

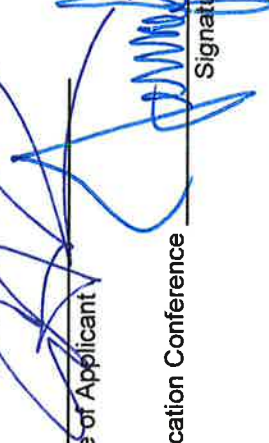

**APPLICATION FOR AMENDMENT TO THE
2010-2030 COMPREHENSIVE PLAN (CP)
ORANGE COUNTY PLANNING DIVISION**



The applicant agrees and understands that this application is submitted pursuant to the Orange County Comprehensive Plan and Chapter 163, Part II, Florida Statutes (The Community Planning Act). The application must be filed in person during the plan amendment submission period to: Orange County Planning Division, Comprehensive Planning Section, 201 South Rosalind Avenue, 2nd Floor, Orlando, Florida 32801. Application completeness is the responsibility of the applicant.

The public record of this application consists of: the application, the exhibits, documents or materials prepared by the applicant and submitted to the Planning Division, review documentation, information and/or materials prepared by the Planning Division, public comments submitted to the Planning Division, and public comments made during the public hearings on this application.

I hereby certify that all information submitted with and pursuant to this application is true and correct to the best of my knowledge and belief.

Signature of Applicant:  Signature of Planning Staff:  Date: 10-16-19

CP APPLICATION FORM

| | | | |
|----------------|---|-------------------|--------------------------------------|
| Owner | <u>DC Investments Orlando Inc. c/o Russell Jacobson, VP</u> | Applicant / Agent | <u>Carlos A. Rivero</u> |
| Address | <u>36 Riverside Blvd</u> | Address | <u>4729 Patch Road Suite 100</u> |
| City | <u>Thornhill</u> | City | <u>Orlando</u> |
| State/Ontario | <u>Zip Code L4J-1H3 CANADA</u> | State FL | <u>Zip Code 32822</u> |
| Phone (H) | <u></u> | Phone (H) | <u></u> |
| (W) | <u></u> | (W) | <u>407-947-4962</u> |
| (Cell) | <u>416-861-5753</u> | (Cell) | <u>407-947-4962</u> |
| (Fax) | <u></u> | (Fax) | <u>na</u> |
| E-mail Address | <u>rjacobson@mpigroupinc</u> | E-mail Address | <u>carlos@ccdorlando.com</u> |

TYPE OF REQUEST (Check all that apply)

- Future Land Use Map Amendment**
 Small-Scale Development Amendment
 Regular Cycle Amendment
 USA/RSA/RS/GC Boundary Amendment Other (explain) _____

Text Change (Goals, Objectives, and Policies (GOP) of the CP)

Name of CP Element: _____ Text Page(s): _____

Goal/Objective/Policy (GOP) Number: _____

Cycle 2020-1 Small-Scale (ex: 2017-2 Regular Cycle)

Prior Submissions: If a prior amendment application has been submitted for any of the properties included in this request, please indicate year, cycle and outcome of request (adopted, denied, postponed, or withdrawn). _____

PROPERTY INFORMATION

Parcel Identification Number (Tax I.D. Number) 26-22-31-0000-00-014
Address (if available) 707 Woodbury Road
Gross Acreage 1.8 Developable Acreage 1.8 (less water bodies/wetlands acreage)
Project Name The Gardens at Waterford Lakes County Commission District 4

LAND USE IDENTIFICATION

| | |
|-------------------------------------|------------------------------------|
| Existing Future Land Use | Low-Medium Density Residential |
| Existing Use | Vacant Land |
| Number of units or Sq. Ft. | Vacant Land |
| Requested Future Land Use | Medium-High Density Residential/PD |
| Number of Proposed Units or Sq. Ft. | 63 |
| Existing Zoning | R-2 |
| Proposed Zoning | PD |

| | |
|----------------------------------|--|
| Adjacent Future Land Uses | N: HOA Tract / Lake Underhill R.O.W. |
| For example "Commercial" | E: Institutional - Discovery Middle School W: Institutional - Waterford Elementary School S: Institutional - Discovery Middle School |
| Adjacent Land Uses | N: HOA Tract/Lake Underhill R.O.W. |
| For example "Gas Station" | E: Institutional - School W: Institutional - School S: Institutional - School |

CP AMENDMENT SUBMITTAL REQUIREMENTS

One (1) hard copy and one (1) electronic copy (submitted in unsecured PDF format on a CD) of all required documents must be submitted by the applicant (it cannot be delivered by a courier) at the time the application is filed.

- 1. Fee:** The application fee is \$3,426 for a Small Scale Amendment and \$6,047 for a Large Scale or Text Amendment, payable to the Orange County Board of County Commissioners. The following shall be exempt from payment of the application fee: Orange County, the Orange County School Board, the State of Florida, the U.S. government, municipalities situated wholly within Orange County, the Central Florida Expressway Authority, and other established transportation authorities. Others may request a fee waiver from the Board of County Commissioners (BCC) through a request to the Planning Manager.
- 2. Maps:**
 - a. Site/location map of land use change (clearly demarcated site with major roadways labeled)
 - b. Existing land use map
 - c. Proposed land use map
 - d. Zoning map
 - e. GIS (Geographic Information System) shape file matching the legal description based on a certified survey (on CD) created as polygon in the following projection plane: NAD 1983 StatePlane Florida East FIPS 0901 Feet (Only required if parcel boundary is changing)
 - f. Floodplain map (Large Scale only)
 - g. Topographical map (Large Scale only)
- 3. Certified Survey:** County Property Appraiser's map illustrating the exact parcel may be accepted in lieu of a survey upon Comprehensive Planning staff approval. This map can be obtained by visiting the Orange County Property Appraiser's website at www.ocpafl.org. If the request is only for a portion of a parcel, a certified survey is **required**. In this instance, the County Property Appraiser's map and/or a legal description with certified sketch will not be accepted in lieu of a certified survey.
- 4. Amendment Justification Statement:** Attach a statement justifying the need for the requested amendment, including the appropriate data and analysis to support the requested change. The justification must identify both compatibility of the requested Future Land Use with the surrounding and adjacent uses, and consistency with the specific Goals, Objectives, and policies of the Orange County Comprehensive Plan and State Statutes. In addition, include the maximum development that can occur on the site under the proposed future land use designation and the anticipated development program under the proposed future land use designation needs to be outlined by designation, including the square footage and acreage for each category.

Text Amendment to Goals, Objectives, and Policies: Text amendments directly related to a proposed future land use map amendment may be submitted in conjunction with the proposed amendment. All proposed text amendments must be reviewed prior to submission as part of a pre-application meeting with staff. Staff shall have the ability to establish additional application requirements for proposed text amendments, such as, documentation, electronic files, map specifications, additional review, and copies for dissemination. If the proposed text amendment(s) comply with the aforementioned requirements, proposed policy revisions shall be submitted utilizing the underline and strikethrough format. Underline text denotes proposed policy language additions, and strikethrough text denotes proposed deletions to currently adopted policies. Describe how the proposed policy revision is consistent with, and furthers the goals, objectives, and policies of the Comprehensive Plan.

4. **Small Area and Special Studies:** If an amendment request requires completion of a small area study or the applicant must meet with Planning Division staff to determine the level of analysis and the format and length of the study. Required small area studies must be submitted concurrent with the amendment application unless the Planning Manager or his/her designee grants permission to extend the deadline. Special studies may include, but are not limited to, land use studies and/or vacant land analyses or demonstrated need for the land use change.

5. **Environmental Assessment:** If there are wetlands on the property, a Conservation Area Determination (CAD) is required from the Orange County Environmental Protection Division as part of the Comprehensive Plan Amendment application package. For questions regarding the CAD process please contact the Orange County Environmental Protection Division at 407-836-1400.

6. **Transportation Capacity Analysis:** For methodology, contact Mirna Barq of the Transportation Planning Division at 407-836-7893. Properties located within an Alternative Mobility Area (AMA) may also be required to complete a Planning Context Assessment Study. If a transportation capacity analysis or planning context assessment study is required it must be submitted with the Comprehensive Plan Amendment application package in order for the application to be deemed sufficient.

7. **School Capacity:**

a. At the time of application submittal for a Comprehensive Plan amendment to the Planning Division, the applicant **must** complete the online OCPS Formal Capacity Determination Application at the following link and provide a receipt of payment with the application package: <https://ocps.net/cms/one.aspx?portalId=54703&pageId=201196> (or <https://tinyurl.com/Capacity-Determination>)

The applicant must also complete the Proposed Development Profile Form at the following link and submit to Sue Watson at Sue.Watson@ocfl.net: https://ocps.net/UserFiles/Servers/Server_54619/Image/Departments/Facilities/Departments/Facilities%20Planning/Proposed%20Development%20Profile_Original%20Signature.pdf (or <https://tinyurl.com/Proposed-Development-Profile>)

b. **No later than 14 calendar days prior to the Board of County Commissioners adoption hearing,** the applicant shall deliver to the Planning Division a copy of a fully executed capacity enhancement agreement (CEA)/school mitigation agreement with the Orange County School Board (OCSB) or a copy of the School Capacity Determination Report (SCDR) indicating that a mitigation agreement will not be required. If the applicant does not deliver a copy of one of those two documents at least 14 calendar days before the adoption hearing, the application shall be postponed to the next cycle of comprehensive plan amendments, with the same requirement that a copy of one of those two documents be delivered to the Planning Division at least 14 calendar days before the next adoption hearing (Policy FLU8.7.11).

c. If the adoption public hearing in the next cycle is more than 180 days since the Department of Economic Opportunity (DEO) (the state land planning agency) issued comments or an objections, recommendations, and comments report on the comprehensive plan amendment, the application will be considered withdrawn per 163.3184, F.S.

8. **Relationship Disclosure Form (RDF):** The RDF is a disclosure of relationship to the Mayor or member of the Board of County Commissioners by the principal and his/her agent and the principal's lobbyist, contractors, and consultants (if applicable) for certain projects or issues that will come before the BCC. It is **required** for this application. For questions regarding this form, please contact the Orange County Attorney's Office at 407-836-7320.*

9. **Specific Project Expenditure Report (SPR):** The SPR is a report of all lobbying expenditures incurred by the principal and his/her agent and the principal's lobbyist, contractors, and consultants (if applicable) for certain projects or issues that will come before the BCC. It is **required** for this application. For questions regarding this form, please contact the Orange County Attorney's Office at 407-836-7320.*

**If at any time throughout the process this information changes, it is the duty of the applicant/agent to notify staff and submit a revised Relationship Disclosure Form and/or Specific Project Expenditure Report.*

REVIEW PROCESS AND APPLICANT RESPONSIBILITIES

Pre-Application Conference: Applicants are required to schedule a pre-application conference with Planning Division staff to discuss the content and format of the amendment proposal. Acceptance of an application should not be construed as staff support of the amendment request, or as staff acceptance as to the sufficiency of the application. To schedule an appointment, please contact the Planning Division at (407) 836-5600.

Complete Application: If upon review of the submitted application, the Planning Division finds the application incomplete, the applicant will be required to resubmit the application with clarification or additional information. Resubmitted applications or additional information are due within 14 calendar days of notice from the Planning Division unless an extension is granted by the Planning Manager or his/her designee to accommodate special/lengthy requests. *An application may be rejected for incompleteness and/or failure to resubmit in a timely fashion.*

Poster: Applicants are required to place "Notice of Public Hearing" poster(s) on the property of the amendment request 10 business days prior to both transmittal and adoption public hearings. The Planning Division will prepare the poster(s) and notify the applicant when to pick up the poster(s), and posting instructions will be included. Failure to post the notice on the property according to the instructions may result in a postponement of your hearing.

Community Meeting: Please note that if a community meeting is required for the amendment, the applicant may be assessed an additional fee generated by the hosting facility to cover the costs associated with the community meeting. All fees must be paid no later than 14 calendar days prior to the scheduled community meeting. Should this requirement not be met, the community meeting will be cancelled and the amendment will be postponed to a later cycle. The Planning Division provides public hearing notices to property owners within a minimum of 500 feet of the property proposed for amendment.

Public Hearings: This application will require one or more public hearings. Attendance at all hearings by the applicant or a representative is required. Inquiries from the public, the Local Planning Agency or the Board of County Commissioners for information or clarification may necessitate a response from the Applicant. Consequently, non-attendance may result in a vote of denial or continuance to a future hearing date. A schedule of tentative hearing dates will be provided by the Comprehensive Planning section and is available at the Orange County Comprehensive Planning webpage. Hearings that are continued due to the applicant's actions may require re-advertisement. All costs related to notice of rescheduled hearings and/or additional community meetings shall be the responsibility of the applicant.

Supplemental Information for Reviewing Agencies' Comments Response: (Not applicable for Small-Scale Development amendments.) The County is required to submit copies of each Large Scale CP amendment to the Department of Economic Opportunity (DEO) and other State agencies for their review. DEO will issue a comment letter if the amendment is processed under the *Expedited State Review Process* or an objection, recommendations, and comment report (ORC) if the amendment is processed under the *State Coordinated Review Process*. The Planning Division will forward the aforementioned information to the applicant upon receipt. Subsequent to the County receiving the comment letter or ORC, the applicant must submit to the County a response in an electronic form (such as Microsoft Word) within the allotted time for a response, typically 14 calendar days, unless an extension is granted by the Planning Manager or his/her designee. Failure to submit an adequate response in the time frame allotted may cause the public hearing for the amendment to be continued to a subsequent cycle. It is the applicant's responsibility to provide a sufficient response, as well as any corresponding supporting evidence or documentation in response to DEO's comment letter or ORC before the County transmits the application to DEO after adoption.

Multiple Properties: Contiguous property can be submitted on one application upon authorization of all property owners if a separate Tax ID number/legal description and agent authorization forms are submitted for each property owner. Multiple applications on contiguous parcels to circumvent the 10 acre threshold for Small Scale Development Future Land Use Map amendments are prohibited and may be refused at the Planning Manager's discretion.

Additional Information: This application hereby authorizes Planning Division staff to enter upon the property at any reasonable time for the purpose of a site visit in connection with review of this application. All documentation pertaining to the amendment (including revised or updated traffic analyses) needs to be routed to the Planning Division, at which time it will be forwarded to appropriate agencies. The Planning Division or its designee reserves the right to request additional information at a later date, should clarification be necessary due to further analysis, site visits, the community meeting, or public hearing process.

Refund Policy: If the applicant for a Comprehensive Plan Amendment withdraws three weeks prior to the published newspaper advertisement for any public hearing, the applicant may request a partial refund equal to half of the application fee. Applications withdrawn after this time will not receive a refund. Pursuant to 163.3184, FS, Large Scale Comprehensive Plan amendments processed under the Expedited State Review and State Coordinated Review processes must be adopted within 180 days of the County receiving DEO's and reviewing agencies' comments. If the Large Scale Comprehensive Plan amendment is not adopted within the 180-day time frame, the applicant will forfeit all fees and will be required to submit a new application and pay the current application fee to proceed. The availability, or lack thereof, of any concurrency-related public facility shall have no impact on the foregoing refund policy. The applicant shall be responsible for any fees associated with continuing an application to the next available amendment cycle, including but not limited to notification, advertising, and document production.

LEGAL INFORMATION AND DISCLAIMERS

Be advised that the CP amendment does not guarantee/entitle the applicant/owner to a development permit.

Small Scale Development Amendments

Small Scale Development amendments must meet the following criteria [Ch. 163.3187, FS]:

- The proposed amendment must apply to a property of ten (10) acres or less.
- The proposed amendment cannot include a change to the goals, objectives, policies or text of the CP, unless the text amendment(s) are directly related to the Small Scale Development Map amendment.
- Small Scale Development amendment applications will be accepted only until the statutory 120-acre annual cumulative total is reached, except for applications within the designated International Drive Activity Center.

Small Scale Development amendments may request a continuance to the next available amendment cycle (cycles generally occur every six months). If the applicant does not notify the Planning Division of the applicant's intent to reactivate the case during the next cycle, the applicant will forfeit all fees and will have to submit a new application with the then-current application fee to proceed.

Under certain circumstances, the Planning Manager or his/her designee may determine that a Small Scale amendment must be processed as a Large Scale amendment. Such circumstances include community controversy or regional or state interest, as well as amendments that involve a Joint Planning Area Agreement, Developer's Agreement, or a revision to the Urban Service Area boundary.

Developments of Regional Impact (DRIs) or amendments thereto are not subject to the twice-yearly limit for Comprehensive Plan amendments (established in Comprehensive Plan Policy FLU8.8.1) and are processed consistent with Chapter 380.06, FS requirements.

Effective Dates: Pursuant to Chapter 163.3184(3), FS, amendments adopted under the *Expedited State Review* process that are not challenged become effective 31 days after DEO notifies the local government that the plan amendment package is complete. Pursuant to Chapter 163.3184(4), FS, amendments adopted under the *State Coordinated Review* process that are not challenged shall go into effect pursuant to the DEO's Notice of Intent (NOI).

State Compliance Review and Appeals: In the event the amendment requested by this application is adopted either in whole or in part, or a modified version is adopted by the Board of County Commissioners and subsequently found to be "not in compliance," pursuant to Chapter 163.3184(5) – (10), F.S., Orange County, at its sole discretion, may choose to either pursue an administrative proceeding, enter into a compliance agreement, or repeal the amendment, thereby abrogating the basis of the "not in compliance" finding. The applicant and those he/she represents in this amendment are hereby put on notice that the amendment does not become effective until a final order determining the adopted amendment to be in compliance with the law has been issued and the appeal period expired, or in the case of an appeal, the appeal has been settled. Therefore, the applicant and those he/she represents are hereby put on notice that there shall be no reliance on, nor shall the County be responsible for any reliance on, an approval of this application until it is "effective," pursuant to law.

Transmittal of Regular Cycle Amendments: A decision by the BCC to transmit an application for state review is not an indication that the proposed amendment will ultimately be adopted regardless of any findings that the application is consistent, compliant, or compatible. A decision not to transmit will end the review process and constitute a denial of the proposed amendment. Per Future Land Use Element Policy FLU8.8.6, applications for substantially the same property that have been denied transmittal or adoption by the Board of County Commissioners cannot be accepted, for substantially the same property, for a period of two (2) years from the date of the decision.

Original Signatures: All documents submitted with this application must be the original signed copies. No photocopied documents will be accepted.

CP AMENDMENT CHECKLIST

The application package must include each of the "required" items listed below.

Notarized application, required supplemental information, and the application fee must be filed by the application DEADLINE on December 2, 2019.

Please note that a submittal appointment must be scheduled with the Cycle Coordinator prior to the submittal deadline.

| <u>Required</u> | <u>Attached</u> |
|---|-------------------------------------|
| <input checked="" type="checkbox"/> Application Fee (\$3,426/Small or \$6,047/Large; check made payable to Orange County BCC) | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Comprehensive Plan Amendment Application Form (original) | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Owner/Agent Authorization Form(s)</u> (one for each property owner) if the property is owned by a corporation, documentation certifying the signing individual's authority is required. | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Legal Description</u> – The complete legal description of the property or the portion of the property for which the amendment is being requested, typed on a separate sheet of paper with the Tax ID Number. Attach a separate description for each property. | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Certified Survey or Property Appraisers Map</u> (see instructions on pg. 2 of this application) | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Property Appraisers Information</u> (can be obtained online at www.ocpaf.org) | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Documentation and Location Maps</u> (see instructions on pg. 2 of this application) | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>GIS (Geographic Information System) Shapefile</u> (see instructions on pg. 2 of this application) | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Justification Statement</u> (see instructions on pg. 2-3 of this application) | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Small Area and Special Studies</u> – It is the responsibility of the applicant to provide sufficient information to justify the proposed amendment before the County transmits the application to the Department of Economic Opportunity (DEO). In some cases, the County may require that special studies be submitted, subject to the discretion of the Planning Manager. If this is an application for a Development of Regional Impact (DRI), a Fiscal Impact Analysis is required. (See <i>Additional Application Information</i>) | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> N/A _____ (note types of studies submitted) | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Wetlands Determination/Environmental Assessment</u> – Contact the Environmental Protection Division at 407-836-1400. | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Transportation Demand Analysis</u> – For methodology, contact Mirra Barq/Transportation Planning Division at 407-836-7893. | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Capacity Enhancement Agreement (CEA)/ School Mitigation Agreement or School Capacity Determination Report (SCDR)</u> application and receipt of payment (see instructions on page 3 of this application) | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Relationship Disclosure Form (RDF)</u> Contact County Attorney's Office at 407-836-7320 | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Specific Project Expenditure Report (SPR)</u> Contact County Attorney's Office at 407-836-7320 | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> <u>Electronic copy of all documents in PDF format on a CD (unsecured)</u> | <input checked="" type="checkbox"/> |

Will an application for rezoning or other development permit be submitted to the County? *(If the proposed zoning is Planned Development, a preliminary land use plan may be required prior to the Board of County Commissioners adoption public hearing.)*
 Yes No

Has the property been subject to any County action within the last five (5) years?
 Yes _____ No (If yes, list the type of action and dates within justification statement)

Is it an express purpose of the land use classification change requested by this application to accommodate a solid waste management facility on the property?
 Yes _____ No

Is it an express purpose of the land use classification change requested by this application to accommodate a lot split request?
 Yes _____ No (If yes, please review the official lot split policy of unincorporated Orange County)