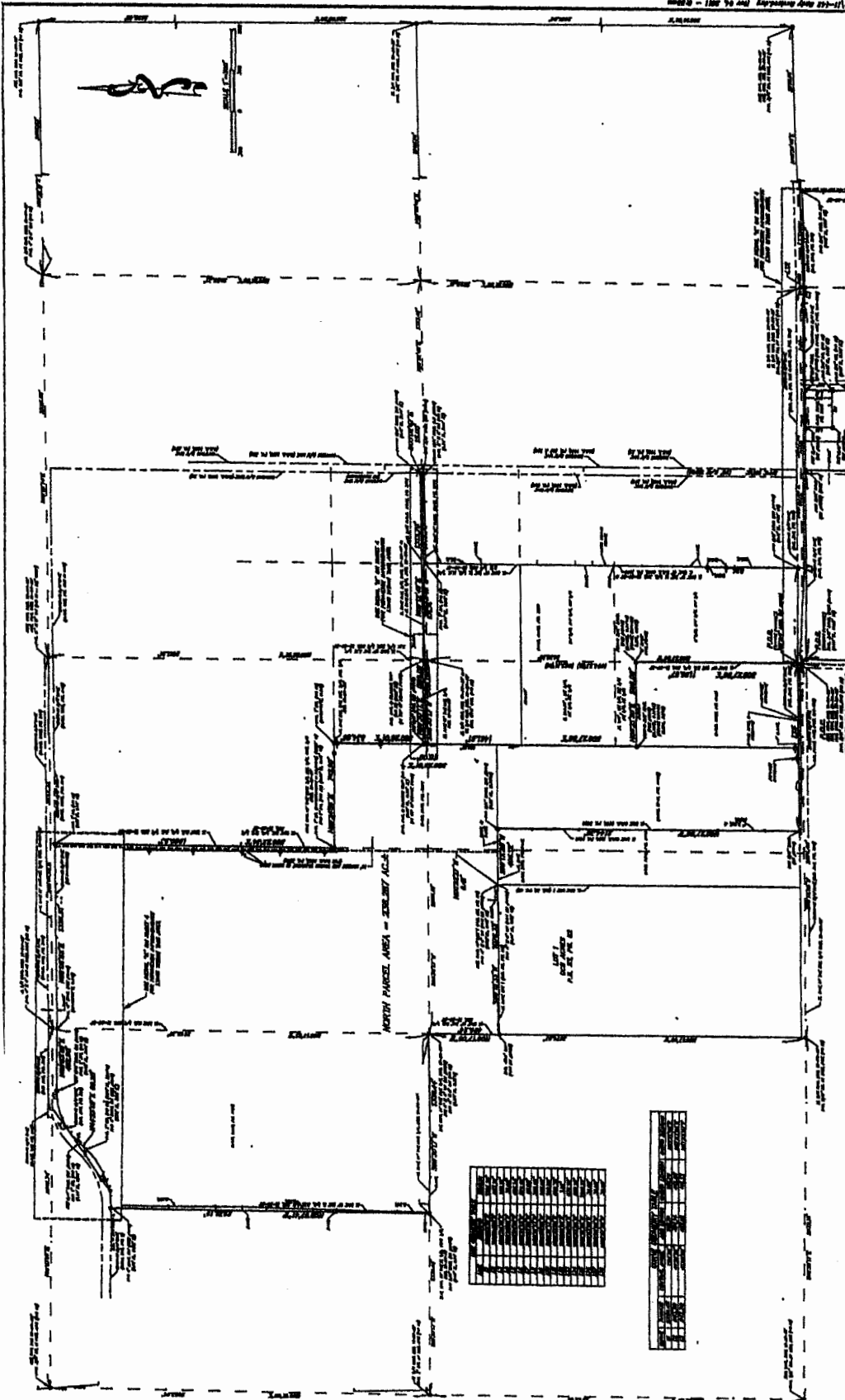
3 - NORTH PARCEL
4 - PERIMETER IMPROVEMENT DETAILS

LEES COVER SHEET
201 LEES

MAP OF BOUNDARY SURVEY
LOCATED IN
SECTIONS 11, 12 & 13, TOWNSHIP 20 NORTH, RANGE 27 EAST
ORANGE COUNTY, FLORIDA

PEC | SURVEYING AND MAPPING, LLC
 CERTIFICATE OF AUTHORIZATION NUMBER LS 7008
 102 Alexander Boulevard, Suite 27 • Oakley, Florida 32069 • 407-561-1857

DATE	BT	REMARKS
11-21	524	AGE 28.5 INCHES AND 14.5 INCHES (28 1/2-14 1/2)
8-22-76	524	AGE 28.5 INCHES AND 14.5 INCHES (28 1/2-14 1/2)
8-22-76	524	AGE 28.5 INCHES AND 14.5 INCHES (28 1/2-14 1/2)

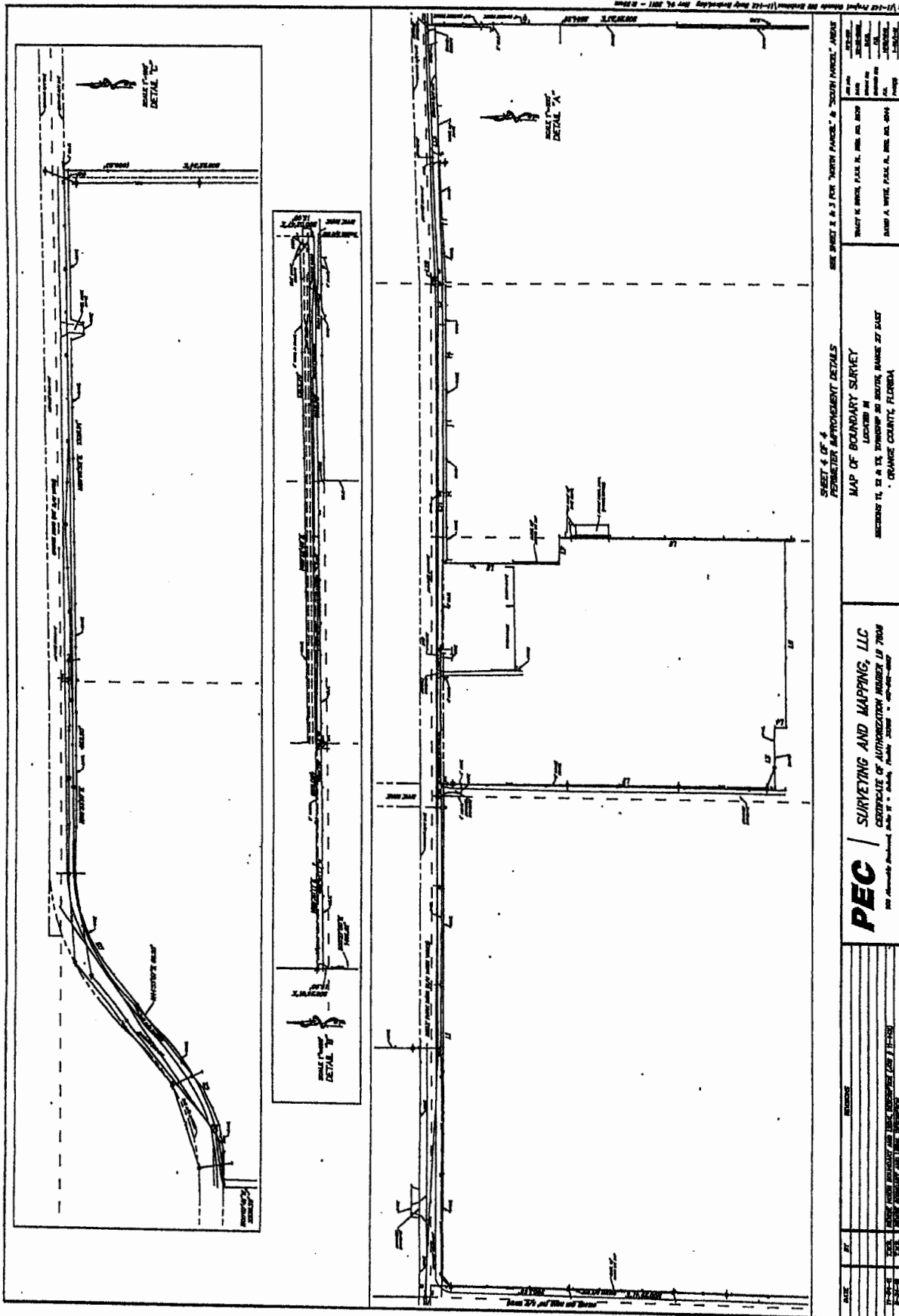
SEE SHEET 1 FOR LEGAL DESCRIPTION SURVEYOR'S NOTES & LEGEND
SHEET 3 OF 4
NORTH PARCEL

MAP OF BOUNDARY SURVEY
LOCATED IN
SECTIONS 11, 12 & 13, TOWNSHIP 30 NORTH, RANGE 27 EAST
ORANGE COUNTY, FLORIDA

PEC | **SURVEYING AND MAPPING, LLC**
CENTROPE OF AUTOMATIZATION NUMBER 10 008
100 Alameda Boulevard, Suite 11 • Dublin, Florida 32009 • 407-946-0857

NAME	ADDRESS	CITY	STATE	ZIP	DATE	TIME	BY
WALTER E. BROWN, JR.	1000 N. 10th St.	Minneapolis	MN	55403	10/10/78	10:00	W. B.
WALTER E. BROWN, JR.	1000 N. 10th St.	Minneapolis	MN	55403	10/10/78	10:00	W. B.

[illegible]



<p>PEC SURVEYING AND MAPPING, LLC CERTIFICATE OF AUTHORIZATION NUMBER 18 7804 100 Alameda Parkway, Suite 100 • Oakland, Florida 32066 • 407-481-0807</p>		<p>MAP OF BOUNDARY SURVEY LOCATION IN SECTIONS 11, 12 & 13, TOWNSHIP 30 NORTH, RANGE 27 EAST • ORANGE COUNTY, FLORIDA</p>		<p>SHEET 4 OF 4 PERMETER APPROXIMATE DETAILS</p>		<p>SEE SHEET 3 & 3 FOR "NORTH PARCEL" & "SOUTH PARCEL" AREAS</p>	
DATE	BY	REVISIONS	DATE	BY	REVISIONS	DATE	BY
10/1/11	J. L. HARRIS	1. INITIAL SURVEY	10/1/11	J. L. HARRIS	1. INITIAL SURVEY	10/1/11	J. L. HARRIS
10/1/11	J. L. HARRIS	2. CORRECTION OF ERROR	10/1/11	J. L. HARRIS	2. CORRECTION OF ERROR	10/1/11	J. L. HARRIS
10/1/11	J. L. HARRIS	3. FINAL SURVEY	10/1/11	J. L. HARRIS	3. FINAL SURVEY	10/1/11	J. L. HARRIS

EXHIBIT B

MAP H

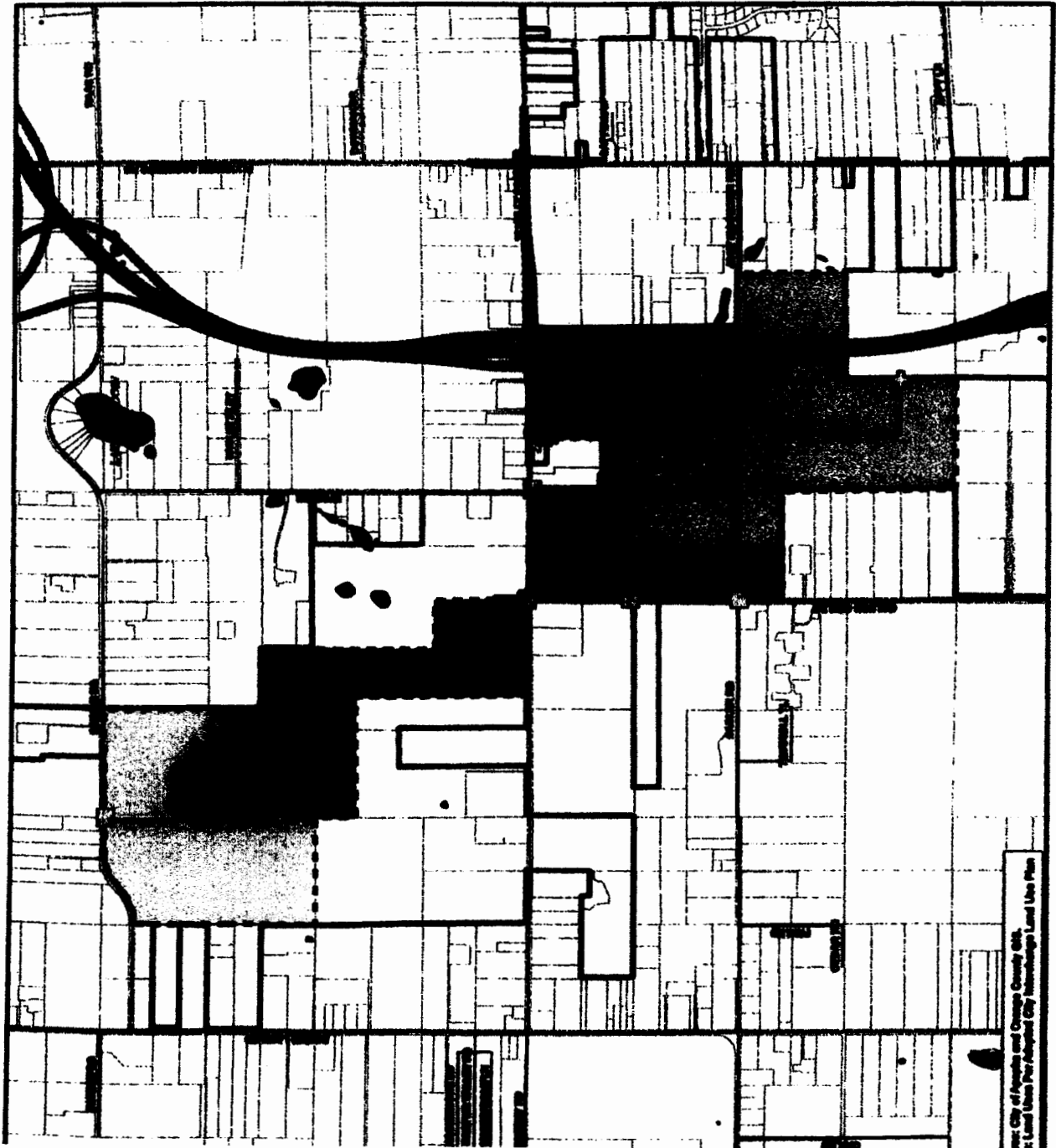
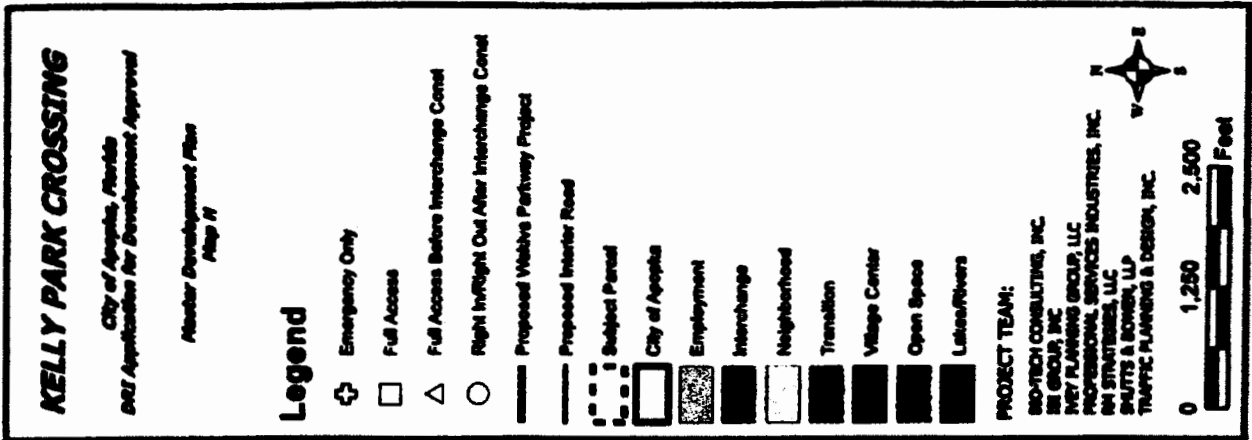


EXHIBIT C

LAND USE EQUIVALENCY MATRIX

Polly Park GIS
Land Use Equivalency Matrix

From \ To	Light Industrial	Office	Light Industrial	Retail/Commercial	Community College	Highway	Medical Office	Residential (Single Family)	Residential (Multi-Family)	Hotel	Institutional	RTX Code	PSS Peak Hour Trip Rate
Office	100		1,397	0,209	19,000	0,209	0,419	1,209	2,009	1,714	0,002	719,007	1,20,000
Light Industrial	100	0,009		0,209	0,009	0,209	0,209	1,009	1,002	1,309	0,009	119,009	0,07,000
Retail/Commercial	100	2,009	3,494		20,009	2,009	1,109	3,009	0,009	4,004	2,009	0,00,000	2,37,000
Community College	Student	0,209	0,129	0,009		0,009	0,009	0,129	0,209	0,171	0,009	0,00,000	0,12,000
Highway	Route	1,009	1,309	0,009	10,009		0,409	1,309	2,309	1,009	1,009	0,00,000	1,30,000
Medical Office	100	2,009	3,009	0,009	20,009	2,209		3,009	0,009	4,009	2,009	719,007	2,00,000
Residential (Single Family)	CU	0,009	0,009	0,209	0,009	0,209	0,209		1,009	1,009	0,209	219,007	0,00,000
Residential (Multi-Family)	CU	0,009	0,009	0,129	0,009	0,009	0,009	0,009		0,009	0,009	209,007	0,00,000
Hotel	Route	0,009	0,209	0,209	0,009	0,009	0,209	0,209	1,209		0,009	219,009	0,70,000
Institutional	100	1,009	1,309	0,209	10,009	0,009	0,419	1,209	2,009	1,709		719,009	1,20,000

Notes: 1. The values for Office (100) are based on a site of one half of the total proposed office development (1,000,000 / 2 = 500,000), which yields a rate of 1.20 per 1000.

2. The values for Light Industrial (100) are based on a site of one half of the total proposed light industrial development (1,000,000 / 2 = 500,000), which yields a rate of 0.07 per 1000.

3. The values for Retail/Commercial (100) are based on a site of one half of the total proposed retail development (1,000,000 / 2 = 500,000), which yields a rate of 2.37 per 1000.

4. The values for Community College (100) are based on a site of one half of the total proposed community college development (1,000,000 / 2 = 500,000), which yields a rate of 0.12 per 1000.

5. The values for Highway (100) are based on a site of one half of the total proposed highway development (1,000,000 / 2 = 500,000), which yields a rate of 1.30 per 1000.

6. The values for Medical Office (100) are based on a site of one half of the total proposed medical office development (1,000,000 / 2 = 500,000), which yields a rate of 2.00 per 1000.

7. The values for Residential (Single Family) (100) are based on a site of one half of the total proposed residential development (1,000,000 / 2 = 500,000), which yields a rate of 0.00 per 1000.

North Planning and Design, Inc. (2011)

LAND USE MIX TABLE

LAND USE	MINIMUM	CURRENT	MAXIMUM
Office	1,632,847	1,920,996	2,209,145
Light Industrial	4,443,120	5,227,200	6,011,280
Retail/Commercial	1,312,140	1,372,140	1,432,140
Residential	1,395	1550	1,550

ECFRPC DRI 140083

Staff Report

Report Issue: August 17, 2011

Kelly Park Crossing

Development of Regional Impact

Orange County



East Central Florida Regional Planning Council
309 Cranes Roost Blvd., Suite 2000
Altamonte Springs, Florida 32701
407/262-7772

Kelly Park Crossing

Development of Regional Impact

Report Issued: August 17, 2011

Table of Contents

List of Tables	2
List of Figures	2
I. Process Description	3
Evaluation Guidelines	3
DRI Process	3
II. Project Maps	5
III. Project Assessment	13
Location	13
Development Proposal	13
Project Setting	13
Water and Wastewater	14
Housing	15
Natural Resources	15
Transportation	20
Issues	30
Economic Development and Fiscal Impact Information	31
Police and Fire	32
Schools	32
Solid Waste Facility Proximity	33
Issues for Local and Regional Consideration	33
IV. Regional Planning Council Recommendations	37
V. Unresolved Issues	38
VI. Comment Compilation	39
VII. Appendices	40

List of Tables

Table 1:.....	13
Table 2: Potable/Non-Potable Water Supply (MGD).....	15
Table 3: Projected Wastewater Generation (MGD)	15
Table 4: Kelly Park Crossing Phase 1 –Summary of Available Housing Units	15
Table 5: Florida Land Use, Cover and Forms Classification System (FLUCCS).....	16
Table 6: Protected Species List and Status	17
Table 7: Proposed Development Program.....	21
Table 8: Existing Roadway Conditions.....	22
Table 9: Existing Intersection Capacity	24
Table 10: Trip Generation	25
Table 11: Planned Programmed Roadway Improvements	27
Table 12: Phase I Intersection Improvement Needs.....	27
Table 13: Future Roadway Improvement Needs	27
Table 14: Revenue Sources Expected From This Project	31
Table 15: Kelly Park Crossing DRI Projected Employment and Wages	31
Table 16: Phase 1 Schools Impacted by Proposed Development.....	32
Table 17: Student Generation from Kelly Park Crossing	32

List of Figures

Figure 1: Flow Chart of DRI Process for Kelly Park Crossing.....	4
Figure 2: Site Location with Proposed Wekiva Parkway.....	6
Figure 3: Master Development Plan.....	7
Figure 4: FLUCFCS Map.....	8
Figure 5: Transect Map Gb	9
Figure 6: Wildlife and Plant Resource Map.....	10
Figure 7: Proposed Conservation.....	11
Figure 8: Transportation Network.....	12

I. Process Description

This report is prepared in accordance with the Florida Land and Water Management Act, Chapter 380, Florida Statutes (FS). The report presents the findings and recommendations of the East Central Florida Regional Planning Council that are based upon data presented in the Development of Regional Impact (DRI) application as well as upon information obtained from on-site inspections, local and state agencies, outside sources and comparisons with local and regional plans. Policies cited in this report are from the Council's adopted policy document, the East Central Florida Strategic Regional Policy Plan (SRPP), and from the adopted Central Florida Regional Growth Vision 2050.

Evaluation Guidelines

This DRI proposal was reviewed pursuant to the criteria of Chapter 380, Florida Statutes, specifically paragraphs 380.06 (12)(a) 1, 2 and 3, which require the regional planning council to consider whether, and the extent to which, the development will:

- 1) Have a favorable or unfavorable impact on state or regional resources or facilities identified in applicable state or regional plans;
- 2) Significantly impact adjacent jurisdictions; and
- 3) Have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment.

The policies of the Strategic Regional Policy Plan (SRPP), section 29F-21.001 FAC, were used to evaluate these issues to the extent that the Plan addresses the specific issues of concern. All policies of the Plan were available for consultation during this review, although only the more relevant may be specifically referenced in this report.

DRI Process

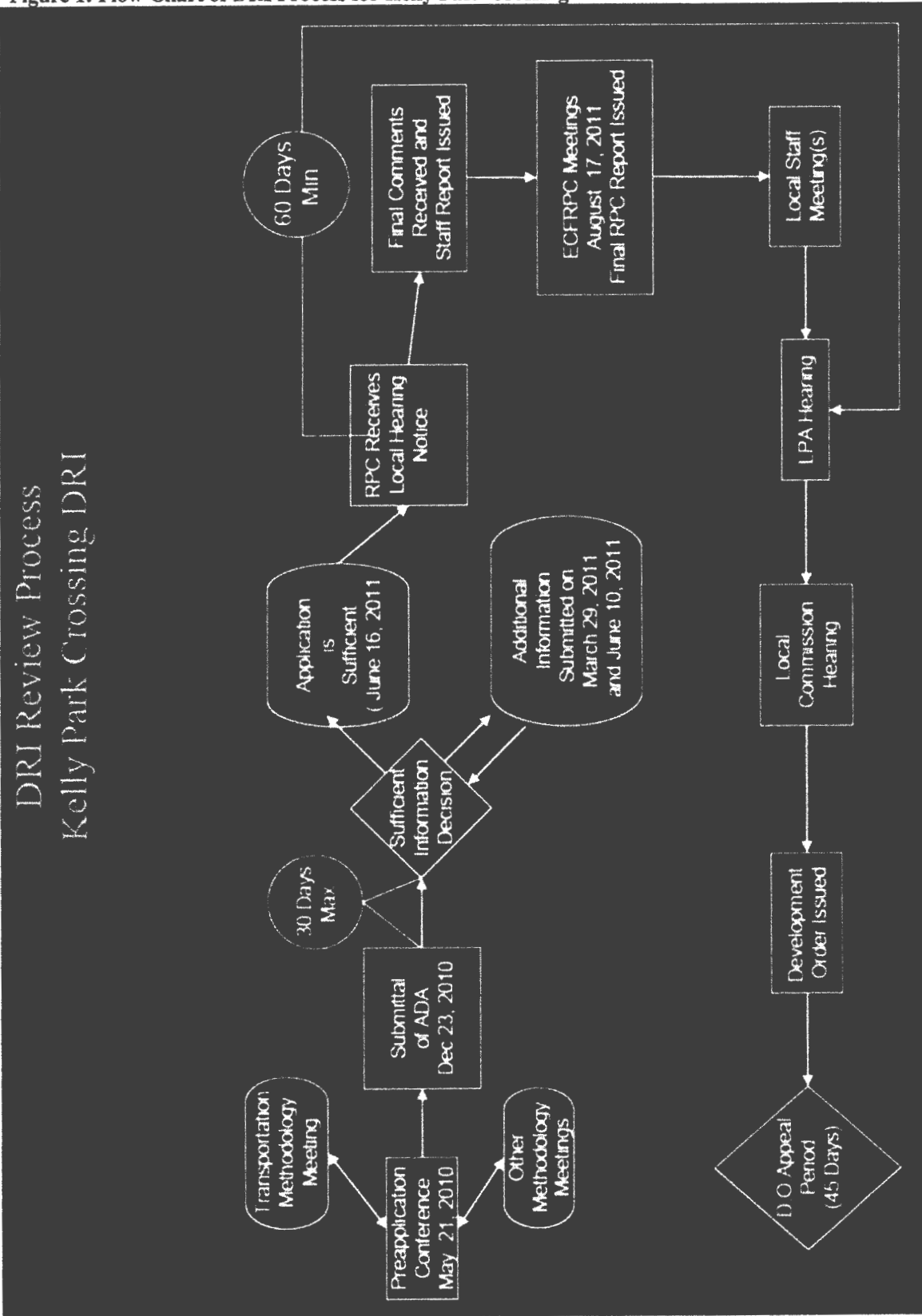
The East Central Florida Regional Planning Council will hold a public hearing, consider the staff's report and the Applicant's testimony, and issue recommendations to the City of Apopka to create a Development Order (DO) for the DRI consistent with 9J-2.025 FAC. The ECFRPC report and recommendations are intended to address regional issues and do not address all local concerns.

The City of Apopka must hold a public hearing for the DRI. At the hearing the City shall approve, deny, or approve with conditions, restrictions, or limitations taking into consideration whether and the extent to which:

- 1) The development is consistent with local comprehensive and local land development regulations.
- 2) The development is consistent with the report and recommendations of the regional planning council; and
- 3) The development is consistent with the State Comprehensive Plan.

The City is required to render a decision on the proposed Development of Regional Impact within 30 days after the hearing unless an extension is requested by the developer.

Figure 1: Flow Chart of DRI Process for Kelly Park Crossing



II. Project Maps

KELLY PARK CROSSING

City of Apopka, Florida
DRI Application for Development Approval

Master Development Plan
Map H

Legend

- Emergency Only
- Full Access
- Full Access Before Interchange Const
- Right In/Right Out After Interchange Const

----- Proposed Wekiva Parkway Project

----- Proposed Interior Roads

Open Space

Lakes/Rivers

Subject Parcel

----- Streets

Employment

Interchange

Neighborhood

Transition

Village Center

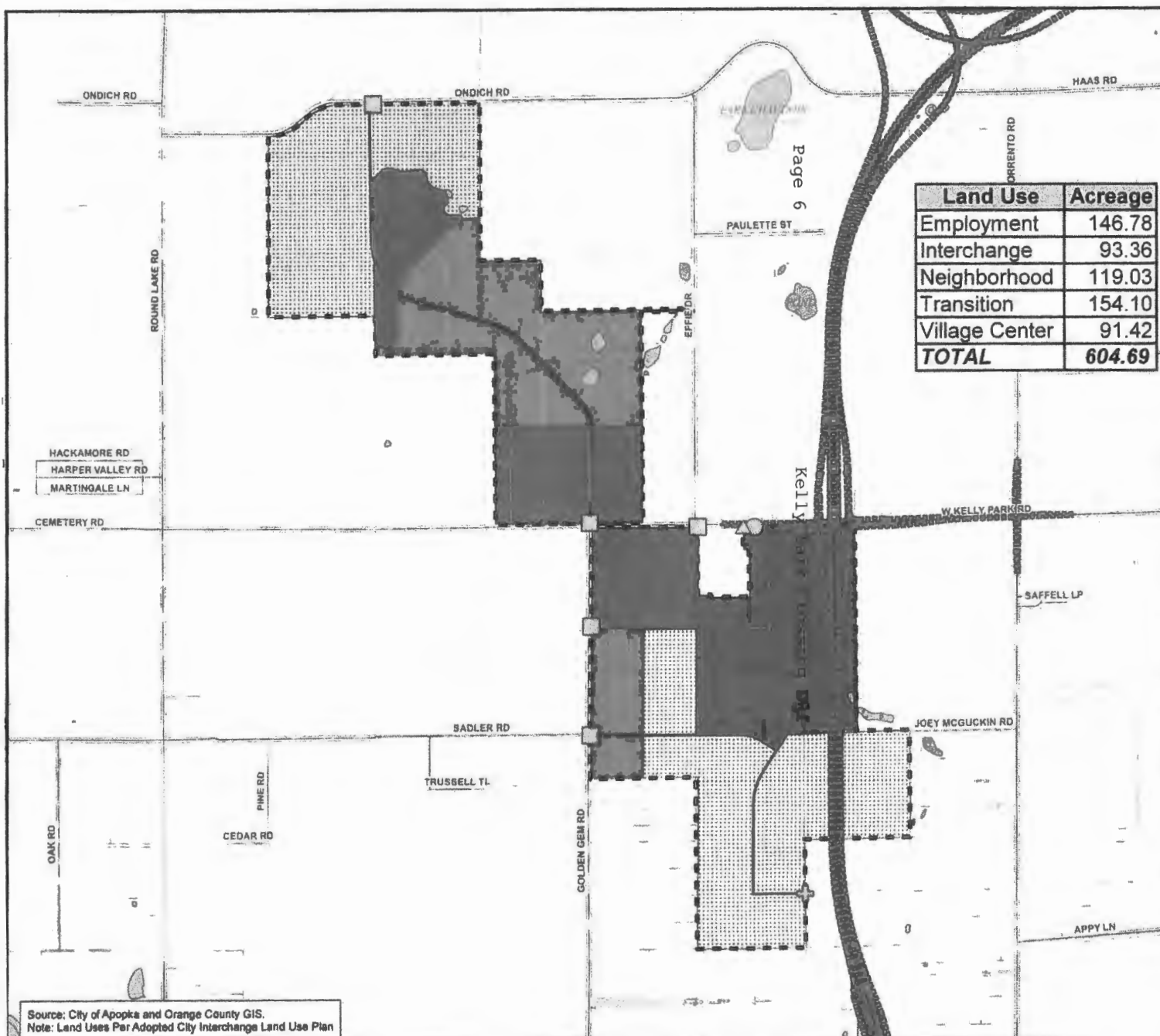
PROJECT TEAM:

BIO-TECH CONSULTING, INC.
IBI GROUP, INC.
IVEY PLANNING GROUP, LLC
PROFESSIONAL SERVICES INDUSTRIES, INC.
RM STRATEGIES, LLC
SHUTTS & BOWEN, LLP
TRAFFIC PLANNING & DESIGN, INC.



0 1,250 2,500
Feet

Land Use	Acreage
Employment	146.78
Interchange	93.36
Neighborhood	119.03
Transition	154.10
Village Center	91.42
TOTAL	604.69



Source: City of Apopka and Orange County GIS.
Note: Land Uses Per Adopted City Interchange Land Use Plan






Image Source: Florida Department of Transportation (FDOT, 2002)
 FLUCFCS Source: FDOT, Levitt, 1999
 Street Source: FDOT

KELLY PARK CROSSING

City of Apopka, Florida
 DRI Application for Development Approval

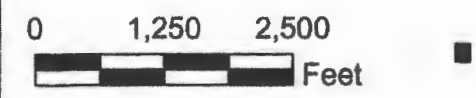
FLUCFCS Map
 Map F

Legend

-  Kelly Park Crossing DRI
- FLUCFCS Symbol, FLUCFCS Name**
- 111, Single Family Residential = ± 6.94 acres
- 112, Mobile Home Unit = ± 1.79 acres
- 221, Improved Pasture = ± 228.75 acres
- 251, Horse Farms = ± 231.17 acres
- 425, Temperate Hardwood = ± 29.07 acres
- 427, Live Oak = ± 10.14 acres
- 441, Coniferous Plantation = ± 110.81 acres
- 742, Borrow Areas = ± 0.37 acres
- 510, Streams and Waterways = ± 0.14 acres
-  534, Reservoirs less than 5 acres = 2.97 acres
- 611, Bay Swamps = ± 0.79 acres
- 640, Vegetated non-forested = ± 6.94 acres = ± 1.11 acres
-  Streets

PROJECT TEAM:

BIO-TECH CONSULTING, INC.
 IBI GROUP, INC.
 IVEY PLANNING GROUP, LLC
 PROFESSIONAL SERVICES INDUSTRIES, INC.
 RM STRATEGIES, LLC
 SHUTTS AND BOWEN, LLP
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




KELLY PARK CROSSING

*City of Apopka, Florida
DRI Application for Development Approval*

*Wildlife and Plant Resource Map
Map G (b)*

Legend

-  Kelly Park Crossing DRI
-  Streets
-  GPS Tracklogs from Wildlife Surveys

PROJECT TEAM:

BIO-TECH CONSULTING, INC.
IBI GROUP, INC.
IVEY PLANNING GROUP, LLC
PROFESSIONAL SERVICES INDUSTRIES, INC.
RM STRATEGIES, LLC
SHUTTS AND BOWEN, LLP
TRAFFIC PLANNING AND DESIGN, INC


0 1,250 2,500
 Feet



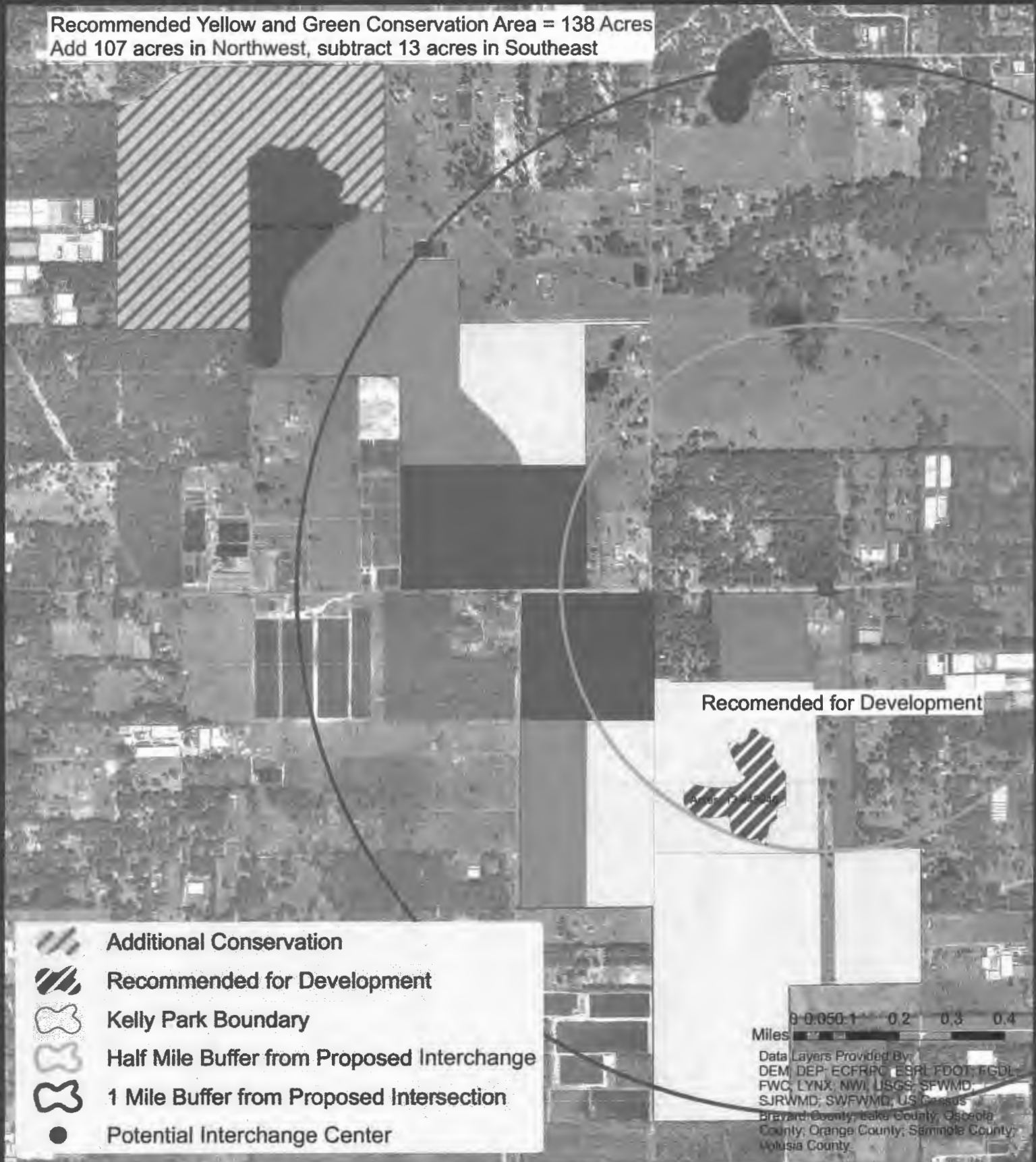
Figure 6: Wildlife and Plant Resource Map





Kelly Park DRI - Proposed Conservation Area

Recommended Yellow and Green Conservation Area = 138 Acres
Add 107 acres in Northwest, subtract 13 acres in Southeast



KELLY PARK CROSSING

City of Apopka, Florida
DRI Application for Development Approval

Transportation Facilities Map
(Map J)
Figure 21-1

Legend

Area Type	Number of Lanes
Urban	2 Lanes 4 Lanes
Transitioning	2 Lanes
Rural	2 Lanes

Lynx Transit

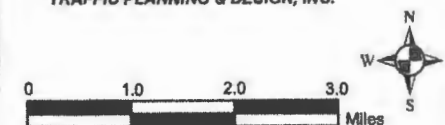
	Apopka Superstation
	Bus Route
	Route Number

LakeXpress Transit

	Bus Route
	Route Number

PROJECT TEAM:

BIO-TECH CONSULTING, INC.
IBI GROUP, INC.
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RM STRATEGIES, LLC
SHUTSS & BOWEN, LLP
TRAFFIC PLANNING & DESIGN, INC.



III. Project Assessment

Location

The proposed 624 acre Kelly Park Crossing DRI is located in the far north of the City of Apopka at the proposed interchange of the Wekiva Parkway at Kelly Park Road (Refer back to Figure 2). It is bisected by West Kelly Park Road, east of Round Lake Road and west of Plymouth Sorrento Road. The project will consist of office, light industry, retail/commercial, a community college, hospital, residential, institutional and hotel.

Development Proposal

Figure 3 shows the Proposed Concept Plan. The project is intended as a high density mixed use development consisting of office, light industrial, retail/commercial, a community college, medical, residential, institutional and hotel (Table 1).

Table 1:

Land Use	Phase 1 2015	Phase 2 2020	Phase 3 2025	Phase 4 2030	Total	Acres
Office	100,000 SF	540,000 SF	641,000 SF	639,996 SF	1,920,996 SF	110.25
Light Industrial	200,000 SF	3,330,000 SF	1,000,00 SF	727,200 SF	5,227,200 SF	200.00
Retail/ Commercial	100,000 SF	450,000 SF	550,000 SF	272,140 SF	1,372,140 SF	85.00
Community College	130,680 SF 1,866 Students				130,680 SF 1,866 Students	20.00
Medical		250,000 SF	272,720 SF		522,720 SF	30.00
Residential	300 DU	400 DU	400 DU	450 DU	1,550 DU	60.00
Institutional	50,000 SF	50,000 SF	60,000 SF	14,250 SF	174,240 SF	10.00
Hotel		100 Rooms	100 Rooms	200 Rooms	400 Rooms	15.00
Park	40 Acres	33 Acres	20.75 Acres		93.75 Acres	93.75

Project Setting

The project is the first large proposal to take advantage of a planned interchange with the Wekiva Parkway. The toll roads was first proposed in the 1980s and its eventual approval in 2004 was predicated on the protection of the unique environmental features of the area, most prominent of which is the Wekiva River and Rock Springs Run, about 3.5 miles to the east. The area is also an important recharge area and is characterized by extensive karst formations.

In recognition of the unique attributes of the riverine system, the Florida Legislature enacted the Wekiva Parkway and Protection Act in 2004 to implement the findings and recommendations of the Wekiva River

Basin Coordinating committee. The Act authorizes building the Wekiva Parkway and provides protection to the Wekiva River system.

The Act requires local governments in the Wekiva Study Area to adopt certain amendments to their comprehensive plans in the following areas:

- Interchange land use plans, if the Wekiva Parkway is planned for their jurisdiction (Section 369.321(1), Florida Statutes)
- Comprehensive plan amendments to implement master stormwater management plans (Section 369.321(2), Florida Statutes)
- Use strategies to optimize open space and promote patterns of development that protect most effective recharge areas, karst features and sensitive natural habitats (Section 369.321(3), Florida Statutes); and,
- Water supply facility work plans (Section 369.321(4), Florida Statutes)

In addition, each local government within the Wekiva Study Area is required to prepare a master stormwater management plan (Section 369.319, Florida Statutes) and a wastewater facility plan for joint planning areas and utility service areas where central wastewater systems are not readily available (Section 369.320, Florida Statutes).

These comprehensive plan amendments were to be adopted by January 1, 2006 (Section 369.321, Florida Statutes) and implementing land development regulations were to be adopted by January 1, 2007 (Section 369.321(6), Florida Statutes).

Orange County and the City of Apopka adopted a Joint Planning Area in 2004 for the joint analysis of necessary infrastructure to accommodate development in this area. This agreement recognizes that annexations will occur over time. Therefore, to protect the Wekiva Spring shed, minimum open space and maximum density requirements were adopted by both governments. Recent amendments to this agreement may allow for more intense development further from the interchange.

Water and Wastewater

The proposed project is located within the City of Apopka utility service area boundary. Table 2 shows the potable and non-potable water calculations. The calculation demands are based upon information provided by the applicant, and are based on the water savings expected with the use of WaterStar certification from the SJRWMD, which are about 20% less than normal for potable usage and 6% less for non-potable usage. Water supply to the project site will be provided by the City of Apopka. All uses will be metered separately. According to the City, there is currently adequate uncommitted capacity to supply Phase 1 of the development and that an application is currently being reviewed to increase the water allocations for the remainder of the project. Recommendations for the SJRWMD are included in staff recommendations and their letter is in the appendices.

Issue

While water may be available for Phase 1 of the project, sufficient capacity has not been demonstrated for the remainder of the project and the City of Apopka's demonstration of need for its current District-issued consumptive use permit (CUP) allocations do not account for this DRI. A modification to the permit has been applied for, but is not complete and has not yet been issued by the SJRWMD.

Table 2: Potable/Non-Potable Water Supply (MGD)

	Phase 1	Phase 2	Phase 3	Phase 4	Total
Potable	0.1219	0.8106	0.4870	0.3722	1.7917
Non Potable	0.0102	0.1046	0.0678	0.0594	0.2420
Total	0.1321	0.91152	0.5548	0.4315	2.0337

Table 3 shows the wastewater generated from the site that will be treated off-site by the City of Apopka Public Works Department. The City has issued a letter stating that capacity will be available.

Table 3: Projected Wastewater Generation (MGD)

Phase 1	Phase 2	Phase 3	Phase 4	Total
0.129	0.732	0.459	0.336	1.656

Housing

Housing prices within the Kelly Park Crossing DRI have not been determined at this stage of the development program, so it was not assumed that any affordable housing was to be offered on site. A housing study was conducted for Phase 1 and the conclusion was that adequate affordable housing was available within the 10 mile, 20 minute commute area. Table 4 summarizes Phase 1 housing availability.

Table 4: Kelly Park Crossing Phase 1 –Summary of Available Housing Units

Income Category	Kelly Park Crossing Demand	For Sale Supply	Substandard Housing Reduction	Net Supply	Difference
Very Low	39	285	5%	271	232
Low	54	435	5%	423	359
Moderate	135	416	5%	395	260
Total	228	1,136	5%	1,079	851

Natural Resources

Habitat

The general landscape of the 624.09 acre project site includes pine plantations, improved pasture, horse farms, hardwood forests and a small amount of wetlands and other surface waters. This site is a dry area with well drained sandy soils consisting of primarily Candler Fine Sands, Candler-Apopka Find Sand and Tavares–Millhopper Fine Sand. The site is composed of 619.08 acres of uplands (99%) and 5.01 acres of wetlands and other surface waters (1%).

Native plant communities and wildlife habitats on the project site have been changed over the years due to de-forestation and pastoral conversion. Though these changes in landscape may have impacted certain wildlife species, other wildlife species on site such as the gopher tortoise and Sherman's fox squirrel have capitalized on these changes.

Each of the community types is identified using the Florida Land Use, Cover, and Forms Classification System (FLUCFCS), (Figure 4 - Map F - FLUCFCS Map). Table 5 illustrates the land use cover types, acreages, and percentage within the site.

Table 5: Florida Land Use, Cover and Forms Classification System (FLUCFCS)

Existing FLUCFCS Acreages			
Code	FLUCFCS Description	Acreage	Percent of Area
111	Single Family Residential	6.94	1.11%
112	Mobile Home Units	1.79	0.29%
211	Improve Pasture	228.79	36.66%
251	Horse Farms	231.17	37.04%
425	Temperate Hardwoods	29.07	4.66%
427	Live Oak	10.14	1.62%
441	Coniferous Plantation	110.81	17.76%
742	Borrow Areas	0.37	0.06%
534	Reservoirs less than 5 acres	2.97	0.48%
510	Streams and Waterways	0.14	0.02%
611	Bay Swamps	0.79	0.13%
640	Vegetated non-forested Wetland	1.11	0.18%
TOTAL		624.09	100.00%

Topography and Floodplain

The topography of the site is gently rolling in the north portion of the project site and relatively level in the southern portion of the site. Elevations generally range from 75 feet to 155 feet.

The site is located within Zone 'X' of the Flood Insurance Maps (FIRM) published by the Federal Emergency Management Authority (FEMA). Zone 'X' is defined as areas of minimal flood Hazard and to be above the 100-year flood elevation for that area. No development is proposed within the 100-year floodplain.

Wetlands

The proposed Kelly Park Crossing DRI project includes 1.90 acres of wetland and 3.11 acres of other surface water (OSW) for a total of 5.01 acres of wetlands and OSW. The Applicant has considered avoidance and minimization of impacts and the anticipated impacts to wetlands are 0.90 acres and 2.51 acres for OSW. The impacts to these wetlands and OSW are not considered regionally significant.

Preserve Areas

The developer has proposed two separate preservation areas: a 13.4 acre area proximate to the proposed interchange and a 30.7 acre area in the Northwest part of the project (Refer back to Figure 3). Council staff has an alternative proposal that is explained in the issues portion of the Natural Resources section.

Wildlife Management Plan (WHMP)

The Wildlife Habitat Management Plan (WHMP) describes the specific management strategies and task to restore and enhance ecological communities in the preserve; maintain and manage upland and wetland vegetation and wildlife in the preserve; potentially relocate listed species that may occur in the development footprint; provide environmental education to residents of the development; the development and management of wildlife crossings; developing a wildlife resistant container, Bear Aware and nuisance wildlife programs; and identify wildlife signage relating to the transportation infrastructure of the development. The Protected Species- Wildlife portion below describes proposed management of listed species on site.

Protected Species- Wildlife

Background research to determine anticipated species with potential for occurrence was conducted prior to the field review by the environmental consultant. Quantitative surveys were performed in accordance with the Florida Fish and Wildlife Conservation Commission (FWC) Wildlife Methodology Guidelines and 9J-2.041. These surveys were conducted on site by project biologists to determine presence or potential for presence of species listed as protected by the Florida Department of Agriculture and Consumer Services (FDACS), FWC, and the U.S. Fish and Wildlife Service (FWS), (Figure 5 - Map Gb - Transect Map). The results include identification of animal species listed by one or more of these agencies that occurs onsite. Table 6 lists the protected species that have been observed or have potential to occur on the project site (*) . Some observed species continue to be under investigation (**) to determine whether-or-not they are the listed subspecies.

Table 6: Protected Species List and Status

Name	Scientific Name	Status
Gopher tortoise	<i>Gopherus polyphemus</i>	State listed as Threatened
Eastern indigo snake *	<i>Drymarchon corais couperi</i>	State and Federally listed as Threatened
Florida sandhill crane**	<i>Grus Canadensis pratensis</i>	State listed as Threatened
Florida scrub-jay *	<i>Aphelocoma coerulescens</i>	Federally listed as Threatened
Southeastern American kestrel**	<i>Falco sparverius paulus</i>	State listed as Threatened
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	Species of Special Concern
Florida black bear *	<i>Ursus americanus floridanus</i>	State listed as Threatened

* potential to occur on site

**under investigation

Gopher tortoise: A gopher tortoise survey was conducted on the projects proposed development area. The applicant estimated approximately 482 surveyed burrows exist on site for an approximate population of 270 gopher tortoises. A significant number of gopher tortoise and their commensals that inhabit gopher tortoise burrows are proposed to be relocated to uplands in the preserve or off-site. The highest concentration of gopher tortoise burrows was located in the northwestern portion of the proposed project. The northwestern portion of the project site is being proposed as a preserve in the recommendations in order to protect the high concentration of gopher tortoises and other wildlife species. (see issues below).

Eastern indigo snake: No Eastern indigo snakes were observed during the wildlife surveys. These snakes usually occupy dry, well-drained soils and sandhill habitats that are also preferred by the gopher tortoises. Eastern indigo snakes are known to use gopher tortoise burrows and other subterranean cavities for laying eggs. The Eastern indigo snake has the potential to occur due to the large number of gopher tortoise burrows on the project site.

Florida sandhill crane: Initially, the project biologist documented the observation of this species. Currently, project biologists are further evaluating whether the cranes observed were the resident Florida sandhill cranes or the migratory Sandhill crane which is a non-listed species, though it remains protected

under the Migratory Species Act. The applicant will continue to conduct presence and nest surveys to verify the species. The proposed preserve and other open spaces should continue to provide foraging areas for the cranes.

Florida scrub-jay: No Florida scrub-jays were observed during the wildlife surveys. The project site lacks primary habitat for this species; however, potential habitat does occur. FWC GIS database shows the nearest population of Florida scrub-jays occur approximately 4.5 miles southeast of the project site. The Applicant will continue to conduct Florida scrub-jay surveys to determine presence or absence of this species.

Southeastern American kestrel: It was reported that one male Southeastern American kestrel was believed to be observed foraging on the site on April 15 and June 30, 2010 and in the spring of 2011 during a kestrel survey. During spring time, it is possible that the American kestrel (*Falco sparverius paulus*), a migratory non-listed species, and the Southeastern American kestrel (*Falco sparverius sparverius*), a listed Florida Threatened species, may occur at the same time. Surveys for this species must be conducted between June and August to ensure that the northern migratory kestrels have left Florida. The Applicant is to continue conducting kestrel surveys during the summer months to further evaluate the presence or absence of the Southeastern American kestrel.

Sherman's fox squirrel: A population of Sherman fox squirrels was observed in the live oak and temperate hardwoods of the project site. The Applicant proposes to protect the Sherman fox squirrels by designating a preserve in the northwestern portion of the property. The Applicant is to plant a low density of pines in the improved pasture north and west of the temperate hardwood of the preserve to provide additional habitat for the Sherman's fox squirrel.

Florida black bear: Florida black bears or evidence of Florida black bears have not been observed on the project site. The proposed Kelly Park Crossing DRI project site is located in the FWC designated "Secondary Bear Range" (FWC Data 2007) of the Ocala subpopulation of the Florida black bear. Secondary bear range is defined as an area that contains suitable habitat and is consistently occupied by bears, but has sparse, isolated, or no evidence of reproduction. A "Primary Bear Range" is defined as an area that contains suitable habitat and is consistently occupied by bears, but has evidence of reproduction. During the course of the DRI review, the FWC recommended the following in order to mitigate potential impacts to bears:

- Require proactive education to deter potential negative human-bear interactions also known as the "Bear Aware" program. This can be accomplished by providing homeowners/residents/homeowner associates with information materials regarding bears and how to successfully live/coexist in bear country. This information should include: 1) steps for homeowners/residents/homeowner associates to implement deterrent measures such as (a) placing garbage on curb the morning of pick-up, (b) removing wildlife feeders, (c) using bear resistant garbage containers, (d) using electric fencing, (e) securing pet food, (f) cleaning and securing barbeque grills, etc. This information can be obtained from the FWC.
- Required use of bear-resistant commercial and residential garbage canisters as a proactive measure to reduce attractants for bears and reduce potential negative human-bear interactions.

As described in the WHMP, the Applicant proposes to implement the following to minimize potential conflicts between bears and humans:

- Implementation of technical measures for bears, including bear-proof or bear resistant waste receptacles.
- Implementation of behavioral measures for business and residences as described in the FWC recommendations above.

- Implementation of educational program for residents and tenants by providing informational materials regarding bears and how to successfully coexist in bear country.

Other Wildlife

Though not a listed species, fence lizards, Eastern loggerhead shrike, Northern Bobwhite, Northern Cardinal, Red-tailed hawk, eastern cottontail rabbits, raccoons and Virginia opossum have been observed on site. The proposed preservation area and its restoration and enhancement and other open spaces should provide habitat for an array of listed and non-listed wildlife.

Protected Species- Plants

No protected plant species were observed on site.

Wildlife Corridors

Wildlife Passages – The Applicant is to include culvert crossings and bridges where applicable to provide connectivity to various habitat types to maintain a wildlife corridor connection throughout the development. Culverts are to be placed in the road to allow passage of aquatic species from the water storage areas on the north and south side of the road. The environmental underpass and other culvert crossings are to be further described in the WHMP.

Upland Buffers to Wetlands

Kelly Park Crossing proposes to maintain a 15-foot minimum 25-foot average wetland buffers along all remaining wetlands in the development area. These wetlands are not regional in scope.

Issues

The 624 acre site contains approximately 482 surveyed gopher tortoise burrows (half of which are assumed potentially occupied), 6 Sherman's fox squirrels (in two areas of three squirrels each) with sightings of two southeastern American kestrels and, little blue herons and sandhill cranes (refer to the Wildlife and Plant Resource Map G- Figure 6).

Two "open space" areas are shown in the applicant's master development plan (Map H –Figure 3), one with 13.44 acres near the interchange and one with 30.7 acres in the northwest portion of the site with an internal roadway traversing that parcel. Wildlife experts maintain that 75 acres are necessary for a Sherman's fox squirrel population to survive (see letter from FWC in appendices). Mitigation costs for relocation of the gopher tortoises off site include: 1.) A mitigation contribution of \$200 for the first 10 burrows (up to 5 tortoises) and \$300 per tortoise thereafter if relocated to an offsite protected area (recipient site).

Assuming half of the 482 burrows were occupied with tortoises (241), the mitigation contribution costs alone are over \$71,000. Costs for the recipient site range from \$850 to \$1,500 per tortoise so using \$1,200, the cost would be over \$289,000. Costs for an Authorized Agent to prepare the permit application is estimated at \$2,000. Equipment cost is estimated at \$1,400 a day for the backhoe and \$2,015 for two scientists (authorized agents) with mileage and expenses to excavate an average of 8 tortoises a day. This would require 30 days for another \$102,450 for a total estimate of \$464,650.

Kestrel mitigation is 125 acres pursuant to Rule 9J-2.041 and mitigation if required, could occur in the preserved northwest portion of the site.

Council staff has coordinated with FWC, FDEP, the City of Apopka and Friends of the Wekiva River and is recommending that the neighborhood area to the northwest be preserved along with the northwest preservation area (Figure 7). In lieu, the 13.5 acre southeast preservation area can be developed and higher densities near the interchange are encouraged. Therefore there should be no net loss in development square footage or number of residential units. Benefits include:

1. Developer infrastructure costs will be much less.
2. The 13.5 acres of land nearest the interchange can be developed. This area is much more valuable for development due to the proximity of the interchange and infrastructure costs for this parcel would not require the extension of utilities.
3. Comports with the intent of the Wekiva Parkway Interchange Plan, the Wekiva Parkway and Protection Act and the recommendations of the Wekiva River Basin Coordinating committee.
4. Gopher mitigation is cut more than in half.
5. Kestrel mitigation can occur in this northwest preservation area and no offsite purchase of land would be necessary.
6. Long term, viable wildlife preservation area will created that will benefit the remaining Sherman's fox squirrels, gopher tortoises and southeastern American Kestrels.

Transportation

Operational Levels of Service

Six levels of service are defined in the Highway Capacity Manual. They are labeled A through F and are described as follows:

- A. Free flow with low volume, high speed and unrestricted maneuverability
- B. Stable flow with speed somewhat restricted by traffic and maneuverability relatively unrestricted. Lower limit of this level associated with rural highway design.
- C. Stable flow with restrictions on speed and maneuverability. Generally accepted level of design for urban highways.
- D. Approaching unstable flow with tolerable operating speeds and little freedom to maneuver.
- E. Unstable flow with operating speeds below level D and momentary stoppages.
- F. Forced flow at low speeds with stoppages of possibly long duration.

Figure 7 illustrates the Transportation Network and Table 7 is a summary of the Proposed Development Program.

Table 7: Proposed Development Program

Summary of Proposed Development Program

Land Use	Phase I (2015)	Phase II (2020)	Phase III (2025)	Phase IV (2030)	Total Development
Office	100,000 SF	540,000 SF	641,000 SF	639,996 SF	1,920,996 SF
Light Industrial	200,000 SF	3,300,000 SF	1,000,000 SF	727,200 SF	5,227,200 SF
Retail/Commercial	100,000 SF	450,000 SF	550,000 SF	272,140 SF	1,372,140 SF
Community College	130,680 SF				130,680 SF
Medical		250,000 SF	272,720 SF		522,720 SF
Residential	300 DU	400 DU	400 DU	450 DU	1,550 DU
Parks	40 Ac	33 Ac	20.75 Ac		93.75 Ac
Institutional	50,000 SF	50,000 SF	60,000 SF	14,240 SF	174,240 SF
Hotel		100 RMS	100 RMS	200 RMS	400 RMS

Notes

Phases I and II are entirely multifamily residential
Phase III residential is 250 single family and 150 multifamily
Phase IV residential is 250 single family and 200 multifamily
Parks acreage will count toward residential density acreage
Community College to accommodate 1,866 full time equivalent students

Existing Conditions

Table 8 exhibits existing roadway conditions and Table 9 shows Intersection LOS. The following segments operate below the adopted LOS:

Future Traffic Growth

Future traffic is comprised of project traffic and background or ambient traffic growth. Project traffic was derived from the ITE Trip Generation Report, 7th Edition. The trip generation summary for Phases I through Phase 4 are in Table 10. Background traffic growth was derived from use of the adopted transportation model, and a minimum 2% per year growth rate was applied if the model growth was less than 2%.

Assumptions

The applicant made several assumptions in order to conduct the traffic analysis:

Internal Capture relates to the trips by any mode, which begin and end on the site and do not impact any external roadways. Internal interaction is assumed to occur between the retail, residential, office and schools. Internal capture for Phase 1 was 10%, while later phases had an internal capture rate ranging from 19 to 20 percent. Please refer to Table 10 Trip Generation Tables.

Passer-by capture describes the circumstance in which background vehicles on the adjacent roadway stop to shop at the project's commercial site while they are on a trip for another purpose. These trips are not assessed against the DRI. Due to the remote location of the site and the internalized retail areas, passer-by trip reductions for this project were minimal accounting for less than a 1% reduction through buildout.

EXISTING ROADWAY CAPACITY ANALYSIS

Roadway	Segment	A T	# of Lns	LOS Std	Pk Hr Dir Capacity	Daily Volume	count year	Existing Daily Volume Source	Annual Growth	2010 Daily Volume	Peak Dir	2010 Peak Hour Volume		Existing V/C	Meets Std?
												NB/EB	SB/WB		
US 441	Radio Rd - CR 473	U	6	D	2,940	33,860	2010	FDOT 2010 AADT Report	3.9%	33,860	SB/WB	1,514	1,652	0.56	YES
US 441	CR 473 - Old US 441	U	6	D	2,940	40,500	2010	FDOT 2010 AADT Report	3.9%	40,500	SB/WB	1,831	1,984	0.67	YES
US 441	Old US 441 - SR 19/Duncan Dr	U	6	D	2,940	28,000	2010	FDOT 2010 AADT Report	3.9%	28,000	SB/WB	1,266	1,372	0.47	YES
US 441	SR 19/Duncan Dr - CR 452/St Clair	U	6	D	2,940	43,500	2010	FDOT 2010 AADT Report	4.7%	43,500	NB/EB	2,131	1,967	0.72	YES
US 441	CR 452/St Clair - CR 452/Lake Eustis Dr	U	6	D	2,940	43,500	2010	FDOT 2010 AADT Report	4.7%	43,500	NB/EB	2,131	1,967	0.72	YES
US 441	CR 452/Lake Eustis Dr - David Walker Dr	U	6	D	2,940	43,500	2010	FDOT 2010 AADT Report	4.7%	43,500	NB/EB	2,131	1,967	0.72	YES
US 441	David Walker Dr - US 19/Bay St	U	6	D	2,940	43,500	2010	FDOT 2010 AADT Report	4.7%	43,500	SB/WB	1,967	2,131	0.72	YES
US 441	SR 19/Bay St - Old Mt Dora Rd	U	6	D	2,940	40,000	2010	FDOT 2010 AADT Report	3.2%	40,000	NB/EB	1,959	1,809	0.67	YES
US 441	Old Mt Dora Rd - Donnelly St	U	6	D	2,940	40,000	2010	FDOT 2010 AADT Report	3.2%	40,000	NB/EB	1,959	1,809	0.67	YES
US 441	Donnelly St - Wolf Branch Rd	U	4	D	1,960	27,500	2010	FDOT 2010 AADT Report	2.5%	27,500	NB/EB	1,347	1,243	0.69	YES
US 441	Wolf Branch Rd - SR 46	U	4	D	1,960	27,500	2010	FDOT 2010 AADT Report	2.5%	27,500	SB/WB	1,243	1,347	0.69	YES
US 441	SR 46 - Orange County Line	U	4	D	1,960	28,500	2010	FDOT 2010 AADT Report	2.0%	28,500	NB/EB	1,396	1,289	0.71	YES
US 441	Lake County Line - Sadler Rd	U	4	D	1,960	27,000	2010	FDOT 2010 AADT Report	2.1%	27,000	NB/EB	1,264	1,166	0.64	YES
US 441	Sadler Rd - Jones Ave	U	4	D	1,960	26,500	2010	FDOT 2010 AADT Report	2.2%	26,500	NB/EB	1,240	1,145	0.63	YES
US 441	Jones Ave - Yothers Rd	U	4	D	1,960	26,500	2010	FDOT 2010 AADT Report	3.2%	26,500	NB/EB	1,240	1,145	0.63	YES
US 441	Yothers Rd - Hermit Smith Rd	U	4	D	1,960	33,500	2010	FDOT 2010 AADT Report	2.0%	33,500	SB/WB	1,447	1,568	0.80	YES
US 441	Hermit Smith Rd - Plymouth Sorrento Rd	U	4	D	1,960	33,500	2010	FDOT 2010 AADT Report	2.3%	33,500	SB/WB	1,447	1,568	0.80	YES
US 441	Plymouth Sorrento Rd - Lakeville Rd	U	4	D	1,960	40,000	2010	FDOT 2010 AADT Report	2.0%	40,000	SB/WB	1,728	1,872	0.96	YES
US 441	Lakeville Rd - Errol Pkwy	U	4	D	1,960	40,000	2010	FDOT 2010 AADT Report	2.0%	40,000	NB/EB	1,872	1,728	0.96	YES
US 441	Errol Pkwy - SR 429	U	4	D	1,960	44,500	2010	FDOT 2010 AADT Report	2.3%	44,500	SB/WB	1,922	2,083	1.06	NO
US 441	SR 429 - Bradshaw Rd	U	4	D	1,960	36,000	2010	FDOT 2010 AADT Report	2.3%	36,000	SB/WB	1,555	1,685	0.86	YES
US 441	Bradshaw Rd - Hawthorne Ave	U	5	D	1,960	36,000	2010	FDOT 2010 AADT Report	2.0%	36,000	SB/WB	1,555	1,685	0.86	YES
US 441	Hawthorne Ave - Central Ave	U	5	D	1,960	36,000	2010	FDOT 2010 AADT Report	2.0%	36,000	NB/EB	1,685	1,555	0.86	YES
US 441	Central Ave - Park Ave	U	5	D	1,960	35,000	2010	FDOT 2010 AADT Report	2.0%	35,000	NB/EB	1,638	1,512	0.84	YES
SR 46	US 441 - Vista View	U	2	D	880	10,900	2010	FDOT 2010 AADT Report	2.1%	10,900	NB/EB	538	497	0.61	YES
SR 46	Vista View - Round Lake Rd	T	2	C	750	10,900	2010	FDOT 2010 AADT Report	2.1%	10,900	NB/EB	538	497	0.72	YES
SR 46	Round Lake Rd - CR 437 South	T	2	C	750	13,600	2010	FDOT 2010 AADT Report	2.1%	13,600	NB/EB	672	620	0.90	YES
SR 46	CR 437 South - CR 437 North	T	2	C	750	13,600	2010	FDOT 2010 AADT Report	3.0%	13,600	NB/EB	672	620	0.90	YES
SR 46	CR 437 North - CR 435	T	2	C	750	14,300	2010	FDOT 2010 AADT Report	2.0%	14,300	NB/EB	706	652	0.94	YES
SR 46	CR 435 - Camp Challenge Rd	T	2	C	800	14,300	2010	FDOT 2010 AADT Report	2.0%	14,300	NB/EB	706	652	0.88	YES
SR 46	Camp Challenge Rd - CR 46A	R	2	C	780	14,300	2010	FDOT 2010 AADT Report	2.0%	14,300	NB/EB	706	652	0.91	YES
SR 429	Porter Rd - Turnpike	U	4	C	3,020	35,500	2010	FDOT 2010 AADT Report	2.0%	35,500	NB/EB	1,586	1,464	0.53	YES
SR 429	Turnpike - Plant St	U	4	C	3,020	37,500	2010	FDOT 2010 AADT Report	2.0%	37,500	NB/EB	1,901	1,755	0.63	YES
SR 429	Plant St - Clarcona-Ocoee Rd	U	4	C	3,020	31,500	2010	FDOT 2010 AADT Report	2.2%	31,500	NB/EB	1,597	1,474	0.53	YES
SR 429	Clarcona-Ocoee Rd - Apopka Bypass	U	4	C	3,020	29,000	2010	FDOT 2010 AADT Report	2.0%	29,000	NB/EB	1,470	1,357	0.49	YES
SR 429	Apopka Bypass - US 441	U	4	C	3,020	22,000	2010	FDOT 2010 AADT Report	8.9%	22,000	NB/EB	1,115	1,030	0.37	YES
CR 435/Rock Springs Rd	Kelly Park Rd - Rock Ridge Blvd	U	5	E	1,960	15,664	2009	2009 Apopka CMS	6.8%	16,724	NB/EB	981	550	0.50	YES
CR 435/Rock Springs Rd	Rock Ridge Blvd - Ponkan Rd	U	5	E	1,960	15,664	2009	2009 Apopka CMS	6.8%	16,724	NB/EB	981	550	0.50	YES
CR 435/Rock Springs Rd	Ponkan Rd - Welch Rd	U	5	E	1,960	18,894	2009	2009 Apopka CMS	2.6%	19,392	NB/EB	1,063	640	0.54	YES
CR 435/Rock Springs Rd	Welch Rd - Sandpiper Rd	U	5	E	1,960	21,435	2009	2009 Apopka CMS	3.2%	22,115	NB/EB	1,335	717	0.68	YES
CR 435/Park Ave	Sandpiper Rd - Votaw Rd	U	5	E	1,960	20,907	2009	2009 Apopka CMS	3.3%	21,593	SB/WB	730	998	0.51	YES
CR 435/Park Ave	Votaw Rd - Orange St	U	5	E	1,960	22,742	2009	2009 Apopka CMS	2.7%	23,362	SB/WB	766	1,172	0.60	YES
CR 435/Park Ave	Orange St - US 441	U	5	E	1,960	23,869	2009	2009 Apopka CMS	6.6%	25,453	SB/WB	1,290	1,313	0.67	YES
CR 435/Park Ave	US 441 - M Gladden Blvd	U	2	E	880	11,698	2009	2009 Apopka CMS	2.0%	11,932	NB/EB	587	440	0.67	YES
CR 435/Park Ave	M Gladden Blvd - Cleveland St	U	2	E	880	9,754	2009	2009 Apopka CMS	3.2%	10,064	NB/EB	446	357	0.51	YES
CR 435/Clarcona Rd	Cleveland St - Keene Rd	U	2	E	704	8,207	2009	2009 Apopka CMS	7.1%	8,788	NB/EB	407	351	0.58	YES
CR 435/Clarcona Rd	Keene Rd - McCormick Rd	U	2	E	704	10,768	2009	2009 Apopka CMS	7.5%	11,573	SB/WB	504	520	0.74	YES
CR 435/Clarcona Rd	McCormick Rd - Clarcona-Ocoee Rd	U	2	E	704	11,905	2009	2009 Apopka CMS	7.3%	12,769	NB/EB	547	503	0.78	YES
CR 437	CR 44A - SR 44	U	2	D	720	4,162	2009	LC 2010 TMS Report	5.4%	4,389	NB/EB	299	139	0.42	YES
CR 437	SR 44 - Wolf Branch Rd	U	2	D	720	5,247	2009	LC 2010 TMS Report	5.4%	5,533	NB/EB	325	225	0.45	YES
CR 437	Wolf Branch Rd - SR 46	U	2	D	720	7,879	2009	LC 2010 TMS Report	2.2%	8,051	NB/EB	428	322	0.59	YES
CR 437	SR 46 - Orange County Line	U	2	D	720	6,095	2009	LC 2010 TMS Report	4.4%	6,364	NB/EB	366	254	0.51	YES

Table 8: Existing Roadway Conditions

Roadway	Segment	A T	# of Lns	LOS Std	Pk Hr Dir Capacity	Daily Volume	count year	Existing Daily Volume Source	Annual Growth	2010 Daily Volume	Peak Dir	2010 Peak Hour Volume		Existing V/C	Meets Std?
												NB/EB	SB/WB		
Plymouth-Sorrento Road	Lake County Line - Kelly Park Rd	T	2	E	1,420	6,899	2009	2009 Apopka CMS	4.4%	7,205	NB/EB	481	250	0.34	YES
Plymouth-Sorrento Road	Kelly Park Rd - Ponkan Rd	U	2	E	1,440	7,733	2009	2009 Apopka CMS	6.2%	8,214	NB/EB	533	287	0.37	YES
Plymouth-Sorrento Road	Ponkan Rd - Schopke Rd	U	2	E	1,440	8,780	2009	2009 Apopka CMS	4.8%	9,201	NB/EB	510	312	0.35	YES
Plymouth-Sorrento Road	Schopke Rd - US 441	U	2	E	1,440	8,552	2009	2009 Apopka CMS	2.5%	8,762	NB/EB	531	295	0.37	YES
Welch Road	Vick Rd - Rock Springs Rd	U	2	E	792	11,630	2009	2009 Apopka CMS	4.2%	12,118	SB/WB	564	639	0.81	YES
Welch Road	Rock Springs Rd - Ustler Rd	U	3	E	1,440	17,082	2009	2009 Apopka CMS	2.8%	17,556	SB/WB	643	986	0.68	YES
Welch Road	Ustler Rd - Thompson Rd	U	2	E	1,440	16,596	2009	2009 Apopka CMS	2.8%	17,056	SB/WB	617	893	0.62	YES
Welch Road	Thompson Rd - Wekiva Springs Rd	U	2	E	1,440	15,471	2009	2009 Apopka CMS	2.8%	15,900	SB/WB	550	901	0.63	YES
Binion Rd/Orange Avenue	Apopka Ocoee Rd - Boy Scout Rd	U	2	E	1,440	3,848	2009	2009 Apopka CMS	3.6%	3,986	SB/WB	163	267	0.19	YES
Binion Rd/Orange Avenue	Boy Scout Rd - Lakeville Dr	U	2	E	1,440	5,120	2009	2009 Apopka CMS	3.6%	5,304	NB/EB	395	200	0.27	YES
Binion Rd/Orange Avenue	Lakeview Dr - US 441	U	2	E	1,440	4,399	2009	2009 Apopka CMS	3.6%	4,557	NB/EB	271	208	0.19	YES
Errol Parkway	Lake Francis Dr - Lake Arden Dr	U	2	D	792	2,816	2009	2009 Apopka CMS	2.0%	2,872	NB/EB	138	105	0.17	YES
Errol Parkway	Lake Arden Dr - Old Dixie Hwy	U	2	D	792	7,729	2009	2009 Apopka CMS	4.9%	8,110	NB/EB	462	248	0.58	YES
Errol Parkway	Old Dixie Hwy - US 441	U	2	D	792	7,440	2009	2009 Apopka CMS	4.2%	7,752	NB/EB	473	203	0.60	YES
General Electric Road	Hermit Smith Rd - Binion Rd	U	2	E	792	415	2009	2009 Apopka CMS	2.0%	423	NB/EB	38	32	0.05	YES
Golden Gem Road	Kelly Park Rd - Ponkan Rd	U	2	E	792	5,236	2009	2009 Apopka CMS	2.0%	5,341	SB/WB	156	319	0.40	YES
Haas Road	Plymouth Sorrento Rd - Mt Plymouth Rd	U	2	E	792	595	2009	2009 Apopka CMS	2.0%	607	NB/EB	29	24	0.04	YES
Jason Dwellley Parkway	Kelly Park Rd - Ponkan Rd	U	2	E	792	1,593	2009	2009 Apopka CMS	2.0%	1,625	SB/WB	90	91	0.11	YES
Kelly Park Road	Round Lake Rd - Golden Gem Road	T	2	E	1,420	2,545	2009	2009 Apopka CMS	2.2%	2,600	NB/EB	148	144	0.10	YES
Kelly Park Road	Golden Gem Rd - Plymouth-Sorrento Rd	T	2	E	1,420	2,545	2009	2009 Apopka CMS	2.2%	2,600	NB/EB	148	144	0.10	YES
Kelly Park Road	Plymouth-Sorrento Rd - Jason Dwellley Pkwy	T	2	E	1,420	3,332	2009	2009 Apopka CMS	7.4%	3,579	NB/EB	200	148	0.14	YES
Kelly Park Road	Jason Dwellley Pkwy - Mt Plymouth Rd	T	2	E	1,420	3,410	2009	2009 Apopka CMS	4.1%	3,550	NB/EB	229	138	0.16	YES
Kelly Park Road	Mt Plymouth Rd - Rock Springs Rd	T	2	E	1,420	10,036	2009	2009 Apopka CMS	4.8%	10,517	SB/WB	431	586	0.41	YES
Lake Francis Drive	Schopke Lester Rd - Errol Pkwy	U	2	D	792	1,706	2009	2009 Apopka CMS	13.9%	1,943	SB/WB	66	118	0.15	YES
Lake Francis Drive	Errol Pkwy - Vick Rd	U	2	D	792	3,458	2009	2009 Apopka CMS	2.0%	3,527	SB/WB	118	211	0.27	YES
Lester Road	Vick Rd - Schopke Rd	U	2	E	792	2,865	2009	2009 Apopka CMS	2.0%	2,922	SB/WB	88	144	0.18	YES
Lester Road	Schopke Rd - Plymouth Sorrento Rd	U	2	E	792	1,908	2009	2009 Apopka CMS	2.0%	1,946	SB/WB	77	80	0.10	YES
Mt Plymouth Road	Kelly Park Rd - Haas Rd	U	2	E	1,440	7,032	2009	2009 Apopka CMS	4.5%	7,347	NB/EB	463	276	0.32	YES
Mt Plymouth Road	Haas Rd - Lake County Line	U	2	E	1,440	5,511	2009	2009 Apopka CMS	5.0%	5,785	NB/EB	347	262	0.24	YES
CR 435	Orange County Line - Dubsdread Dr	U	2	D	792	5,990	2009	LC 2010 TMS Report	5.4%	6,314	SB/WB	269	379	0.48	YES
CR 435	Dubsdread Dr - SR 46	U	2	D	792	4,566	2009	LC 2010 TMS Report	4.9%	4,790	NB/EB	304	194	0.38	YES
Old Dixie Hwy/Highland Ave	Plymouth-Sorrento Rd - Schopke-Lester Rd	U	2	E	792	2,491	2009	2009 Apopka CMS	2.0%	2,541	SB/WB	107	162	0.20	YES
Old Dixie Hwy/Highland Ave	Lakeview Rd - Errol Pkwy	T	2	E	1,420	3,051	2009	2009 Apopka CMS	6.0%	3,233	SB/WB	154	197	0.14	YES
Ondich Road	Round Lake Rd - Plymouth-Sorrento Rd	U	2	E	792	532	2009	2009 Apopka CMS	2.0%	543	SB/WB	29	34	0.04	YES
Ponkan Road	Orange Blossom Tr - Round Lake Rd	T	2	E	1,420	3,223	2009	OC 2009 Annual Counts	5.1%	3,388	NB/EB	157	141	0.11	YES
Ponkan Road	Round Lake Rd - Plymouth-Sorrento Rd	T	2	E	1,420	3,223	2009	2009 Apopka CMS	5.1%	3,388	NB/EB	156	146	0.11	YES
Ponkan Road	Plymouth-Sorrento Rd - Vick Rd	U	2	E	1,440	3,430	2009	2009 Apopka CMS	5.3%	3,612	SB/WB	123	177	0.12	YES
Ponkan Road	Vick Rd - Rock Springs Rd	U	2	E	1,440	4,874	2009	2009 Apopka CMS	3.0%	5,022	SB/WB	214	341	0.24	YES
Round Lake Road	Ponkan Rd - Kelly Park Rd	R	2	E	1,400	3,448	2009	OC 2009 Annual Counts	8.1%	3,727	NB/EB	232	137	0.17	YES
Round Lake Road	Kelly Park Rd - Lake County Line	R	2	E	1,400	3,169	2009	OC 2009 Annual Counts	10.1%	3,489	NB/EB	215	142	0.15	YES
Round Lake Road	Orange County Line - SR 46	U	2	D	520	2,143	2009	LC 2010 TMS Report	5.9%	2,270	NB/EB	114	78	0.22	YES
Round Lake Road	SR 46 - Wolf Branch Rd	U	2	D	520	2,893	2009	LC 2010 TMS Report	9.8%	3,175	NB/EB	193	158	0.37	YES
Sadler Avenue	Lake County Line - Orange Blossom Tr	T	2	D	704	4,748	2009	OC 2009 Annual Counts	7.7%	5,112	SB/WB	217	249	0.35	YES
Sadler Avenue/Sadler Road	Orange Blossom Tr - Round Lake Rd	T	2	D	704	2,043	2009	OC 2009 Annual Counts	3.6%	2,117	NB/EB	122	96	0.17	YES
Schopke Lester Road	Lake Francis Dr - Old Dixie Hwy	U	2	E	792	2,164	2007	2009 Apopka CMS	12.2%	2,959	NB/EB	189	94	0.24	YES
Vick Road	Old Dixie Hwy - Martin St	T	2	E	1,420	8,981	2009	2009 Apopka CMS	5.2%	9,449	NB/EB	571	350	0.40	YES
Vick Road	Martin St - Welch Rd	T	2	E	1,420	8,130	2009	2009 Apopka CMS	5.7%	8,597	NB/EB	529	336	0.37	YES
Vick Road	Welch Rd - Lake Francis Dr	T	2	E	1,420	11,147	2009	2009 Apopka CMS	5.9%	11,808	SB/WB	431	713	0.50	YES
Vick Road	Lake Francis Dr - Lester Rd	T	2	E	1,420	8,055	2009	2009 Apopka CMS	8.9%	8,770	NB/EB	552	322	0.39	YES
Vick Road	Lester Rd - Ponkan Rd	T	2	E	1,420	3,523	2009	2009 Apopka CMS	8.9%	3,835	NB/EB	260	153	0.18	YES
Wolf Branch Road	US 441 - Britt Rd	U	2	D	572	7,849	2009	LC 2010 TMS Report	2.0%	8,006	NB/EB	421	299	0.74	YES
Wolf Branch Road	Britt Rd - CR 437	T	2	D	520	3,319	2009	LC 2010 TMS Report	2.0%	3,385	NB/EB	182	167	0.35	YES
Yothers Road	US 441 - Plymouth Sorrento Rd	U	2	E	792	1,072	2009	2009 Apopka CMS	2.0%	1,093	NB/EB	52	50	0.07	YES

Table 8: Existing Roadway Conditions Continued

EXISTING INTERSECTION CAPACITY ANALYSIS

Intersection	Control	EB		WB		NB		SB		Overall Delay (sec)	Existing LOS
		Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)	LOS		
SR 46 & CR 437 South	Signal	27.2	C	13.3	B	39.3	D	--	--	25.7	C
SR 46 & Round Lake Road	Signal	13.3	B	15.4	B	19.0	B	19.2	B	16.0	B
US 441 & Sadler Avenue	Signal	52.3	D	29.1	C	30.4	C	24.0	C	29.5	C
US 441 & Plymouth-Sorrento Road	Signal	14.2	B	148.0	F	--	--	47.4	D	88.3	F
Ondich Road & Round Lake Road	Stop	--	--	10.7	B	--	--	7.7	A	--	--
Kelly Park Road & Round Lake Road	Stop	--	--	12.0	B	--	--	7.9	A	--	--
Kelly Park Road & Golden Gem Road	Stop	--	--	7.6	A	9.6	A	--	--	--	--
Kelly Park Road & Plymouth-Sorrento Road	Signal	21.6	C	22.0	C	12.3	B	11.8	B	15.4	B
Kelly Park Road & Jason Dwelley Parkway	Stop	--	--	7.8	A	10.9	B	--	--	--	--
Sadler Road & Round Lake Road	Stop	11.0	B	11.8	B	7.5	A	7.8	A	--	--
Ponkan Road & Round Lake Road	Stop	7.8	A	8.2	A	10.7	B	11.3	B	--	--
Ponkan Road & Golden Gem Road	Stop	7.5	A	--	--	--	--	9.8	A	--	--
Ponkan Road & Plymouth-Sorrento Road	Signal	15.2	B	15.1	B	13.4	B	9.2	A	12.7	B

* Note: For Stop controlled intersections, delay and LOS are resported for the approaches

Table 9: Existing Intersection Capacity

Table 10: Trip Generation

Summary of Pm Peak Hour Trip Generation – Phase 1

Land Use	ITE LUC	Size	Units	Trip Generation Formula/Rate ⁽¹⁾	Calculated Rate	Enter/Exit Split	Total PM Peak Trips	Entering	Exiting
Single Family Residential Homes	210	0	DU	$\text{Ln (T)} = 0.90 \text{ Ln (X)} + 0.51$	0.00	63/37	0	0	0
Multi-Family Residential Apartments	220	300	DU	$T = 0.55(X) + 17.65$	0.61	65/35	183	119	64
Commercial/Retail	820	100	KSF	$\text{Ln (T)} = 0.67 \text{ Ln (X)} + 3.37$	6.36	49/51	636	312	324
General Office Space	710	100	KSF	$T = 1.12(X) + 78.81$	1.91	17/83	191	32	159
Light Industrial	110	200	KSF	$T = 0.97 * X$	0.97	12/88	194	23	171
Hotel/Motel	310	0	Rooms	$T = 0.70 * X$	0.00	48/52	0	0	0
Hospital	610	0	Beds	$T = 1.31 * X$	0.00	36/64	0	0	0
Community College	540	1,866	Students	$T = 0.12 * X$	0.12	64/36	224	143	81
Institutional/Government Building	730	50	KSF	$T = 1.21 * X$	1.22	31/69	61	19	42
Regional Park	417	40	Acres	$T = 0.20 * X$	0.20	50/50	8	4	4
Total Unadjusted Trips							1,497	652	845
Internal Capture (ITE)							(166)	(83)	(83)
Pass-By PM Peak Hour Trips ⁽²⁾							(32)	(16)	(16)
Cumulative New External PM Peak Hour Trips Through Phase 1A							1,299	553	746

Notes:

(1) Trip Generation Formula and Rates are obtained from the ITE Trip Generation, 8th Edition.

(2) Pass-by trips for the commercial land uses are capped at 10% of adjacent street traffic

Table 21 - 7B

Summary of Pm Peak Hour Trip Generation – Phase 2

Land Use	ITE LUC	Size	Units	Trip Generation Formula/Rate ⁽¹⁾	Calculated Rate	Enter/Exit Split	Total PM Peak Trips	Entering	Exiting
Single Family Residential Homes	210	0	DU	$\ln(T) = 0.90 \ln(X) + 0.51$	0.00	63/37	0	0	0
Multi-Family Residential Apartments	220	700	DU	$T = 0.55(X) + 17.65$	0.58	65/35	403	262	141
Commercial/Retail	820	225	KSF	$\ln(T) = 0.67 \ln(X) + 3.37$	4.87	49/51	1,095	537	558
	820	225	KSF	$\ln(T) = 0.67 \ln(X) + 3.37$	4.87	49/51	1,095	537	558
General Office Space	710	640	KSF	$T = 1.12(X) + 78.81$	1.24	17/83	796	135	661
Light Industrial	110	3,500	KSF	$T = 0.97 * X$	0.97	12/88	3,395	407	2,988
Hotel/Motel	310	100	Rooms	$T = 0.70 * X$	0.70	48/52	70	34	36
Hospital	610	200	Beds	$T = 1.31 * X$	1.31	36/64	262	94	168
Community College	540	1,866	Students	$T = 0.12 * X$	0.12	64/36	224	143	81
Institutional/Government Building	730	100	KSF	$T = 1.21 * X$	1.21	31/69	121	38	83
Regional Park	417	73	Acres	$T = 0.20 * X$	0.21	50/50	15	7	8
Total Unadjusted Trips							7,476	2,194	5,282
Internal Capture (ITE)							(1,012)	(506)	(506)
Pass-By PM Peak Hour Trips ⁽²⁾							(36)	(18)	(18)
Cumulative New External PM Peak Hour Trips Through Phase 2							6,428	1,670	4,758

Notes:

(1) Trip Generation Formula and Rates are obtained from the ITE Trip Generation, 8th Edition.

(2) Pass-by trips for the commercial land uses are capped at 10% of adjacent street traffic.

Table 10: Trip Generation Continue

Summary of Pm Peak Hour Trip Generation – Phase 3

Land Use	ITE LUC	Size	Units	Trip Generation Formula/Rate ⁽¹⁾	Calculated Rate	Enter/Exit Split	Total PM Peak Trips	Entering	Exiting
Single Family Residential Homes	210	250	DU	$\ln(T) = 0.90 \ln(X) + 0.51$	0.96	63/37	240	151	89
Multi-Family Residential Apartments	220	850	DU	$T = 0.55(X) + 17.65$	0.57	65/35	485	315	170
Commercial/Retail	820	550	KSF	$\ln(T) = 0.67 \ln(X) + 3.37$	3.62	49/51	1,993	977	1,016
	820	550	KSF	$\ln(T) = 0.67 \ln(X) + 3.37$	3.62	49/51	1,993	977	1,016
General Office Space	710	1,281	KSF	$T = 1.12(X) + 78.81$	1.18	17/83	1514	257	1,257
Light Industrial	110	4,500	KSF	$T = 0.97 * X$	0.97	12/83	4,365	524	3,841
Hotel/Motel	310	200	Rooms	$T = 0.70 * X$	0.70	48/52	140	67	73
Hospital	610	400	Beds	$T = 1.31 * X$	1.31	36/64	524	189	335
Community College	540	1,866	Students	$T = 0.12 * X$	0.12	64/36	224	143	81
Institutional/Government Building	730	160	KSF	$T = 1.21 * X$	1.21	31/69	194	60	134
Regional Park	417	93.8	Acres	$T = 0.20 * X$	0.20	50/50	19	9	10
Total Unadjusted Trips							11,691	3,669	8,022
Internal Capture (ITE)							(1,842)	(921)	(921)
Pass-By PM Peak Hour Trips ⁽²⁾							(39)	(20)	(19)
Cumulative New External PM Peak Hour Trips Through Phase 3							9,810	2,728	7,082

Notes:

(1) Trip Generation Formula and Rates are obtained from the ITE Trip Generation, 8th Edition.

(2) Pass-by trips for the commercial land uses are capped at 10% of adjacent street traffic

Table 21 - 7D

Summary of Pm Peak Hour Trip Generation – Phase 4

Land Use	ITE LUC	Size	Units	Trip Generation Formula/Rate ⁽¹⁾	Calculated Rate	Enter/Exit Split	Total PM Peak Trips	Entering	Exiting
Single Family Residential Homes	210	500	DU	$\text{Ln (T)} = 0.90 \text{ Ln (X)} + 0.51$	0.89	63/37	447	282	165
Multi-Family Residential Apartments	220	1,050	DU	$T = 0.55(X) + 17.65$	0.57	65/35	595	387	208
Commercial/Retail	820	686.14	KSF	$\text{Ln (T)} = 0.67 \text{ Ln (X)} + 3.37$	3.37	49/51	2,312	1,133	1,179
	820	686	KSF	$\text{Ln (T)} = 0.67 \text{ Ln (X)} + 3.37$	3.37	49/51	2,312	1,133	1,179
General Office Space	710	1,920.996	KSF	$T = 1.12(X) + 78.81$	1.16	17/83	2230	379	1,851
Light Industrial	110	5,227.2	KSF	$T = 0.97 * X$	0.97	12/88	5,070	608	4,462
Hotel/Motel	310	400	Rooms	$T = 0.70 * X$	0.70	48/52	280	134	146
Hospital	610	400	Beds	$T = 1.31 * X$	1.31	36/64	524	189	335
Community College	540	1,866	Students	$T = 0.12 * X$	0.12	64/36	224	143	81
Institutional/Government Building	730	174.24	KSF	$T = 1.21 * X$	1.21	31/69	211	65	146
Regional Park	417	93.75	Acres	$T = 0.20 * X$	0.20	50/50	19	9	10
Total Unadjusted Trips							14,224	4,462	9,762
Internal Capture (ITE)							(2,144)	(1,072)	(1,072)
Pass-By PM Peak Hour Trips ⁽²⁾							(42)	(21)	(21)
Cumulative New External PM Peak Hour Trips Through Phase 4							12,038	3,369	8,669

Notes:

(1) Trip Generation Formula and Rates are obtained from the ITE Trip Generation, 8th Edition.

(2) Pass-by trips for the commercial land uses are capped at 10% of adjacent street traffic

Mode Split pertains to the percentage of trips that are taken via transit, including private charter. For this analysis, it is assumed that no additional transit reduction beyond that which is inherent in the ITE trip generation rates would be taken. With the recommendations for transit, it is likely that some transit trips will occur and this should be reflected in the results of future monitoring and modeling events.

Planned and programmed improvements for future years are improvements within the first 5 years of the adopted work program of the Florida Department of Transportation (FDOT) or local government, and have a guaranteed funding source. The Department of Community Affairs' (DCA) rules will recognize projects scheduled for construction within the first 3 years of the list as applicable for mitigation purposes. Table 11 shows Programmed Roadway Improvements.

Table 11: Planned Programmed Roadway Improvements

Project Name	Limits	Description	Phase	Year
ROADWAY				
SR 46	US 441 to Seminole County Line	Widen to 4 Lanes	ROW	2013
SR 429 – Wekiva Expressway	US 441 to Interstate 4	New 4- Lane Expressway	DESIGN	2010
BICYCLE/PEDESTRIANS				
Wekiva Trail	Adjacent to Wekiva Expressway	Shared Use Path	--	--
Lulu Creek Trail	West Orange Trail to Lake Apopka	Shared Use Path	CST	2011
West Orange Trail Phase 4	Rock Springs Rd/Welch Rd Intersection to Kelly Park/Wekiva Springs State Park	Shared Use Path	PE/CST	--

*For informational purposes only

Future Traffic Conditions

Table 12 lists the Phase I intersection improvement needs. No intersection analysis was conducted after Phase I as the intersections are only evaluated for the proposed phase of development. Table 13 depicts future roadway improvement needs based on maintaining the currently adopted levels of service within each jurisdiction. These improvements are likely to change based on future Monitoring and Modeling studies as well as policy changes to minimum levels of service requirements.

Table 12: Phase I Intersection Improvement Needs

Roadway/Intersection	Proposed Improvement
SR 46 at CR 437 South	Provide a NB right-turn lane
US 441 at Sadler Avenue	Provide EB and WB left-turn lanes
US 441 at Plymouth-Sorrento Road	Re-stripe to provide an EB and WB auxiliary through lane along US 441. Restripe SB approach to provide an exclusive SB right-turn and shared SB lane for left and right-turns.
Kelly Park Road at Round Lake Road	Add WB right-turn lane.
Kelly Park Road at Plymouth-Sorrento Road	Add EB left-turn lane and re-time signal
Ponkan Road at Plymouth-Sorrento Road	Add NB left-turn lane and re-time signal

Table 13: Future Roadway Improvement Needs

Phase 2 (2020)			
Roadway	From	To	Improvement Need
US 441	Yothers Road	Hermit Smith Road	6 Lane Divided
	Plymouth Sorrento	Park Avenue	6 Lane Divided

	Road		
SR 46	Vista View	Round Lake Road	4 Lane Divided
	CR 437 South	CR 437 North	4 Lane Divided
Welch Road	Vick Road	Rock Springs Road	4 Lane Divided
Golden Gem Road	Kelly Park Road	Ponkan Road	4 Lane Divided
Kelly Park Road	Golden Gem Road	Plymouth Sorrento Road	4 Lane Divided
Round Lake Road	Orange County Line	Wolf Branch Road	4 Lane Divided
Phase 3 (2025)			
US 441	SR 19/Duncan Drive	US 19/Bay Street	8 Lane Divided Equivalent
	Donnelly Street	Wolf Branch Road	6 Lane Divided
	Yothers Road	Bradshaw Road	6 Lane Divided
SR 46	US 441	Round Lake Road	4 Lane Divided
	CR 437 South	CR 437 North	4 Lane Divided
SR 429 (Expressway)	Florida's Turnpike	Plant Street	6 Lane Expressway
CR 435/Park Avenue	Orange Street	US 441	6 Lane Divided
CR 435/Clarcona Road	Keene Road	Clarcona-Ocoee Road	4 Lane Divided
Welch Road	Vick Road	Rock Springs Road	4 Lane Divided
Golden Gem Road	Kelly Park Road	Ponkan Road	4 Lane Divided
Kelly Park Road	Golden Gem Road	Jason Dwelley Parkway	4 Lane Divided
Round Lake Road	Orange County Line	Wolf Branch Road	4 Lane Divided
Sadler Road	Lake County Line	Round Tree Road	4 Lane Divided
Vick Road	Welch Road	Lake Francis Drive	4 Lane Divided
Wolf Branch Road	US 441	Britt Road	4 Lane Divided

Phase 4 (2030)			
US 441	CR 473	Old US 441	8 Lane Divided Equivalent
	SR 19/Duncan Drive	Donnelly Street	8 Lane Divided Equivalent
	Donnelly Street	Sadler Road	6 Lane Divided
	Yothers Road	Bradshaw Road	6 Lane Divided
SR 46	US 441	Round Lake Road	4 Lane Divided
	CR 437 South	CR 437 North	4 Lane Divided
SR 429 (Expressway)	Florida's Turnpike	Apopka Bypass	6 Lane Expressway
CR 435/Rock Springs Road	Kelly Park Road	Rock Ridge Boulevard	6 Lane Divided
	Welch Road	Sandpiper Road	6 Lane Divided
CR 435/Park Avenue	US 441	M Gladded Boulevard	4 Lane Divided
CR 435/Clarcona Road	Cleveland Street	Clarcona-Ocoee Road	4 Lane Divided
CR 437	SR 44	Orange County Line	4 Lane Divided
Welch Road	Vick Road	Ustler Road	4 Lane Divided
Golden Gem Road	Kelly Park Road	Ponkan Road	4 Lane Divided
Kelly Park Road	Round Lake Road	Jason Dwelley Parkway	4 Lane Divided
Kelly Park Road	Mt. Plymouth- Sorrento Road	Rock Springs Road.	4 Lane Divided
CR 435	Orange County Line	Dubstead Drive	4 Lane Divided
Round Lake Road	Kelly Park Road	Wolf Branch Road	4 Lane Divided
Sadler Road	Lake County Line	Round Tree Road	4 Lane Divided
Vick Road	Welch Road	Lester Road	4 Lane Divided
Wolf Branch Road	US 441	Britt Road	4 Lane Divided

Issues

1. Wekiva Parkway

The Parkway represents a 1.8 billion dollar investment in the northwest Orlando area. The Kelly Park Crossing DRI is dependent on this roadway for capacity with about 34% of the 12,000 peak hour trips at buildout. Phase 1 development has been sized to work without the Parkway; however a recommendation states that the project cannot begin Phase 2 unless the Parkway is operational. Questions have been raised about the source of funding and there is the chance that the construction may be delayed.

The capacity of the Parkway interchange with Kelly Park Road may be reached sooner than originally planned. This interchange was designed to accommodate approximately 10,000 trips per day and the project will ultimately have approximately 40,000 trips using this interchange and utilize over 40% of the capacity for the Wekiva Parkway on some segments. The Monitoring and Modeling required prior to each phase should address this concern.

2. Roadway Improvements

For Phase 1, only intersection improvements are required. However, in later phases, the high number of trips from this project will severely impact the network in the area, which is primarily comprised of rural two lane roadways. The rural character will be impacted by the traffic, potentially requiring the 4 and even six laning of these roadways. The local government can either adopt policies to keep the area rural and maintaining two lane facilities or they can work to set up a network of parallel facilities through this site and in the area to provide for alternative routes and additional capacity. These alternatives will be explored at the time of Monitoring and Modeling prior to the beginning of each phase.

3. Transit

No transit is currently provided in this rural area. As the project develops, the Developer will work with LYNX to ensure that transit is included as a means for moving people. The Orange Blossom Express is a potential passenger rail service along the US 441 Corridor that be one part of the solution. A recommendation addresses the need to cooperate with LYNX for transit accommodations and to potentially provide a shuttle to the rail route if it does materialize.

4. Other

The newly enacted HB 7207 does not require a developer to contribute to a roadway widening if the roadway is already deficient. This project will utilize much of the existing capacity on the two lane roadways with its Phase 1 development. Phase 2 impacts may be measured against already deficient roadways, thereby eliminating this project's liability for addressing its impacts for Phase 2 development. This may limit the ability of the city, county and state to make improvements.

Economic Development and Fiscal Impact Information

Table 14 Identifies Revenue Sources Expected From This Project.

Table 14: Revenue Sources Expected From This Project

Revenue Source	Amount
Ad- Valorem (per year after build-out)	\$ 632,832 million (city, county, WMD, School)
Sales Tax from Construction Material	\$39,254 million

Source: Ivey Planning Group

The expenditures have not been identified for all services that will be provided in exchange for the various taxes and fees that the project will generate.

Council staff estimated the number of jobs and wages in Table 15.

Table 15: Kelly Park Crossing DRI Projected Employment and Wages

Land Use	Phase 1	Phase 2	Phase 3	Phase 4	Total	Annual Wage
Office	100,000	540,000	641,000	639,000	1,920,996	\$ 40,270
Jobs	230	1244	1477	1472	4424	\$ 178,152,995
Light Industrial	200,000	3,330,000	1,000,000	727,200	5,257,200	\$ 40,270
Jobs	225	3742	1124	817	5907	\$ 237,873,533
Retail/Commercial	100,000	450,000	550,000	272,140	1,372,140	\$ 40,270
Jobs	112	506	618	306	1542	\$ 62,085,481
Community College	130,680				130,680	\$ 40,270
Jobs	165				165	\$ 6,644,550
Medical		250,000	272,720		522,720	\$ 40,270
Jobs		499	544		1043	\$ 42,015,837
Institutional	50,000	50,000	60,000	14,250	174,250	\$ 40,270
Jobs	56	56	67	16	196	\$ 7,884,323
Total Jobs	13,277					Total

\$ 534,656,719

Source: REMI, Inc. and U.S. Energy Information Administration - EIA, Dec. 2006

Police and Fire

The proposed development will have an impact on the demand for police and fire services. The Apopka Police Department did not respond other than to email that they "have no major concerns". The Apopka Fire Department noted that the cost to cover this area would be about \$1.9 million. The applicant noted that this included buildings and would be paid for through ad valorem taxes.

Schools

Apopka High School currently has available capacity, however Zellwood Elementary School and Wolf Lake Middle School are currently over capacity. The table 16 below shows the applicable school capacity, current enrollment and the following table shows project's student generation, and table 17 shows project student generation.

Table 16: Phase 1 Schools Impacted by Proposed Development

Schools	Permanent School Capacity	School Enrollment (1/11)	Utilization (1/11)
Zellwood Elementary	338	526	156%
Wolf Lake Middle	1109	1117	101%
Apopka High School	3020	2652	88%

Source: Orange County School District

Table 17: Student Generation from Kelly Park Crossing

School Type	Elementary	Middle	High
Phase 1 Student Generation	42	17	20
Phase 2 Student Generation	98	39	47
Phase 3 Student Generation	175	74	91
Phase 4 Student Generation	259	112	138

Source: Orange County School District - Planning Services Department

The applicant is still coordinating with Orange County Public Schools (OCPS) regarding school impacts. A mitigation plan has not been established at this point. A letter from OCPS is in the appendices. Prior to the issuance of residential building permits, an agreement will be reached between the developer and OCPS.

While the 2011 legislature allowed school concurrency to be optional, the ordinance in Orange County has not yet been eliminated, nor is there any indication that this will occur anytime soon. The school board has an existing agreement between the local governments within the county to ensure that impacts affecting school capacity are addressed through the concurrency process.

Solid Waste Facility Proximity

These issues will be addressed during the local permitting process. The Developer should be aware of these issues and may want to alter the plan of development to limit residential units proximate to the landfills.

Issues for Local and Regional Consideration

Green Building Practices

Governor Charlie Crist signed Executive Order 07-126 on July 13, 2007 that sets immediate actions for Florida State Government to reduce greenhouse gases. This Executive Order requires that all Florida State Government buildings establish a baseline of energy consumption, build new buildings to the USGBC's LEED for New Construction Standards, adapt existing State owned buildings to the LEED Existing Buildings standard, and require leases to be signed in buildings that meet the ENERGY STAR standard.

The ECFRPC adopted a similar policy to recommend that DRIs certify the project with a green building rating system, use ENERGY STAR appliances, meet Florida Water Star™ standards, and implement "Dark Sky" measures. These policies were adopted on June 20th of 2007.

Green Building is the practice of increasing the efficiency with which buildings and their sites use and harvest energy, water, and materials, and implementing practices that reduce the building's impacts on human health and the environment. This is achieved through better site planning, construction, operation, and maintenance. The overall design of a project helps to address these issues by incorporating mixed uses to reduce automobile trips, increasing their density, which reduces the building footprint and impervious surfaces, or by incorporating materials and practices that save water, energy, and improve the quality of the air inside the building.

The items below will be included in the Council's recommended conditions for approval for Developments of Regional Impact.

Recommendation #1

Construction standards shall meet any of the following: the USGBC Leadership in Energy and Environmental Design (LEED) program, the Florida Green Building Coalition (FGBC), the Green Building Initiative's Green Globes program, or any other nationally-recognized, green building system that is approved by the Department of Management Services DMS (DMS).

Recommendation #2

Equipment and appliances shall, at a minimum, meet the ENERGY STAR standard.

Recommendation #3

Construction shall be designed to meet, at a minimum, Water Star standards. (Developed by the SJRWMD)

Recommendation #4

"Dark skies" measures shall be implemented, however may not be possible near the proposed interchange.

Recommendation #5

ECFRPC staff recommends incorporation of the latest in best management practices in stormwater technology, such as swales within the medians of parking areas, use of pervious pavers and swales. Rain gardens and green roofs are also encouraged within the site. The pictures on the following page display examples of these practices.

Green roofs can provide several benefits and have an estimated payback period of less than ten years. Many factors contribute to the cost of green roofs, including the intended purpose for the end user. However, for the purpose of energy efficiency and stormwater management, these costs are less than if active recreation is intended. Some facts from the UCF Stormwater Management Academy to consider are:

Early design and planning is less expensive than retrofitting an existing roof.

A green roof is 47% more efficient than a high albino (white) roof for lessening heat absorption.

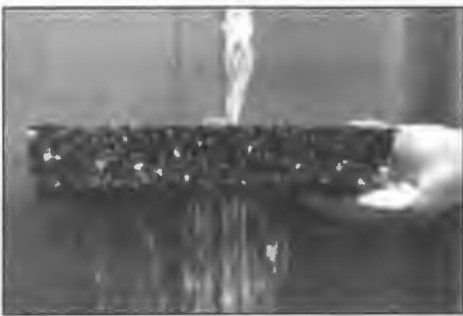
The Water Management Districts recognize the benefits of a green roof for stormwater retention and will require less on the property when a green roof processes the water.

- A green roof typically is 87% stormwater efficient.
- Maintenance is required two times a year to check the irrigation system and "pull weeds".
- Native ground cover is applicable.
- The life of the roof is extended by two to three times.
- Energy companies typically give a per square foot rebate toward the costs.

The Applicant has committed Water Star and to the following green building practices "where applicable", which will be implemented throughout the Kelly Park Crossing DRI.



The pictures on the left are of urban rain gardens from the Natural Resources Defense Council's *Rooftops to Rivers* publication. The pictures on the right are of a pervious parking lot with stormwater swales at Sanibel



Pervious pavement made from recycled content can be used in parking lots for a more finished look that achieve similar stormwater management benefits.



Target has installed "green roofs" on four of its Chicago stores. A green roof requires the planting or placing of vegetation on top of a conventional roof.

Target's green roof in Chicago, IL.
Published in *Professional Retail Store Maintenance*, Dec 2005/Jan 2006
©2006 France Publications, Inc. Atlanta, GA

Regional Vision 2050

The How Shall We Grow? Regional Visioning Exercise (2006-2007) was about local choice. Compact development and sprawling development patterns were shown to have clear and measurably different impacts on regional systems and facilities. While the overwhelming choice of residents in Central Florida was not to continue sprawling, single use, low density development patterns, this choice must be made by local governments. The Regional Growth Compact signed by the Central Florida Joint Policy Framework Committee declared the inter-dependence of communities in our region to follow the Central Florida Regional Growth Vision, as a community-generated guide for the future development of the region.

The principles from the How Shall We Grow? Regional Compact signed in August of 2007 call for new development to adhere to six principles. The principles are:

- Preserve open space, recreational areas, farmland, water resources, and regionally significant natural areas.
- Provide a variety of transportation choices.
- Foster distinct, attractive, and safe places to live.
- Encourage a diverse, globally competitive economy.
- Create a range of obtainable housing opportunities and choices.
- Build communities with education and cultural amenities.

The ensuing ECFRPC Strategic Regional Policy Plan (SRPP) 2060 Plan further refines the principles of the Regional Vision.

IV. Regional Planning Council Recommendations

Section 4. Recommendations

Kelly Park Crossing Development of Regional Impact

Project Location: City of Apopka

Project size: 624 acres

I. Introduction

The Kelly Park Crossing DRI Application for Development Approval (ADA) has been reviewed to consider whether, and the extent to which:

- 1) The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state and regional plans.
- 2) The development will significantly impact adjacent jurisdictions.
- 3) The development will adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment (380.06(12)(a), F.S.).

II. Findings and Recommendations

The East Central Florida Regional Planning Council (ECFRPC) recommends to the City of Apopka that the Kelly Park Crossing DRI ADA be approved subject to the following recommendations being included as part of the city's Development Order (DO). These minimum conditions are not intended to address issues of local significance.

A. Land Area

1. The DRI DO shall govern the development of lands totaling approximately 624 gross acres in the City of Apopka, as described in the accompanying report. Nothing herein is intended to relieve the Developer of any concurrency requirements as set forth in Florida Statutes, Florida Administrative Code or City of Apopka Ordinances.

B. Consistency with the Application for Development Approval - Approved Development Program

2. The Kelly Park Crossing DRI shall be developed in accordance with the information, data, plans and commitments contained in the ADA and supplemental information provided by Responses to Requests for Additional Information and the same are incorporated herein by reference, unless otherwise provided by these recommendations. The final City of Apopka Development Order shall prevail over any conflicting information, data, plan, or commitments. For purposes of this condition, the ADA shall consist of the following items:

- a. ADA dated December 23, 2010
- b. Responses to Requests for Additional Information #1 dated March 29, 2011
- c. Responses to Requests for Additional Information #2 dated June 10, 2011
- d. Project Description: The Project is designed to be a mixed-use, high density development centered around the Kelly Park Road interchange with the proposed Wekiva Parkway. As envisioned in the Wekiva Parkway Protection Act and the City of Apopka's Wekiva Parkway Interchange Plan, the Project plan calls for intense development proximate to the interchange with densities decreasing further from the interchange and with densities being similar to adjacent properties one mile from the interchange.
- e. Total Acreage: 624 gross acres
- f. Legal Description: Attached as "Exhibit A"
- g. Master Development Plan: "Map H" attached as "Exhibit B"
- h. Project Buildout: The Kelly Park Crossing DRI is to be developed as a four-phase project with an anticipated buildout date of 2030.

C. Traffic Impacts- Use of an Equivalency Matrix.

- 60 3. The Developer may increase or decrease the amount of a particular land use
61 within the approved development program by using an Equivalency Matrix, once
62 approved and incorporated into the Development Order as an exhibit, which is
63 based on equivalent peak hour directional trip ends. Use of the Equivalency
64 Matrix may increase or decrease the total amount of each land use by no more
65 than the amount allowed for in the substantial deviation criteria identified in
66 Chapter 380.06(19)(b) 1-14, Florida Statutes, unless the Development Order is
67 amended to accommodate such a change. Greater changes than those
68 discussed above shall be considered cumulatively, and shall be subject to normal
69 Development Order amendment processes.
- 70 4. Additionally, changes in land use must address changes to potable water usage
71 and identify if the potable water capacity and allocation under the applicable
72 consumptive use permit are available.
- 73 5. Any time the Equivalency Matrix is used, DCA (DOE), ECFRPC, the City of
74 Apopka, Orange County, the FDOT, the SJRWMD, and the School Board of
75 Orange County must be provided notice of the proposal at least thirty (30) days
76 in advance of the change. Use of the Equivalency Matrix will be reported on an
77 individual and cumulative basis and Project impacts documented in the biennial
78 report. Any future Notice of Proposed Change ("NOPC") shall incorporate any
79 changes occurring due to the use of the matrix. (T)

80 **D. Natural Systems and Resources**

81 Wildlife - Habitat Conservation and Management.

- 82 6. Permits obtained by the Master Developer from any one or more of the Florida
83 Fish and Wildlife Conservation Commission ("FFWCC") or the U.S. Fish and
84 Wildlife Service ("FWS"), site development activities on the Property shall not
85 result in the harming, pursuit or harassment of wildlife species classified as
86 endangered, threatened or a species of special concern ("listed species") in
87 contravention of applicable State or Federal laws. Should such listed species be
88 at any time determined to be roosting or residing on, or otherwise significantly
89 dependent upon the Project site, the Master Developer or Developer, shall notify
90 FWC, and or FWS, as applicable and to the extent required by laws and

regulations, the Developer shall cease all activities which might negatively affect that individual or population. The Developer shall provide proper protection, to the satisfaction of all agencies with jurisdiction, as required by statute or regulation. "Harming" and "harassment" as used in this recommendation shall be defined in the same manner as "harm" and "harass" respectively are defined in 50 CFR Section 17.3.

7. In exchange for allowing development of the proposed 14 acre preservation area in the southeast portion of the DRI, a preserve is to be established for the protection of gopher tortoises, Sherman's fox squirrel and other listed species and indigenous wildlife in the northwest portion of the DRI. This recommendation, which was put forth by Council staff and conceptually agreed to by the staff of FWC, FDEP and the City of Apopka, would add an additional 77 acres to the 31 acre preserve in the northwest portion of the site and allow development on the 14 acres near the proposed interchange (See Map ___ by ECFRPC). This expanded preservation area is also intended to comply with the intent of the Wekiva Parkway and Protection Act. The preserve shall include, at minimum, the provisions listed below:

- a) The location of the preserve is to include the existing temperate hardwoods and the improved pasture west and north of the temperate hardwoods, in the northern portion of the development (approximately 100 acres). Development is not recommended beyond approximately one mile away from the centerline of the interchange of the Wekiva Parkway with Kelly Park Road;
- b) Mowing, controlled burning or livestock grazing at appropriate stocking rates are to be utilized to maintain vegetation height suitable for gopher tortoises, Sherman's fox squirrels and foraging by sandhill cranes.
- c) Pines, preferably longleaf pine, are to be planted in low densities to increase plant diversity and structure for nesting for Sherman's fox squirrel. Pines are not to be planted in densities that would impact gopher tortoises.
- d) Install kestrel nesting boxes at an appropriate density.

- 123 e) Conduct biennial wildlife and habitat surveys to measure the preserve's
124 success.
- 125 f) Management, maintenance and monitoring of the preserve are to be
126 included in the Wildlife Habitat Management Plan (WHMP).
- 127 g) Pedestrian trails and trail infrastructure (kiosks, signs, etc.) that do not
128 impact listed species are recommended.
- 129
- 130 8. The conservation, preservation and management plan for existing regionally and
131 locally significant natural resources, including listed species, shall be submitted
132 and reviewed by the City of Apopka, the SJRWMD, Orange County, ECFRPC,
133 USFWS and FFWCC as a non-substantial deviation and processed as an NOPC.
134
- 135 9. The Wildlife Habitat Management Plan (WHMP). The ECFRPC recommends
136 that the WHMP address the issues and components listed below (from ECFRPC
137 consultant in concert with the FWC and the FDEP):
- 138 a. Provide adequate buffers for wetlands.
- 139 b. Provide littoral zones planted around identified stormwater management
140 ponds and water storage areas for wading bird usage.
- 141 c. Plant drought tolerant plants adapted to site conditions.
- 142 d. Preserve and manage upland habitats.
- 143 e. Identify recreation uses of conserved areas.
- 144 f. Preserve identified habitats for protection for
- 145 (1) Gopher tortoises and their commensals
- 146 (2) Florida sandhill cranes
- 147 (3) Sherman's fox squirrels: investigate the feasibility of relocating the 3
148 observed Sherman's fox squirrels in the approximately 14 acre live oak area
149 in the southeastern portion of the development. If feasible, said relocation
150 shall be described.
- 151 (4) Other listed species and indigenous wildlife

- g. Provide for the control of feral and free roaming cats to prevent the depredation of Sherman's fox squirrels and other listed species and indigenous wildlife as recommended by the FWC.
- h. Provide for management of gopher tortoises consistent with applicable Florida law.
- i. Establish protocols for exotic and nuisance wildlife and plant control.
- j. Establish wildlife crossings on interior roads to maintain habitat connectivity within natural landscape linkages.
- k. As committed to by the Developer, establish a bear management plan that provides educational materials for residents regarding deterrent methods to reduce human-bear conflicts, provides for a trash receptacle and dumpster program to manage potentially bear and other wildlife intrusion and develops rules or ordinances that require business and residents to secure wildlife attractants to prevent potential conflicts with bears.
- l. Provide for future resident's education regarding the purpose and methods of the WHMP.
- m. Provide for periodic reporting of the outcomes resulting from the WHMP.
- n. Establish conservation easements and adequate funding to secure and manage preserved areas in perpetuity as needed to implement the WHMP. Conservation easements will be conveyed to appropriate grantees after review and approval of the SJRWMD, ECFRPC, Orange County and the City. Such grantees shall have the capacity and capability of conserving the lands and resources contained within a prospective conservation easement. Information about the WHMP shall be recorded as part of the chain of title for each parcel within Kelly Park Crossing DRI.
- o. The WHMP shall also contain a plan for funding all aspects of the WHMP. A Master Property Owners Association or other similar entity (a Community Development District, for example) will be identified as the successor to the Master Developer for long-term funding and implementation of the WHMP.
- p. Any modifications to the WHMP that are approved via the Environmental Resource Permit (ERP) application review and approval process resulting in

issuance of a permit shall be incorporated into the WHMP by reference and reported in the Biennial DRI report. All revised WHMP conditions and copies of the corresponding permits giving rise to the revisions shall be provided to the City within sixty (60) days of the issuance of said permit(s). To the extent either or both of the ERP Permits contain terms and conditions that conflict with terms and conditions of the WHMP, the terms and conditions of the ERP Permits are controlling and the WHMP shall be deemed to be amended so as to conform to the terms and conditions of the ERP Permits.

E. Water Supply and Water Quality

10. It is recommended that the Developer comply with the following recommendations from the SJRWMD:

a. Water Supply and Conservation

1. Each phase shall proceed only upon identification of adequate water supply sources to support the development of said phase through the City's consumptive use permits or other sources that are approved by the SJRWMD without compromising the City's preexisting obligations to meet the needs of current and projected customers (e.g., customers associated with the implementation of the Wekiva Parkway Interchange Plan). The Developer must address future water supply production and must participate with the City in the development of future water supply sources, including alternative water supplies.

2. All available lower-quality sources of water, including storm water, surface water, and reclaimed water, must be distributed for use or used throughout the project in place of higher quality water sources, when deemed feasible, according the SJRWMD rules and applicable state law. Storm water, surface water and reclaimed water shall be maximized as nonpotable water sources for irrigation.

3. In addition to transportation infrastructure, any land use conversion shall also be based on potable water usage and the availability of

- 213 potable water supply and related facilities.
- 214 4. Any wells no longer in use within the DRI boundary shall be properly
- 215 plugged and abandoned in accordance with SJRWMD rules and
- 216 regulations, Any existing, active wells for which the SJRWMD has
- 217 issued a consumptive use permit (CUP) that remain active may
- 218 continue to be used only in accordance with the respective CUP. Any
- 219 change in the use of the wells is subject to SJRWMD's approval of an
- 220 appropriate CUP
- 221 5. Multifamily residential units and nonresidential multi-unit structures
- 222 shall use submeters for potable water.
- 223 6. Best management practices cited by the University of Florida's
- 224 Institute of Food and Agricultural Sciences *A Guide to Florida-Friendly*
- 225 *Landscaping* shall be used for landscape installation, irrigation, and
- 226 fertilizer and pesticide applications. These best management
- 227 practices are as follows:
- 228 a. Incorporate landscape design to minimize the impact of
- 229 fertilizer application.
- 230 b. Use preferred plant materials.
- 231 c. Use appropriate types of fertilizer to avoid the release of
- 232 excess nutrients.
- 233 d. Reduce the rate and frequency of fertilizer and pesticide
- 234 application.
- 235 e. Develop watering schedules consistent with SJRWMD's
- 236 landscape irrigation rule.
- 237 f. Design and maintain systems for drainage control.
- 238
- 239 7. A Waterwise approach shall be used throughout the landscaped
- 240 areas of the development. Irrigated turf grass shall not exceed 60%
- 241 of the landscaped area (except for active play areas and parks) and
- 242 site-appropriate plant species shall be used in all landscaped areas.
- 243 Landscaped area is defined as any pervious area within the proposed
- 244 development that will be altered due to the development, exclusive of
- 245 pervious areas with wetlands, wetland buffers, vegetative buffers

246 between land uses, stormwater systems and required preservation
247 areas. Refer to SJRWMD's Waterwise Florida Landscapes, available
248 online at floridaswater.com/waterwiselandscapes, or other
249 comparable guides.

250 8. Separate irrigation zones shall be required for turf and non-turf areas
251 throughout all land uses (residential and commercial) to avoid
252 irrigation of landscaped areas when irrigating the turf zone(s).
253 Landscaped areas shall not be irrigated using high-volume irrigation
254 systems. All irrigation systems shall use a rain shutoff device, such
255 as a rain sensor or soil moisture sensor (per Florida Statutes), to
256 override unnecessary irrigation events.

257 9. All DRI-related construction shall meet, at a minimum, Florida Water
258 Star design standards, in accordance with the East Central Florida
259 Regional Planning Council's policy approved on June 20, 2007.

260 10. The covenants, codes and deed restrictions shall require that only
261 U.S. Environmental Protection Agency WaterSense-labeled water-
262 conserving fixtures or equivalent performing fixtures shall be installed
263 in all residential and nonresidential buildings and structures.

264 11. The covenants, codes and deed restrictions shall require that only
265 U.S. Environmental Protection Agency Energy Star-labeled water-
266 conserving fixtures or equivalent performing fixtures shall be installed
267 in all residential and nonresidential buildings and structures.

268 12. The Developer shall implement the water conservation practices
269 described in the DRI Application for Development Approval and
270 subsequent sufficiency responses to maximize water conservation
271 and enhance water quality.

272

273 **b. Potable and non potable water infrastructure**

274 a. The Developer shall commit to the timing and funding of potable
275 water and nonpotable water infrastructure projects that are needed to

276 support the Kelly Park Crossing development.

277 b. A distribution system for nonpotable water (i.e., storm water, surface
278 water and reclaimed water) shall be installed throughout the entire
279 project area concurrent with development for all land uses within the
280 project (i.e., residential and nonresidential). The non potable
281 distribution system shall be developed in parallel to the potable
282 water system and maintained for utilization when sufficient
283 quantities of storm water, surface water or reclaimed water are
284 available for irrigation. All irrigation systems installed in the
285 development shall be designed to accept nonpotable water.

286 **c. Stormwater Management**

287 a. The stormwater management system shall be designed as a
288 stormwater reuse system, when feasible, to maximize the amount
289 of surface water that will be available for irrigation needs
290 throughout the development. **(end SJRWMD recommendations)**

291 11. The Master Developer and all other developers doing work within the Kelly Park
292 Crossing DRI will employ best management practices for erosion and turbidity
293 control and these practices must be detailed on construction plans that are subject
294 to review by the City of Apopka.

295 12. The Developer shall obtain water from the City subject to the City's rate resolutions
296 and ordinances.

297 **F. Public Facilities**

298 13. The Master Developer shall be responsible to design, construct and pay for sewer
299 lines to service the Project.

300 **G. Stormwater**

301 14. Low Impact Development (LID) techniques are recommended for the stormwater
302 system to the extent allowed by the SJRWMD. The Project is in a high recharge
303 part of the region with several Karst formations, and as such, stormwater systems

that minimize runoff and help prevent pollutants from entering the runoff should be maximized. The Wekiva Parkway and Protection Act specifically addresses the need for stormwater systems that protect the most effective recharge areas, karst features and sensitive natural habitats. Consultation with the Program for Resource Efficient Communities at the University of Florida's Institute for Food and Agricultural Services is recommended.

15. The site is in the Rock Springs Run impaired basin (impaired for nutrients) and shall be assessed for existing contamination from prior agricultural uses and increased requirements for pollution abatement treatment of stormwater through the Basin Management Action Plans being developed by the FDEP.

H. Landscape Standards

16. It is recommended that all landscapes be substantially designed, installed and managed in accordance with the University of *Florida's Florida Yards & Neighborhoods Recognition Checklist* (January 2007 version). The following actions are recommended:

- a. Provide for low maintenance landscapes with minimal need for fertilizer, pesticides and irrigation.
- b. Minimize soil compaction during construction.
- c. Use soil moisture sensor to control watering.
- d. Use drought tolerant plants adapted to local conditions using materials selected from the SJRWMD *Water Wise Plant Guide* for 75% of the DRI.
- e. Discourage St. Augustine grass.
- f. Fertilizer application practices should be consistent with and utilize the Best Management Plan titled "Florida Yard and Neighborhoods Recognition Checklist".
- g. Plants listed on the most current edition of Florida Exotic Pest Plant Council's List of Invasive Plant Species are prohibited
- h. Use integrated Pest Management ("IPM") to minimize groundwater impacts.

I. Affordable Housing

17. The Affordable Housing Analysis prepared for the Kelly Park Crossing DRI ADA using the approved ECFRPC methodology concluded that affordable housing will be available at the conclusion of Phase 1. Additional studies shall be conducted for all future phases prior to their commencement. If the ECFRPC methodology is applied, compliance with the ECFRPC methodology shall also mean meeting the requirements to appropriately mitigate impacts for each phase as identified in said methodology. Regardless, the Developer should target not less than ten percent (10%) of the residential development evenly distributed within each phase in which housing is built to be constructed as either for sale or rental housing product that is attainable by those persons whose incomes fall between eighty percent (80%) and one hundred forty percent (140%) of Orange County's Average Median Income. Continuing affordability provisions may, if appropriate, be included in the leasing agreements, deed for the land or other applicable mechanisms. The Kelly Park Crossing DRI can mitigate for very low and/or low affordable housing deficiencies with accessory dwelling units.

18. Accessory Dwelling Units ("ADUs") are recommended in the Kelly Park Crossing DRI and may be used as guest quarters or may be leased as dwelling units subservient to the single-family dwelling unit to which it is a part. ADUs will not be counted as part of the density calculation for the development, but they will be subject to school concurrency review. Trips shall be measured and mitigated to the extent required as part of the Monitoring and Modeling process hereinafter described. Neither the Master Developer, nor its successor, will pay impact fees on the ADUs developed. ADUs will be counted as part of the inventory of affordable housing and may, or may not have separate utility infrastructure and metering.

J. Schools

19. The Kelly Park Crossing DRI shall enter an agreement with the Orange County School Board to address school capacity needs created by the DRI. A school site within the DRI is encouraged.

365 **K. Transportation**

366 20. The Kelly Park Crossing DRI shall be divided into the following vehicular traffic
 367 phases based on reaching any of the following thresholds or years, as indicated
 368 below.

Phase & Year	Daily Trips	Daily Trips Cumulative	External* Daily Trips	External* Daily Trips Cumulative	Peak Hour Trips	Peak Hour Trips Cumulative	External* Peak Hour Trips	External* Peak Hour Trips Cumulative
Phase 1 2015	17,907	17,907	16,121	16,121	1,497	1,497	1,332	1,332
Phase 2 2020	58,868	76,775	46,078	62,199	5,979	7,476	5,089	6,430
Phase 3 2025	40,708	117,483	32,375	94,574	4,215	11,691	3,507	9,937
Phase 4 2030	21,041	138,521	47,388	111,962	2,533	14,224	2,153	12,090

369 External trips reflect anticipated internalization reductions but not passer-by reductions
 370

371 **Monitoring and Modeling**

372 21. Prior to the initiation of each phase as identified in the preceding paragraph, the
 373 Master Developer shall conduct a monitoring/modeling program. This program
 374 shall ascertain the Level of Service ("LOS") on facilities where the Kelly Park
 375 Crossing DRI is estimated to contribute an amount of traffic greater than or equal
 376 to five percent (5%) of the adopted LOS service volume. The methodology of the
 377 monitoring/modeling (M&M) program shall be agreed upon by the City of Apopka,
 378 the ECFRPC, Orange County, Lake County, the Florida Department of
 379 Transportation ("FDOT"), and the Florida Department of Community Affairs (or
 380 succeeding agency) and the Developer. The depth of each monitoring and
 381 modeling effort shall be similar to that required within an ADA (to include all
 382 subsequent phases for projected roadway adversity testing) but shall be consistent
 383 with the requirements of the City of Apopka Concurrency Management Systems (if
 384 in effect) as it relates to facilities within that jurisdiction. All studies and
 385 monitoring/modeling programs shall be consistent with the ECFRPC's
 386 methodology. Empirical data will be required to be collected for the monitoring and
 387 modeling program on facilities where it is estimated that the project contributes an
 388 amount of traffic greater than or equal to five percent (5%) of the adopted LOS

maximum service volume. This shall include an origin-destination survey to verify project trip distribution on the external roadway network no earlier than seventy-five percent (75%) through any applicable Phase. The origin-destination survey shall also verify the percentage of project trips that travel on the Wekiva Parkway. Concurrent with the timing of the origin-destination study, a trip generation and internal capture study shall be performed to verify trip generation and internal capture assumptions for the development. A trip length study shall also be conducted to verify model results. In the event that all parties cannot come to agreement on the methodology, the ECFRPC, FDOT, the City of Apopka, Orange County and Lake County shall be the final arbiters. The City of Apopka's decision shall be final as it relates to the City of Apopka facilities; the FDOT's decision shall be final on state facilities; Orange County's decision shall be final on Orange County facilities; Lake County's decision shall be final on Lake County facilities; and the ECFRPC's decisions shall be final as it relates to all other facilities. Each M&M shall provide a roadway needs analysis for each future phase as well as the phase being tested for mitigation requirements.

The facilities to be monitored/modeled for the next phase shall include, but shall not be limited to, these segments of the regional roadways listed below and one segment beyond where the Kelly Park Crossing DRI is estimated to contribute a cumulative amount of traffic greater than or equal to five percent (5%) of the adopted LOS service volume. The analyzed facilities will include signalized intersections and link analyses of collector and higher classified roadways and interchange ramps.

The City of Apopka, the ECFRPC, Orange County, Lake County, the FDOT, and the DCA (or successor agency) shall have the right to make reasonable requests for additional information from the Developer to verify adherence to these provisions. The Developer shall supply adequate information toward compliance with these requirements.

Candidate Roadways for Monitoring and Modeling

Roadway Facility	From	To
US 441	CR 473	Bradshaw Road
SR 46	US 441	CR 437 north

Preliminary DRI Recommendations for the Kelly Park Crossing DRI

SR 429 (Expressway)	Florida's Turnpike	Apopka Bypass (John Land Expressway)
Wekiva Parkway	SR 429	Interstate 4
CR 435 (Rock Springs Road)	Kelly Park Road	Sandpiper Road
CR 435 (Park Avenue)	Sandpiper Road	Cleveland Street
CR 435 (Clarcona Road)	Cleveland Street	Clarcona-Ocoee Road
CR 437	CR 44A	Orange-Lake County Line
Plymouth – Sorrento Road	Orange-Lake County Line	US 441
Welch Road	Vick Road	Wekiva Springs Road
Binion Road/Orange Avenue	Apopka Ocoee Road	US 441
Errol Parkway	Lake Francis Drive	Lake Arden Drive
Golden Gem Road	Kelly Park Road	Ponkan Road
Haas Road	Plymouth Sorrento Road	Mt. Plymouth Road
Jason Dwelley Parkway	Kelly Park Road	Ponkan Road
Kelly Park Road	Round Lake Road	Rock Springs Road
Lake Francis Drive	Schopke Lester Road	Vick Road
Lester Road	Schopke Road	Plymouth Sorrento Road
Mt. Plymouth Road	Kelly Park Road	Lake County Line
CR 435	Orange County Line	SR 46
Ondich Road	Round Lake Road	Plymouth Sorrento Road
Ponkan Road	Orange Blossom Trail	Rock Springs Road
Round Lake Road	Ponkan Road	Wolf Branch Road
Sadler Avenue	Lake County Line	Orange Blossom Trail
Sadler Avenur/Sadler Road	Orange Blossom Trail	Round Lake Road
Vick Road	Old Dixie Highway	Ponkan Road
Wolf Branch Road	US 441	CR 437
Yothers Road	US 441	Plymouth Sorrento Road

Monitoring and Modeling Results/Mitigation

22. The Kelly Park Crossing DRI shall not commence beyond Phase 1 (an equivalent of 1,332 external peak hour trip ends) into Phase 2 or into subsequent phases when service levels are below the minimum service level adopted in the applicable local government's comprehensive plan during the peak hour and if the project contributes, or is projected to contribute with the next phase of traffic, five percent

(5%) of the adopted LOS service volume of the roadway or intersection unless mitigation measures and/or improvements are secured and committed for completion of construction during the phase in which the impacts occur. This shall be determined by the monitoring program required in the preceding condition. The schedule of required roadway improvements shall be tied to the development level when the improvement is needed within each subphase. The Development Order shall be amended to incorporate the required improvements and the commensurate trip level by which the improvement is needed to support project development.

23. Adequate "secured and committed" mitigation measures shall include one of the following:

1. A roadway improvement scheduled for construction within the first three (3) years of the appropriate local government's adopted comprehensive plan capital improvement element (or as otherwise provided in the applicable jurisdiction's capital improvement element) or; a roadway improvement scheduled for construction within the first three (3) years of the FDOT's five-year Work Program.
2. A binding, financially secured and irrevocable commitment by the Master Developer or other appropriate persons or entities for the design, engineering, land acquisition and actual construction of the necessary improvements coupled with the posting of a cash bond, surety bond, irrevocable letter of credit, escrow account or other security in a form acceptable to the agency of jurisdiction within the next three (3) years and incorporated by reference into the development order.
3. Any other mitigation option specifically provided for in this development order.
4. Any other mitigation option permitted by law, including a local government development agreement consistent with Chapter 163, Florida Statutes, which ameliorates the projected impact and is incorporated into the development order by amendment.
5. A proportionate share agreement provided by the Master Developer

with the City of Apopka and the jurisdiction or agency whose roadway is impacted, pursuant to Rule 9J-2.045, F.A.C., and Chapter 380.06(15)(e), or Section 163,3180(5)(h)3.e., Florida Statutes, if applicable at time of agreement.

24. These mitigation measures shall occur by the required threshold in order for the project to proceed through the balance of the applicable phase. If the Developer can demonstrate that a portion of a phase does not adversely affect the Regional Roadway network as determined by the monitoring and modeling tests discussed above, then the Developer may proceed with that portion of the phase (and only that portion).
25. In the event that a roadway widening is identified which is not compatible with adopted policy of the FDOT or local government (e.g., constrained), the Developer, the City of Apopka, or the party having either maintenance or jurisdictional responsibility for the facility, together with the ECFRPC, shall determine alternate mitigation solutions to provide for the movement of people.
26. Toward the achievement of the objectives in the two preceding conditions, an agreement(s) among the City of Apopka, Orange County, Lake County, the FDOT, the OOCEA and the Developer may be entered into by the City of Apopka. Said agreement(s) shall address and clarify such issues related to equity in the application of collected fees for transportation improvements. Application of fees shall be on a fair share basis with respect to the improvements to be provided and not solely on the basis of impact fees. However, such an agreement would not alter or waive the provisions and requirements of the other conditions of the Development Order as a mitigative measure for the transportation impacts for the Kelly Park Crossing DRI. In the event that one of the designated parties to the agreement (other than the Developer) fails to execute said interlocal agreement(s) within the specified time, then the Developer may proceed with the project based upon the monitoring/modeling schedule and all other recommendations specified herein as it affects the non-participating party. Separate agreements may be entered into with one or more parties and the Developer.

27. The following table lists the Phase 1 improvement needs and applicant's share of the improvements required to mitigate the projects intersection impacts during Phase 1. The proportionate share agreement addresses the improvement costs, timing of mitigation payments, the option of pipelining proportionate share mitigation fees, and adequate provisions for transportation impact fee credits against proportionate share and mitigation fees.

Phase 1 Intersection Improvement Needs

Roadway/Intersection	Proposed Improvement
SR 46 at CR 437 South	Provide a NB right-turn lane
US 441 at Sadler Avenue	Provide EB and WB left-turn lanes
US 441 at Plymouth-Sorrento Road	Re-stripe to provide an EB and WB auxiliary through lane along US 441. Restripe SB approach to provide an exclusive SB right-turn and shared SB lane for left and right-turns.
Kelly Park Road at Round Lake Road	Add WB right-turn lane.
Kelly Park Road at Plymouth-Sorrento Road	Add EB left-turn lane and re-time signal
Ponkan Road at Plymouth-Sorrento Road	Add NB left-turn lane and re-time signal

28. The following list of improvements have been identified as the result of significant and adverse impacts from the Kelly Park Crossing DRI. It is anticipated that these will be refined by the Monitoring and Modeling (M&M) process prior to each phase. Since widening of roadways may not be compatible with state and local plans, transit operations or alternate parallel facility improvements should also be considered. A timeframe and responsible party for the implementation of the following improvements, as amended by M&M, shall be identified at the beginning of each phase.

Phase 2 (2020)			
Roadway	From	To	Improvement Need
US 441	Yothers Road	Hermit Smith Road	6 Lane Divided
	Plymouth Sorrento Road	Park Avenue	6 Lane Divided

Preliminary DRI Recommendations for the Kelly Park Crossing DRI

SR 46	Vista View	Round Lake Road	4 Lane Divided
	CR 437 South	CR 437 North	4 Lane Divided
Welch Road	Vick Road	Rock Springs Road	4 Lane Divided
Golden Gem Road	Kelly Park Road	Ponkan Road	4 Lane Divided
Kelly Park Road	Golden Gem Road	Plymouth Sorrento Road	4 Lane Divided
Round Lake Road	Orange County Line	Wolf Branch Road	4 Lane Divided
Phase 3 (2025)			
US 441	SR 19/Duncan Drive	US 19/Bay Street	8 Lane Divided Equivalent
	Donnelly Street	Wolf Branch Road	6 Lane Divided
	Yothers Road	Bradshaw Road	6 Lane Divided
SR 46	US 441	Round Lake Road	4 Land Divided
	CR 437 South	CR 437 North	4 Lane Divided
SR 429 (Expressway)	Florida's Turnpike	Plant Street	6 Lane Expressway
CR 435/Park Avenue	Orange Street	US 441	6 Lane Divided
CR 435/Clarcona Road	Keene Road	Clarcona-Ocoee Road	4 Lane Divided
Welch Road	Vick Road	Rock Springs Road	4 Lane Divided
Golden Gem Road	Kelly Park Road	Ponkan Road	4 Lane Divided
Kelly Park Road	Golden Gem Road	Jason Dwelley Parkway	4 Lane Divided
Round Lake Road	Orange County Line	Wolf Branch Road	4 Lane Divided
Sadler Road	Lake County Line	Round Tree Road	4 Lane Divided
Vick Road	Welch Road	Lake Francis Drive	4 Lane Divided

Preliminary DRI Recommendations for the Kelly Park Crossing DRI

Wolf Branch Road	US 441	Britt Road	4 Lane Divided
Phase 4 (2030)			
US 441	CR 473	Old US 441	8 Lane Divided Equivalent
	SR 19/Duncan Drive	Donnelly Street	8 Lane Divided Equivalent
	Donnelly Street	Sadler Road	6 Lane Divided
	Yothers Road	Bradshaw Road	6 Lane Divided
SR 46	US 441	Round Lake Road	4 Lane Divided
	CR 437 South	CR 437 North	4 Lane Divided
SR 429 (Expressway)	Florida's Turnpike	Apopka Bypass	6 Lane Expressway
CR 435/Rock Springs Road	Kelly Park Road	Rock Ridge Boulevard	6 Lane Divided
	Welch Road	Sandpiper Road	6 Lane Divided
CR 435/Park Avenue	US 441	M Gladded Boulevard	4 Lane Divided
CR 435/Clarcona Road	Cleveland Street	Clarcona-Ocoee Road	4 Lane Divided
CR 437	SR 44	Orange County Line	4 Lane Divided
Welch Road	Vick Road	Ustler Road	4 Lane Divided
Golden Gem Road	Kelly Park Road	Ponkan Road	4 Lane Divided
Kelly Park Road	Round Lake Road	Jason Dwelley Parkway	4 Lane Divided
Kelly Park Road	Mt. Plymouth- Sorrento Road	Rock Springs Road.	4 Lane Divided
CR 435	Orange County Line	Dubstead Drive	4 Lane Divided
Round Lake Road	Kelly Park Road	Wolf Branch Road	4 Lane Divided

Sadler Road	Lake County Line	Round Tree Road	4 Lane Divided
Vick Road	Welch Road	Lester Road	4 Lane Divided
Wolf Branch Road	US 441	Britt Road	4 Lane Divided

28. If the monitoring/modeling results as set forth hereinabove show that improvements must be made to roadway facilities, and if mitigation is not provided as set forth in these conditions or as otherwise required pursuant to Rule 9J-2.045(7), then prior to any construction of future phases and subject to the provisions of Chapter 380.06(15)(e), Florida Statutes, the Developer, the City of Apopka and the entity with jurisdiction over the roadway facility may enter into an agreement which ensures that:

- a) a proportionate share payment is made by the Developer to the appropriate entity(ies) to mitigate project impacts; and
- b) said proportionate share payment shall be used by the appropriate entity only for the design, engineering, right-of-way purchase, permitting and/or construction of improvement to the segments/intersections for which the payment is made; and
- c) said proportionate share payment by the Developer constitutes adequate provision for the public facilities needed with respect to the road segments to accommodate the impacts of the project through the phase for which the proportionate share was calculated, as required by Chapter 380.15(e)(2), Florida Statutes. All such proportionate share agreements shall be included in this DO by amendment pursuant to Chapter 380.06(19), Florida Statutes. The formula to be used to determine proportionate share contribution is as follows:

$$\frac{(\text{DRI Trips})}{\text{SV Increase}} \times \text{Cost} = \text{Proportionate Share}$$

- d) For this formula, DRI Trips is the cumulative number of trips from the development expected to reach the roadway during the peak hour from the phase under development. Service Volume ("SV") increase is the change in

peak hour maximum service volume of the roadway resulting from construction of the improvement necessary to maintain the desired level of service; and Cost of Improvement is the cost (at the time of Developer payment) of constructing an improvement necessary to maintain the desired level of service, including all improvement associated costs (engineering design, right-of-way acquisition, planning, engineering, inspection and other associated physical development costs directly required and associated with the construction of the improvement) as determined by the governmental agency having maintenance obligations over the roadway. Transit service and facilities shall be considered in the proportionate share calculations.

e) Pursuant to HB 7202, the proportionate share provisions above may be reexamined to address the provisions contained therein.

29. Notwithstanding any provision contained herein to the contrary, except as specifically agreed in writing, the City of Apopka and the entity with jurisdiction over the roadway facility shall have no financial responsibility to contribute to or participate in the funding of the design, engineering, permitting and/or construction of roadway improvements.

30. The monitoring and modeling required prior to each phase or subphase shall be used to verify impacts from previous phases and to more accurately estimate probable impacts from later phases. The M&M undertaken prior to Phase 2 shall also assess full buildout. If necessary, the proportionate share amount will be adjusted to reflect actual impacts from a phase and the more accurate information, which will result from the estimates for later phases; provided, however, that any impacts from prior phases which have been mitigated in accordance with any of the methods set forth in this Development Order shall not be included in any subsequent proportionate share calculations. If it is verified that the roadway improvements mentioned above are still needed, then the project shall not proceed into later phases until either the proportionate share payment is made or the needed improvements are scheduled for construction in the applicable entities' work program within the first three (3) years from the date when impacts are estimated to be significant and adverse. Pursuant to HB 7202, the requirements above may be reexamined to address the provisions contained therein.

31. Student enrollment for the community college shall initially be limited to 1,866 students. However, if the demand for additional enrollment is established in the future, the conversion matrix may be applied to convert from another use such that the peak-hour peak-direction trips for the current phase of the Kelly Park DRI are not increased. (FDOT)
32. The Kelly Park DRI shall not proceed with any portion of the development program that would result in project trips above the threshold identified for Phase 1 until the Wekiva Parkway toll facility is constructed and operational. In the event that the Wekiva Parkway project is terminated or delayed indefinitely, additional local and state review and approvals will be required for any portion of the DRI beyond Phase 1 to reevaluate impacts and the viability of future development phases.
33. If the parties cannot reach agreement independently prior to the date when impacts are estimated to be significant and adverse, or if so desired by the parties at any time, then the issues in dispute shall be submitted to the ECFRPC for either voluntary mediation pursuant to its adopted dispute resolution process or to binding arbitration pursuant to the rules and procedures of the American Arbitration Association ("AAA") unless otherwise agreed by the parties in dispute. The solutions recommended as a result of this process shall be implemented and the DO amended pursuant to Chapter 380.06(19), Florida Statutes, to include these solutions.
34. In order to provide safe access and to preserve operational capacity, the need for deceleration lanes shall be determined by the appropriate permitting agencies and if required, installed by the Master Developer. The Developer and the appropriate permitting agencies shall confirm the need for and the cost of signalization at the Project entrances consistent with policies of the City of Apopka and the appropriate permitting agencies. Signal costs and geometric improvements at project entrances are the financial responsibility of the Master Developer through project buildout.
35. The development plan will include multiple roadways through the Kelly Park Crossing DRI in order to provide adequate capacity, to provide alternative routes and to lessen the impacts to community cohesiveness. However, the main spine roadway that connects to Ondich Road shall remain east of the designated preservation areas and be as close as practical to the eastern edge of the property where it borders Ondich Road.

36. To reduce the impacts on arterial roads, the project will include a gridded and connected street network and shall restrict cul du sacs and dead end streets. The project will connect to existing and future street networks off site when possible as determined by the City of Apopka in conjunction with Orange County.

L. Alternative Transportation Strategies

Transit and Ridesharing.

37. The Developer shall cooperate with LYNX to provide the following:

- a. By Phase 3, establish a 200 space park and ride lot proximate to the Wekiva Parkway and Kelly Park Road interchange, which may be shared with commercial uses.
- b. Coordinate with LYNX and Project businesses to promote workplace flextime strategies:
- c. Reserve sites with adequate size and accessibility for future transit routes, stops and amenities (passenger shelters, transit parking bays and parking spaces for vanpool vehicles) in the development area. During the design, the developer shall utilize the Lynx *Central Florida Mobility Design Manual* available at www.golynx.com under publications.
- d. Preferential parking for employees who participate in ridesharing programs.
- e. Financial assistance to provide a route to the site once LYNX and the City of Apopka determine that ridership levels justify such a connection to the system. Said financial contribution shall be based on a proportionate share of ridership to or from the Project, to the extent allowed by law.
- f. Coordinate with FDOT's ReThink program (www.rethinkyourcommute.com) in order to increase the modal split of the Project.
- g. Should the Orange Blossom Express (along the US 441 corridor through Apopka) become operational for rail transit, the developer shall assess actions to facilitate ridership on the system, including but not limited to shuttle operations to and from the nearest station during peak traffic hours.

Bicycle/Pedestrian Systems

38. In the interest of safety, and to promote alternative forms of transportation, the Master Developer shall provide the following bicycle and pedestrian systems:

- a. The on-site bicycle systems shall be connected into any adjacent external bicycle systems existing at the time of construction, and shall anticipate the connection to the Wekiva Trail.
- b. Bicycle and pedestrian facilities shall adhere to minimum state standards as contained in the *Florida Bicycle Facilities Planning and Design Handbook*.
- c. Covered walkways shall be designed into the front of non-residential structures to the maximum extent practicable, but such provision shall not be construed so as to create a mandatory design element, but to create a heightened sensitivity to ensuring cover from the elements for pedestrians.
- d. In all areas of the Kelly Park Crossing DRI where cycling will be accomplished on both sidewalk/bikeways and streets, appropriate signage identifying bike routes shall be installed.
- e. Special consideration shall be given to bikeways connecting neighboring residential areas to employment and commercial areas and schools.
- f. Bicycle support facilities, such as covered parking and/or lockers, shall be provided at commercial areas and work areas.
- g. Project roadways and improvements to area roadways approaching the site are recommended to incorporate bicycle and pedestrian facilities

M. Archaeological Resources – Notification and Reporting Requirements

39. The Master Developer, or any other subsequent Developer developing within the Project, shall notify, or ensure the notification of construction personnel, through posted advisories or other methods, of the potential for artifact discoveries on the Kelly Park Crossing DRI site and to report suspected findings to the project manager. In the event of discovery of artifacts of historic or archaeological significance during project construction, the Master Developer and/or subsequent Developer shall immediately halt any construction activity within one hundred fifty

(150) feet of the location of any discovery that has the potential to adversely affect the archeological find; and will, within three (3) business days of the discovery of artifacts notify the City and the Division of Historical Resources (“DHR”) of the Florida Department of State. Thereafter, the Master Developer and/or Developer will coordinate the evaluation of the artifacts with review agencies and provide any professional assistance necessary to document, relocate, preserve or conserve the site and/or physical artifacts; provide proper protection of the discovery in accordance with applicable law; and provide a written report to the agencies listed above documenting the results of the site evaluation and mitigation/preservation actions proposed or completed. The process and actions described above shall not extend beyond one hundred twenty (120) days to allow evaluation of the site, and, thereafter, the Master Developer or Developer may continue with development.

N. Energy Efficiency

40. The Kelly Park Crossing DRI shall meet the standards of any of the following: the US Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Florida Green Building Coalition (FGBC), the Green Building Initiative’s Green Globes program or any other nationally recognized, green building system that is approved by the Department of Management Services (DMS).
41. The Kelly Park Crossing DRI shall at a minimum, meet Energy Star standards for all development.
42. Appropriate “dark skies” measures shall be implemented in all new construction except in areas proximate to the interchange area, provided that acceptable public safety and security are maintained. Actions to direct lights downward and away from existing rural areas may be based upon the *Model Lighting Ordinance Users Guide* from the Illuminating Engineering Society. These provisions may be accessed at http://docs.darksky.org/MLO/MLO_FINAL_June2011.pdf.
43. The Kelly Park Crossing DRI shall, in each annual report required by the DO, provide information and documentation as to how and in what manner the DRI is striving to meet and/or meeting the foregoing energy goals.

M. Police, Fire and EMS Service

44. Police, fire and EMS service will be provided by the City of Apopka.

LOCAL MONITORING

45. The City shall be responsible for monitoring the development and enforcing the provisions of their Development Order. The City shall not issue any permits or approvals or provide any extensions of services if the Master Developer fails to act in substantial compliance with their Development Order.

COMPLIANCE DATES

46. The Master Developer shall commence physical development of either five percent (5%) of Phase 1 of the Project (i.e., one hundred seventy-two (172) [residential units, commercial square footage, etc.] or equivalent number of PM peak-hour external trips) within five (5) years after the effective date of this Development Order, otherwise this Development Order shall expire. The Master Developer and the City estimate that approximately twenty (20) years will be required to complete the development described herein.

N. BIENNIAL REPORTING REQUIREMENT

47. In accordance with Chapter 380.06(18), Florida Statutes, the Master Developer, its successors or assigns, shall submit a biennial report on or before the two year anniversary date of this Development Order and in every other or second year thereafter during the buildout of the Project (the "Biennial Report"). The Biennial Report shall be submitted to the City, the ECFRPC, the DCA (or OEA, as applicable), the SJRWMD and all affected planning agencies and any other affected permitting agencies formally requesting copies of the same in writing to the Master Developer. The contents of the Biennial Report shall comply with the relevant conditions of approval of this Development Order, Chapter 380.06(18), Florida Statutes, Rule 9J-2.025(7), F.A.C, and any and all other and further information required under applicable law. The Biennial Report shall include a statement that all persons/agencies listed above or otherwise entitled to receive the Biennial Report have been sent copies and the failure to timely submit the Biennial Report may

subject the Master Developer and the Kelly Park Crossing DRI to the temporary suspension of this Development Order in accordance with Chapter 380.06(18), Florida Statutes.

Glossary of Acronyms Used

AAA	American Arbitration Association
ACOE/USACOE	Army Corps of Engineers
ADA	Application for Development Approval
AM&M	Annual Monitoring & Modeling
BRT	Bus Rapid Transit
CCR	Codes, Covenants and Restrictions
CDD	Community Development District
CSDA	Critical Smoke Dispersal Area
DCA	Department of Community Affairs
DHR	Division of Historical Resources
DO	Development Order
DRI	Development of Regional Impact
ECFRPC	East Central Florida Regional Planning Council
ERP	Environmental Review Permit
FAC	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FFWCC/FWC	Florida Fish and Wildlife Conservation Commission
FGBC	Florida Green Building Coalition
FIHS	Florida Intrastate Highway System
FLEPPC	Florida Exotic Pest Plant Council
USFWS/FWC	US Fish and Wildlife Service
HMP	Habitat Management Plan
LEED	Leadership in Energy and Environmental Design
LOS	Level of Service
MDA	Master Development Association
M&M	Monitoring & Modeling
MMTD	Multimodal Transit District
MPO	Metropolitan Planning Organization
NOPC	Notification of a Proposed Change
OHW	Ordinary High Water
SFS	Sherman's fox squirrel
SHCA	Strategic Habitat Conservation Area
SJRWMD	St. Johns River Water Management District
SOAR	System Operation Assessment Report
SV	Service Volume
TMDL	Total Maximum Daily Load
TOD	Transit Oriented Development
USFWS/FWS	US Fish and Wildlife Service
USGBC	US Green Building Council

V. Unresolved Issues

Unresolved Issues

1. Water supply. The City of Apopka has water available for Phase 1 of the project, however the St Johns River Water Management District has expressed concerns that sufficient water is not available for the entire project. The City has applied to modify its Consumptive Use Permit, however the SJRWMD does not know what the future groundwater allocations will be at this time. The recommendations that were forwarded from the SJRWMD include provisions requiring that water be available prior to development.
2. The recommendations identify an additional 77 acres to be added to the 31 acre preservation area identified by the Applicant in their plan. As a part of this recommendation, another 13.4 acre preserve may be eliminated and used for high intensity development near the proposed interchange. At this time, it is unknown whether the Applicant is in agreement.

VI. Comment Compilation



St. Johns River

Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at floridaswater.com.

July 11, 2011

Mr. Fred Milch, AICP
East Central Florida Regional Planning Council
309 Cranes Roost Boulevard, Suite 2000
Altamonte Springs, FL 32701

Subject: Kelly Park Crossing Development of Regional Impacts (DRI)
Recommended Development Order Conditions

Dear Mr. Milch:

The St. Johns River Water Management District (SJRWMD) is in receipt of your June 13, 2011, memorandum requesting final comments and recommendations for the Kelly Park Crossing DRI. SJRWMD staff offer the below development order condition recommendations.

Water supply and conservation

1. Each phase of the Kelly Park Crossing DRI shall proceed only upon identification of adequate water supply source(s) to support the development associated with the phase. This can be demonstrated through adequate water supply under the City's consumptive use permit (CUP), appropriate modification of the City's CUP, or the designation of an alternative water supply source(s) that are approved by SJRWMD and the City of Apopka without compromising the City's preexisting obligations to meet the needs of current and projected customers (e.g., customers associated with the implementation of the Wekiva Parkway Interchange Plan). The developer must address future water supply production and must participate with the City in the development of future water supply sources, including alternative water supplies.
2. All available lower-quality sources of water, including storm water, surface water, and reclaimed water, must be distributed for use or used throughout the project in place of higher-quality water sources, when deemed feasible, according to SJRWMD rules and applicable state law. Storm water, surface water, and reclaimed water shall be maximized as nonpotable water sources for irrigation.
3. In addition to transportation infrastructure, any land use conversion shall also be based on potable water usage and the availability of potable water supply and related facilities.
4. Any wells no longer in use within the DRI boundary shall be properly plugged and abandoned in accordance with SJRWMD rules and regulations. Any existing, active wells for

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which SJRWMD has issued a consumptive use permit (CUP) that remains active may continue to be used only in accordance with the respective CUP. Any change in the use of the wells is subject to SJRWMD's approval of an appropriate CUP.

5. Multifamily residential units and nonresidential multi-unit structures shall use submeters for potable water.
6. Single-family residences and nonresidential units shall have separate meters for potable and nonpotable water.
7. Best management practices cited by the University of Florida in the Institute of Food and Agricultural Sciences' *A Guide to Florida-Friendly Landscaping* shall be used for landscape installation, irrigation, and fertilizer and pesticide applications. These best management practices are as follows:
 - a. Landscape design to minimize the impact of fertilizer application
 - b. Preferred plant materials
 - c. Appropriate type of fertilizer, to avoid the release of excess nutrients
 - d. Reduced rate and frequency of fertilizer and pesticide application
 - e. Watering schedules consistent with SJRWMD's landscape irrigation rule
 - f. Design and maintenance of systems for drainage control
8. A waterwise approach shall be used throughout the landscaped areas of the development. Irrigated turf grass shall not exceed 60% of the landscaped area (except for active play areas and parks) and site-appropriate plant species shall be used in all landscaped areas. Landscaped area is defined as any pervious area within the proposed development that will be altered due to the development, exclusive of pervious areas within wetlands, wetland buffers, vegetative buffers between land uses, stormwater systems, and required preservation areas. Refer to SJRWMD's *Waterwise Florida Landscapes*, available online at floridaswater.com/waterwiselandscapes, or other comparable guides.
9. Separate irrigation zones shall be required for turf and non-turf areas throughout all land uses (residential and nonresidential) to avoid irrigation of landscaped areas when irrigating the turf zone(s). Landscaped areas shall not be irrigated using high-volume irrigation systems. All irrigation systems shall use a rain shutoff device, such as a rain sensor or soil moisture sensor (per *Florida Statutes*), to override unnecessary irrigation events.
10. All DRI-related construction shall meet, at a minimum, Florida Water StarSM design standards, in accordance with the East Central Florida Regional Planning Council's policy approved on June 20, 2007.
11. The covenants, codes, and deed restrictions shall require that only U.S. Environmental Protection Agency WaterSense-labeled water-conserving fixtures or equivalent performing fixtures shall be installed in all residential structures and, as appropriate, in nonresidential buildings and structures.

The covenants, codes, and deed restrictions shall require that only U.S. Department of Energy and U.S. Environmental Protection Agency ENERGY STAR-labeled appliances or

equivalent performing appliances shall be installed in all residential structures and, as appropriate, in nonresidential buildings and structures.

12. The developer shall implement the water conservation practices described in the DRI Application for Development Approval and subsequent sufficiency responses to maximize water conservation and enhance water quality.

Potable and nonpotable water infrastructure

13. The developer shall commit to the timing and funding of potable water and nonpotable water projects that are needed to support the Kelly Park Crossing development.
14. A distribution system for nonpotable water (i.e., storm water, surface water, and reclaimed water) shall be installed throughout the entire project area concurrent with development of the project for all land uses within the project (i.e., residential and nonresidential). The nonpotable distribution system shall be developed in parallel to the potable water system and maintained for utilization when sufficient quantities of storm water, surface water, or reclaimed water are available for irrigation. All irrigation systems installed in the development shall be designed to accept nonpotable water.

Stormwater management

15. The stormwater management system shall be designed as a stormwater reuse system, when feasible, to maximize the amount of surface water that will be available for irrigation needs throughout the development.

Please be advised that this letter does not substitute for or constitute permit review. If you have any questions, please contact SJRWMD Policy Analyst Cathleen Foerster, AICP, at (386) 329-4436 or cfoerste@sjrwmd.com.

Sincerely,



Jeff Cole, Director
Office of Communications and Governmental Affairs

JC/cf

cc: Joel Ivey, Ivey Planning Group
Jay Davoll, City of Apopka
James Stansbury, Florida Department of Economic Opportunity
Jim Quinn, Florida Department of Environmental Protection
Kraig McLane, St. Johns River Water Management District
Nancy Christman, St. Johns River Water Management District



Florida Department of Environmental Protection

Wekiva River Aquatic Preserve
Tomoka Marsh Aquatic Preserve
8300 West State Road 46
Sanford, FL 32771

Rick Scott
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Herschel T. Vinyard, Jr.
Secretary

January 21, 2011

Mr. Fred Milch, DRI Manager
East Central Florida Regional Planning Council
309 Cranes Roost Boulevard Suite 2000
Altamonte Springs, Florida 32701

Subject: Kelly Park Crossing Development of Regional Impact (DRI)
Application for Development Approval (ADA)

Dear Mr. Milch,

Thank you for the opportunity to comment on the Application for Development Approval (ADA) for the Kelly Park Crossing Development of Regional Impact (DRI). The properties described within the DRI include significant portions of the land as addressed in the Wekiva Interchange Land Use Plans of Orange County and Apopka. The DRI location has an important role in determining the future of this area as well as setting precedent for further development at this future intersection of the Wekiva Parkway.

As you are aware, the Wekiva River Aquatic Preserve staff has a responsibility to review and comment upon projects that may impact the water quality, natural resources, and aesthetics of the Wekiva River [FAC 18-20, including 18-20.001(3)(e), 18-20.004(3)(a), and 18-20.006(3)]. The subject project is located in a high recharge area for both Rock and Wekiwa Springs and the area is designated by the St. Johns River Water Management District as a "priority water resource caution area."

The Wekiva River Basin Coordinating Committee Final Report (dated March 16, 2004 and used as a guiding document for the Wekiva Parkway and Protection Act), Page 16, Recommendation 2, states that "The major objectives of the interchange land use plans are to allow for development which is appropriate in scale and intensity given the land uses in the area, to assure development is compatible with the surrounding area, and to assure protection of surface water and groundwater resources and important wildlife habitat." As proposed, this land use change represents a significant increase in scale and intensity compared to existing land uses in the area and as such, does not provide assurances of compatibility with the surrounding area. For example, the proposed build out of 8.4 million square feet of office, light industrial and commercial space is significantly larger than the nearby Altamonte Mall (with an estimated 1.3 million square feet of floor space).



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

July 22, 2011

Attention: Fred Milch, fmilch@ecfrpc.org
East Central Florida Regional Planning Council
309 Cranes Roost Blvd., Ste 2000
Altamonte Springs, FL 32701

Re: Final Impact Assessment if the Kelly Park Crossing DRI
ECFRPC Element # 140083

Mr. Milch;

We are in receipt of Ivey Planning Group's June 2, 2011 response to the second request for additional information on the Kelly Park Crossing DRI. They indicate in their response that this will be their final submittal for the DRI.

A review of the June 2, 2011 submittal does not indicate any substantially different information than that provided previously. The Department stands by our earlier comments that are outlined in the attached letters dated January 21, 2011 and April 21, 2011. If there are any questions or additional information is needed I can be reached at (407) 897-2912 or lu.burson@dep.state.fl.us.

Sincerely,

Lu Burson
Multi Program Project Manager
FDEP Central District

Attachments: 11 jan 21 kelly park crossing comments
11 apr 21 kelly park crossing comments

cc: Gary E. Raulerson, Ph.D., Wekiva River - St. Johns River - Tomoka Marsh Aquatic Preserves, gary.raulerson@dep.state.fl.us
Lisa Kelley, FDEP Central District Ombudsman, lisa.kelley@dep.state.fl.us

As described in the Wekiva Aquifer Vulnerability Assessment (Report of Investigation 104, Florida Geological Survey, 2005), the area surrounding the planned Kelly Park interchange (and the location of this DRI) is located in an area of "more vulnerability" (with the highest probability of contamination from surface water runoff). The location is also an area of high recharge for the Rock/Wekiva Spring system. Therefore, in addition to the water conservation strategies proposed in the ADA, other proactive strategies should be included within construction agreements for the project to ensure maximum conservation and protection of water resources. Other Low Impact Development, stormwater Best Management Practices, and water conservation and water quality protection practices that could be utilized include, but are not limited to: dual flush toilets for restrooms in offices and public spaces, waterless urinals in men's restrooms in offices and public spaces, cisterns and other rainwater collection systems, gray water reuse and reclamation systems, rain gardens, green roofs and very low percentage of high water demand turf grass.

The Wekiva Parkway Interchange Vision Plan (December 2009) states that the purpose of the Interchange Land Use Plan is "to develop a vision for the study area that will concentrate density and intensity around the proposed interchange location and to provide protection to the remainder of the Wekiva River System." The interchange amendments as submitted to the Florida Department of Community Affairs by the City of Apopka and Orange County target a one (1) mile radius from the proposed interchange for increased development. For example, the Apopka amendment (Policy 20.2) states that "The Wekiva Parkway Interchange Vision Plan Area is generally comprised of a one-mile radius emanating from the anticipated Wekiva Parkway Interchange. The exact configuration is based upon a logical, parcel-specific boundary consistent with the intent of capturing a one-mile radius." It appears that, at its farthest distance, the DRI is approximately 1.5 miles northwest of the proposed interchange. The area outside the 1-mile radius appears to be primarily classified as "Neighborhood" (ADA Map H). The applicant should explain specifically how the ADA design scenario will enable a rapid transition from high density directly around the interchange to uses that maintain the existing characteristics of the surrounding region (both rural and urban), as is envisioned within the Wekiva Parkway and Protection Act and its supporting documents.

Per the discussion regarding Water Supply (Section 17), it does not appear that the City of Apopka has existing capacity within their current permits for the build-out scenario for the DRI and future increases in consumptive use permits will be required. The project is located in an area defined in the St. Johns River Water Management District's *District Water Supply Plan* as a "priority water resource caution area." The project is also located within the Central Florida Coordination Area, an area where sustainable quantities of groundwater are not available to meet future needs. As proposed, the build-out water demand for this project appears excessive, and when combined with other anticipated development projects, the cumulative demand could result in diminished recharge and diminished springflow. The cumulative excessive demand is not likely to be sustained by existing or future groundwater supplies.

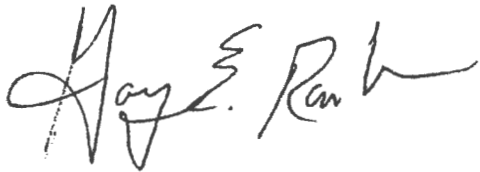
Growing concerns exist throughout Florida regarding artificial alterations in water budgets for individual watersheds (and in this case, springsheds). This project should be "water neutral" with regards to its impacts on the underlying aquifers. That is, any water imported from outside the basin should be returned outside the basin while water received or produced within the basin should remain within the basin unless it is determined that a change in the water balance would be environmentally beneficial to the Wekiva System.

The Wekiva River has had both Total Maximum Daily Loads (TMDL's) and Minimum Flows and Levels (MFL's) promulgated under state rules. An explanation of how this project will affect these resource-protective regulations should be included.

The adopted Joint Planning Agreement (JPA) between the City of Apopka and Orange County (October 2004) emphasized utilization of open space (up to 50%) in exchange for greater intensity of use. As proposed, the ADA proposes only 7% open space and appears to be inconsistent with the JPA agreement. As proposed, the intensity of development, associated impervious surfaces, traffic, and human activity, is such that the listed species known to occur on-site would not likely persist long term. Additional open space should be incorporated into the ADA to comply with the JPA and would also provide greater habitat and protection for listed species known to occupy the site. For example, the proposed relocation of all estimated 270 gopher tortoises to an off-site location is inconsistent with the expectations of the Wekiva Parkway and Protection Act with respect to protection of wildlife and habitat. Additional open space could mitigate this loss to some degree and also benefit other observed listed species such as the Sherman's Fox squirrel.

In conclusion, this project is extremely intense relative to surrounding uses, does not appear to allow for transition to lower density uses and appears to be inconsistent with water supply planning efforts. Adjustments to significantly reduce the impervious footprint and increase the amount of contiguous greenspace for this project should be considered to conform with the intent of the Wekiva Parkway and Protection Act and the Wekiva River Protection Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary E. Raulerson". The signature is fluid and cursive, with a large initial "G" and a stylized "R".

Gary E. Raulerson, Ph.D.
Environmental Specialist
Wekiva River Aquatic Preserve



Florida Department of Environmental Protection

Wekiva River Aquatic Preserve
Tomoka Marsh Aquatic Preserve
8300 West State Road 46
Sanford, FL 32771

Rick Scott
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Herschel T. Vinyard, Jr.
Secretary

April 21, 2011

Mr. Fred Milch, DRI Manager
East Central Florida Regional Planning Council
309 Cranes Roost Boulevard Suite 2000
Altamonte Springs, Florida 32701

Subject: Response to First Request for Additional Information Kelly Park DRI

Dear Mr. Milch,

Thank you for the opportunity to comment on the Response to First Request for Additional Information (RAI) for the Kelly Park Crossing Development of Regional Impact (DRI). This DRI has an important role in determining the future of this area as well as setting precedent for further development at this future intersection of the Wekiva Parkway. The development of this portion of the interchange and surrounding area will be a preview of impacts and changes that will accumulate when further interchange development occurs.

As you are aware, the Wekiva River Aquatic Preserve staff has a responsibility to review and comment upon projects that may impact the water quality, natural resources, and aesthetics of the Wekiva River [FAC 18-20, including 18-20.001(3)(e), 18-20.004(3)(a), and 18-20.006(3)]. The subject project is located in a high recharge area for both Rock and Wekiwa Springs and the area is designated by the St. Johns River Water Management District as a "priority water resource caution area." Florida Administrative Code 18-20.006 considers cumulative impacts "within the preserves or which may impact the preserves." Since the Wekiva Parkway Interchange Plan (WPIP, as approved by the City of Apopka on September 15, 2010) includes a one-mile radius emanating from the proposed Kelly Park interchange, it can be assumed that further development will occur in this immediate vicinity that will have a cumulative impact on the recharge area for the Wekiva Basin.

I appreciate the consultant's effort to sort the questions by topic within the RAI to increase clarity. However, much of the highly relevant background information from my original letter was not included. It would be helpful for future reference to have all of the original documents attached to the response. Please ensure that all commenting documents are included, either as hard copy or in electronic format (pdf or similar). Many of the consultant's responses to questions from several of the agencies, particularly within Section 10, the General Project Description, referred to land development regulations currently being prepared by the

City of Apopka, as well as the WPIP. The RAI expresses confidence that the ADA is designed to be consistent with these documents. For example, on page 10-3 of the RAI response, it is stated that "The DRI is designed to be consistent with these adopted documents and plan." However, as previously noted, the denser neighborhoods proposed within the ADA extend well beyond the intent of the one-mile radius as expressed within the WPIP. Page 7 of the WPIP contains this language (emphasis added): "Between these nodes and the one-mile study area boundary, land uses will provide a transition to the existing lower densities, and *less intense development character will be respected beyond the one-mile radius.*" Additionally, page 8 of the WPIP expresses a similar intent (again with emphasis added): "...allowing for a smooth transition *into the existing lower density neighborhoods outside the 1-mile radius.*" Map D from the original ADA shows surrounding future land uses as mostly Rural or Residential Suburban. The development of neighborhoods with up to five homes per acre, as proposed out to a 1.5 mile radius, does not seem to be a smooth transition into these areas. It should be noted that a 1 mile radius covers approximately 3.1 square miles, while a 1.5 mile radius would contain approximately 7.1 square miles, more than double that of a 1 mile radius. This speaks to the cumulative impacts that can occur when this project is coupled with expected future growth. The density and intensity of the project proposed outside the 1-mile radius appear significantly inconsistent with the WPIP.

The goal of "green" construction requirements is to help provide long-term protection to the Wekiva Basin springshed. On page 19-3 of the RAI, the consultant states that "Ultimately, the choice to use Low Impact Development (LID) techniques as it relates to individual site development will remain with the developer of each individual site." The developer of a site generally has the capability to create standards for landscaping, building appearance, and other construction components. It should be possible to create enforceable construction requirements for LID, stormwater, green roofs, and other environmentally-friendly features.

Thank you for the opportunity to comment on this project. Again, this development will "set the tone" for the remainder of the area surrounding the Kelly Park interchange. There is an opportunity to create a development with a greatly reduced environmental impact on the regionally important Wekiva Basin. Please contact me at 407-330-6727 or Gary.Raulerson@dep.state.fl.us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary E. Raulerson". The signature is fluid and cursive, with the first name "Gary" being the most prominent part.

Gary E. Raulerson, Ph.D.
Environmental Specialist
Wekiva River Aquatic Preserve

Orange County – Environmental Protection Division

Kelly Park Crossing DRI Final Review Comments

(EPD staff: John Geiger, 407-836-1504, completed 8/5/2011)

EPD recognizes that the area of Kelly Park Crossing is within the City of Apopka jurisdiction. Therefore, as requested by the East Central Florida Regional Planning Council the following comments are made through Chapter 9J-1 Florida Administrative Code with Orange County as an affected adjacent jurisdiction.

1. **Soil and Groundwater** - Existing and former land uses include agriculture (crops, citrus, and ornamentals) and will therefore require environmental site assessment with soil and ground water sampling to verify compliance with state standards. These land uses are among those that could result in soil or groundwater contamination. A Brownfield designation in areas of either known contamination or suspected contamination would enhance the development potential, possibly reduce the cost of assessment and remediation (if necessary) and facilitate the development review process. The City of Apopka would need to pass a resolution for the affected areas such as, but not limited to, landscape nurseries and citrus uses, (any cattle vats as there are two cow ponds in altered wetland areas). For information regarding financial incentives and regulatory benefits contact the Florida Department of Environmental Protection Central District, George Houston 407-894-7555 as well as the Orange County Environmental Protection Division (EPD), Renee Parker 407-836-1420.
2. **Wekiva Study Area** - The entire site is within the Wekiva Study Area as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. These requirements will affect some aspects of the site design and may reduce the total net developable acreage. Changes to regulations include, but are not limited to: open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. In addition to the state regulations, review Orange County Comprehensive Plan 2010-2030 Destination 2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies that the County will use for review of all unincorporated adjacent properties. The applicant shall follow the Protection Act recommendations for recharge protection since this area is within the more vulnerable aquifer assessment zone.
3. **High Recharge Areas** - Sink hole locations indicate the potential for karst features in several areas. These areas hold the potential for high recharge areas that require protection and will need to receive consideration throughout the development process.
4. **Wetlands** – limited wetland acreage (estimated at 1.5 acres) will need to comply with City of Apopka, St. John's River Water Management District and (possibly) the Army Corps of Engineers wetland permitting (April 2010, Bio-Tech conducted environmental assessment: soils, land use types/vegetative communities, protected species, jurisdictional/development constraints).
5. **Surface waters** – small (estimated at 1.5 acres): ponds, drainage canals, pits (2 borrow pits)
6. **Impaired Waters area** – The site appears to be part of the Rock Springs Run impaired basin (impaired for nutrients) and is located within the Orange County Wekiva River Drainage Basin. The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code may increase the requirements for pollution abatement treatment of stormwater as part of future approvals of related Basin Management Action Plans currently in development by the state Department of Environmental Protection (FDEP). The applicant is advised to follow related legislation in order to assure compliance with future regulations.

7. **Existing Septic Systems** - Septic system abandonment: 6 home sites (3 homes and 3 mobile homes) with septic system usage. Any existing septic tanks shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) and the Water Management District for septic system abandonment procedures.
8. **Home heating fuel tanks:** 6 home sites with potential. Any existing home heating oil tanks shall be removed with proper disposal of residual fuel and abandonment/disposal of the storage tank.
9. **Wells – potable and irrigation.** Any existing wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) and the Water Management District for well abandonment procedures.
10. **Habitat Preservation Concerns** – comply with FFWCC & USFWS requirements, No eagles noted on the site, one located 2 miles away). The site is known to have large gopher tortoise populations, Sherman fox squirrels, potential scrub-jays (no direct evidence but will require surveys during upcoming year), mole skinks, sand skinks. Due to the high density of gopher tortoises in the northern area the applicant should consider that region for a preservation site. It would provide an ideal preserved gopher tortoise habitat that could be considered by the FFWCC for relocation. EPD finds that relocation of the gopher tortoise population off-site would be inconsistent with the Wekiva Parkway and Protection Act.
11. **Habitat Connectivity Concerns** - The design shall include provisions for wildlife connectivity across or under roadways that traverse wetland systems and associated buffers or other wildlife passages. Road and pedestrian crossings of the wetland and environmentally sensitive corridors shall be minimized over wetlands and floodplains and be designed to allow for unimpeded passage of wildlife.
12. **Solid Waste Facility Proximity** – There are two active landfills south and southwest of the proposed development, The southern portions of this site are about 0.15 miles from an active Construction and Demolition Debris landfill known as Mid-Florida Materials Landfill currently permitted by Orange County and the State of Florida Department of Environmental Protection. The same area is also 0.6 miles from an active class III landfill known as the Golden Gem Class III Landfill. The Mid-Florida Materials facility is currently pursuing a permit modification to change from accepting only construction and demolition (C&D) debris to a permitted Class III landfill that will also allow disposal of yard trash and other non-leachate producing waste. Additionally, the site is requesting a permit modification to allow higher mounding of the waste. Mid-Florida is also considering establishment of wood recycling as an ancillary operation. Landfill proximity affects local truck traffic due to hauling routes, as well as odor complaint potential. Permitting procedures for landfills require review of haul routes and operational procedures to respond to, and minimize odor complaints.
13. **National Pollutant Discharge Elimination System (NPDES)** – compliance with state regulations will be necessary. Prior to earth work or construction (if one acre or more of land will be disturbed), the developer shall provide a copy of the completed Florida Department of Environmental Protection (FDEP) National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) for stormwater discharge from construction activities to the City of Apopka. The FDEP NOI form is available online. (http://www.dep.state.fl.us/water/stormwater/npdes/permits_forms.htm) or by contacting the NPDES Stormwater Notices Center, FDEP, 2600 Blair Stone Road, MS #2510, Tallahassee, Florida 32399-2400, telephone toll-free (866) 336-6312. The original NPDES Notice of Intent (NOI) form for stormwater runoff from construction activity shall be submitted directly to FDEP in

Tallahassee. A copy of the NPDES NOI, the issued NPDES permit, and the Stormwater Pollution Prevention Plan (SWPPP) shall be kept on site and available for inspection at any time.

14. **Erosion Control** - Use caution to prevent erosion during construction along the boundary of areas prepared for development with either mass grading or clearing. 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 ½ inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto roadways. Periodic street sweeping may be required. Adjacent drainage ditches and affected storm drains shall be protected.
15. **Stormwater Management** - Note that the state is working on revisions to water quality regulations that may affect design specifications of stormwater management facilities.
16. **Transportation Related Air Contamination** - This project has the potential to impact Orange County's air quality. The initial DRI - ADA included computer modeling to determine the potential impacts to air quality from roadways, intersections, parking facilities and during construction activities. No violations of standards were estimated as a result of the project. Localized areas will have to address dust control minimization procedures during construction activities.

John R. Geiger, ME, PE, LEED AP
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Environmental Protection Div.
Engineering Support Group
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August 9, 2011

Mr. Fred Milch
East Central Florida Regional Planning Council
309 Cranes Roost Boulevard, Suite 200
Altamonte Springs, Florida 32701

Re: Orange County, Florida review comments of the Kelly Park Crossings Application for Development Approval (ADA)/Development of Regional Impact (DRI); Volumes I and II; 2nd Request for Additional Information

Dear Mr. Milch:

Thank you for the opportunity to review and comment on the Second Request for Additional Information (RAI) for the Kelly Park Crossings ADA/ DRI. The attached comments represent a consolidated report for the Orange County Growth Management Department, inclusive of the Planning and Transportation Planning divisions.

Should you have any questions, please feel free to contact R. Wayne Bennett, Chief Planner with the Orange County Planning Division, at 407.836.5624 or via email at wayne.bennett@ocfl.net or Renzo Nastasi, Transportation Planning Division Manager at renzo.nastazi@ocfl.net or via phone at 407.836.8072.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan E. Caswell".

Susan E. Caswell, AICP
Planning Manager

SEC/RWB/CAH/tlp

c: Jon Weiss, P.E., Director, Growth Management Department
Renzo Nastasi, AICP, P.E., Transportation Planning Manager
R. Wayne Bennett, AICP, Chief Planner
Catherine Howard, Principal Planner

Attachment: Comments on the Second RAI for Kelly Park Crossings

PLANNING DIVISION

SUSAN CASWELL, AICP, *Planning Manager*

201 South Rosalind Avenue, 2nd Floor ■ Reply To: Post Office Box 1393 ■ Orlando, Florida 32802-1393
Telephone 407-836-5600 ■ Fax 407-836-5862 ■ orangecountyfl.net

Comments provided by the Orange County Planning Division

Questions 10 & 11: The Development of Regional Impact for Kelly Park Crossings, and specifically phase 2, is predicated on the timing of completion of the Wekiva Parkway and Interchanges.

The Master Plan and development program for Kelly Park Crossings has such an integral connection to the Parkway and Interchange that consideration should be given to delaying the beginning of phase I development until design and funding of the facilities have been completed. At a minimum, the applicant should provide additional information regarding the aspects of the Master Plan and development program that should not be initiated until right-of-way acquisition and developer participation in funding interchange improvements have been completed.

Furthermore, we suggest that the Regional Findings and Recommendations address the need for a Substantial Deviation to the ADA/DRI should the Parkway/Interchange projects be delayed. This comment is consistent with Policy 18.5 of the City of Apopka Stipulated Settlement Agreement with the Department of Community Affairs for approval of the Wekiva Interchange Land Use Plan. This policy states, "In the event that the Wekiva Parkway is not constructed, it is anticipated that the Wekiva Parkway Interchange Plan will be re-evaluated and appropriated comprehensive plan amendments adopted to address then-existing development and future land use designations within the Wekiva Parkway Interchange Plan Area."

Comments provided by the Orange County Transportation Division

1. The County recognizes that one of the initiatives that led to the planning for this development was the proposed Wekiva Parkway from SR429 to I-4 and that a significant portion of the development is dependent on the planned interchange and roadway being in place by Phase 2 of the DRI. However, if these improvements are not in place by the beginning of Phase 2, then the applicant would be required to revise their development program and analysis to show the extent of the development that can occur without the inclusion of these improvements and indicate any associated mitigation that may be required. As per F.S. 380.06 (19) these revisions may constitute a substantial deviation, and the development will be subject to further development of regional impact review.
2. Discussions regarding right-of-way needs to accommodate the planned Kelly Park Road/Wekiva Parkway Interchange should be initiated between the applicant and all relevant entities.
3. The County agrees with FDOT that since the PD&E study was conducted prior to the redevelopment plans within the interchange area being known, the current interchange plans may not provide sufficient capacity to handle the Kelly Park DRI and other proposed development within the interchange area. Given that the Wekiva Parkway is currently entering the design phase, additional information on potential future impacts to the interchange area, specifically the mainline or ramps, should be coordinated with FDOT and the Expressway Authority.
4. Currently, there are no funding agreements in place for the construction of the Wekiva Parkway and the proposed Kelly Park Interchange. Kelly Park Crossings, along with other property owners in the area, will be required to participate in any funding mechanism that might be developed by the Expressway Authority and the City of Apopka to fund the construction of the proposed facilities.
5. The analysis of roadway conditions for years 2020, 2025 and 2030 indicates a list of roadway segments that may be monitored in future phases along with potential improvements. The facilities within the County's jurisdiction, such as Sadler Avenue and Round Lake Road, are not included in the County's Capital Improvement Plan or the 2030 Long Range Plan and therefore have no associated funding. Any future improvement identified beyond the committed programmed improvements would be the applicant's responsibility.



July 25, 2011

Philip C. Laurien, AICP, Executive Director
East Central Florida Regional Planning Council
309 Cranes Roost Boulevard, Suite 2000
Altamonte Springs, Florida 32701

Re: Final Impact Assessment of Kelly Park Crossing Development of Regional Impact (DRI) #140083

Dear Mr. Laurien:

The Lake County Public Works Department offers the following recommendation to the council in regards to the Kelly Park Crossing Development Approval:

1. ***Please address negatively impacted Lake County area roads in the Kelly Park development order and appropriate mitigation measures (that may be warranted in future phases) such as:***
 - a. *Round Lake Road from Orange County Line to SR 46*
 - b. *Round Lake Road from SR 46 to Wolf Branch Road*
 - c. *Wolf Branch Road From US 441 to Britt Road*
 - d. *SR 46 CR 437 South to CR 437 North*
2. ***Lake County also concurred with Florida Department of Transportation comments number 18 in regards to the business impact at SR 46 and CR 437.***

If you have any questions, please contact me at your earliest convenience at nolasimbo@lakecountyfl.gov or at (352) 483-9092.

Sincerely,

Noble Olasimbo, AICP
Transportation Planning

NO/clis

CC: Fred Schneider, P.E., Director of Engineering
Fred Milch, AICP, East Central Florida Regional Planning Council

DEPARTMENT OF PUBLIC WORKS
437 ARDICE AVE. ♦ EUSTIS, FLORIDA 32726 ♦ P 352.493.9000 ♦ F 352.483.9025
Board of County Commissioners ♦ www.lakecountyfl.gov

JENNIFER HILL
District 1

SEAN M. PARKS, AICP, QEP
District 2

JIMMY CONNER
District 3

LESLIE CAMPIONE
District 4

WELTON G. CADWELL
District 5



Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 S. Woodland Blvd.
DeLand, FL 32720

ANANTH PRASAD, P.E.
SECRETARY

August 5, 2011

Mr. Philip C. Laurien, Executive Director
East Central Florida Regional Planning Council (ECFRPC)
631 North Wymore Road, Suite 100
Maitland, Florida 32751-4246

SUBJECT: Kelly Park Development of Regional Impact (DRI)
REPORT NAME: Regional Planning Council Recommendations

Dear Mr. Laurien:

The Florida Department of Transportation (FDOT) has completed its review of the Kelly Park DRI Application for Development Approval (ADA) and subsequent sufficiency responses. We are continuing to coordinate with the applicant on the projects proportionate share costs for needed improvements and the corresponding agreements. Based upon the review and discussions, the FDOT has prepared the following recommendations for language to be included in the Development Order for the project. FDOT previously provided a draft of these recommendations to Fred Milch on July 11, 2011. The final recommendations contained in this letter are similar to the previous draft with some minor editorial updates

Recommendation 1

Table 1 lists the Phase 1 impacts where a deficiency was identified and the applicant's recommended improvement to mitigate the condition. Discussion is still ongoing regarding the final costs and calculation of the applicant's proportionate share for impacts to FDOT facilities. The FDOT will continue to coordinate with the applicant regarding a Proportionate Share Agreement, which will be finalized prior to the Development Order adoption by Orange County. All analysis and mitigation needs for intersections in Phase 2 will be conducted as part of a Monitoring and Modeling (M&M) study prior to proceeding into Phase 2.

Recommended Condition:

Table 1 lists the Phase 1 improvements required to mitigate the projects intersection impacts during Phase 1. The proportionate share agreement addresses the improvement costs, timing of mitigation payments, the option of pipelining proportionate share mitigation fees, and adequate provisions for transportation impact fee credits against proportionate share and mitigation fees.

Table 1 – Needed Improvements (Phase 1)

Roadway/Intersection	Proposed Improvement
SR 46 at CR 437 South	Provide a NB right-turn lane
US 441 at Sadler Avenue	Provide EB and WB left-turn lanes
US 441 at Plymouth-Sorrento Road	Re-stripe to provide an EB and WB auxiliary through lane along US 441. Restripe SB approach to provide an exclusive SB right-turn and shared SB lane for left and right-turns.
Kelly Park Road at Round Lake Road	Add WB right-turn lane.
Kelly Park Road at Plymouth-Sorrento Road	Add EB left-turn lane and re-time signal
Ponkan Road at Plymouth-Sorrento Road	Add NB left-turn lane and re-time signal

Recommendation 2

For the calculation of the Kelly Park DRI trip generation, FDOT raised questions dating back to methodology regarding the calculation of trips for the community college facility. FDOT disagreed with some of the assumptions being applied in the calculation of the number of students and the subsequent calculation of project trips. In order to satisfy the reviewing agencies, the applicant agreed to limit the student enrollment to 1,866 students in the development order and thereby cap the potential trips generated by the community college facility. A development order condition should be provided to capture the commitment of the developer on the maximum number of students allowed for the community college campus.

Recommended Condition:

Student enrollment for the community college shall be limited to 1,866 students. If the demand for additional enrollment is established in the future, the conversion matrix may be applied to convert from another use such that the peak-hour peak-direction trips for the current phase of the Kelly Park DRI are not increased.

Recommendation 3

Analysis performed for the Kelly Park DRI project assumes that the Wekiva Parkway toll facility will be in place prior to Phase 2. All analysis for Phase 2 and beyond assumes the use of the new toll facility for distribution of project trips throughout the region. Without the new toll facility, the impacts from the DRI are expected to be substantially different than those shown in the ADA and subsequent sufficiency responses. The project is extremely reliant upon the new toll facility to be viable from a transportation perspective through buildout. In Phase 4, the applicant's transportation analysis indicates that the Kelly Park DRI will consume over 40% of the peak-hour peak-direction capacity on some segments of the Wekiva Parkway. The applicant has consistently stated that they have no intention to proceed beyond Phase 1 without the Wekiva Parkway being in place. However, the Development Order should present a condition that prevents the applicant from proceeding with any development beyond Phase 1 prior to the Wekiva Parkway toll facility being in place and operational.

Recommended Condition:

The Kelly Park DRI shall not proceed with any portion of the development program that would result in project trips above the threshold identified for Phase 1 until the Wekiva Parkway toll facility is constructed and operational. In the event that the Wekiva Parkway project is terminated or delayed indefinitely, additional local and state review and approvals will be required for any portion of the DRI beyond Phase 1 to re-evaluate impacts and the viability of future development phases.

Recommendation 4

Given the potential impact of the Wekiva Parkway toll facility on the regional travel patterns, the transportation modeling for the future phases (beyond Phase 1) should be revisited at the Phase 2 Monitoring and Modeling (M&M) study. A sub-area validation of the model should be performed to verify the traffic patterns being projected in the model versus actual traffic patterns with the operational Wekiva Parkway in place. FDOT, Orange County, and other regional stakeholders should be given the opportunity to review the validated sub-area model prior to additional traffic analysis being conducted.

Recommended Condition:

As part of the Phase 2 Monitoring and Modeling study, as sub-area validation of the regional travel demand model shall be performed. The intent of the sub-area validation is to verify that the traffic patterns projected by the model are reasonably consistent with actual traffic patterns with the operational Wekiva Parkway in place. Sub-area validation shall be reviewed and approved by FDOT, Orange County, and other regional stakeholders prior to completing the Phase 2 analysis.

Recommendation 5

The ADA states that the Kelly Park DRI will be a mixed used development that will include office, retail/commercial, light industrial, community college, a hospital, residential, institutional, hotel and park uses. The application notes that one of the benefits of mixed use is higher internal capture and improved pedestrian opportunities. The application also states that the DRI will provide internal bicycle and pedestrian connections where appropriate and that all internal roadways will include pedestrian sidewalks with connectivity to adjacent land uses. The ADA further states that bicycle lanes will be provided along the major roadways as necessary with bicycle parking located at major buildings and/or centers.

FDOT recommends that the development order recognize the DRI's commitment to bicycle and pedestrian facilities and contain a condition requiring design guidelines for the pedestrian and bicycle facilities that would include requirements/recognition for connections to external or adjacent bicycle/pedestrian facilities. Future site plans and development plans should include bicycle facilities on all roadways serving the community college, light industrial, and multi-family uses within the development or multi-use trails connecting these areas to the major roadways in order to provide safe opportunities for bicycling. The design guidelines should also consider the use of canopies and shade trees along bicycle and pedestrian facilities, as well as

provisions for bicycle parking at the various centers, major buildings, and community college. The development order should require commitments for the development to provide adequate bicycle facilities and parking facilities at all major centers or destinations, including parks and mixed use destinations, as well as at the medical facilities.

Recommendation 6

Phase IV of the West Orange Trail will provide a connection from the Rock Springs/Welch Road to Kelly Park/Wekiva Springs Road. In the future, with the construction of the Wekiva Parkway, Kelly Park Road will be one of the few facilities that provide a location for bicyclists and pedestrians to cross the Wekiva Parkway. The development order should contain a condition requiring project development fronting Kelly Park Road to include provisions for transit, bicycle, and pedestrian facilities recognizing its importance for multi-modal travel across the Wekiva Parkway, and possible future connections to the West Orange Trail system.

Recommendation 7

FDOT supports the development of the Kelly Park DRI in a manner that promotes viable future transit service to the project site. FDOT recommends that the development order recognize the need for coordination with Lynx as well as Orange County and Lake County during the site development to provide for appropriate transit amenities along the internal roadways as well as promote sidewalk/bike lane connectivity to support a bus transportation system. The Application for Development Approval correctly notes that there is currently no transit service to the site, and states that it “is anticipated that transit services will be expanded in support for SunRail and the Orange Blossom Express in the future.” Recognizing this potential, the application states that the major internal transportation corridor will consider the future implementation of transit and will coordinate with LYNX to identify possible future bus stops and transit facilities within the project and along its Kelly Park Road frontage.

The development order should contain a condition requiring the design of the internal major transportation corridor and centers to consider the needs of future transit service and stops. The applicant shall coordinate with Lynx regarding transit amenities to facilitate future connections to the Orange Blossom Express or other regional transit service. The employment centers, retail centers and community college should all be considered for future transit service, if and when it becomes available in this area.

Recommendation 8

In addition to the more detailed comments provided in this letter, the FDOT supports the standard ECFRPC comments regarding Monitoring and Modeling, mitigation requirements, connectivity of the roadway network, and bicycle/pedestrian systems.

We appreciate the opportunity to participate in this review process and if you have any questions, please contact me at your earliest convenience at (407) 482-7880 or email at judy.pizzo@dot.state.fl.us.

Sincerely,

Judy Pizzo, GISP
Systems Planner

C:

Fred Milch, ECFRPC
Jay Davoll, City of Apopka
Renzo Nastasi, Orange County
TJ Fish, Lake Sumter MPO
Fred Schneider, Lake County



July 20, 2011

Mr. Fred Milch
East Central Florida Regional Planning Council
309 Cranes Roost Blvd, Suite 2000
Altamonte Springs, FL 32701

RE: Kelly Park Crossing ECFRPC DRI # 140083

Dear Mr. Milch:

Thank you for the opportunity to review and comment on the above referenced DRI application. We would like to offer the following recommendations for development approval.

- a. The developer shall coordinate with LYNX to identify specific mobility strategies and their locations where appropriate that will encourage multimodal transportation prior to commencement of Phase I development; 1) dedicated land for transit facilities (superstops, park and ride lots, adequate right of way for bus shelters); 2) identify potential future transit routes and/or flex bus service areas; and 3) reserve right of way at major intersections for queue jump lanes, bus bypass lanes and bus pull out bays at large trip generator locations.
- b. LYNX requests the following specific facilities/measures:
 - i. 200 space park and ride lot at the Wekiva Parkway and Kelley Park Rd interchange.
 - ii. Reserve sites with adequate size and accessibility for future transit routes, stops and amenities (passenger shelters, transit parking bays and parking spaces for vanpool vehicles) in the development area. During the design, we encourage the developer to refer to our design standards manual that is available on our website at www.golynx.com under "publications".
 - iii. Biennial transit and ridesharing studies by employers of more than fifty (50) people to assess travel patterns and commuting needs. The collected information should be supplied to the TMA, LYNX and RE-Think.
 - iv. Preferential parking for employees who participate in ridesharing programs.
 - v. Consideration of transit needs for the disabled and transportation disadvantaged.

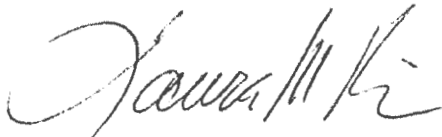
407-841-2279
www.golynx.com

455 North Garland Avenue
Orlando, FL 32801-1518

- vi. If the City and LYNX agree that current or potential ridership in the area justifies a transit route, the Developer shall provide financial support on a proportionate share basis prior to any Phase 2 approvals with a reevaluation prior to each phase.
- c. The developer shall coordinate with FDOT's ReThink program (<http://www.rethinkyourcommute.com/>) regarding the development of a commuter services plan for the development prior to the permitting of Phase 2. Such a plan shall outline proposed financial commitments by the developer to support and encourage the use of alternative modes of transportation by employees and residents within the development. The objective of such a plan is to increase the modal split within the development.
- d. The monitoring and modeling study that will be performed prior to commencement of each phase shall address transit and mobility needs/impacts within the development. The developer shall fund any additional transit improvements needed to support the development on a proportionate share basis.
- e. Should the Orange Blossom Express become operational for rail transit, the developer shall assess actions to facilitate ridership on the system, including but not limited to shuttle operations to and from the nearest station during peak traffic hours.

LYNX believes that encouraging transit bus utilization and commuter choice options helps to reduce traffic congestion and mitigate development impacts. The design standards for shelters and passenger amenities are available on our website at www.golynx.com under "publications". Also, for information on commuter choice alternatives contact Reginald Mells, Program Account Executive for Commuter Services at (407) 841-2279, extension 6070. Please feel free to contact me at (407) 841-2279, extension 6110 should you have any questions.

Sincerely,



Laura M. Minns, AICP
Capital Strategic Planner

FRIENDS
OF THE
WEKIVA
RIVER

P.O. Box 6196
Longwood, Florida 32791-6196
friendsofwekiva.org



Fred Milch, AICP
East Central Florida Regional Planning Council
309 Cranes Roost Blvd. Suite 2000
Altamonte Springs, Florida 32701

July 20, 2011

**Re: Kelly Park Crossing, DRI/ADA (ECFRPC DRI #140083)
Comments on response to 2nd RAI**

Dear Mr. Milch,

Thank you for sharing the applicant's response to the 2nd Request for Addition Information (RAI) for the proposed Kelly Park Crossing Development of Regional Impact (DRI) with Friends of the Wekiva River (FOWR).

FOWR is a non-profit organization committed to long-term protection of the Wekiva River system and related natural resources. Our interests include water quality and quantity, wildlife and habitat, resource-based recreation, and land use. Since our inception nearly thirty years ago, we have advocated for conservation and stewardship of the Wekiva basin and springshed, working with government leaders, agencies, and residents to achieve collaborative science-based solutions. Consistent with this, FOWR supported passage of the Wekiva River Protection Act in 1988 and Wekiva Parkway and Protection Act in 2004, landmark pieces of legislation intended to effectively integrate conservation, transportation, and growth management planning within this area of state and regional significance.

Appreciating the unique history of events leading to adoption of the Wekiva Parkway and Protection Act is critical to understanding our interest in Kelly Park Crossing. FOWR was involved in past decades when a western beltway around Orlando was considered; however, it was not until recently that broad regional support coalesced for the project to move forward. Current support for the western beltway, now known as the Wekiva Parkway, was achieved following unprecedented regional collaboration between numerous stakeholders including the Orlando-Orange County Expressway Authority, conservation agencies, local governments, business leaders, and the environmental community to ensure that numerous threats of habitat loss and fragmentation, degradation of water resources, and urban sprawl could be effectively addressed. That effort involved two executive orders from then Governor Bush, two task force committees, the adoption of special legislation, agency rule-making, and planning efforts that continue today. What emerged from those activities was the understanding that a major new transportation facility could be supported in the Wekiva area, but only if that roadway and new development that it might bring are built in a manner very different from conventional roads and development that have led to suburban sprawl, loss of open space, and degradation of natural resources elsewhere in Florida.

As expressed in previous comments submitted, FOWR remains concerned that the Kelly Park Crossing project as presently proposed does not represent the innovative form of development, protective of natural resources, that is envisioned by the Wekiva Parkway and Protection Act. In our view, answers provided by the applicant do not adequately respond to significant concerns raised by state agencies and FOWR. Moreover, we do not believe that the conceptual site plan submitted by the applicant accomplishes goals of protecting meaningful open space, fostering compact develop closest to the proposed Wekiva Parkway

interchange, or safeguarding the integrity of surrounding rural lands. In addition, we find that the document titled “Wildlife Habitat Management Plan” prepared by Bio-Tech Consulting and included in the applicant’s second response does not constitute an actual management plan. Rather it appears to be a summary of current conditions and surveys performed, with only vague references to future action. Effective habitat management requires the identification of specific tasks and a commitment of resources to ensure that habitat and wildlife populations persist over time.

We encourage the East Central Florida Regional Planning Council to refer to our previous comments submitted on January 23rd and April 24th of this year. Instead of repeating those comments in this letter, we offer the following recommended modifications that in our view would render the project consistent with the spirit and purpose of the Wekiva Parkway and Protection Act. In addition to several environmental benefits, we believe pursuing improvements suggested here could yield both the City of Apopka and the applicant a greater economic return on their respective public and private investments to this project.

FOWR believes that several objectionable elements of the project can be resolved by shifting development presently planned for the proposed “Neighborhood District” to the project’s urban core, located closer to the Wekiva Parkway interchange. Rather than developing the northwest corner of the project consisting of approximately 100 acres with conventional suburban densities (between 1 and 5 dwelling units per acre), we recommend dedicating this area for preservation and shifting development southeast of the 40 acre open space area shown in green on Map H. This could be coupled with increasing development entitlements closer to the Wekiva Parkway interchange so that no net loss of development density or intensity occurs. Doing this would have several benefits:

- The Kelly Park Crossing property is home to several hundred gopher tortoises, listed as threatened by the Florida Fish and Wildlife Conservation Commission. Furthermore, surveys indicate that a large portion of this resident tortoise population is located within the northwest part of the property. Designating this area as a preserve would maintain a viable population of tortoises on-site, consistent with protection of wildlife within the Wekiva Basin, a solution far preferable to and less costly than off-site relocation (which is often unsuccessful). It may also be possible for this area to serve as a recipient site for on-site relocation of tortoises from elsewhere in the project. Given the very large number of tortoises known to exist on the property, it is anticipated that this will save the applicant several hundred thousand dollars. Protection of this area may also satisfy mitigation requirements for the threatened Southeastern American Kestrel, which could otherwise require over 100 acres of off-site mitigation.
- Maintaining the northwest portion of the project as a tortoise preserve would significantly improve long-term survival of the Sherman’s fox squirrel which occupies the adjacent 40 acre forested open space shown in green on Map H. If surrounded by urban development as in the currently proposed site plan, fox squirrels living on site are almost certain to perish. Unlike the common gray squirrel, Sherman’s fox squirrel does not adapt well to human impacts and would suffer from encroachment of people, pets, and traffic associated with the DRI.¹ On the other hand, designating the area presently identified as a “Neighborhood District” for preservation would create a permanent undeveloped rural buffer north and west of where fox squirrels reside. With this enhanced level of protection and supplemental planting, it is possible that this area could also support fox squirrels transferred from the

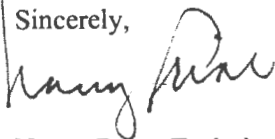
¹ Although the applicant has suggested that additional trees may be planted for fox squirrels, no commitment has been made to locate these trees within additional undeveloped open space contiguous to the 40 acre of habitat identified on Map H. Because impacts of fragmentation and human encroachment have been ignored, we strongly disagree with the summary conclusion on page 14 in the applicant’s wildlife habitat management plan: “Therefore, there is reasonable assurance that the project will not impact or degrade conditions for this species. In fact, through the proposed enhancement activities, the project should improve conditions for this species.”

even smaller 20 acre open space area near the parkway interchange on Map H. Consistent with maintaining the northwest forested area on Map H and adjacent 100 acres as a contiguous preserve, we recommend that the proposed internal roadway terminating at Ondich Road be shifted east to prevent habitat fragmentation and wildlife mortality.

- Protecting the northwest corner of the Kelly Park Crossing DRI as an undeveloped preserve would eliminate 100 acres of suburban lawns and landscaping that require fertilizers and pesticides to maintain. This would improve water quality by reducing pollution and nutrient loads to the underground aquifer. Similarly, maintaining this area as an undeveloped preserve would eliminate the need for watering suburban lawns and landscaping, and would allow for more effective natural percolation of rainwater into the soil—thus conserving water resources essential both to springs of the Wekiva River System and future growth of the city.
- Converting the northwest portion of the project to a preserve would more appropriately address the spirit and intent of the Wekiva Parkway and Protection Act by promoting conservation-oriented development, preserving functional open space for the protection of natural resources, providing for compact clustered development in closer proximity to the Wekiva Parkway interchange, and protecting the integrity of rural lands farther away from the interchange. Locating new development southeast of the 40 acre forested area shown in green on Map H would establish a development envelop within one mile of the proposed interchange, consistent with compact design, and create a compatible boundary protective of rural property along Ondich Road. Furthermore, a network of passive parks and trails could be integrated into the resulting preserve area, providing a recreational amenity to future residents of the project and within the region.
- Finally, we believe the alternative discussed above may provide greater economic return to the applicant as well as to the City of Apopka. In addition to previously mentioned savings for mitigation, protecting the northwest portion of the site as open space would reduce the need for costly extension of infrastructure. Furthermore by increasing development density and intensity to the southeast, greater efficiencies of compact urban design can be realized. Whereas conventional suburban development has become less marketable (evident by Central Florida's tremendous surplus of vacant single-family homes), the demand for walkable urban communities that functionally integrate opportunities to live, work and play is actually anticipated to grow in the future. By reducing the suburban component of Kelly Park Crossing and increasing density and intensity closer to the Wekiva Parkway interchange, the applicant and city could both capitalize on this trend and benefit economically.

Again, thank you for the opportunity to provide these comments. FOWR appreciates the Regional Planning Council's continuing efforts to work with stakeholders to improve this project. Please let us know if we can be of further assistance.

Sincerely,



Nancy Prine, Technical Committee Chair
Friends of the Wekiva River
407-898-9200

CC: Tuesdai Brunsonbyrd-Bowden, ECFRPC
Philip Laurien, ECFRPC Executive Director
Mayor Teresa Jacobs, Orange County
Mayor John Land, City of Apopka

VII. Appendices



City of Apopka • Apopka, Florida • 32703-4000
City Manager • 407.703.1739

August 9, 2011

Teresa Jacobs, County Mayor
Orange County
P.O. Box 1393
Orlando, FL 32803

RE: KELLY PARK DEVELOPMENT OF REGIONAL IMPACT (DRI)

Dear Mayor Jacobs:

The City is currently in process of adopting the Kelly Park Development of Regional Impact (DRI). This letter shall serve as notification to the County. The public hearing dates for this amendment are as follows:

Wednesday	<u>August 17, 2011</u>	East Central Florida Regional Planning Council, 10:00 a.m. 309 Cranes Roost Blvd, Suite 2000, Altamonte Springs, Florida
Tuesday	<u>September 13, 2011</u>	Planning Commission, 5:01 p.m., City Hall
Wednesday	<u>September 21, 2011</u>	City Council, 1 st Reading, 8:00 p.m., City Hall
Wednesday	<u>October 5, 2011</u>	City Council, 2 nd Reading, 1:30 p.m., City Hall

If you have any questions or require further information, please contact me at (407)703-1739, and I will be happy to assist you.

Sincerely,

David Moon Planning Manager

cc: Jay Davoll, P.E., Community Development Director
Ajit Lalchandani, Orange County Administrator
Susan Caswell, Orange County Planning Manager