

Memo

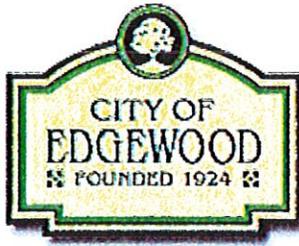
To: Planning and Zoning Board Members
From: Sandy Repp, Deputy City Clerk
Date: April 6, 2018
Re: Supplement to Agenda Packet for April 9, 2018 P&Z meeting

The following information, excerpted from the February 12, 2018 P&Z agenda, is provided as a supplement to the April 9, 2018 agenda should you need a reference.

Application for Rezoning 2018-RZ-01

- Application for Rezoning
- Notice of Public Hearing dated January 30, 2018 sent to property owners within 500 feet (Addresses with address and map matrix were generated from Orange County Property Appraiser Website).
- Sign Affidavit dated February 2, 2018
- Ordinance 2018-04 for Rezoning property on Holden Avenue to a Proposed Planned Development for Elementary School
- Staff Reports
 - Memo from Drew Smith dated December 6, 2017
 - Staff Report from CPH dated January 10, 2018
 - Staff Report from Ellen Hardgrove dated February 6, 2018
 - Traffic Analysis Review from Ellen Hardgrove dated February 26, 2018
The traffic analysis can be seen on the City website at:
http://www.edgewood-fl.gov/?wpfb_dl=747
- Planned Development Agreement (draft)
- Approved Minutes from November 15, 2017 and Draft minutes from February 2, 2018 DRC meetings

RECEIVED
AUG 18 2017
CITY OF EDGEWOOD



R2-2018-07

Application for Rezoning

Reference: City of Edgewood Code of Ordinances, Section 134-121
REQUIRED FEE: \$750.00 + Applicable Pass-Through Fees (Ordinance 2013-01)
 (Please note this fee is non-refundable)

PLANNING & ZONING MEETING DATE:	2/12/2018
CITY COUNCIL MEETING DATE:	2/20/2018

IMPORTANT: Except where the requirements of a particular zoning district specify otherwise, the property owner(s) of 51% or more of the area involved (whether the same be one lot/parcel or a larger area) shall submit an application for review in accordance with Section 134-121 rezoning property owner(s) of the Edgewood code.

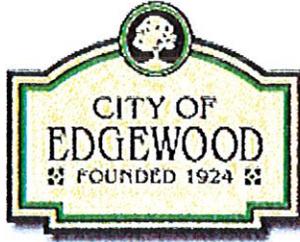
A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk 40 days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for.

Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant's Name:	Tyrone K. Smith	Owner's Name:	
Address:	6501 Magic Way Orlando, FL 32809	Address:	
Phone Number:	407 317 3700 xt 202392	Phone Number:	
Fax:		Fax:	
Email:	tyrone.smith@cps.net	Email:	
Legal Description:	See attached		
Zoned:	R-1A and R-1AA		
Location:	South side of Holden Avenue		
Tract Size:	15.15 ac.		
Existing on Site:	Single-family homes		

405 Larue Avenue, Edgewood, Florida 32809
 Phone: 407.851.2920 / Fax: 407.851.7361
 Email: bmeeks@edgewood-fl.gov Website: www.edgewood-fl.gov



The following statement set forth the specific rezoning proposed, including:

Existing zoning districts and boundaries for all land within the subject area	R-1A & R-1AA
Proposed zoning districts and boundaries	PD (Planned Development)
Purpose of request:	To build an elementary school

Applicant/owner hereby states that the above request for rezoning does not violate any deed restrictions on the property.

Applicant's Signature		Date:	8/17/2017
Applicant's Printed Name	Tyrone K. Smith, AICP	Date:	8/17/2017
Owner's Signature			
Owner's Printed Name			

(Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached)

THE APPLICANT OR OWNER MUST BE PRESENT TO ANSWER QUESTIONS OR PRESENT HIS CASE AT BOTH MEETINGS.
THE FOLLOWING MUST BE SUBMITTED WITH THE APPLICATION:

Please see attached "Rezoning Process"

AT LEAST TEN (10) DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING BEFORE THE BOARD, THE PERSON FILING THE APPLICATION SHALL PLACE IN A CONSPICUOUS AND EASILY VISIBLE LOCATION ON THE PROPERTY A SIGN FURNISHED BY THE CITY.

Please submit completed application to City Hall via email at bmeeks@edgewood-fl.gov or to srepp@edgewood-fl.gov, via facsimile at (407) 851-7361, or hand delivered to Edgewood City Hall located at 405 Larue Avenue. For additional questions, please contact Edgewood City Hall at (407) 851-2920.

OFFICE USE ONLY			
Received Date:	8/18/2017	Rec'd By:	Ben Meeks
Forwarded To:	City Hall Staff, E.P.D., Mayor, City Clerk		
Notes:			

Revised: 12-8-2015

405 Larue Avenue, Edgewood, Florida 32809
 Phone: 407.851.2920 / Fax: 407.851.7361
 Email: bmeeks@edgewood-fl.gov Website: www.edgewood-fl.gov

LEGAL DESCRIPTION OF THE PROPERTY

Orange County Tax Parcel Identification No.

14-23-29-0000-00-004

The West 165 feet of the following tract: Beginning at a point 440 Feet East of the Northwest corner of the NW ¼ of the NW ¼ of Section 14, Township 23 South, Range 29 East, run thence East 352 Feet; thence South 1,320 Feet to the South Line of the said NW ¼ of the NW ¼; thence West along the South line of the said NW ¼ of the NW ¼ 352 Feet; thence North 1,320 Feet to the Point of Beginning.

AND

Orange County Tax Parcel Identification No.

14-23-29-0000-00-005

The East 187 feet of the following tract: Beginning at a point 440 Feet East of the Northwest corner of Section 14, Township 23 South, Range 29 East, run thence East 352 Feet; thence South 1,320 Feet; thence West 352 Feet; thence North 1,320 Feet to the Point of Beginning, Orange County, Florida (Less the North 30 Feet for Right-of-Way).

AND

Orange County Tax Parcel Identification Nos.

14-23-29-0000-00-062, 14-23-29-0000-00-063, 14-23-29-0000-00-064, and 14-23-29-0000-00-042

North 155 Feet of the West 125 Feet of the East 248.7 Feet of the NW ¼ of the NW ¼ (Less the North 30 Feet for Right-of-Way) of Section 14, Township 23 South, Range 29 East, Orange County, Florida

AND

North 380 Feet of the West 100 Feet of the East 526.7 Feet of the NW ¼ of the NW ¼ (Less the North 30 Feet for Right-of-Way) of Section 14, Township 23 South, Range 29 East, Orange County, Florida

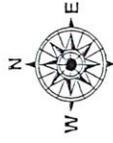
AND

North 155 Feet of the West 128 Feet of the East 426.7 Feet of the NW ¼ of the NW ¼ (Less the North 30 Feet for Right-of-Way) of Section 14, Township 23 South, Range 29 East, Orange County, Florida

AND

North 380 Feet of the West 303 Feet of the East 426.7 Feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ (Less the North 155 Feet of the East 125 Feet and Less the North 155 Feet of the West 128 Feet and Less the North 30 Feet for Road) of Section 14, Township 23 South, Range 29 East, Orange County, Florida

FUTURE LAND USE MAP FOR THE CITY OF **EDGEWOOD** FLORIDA



Legend

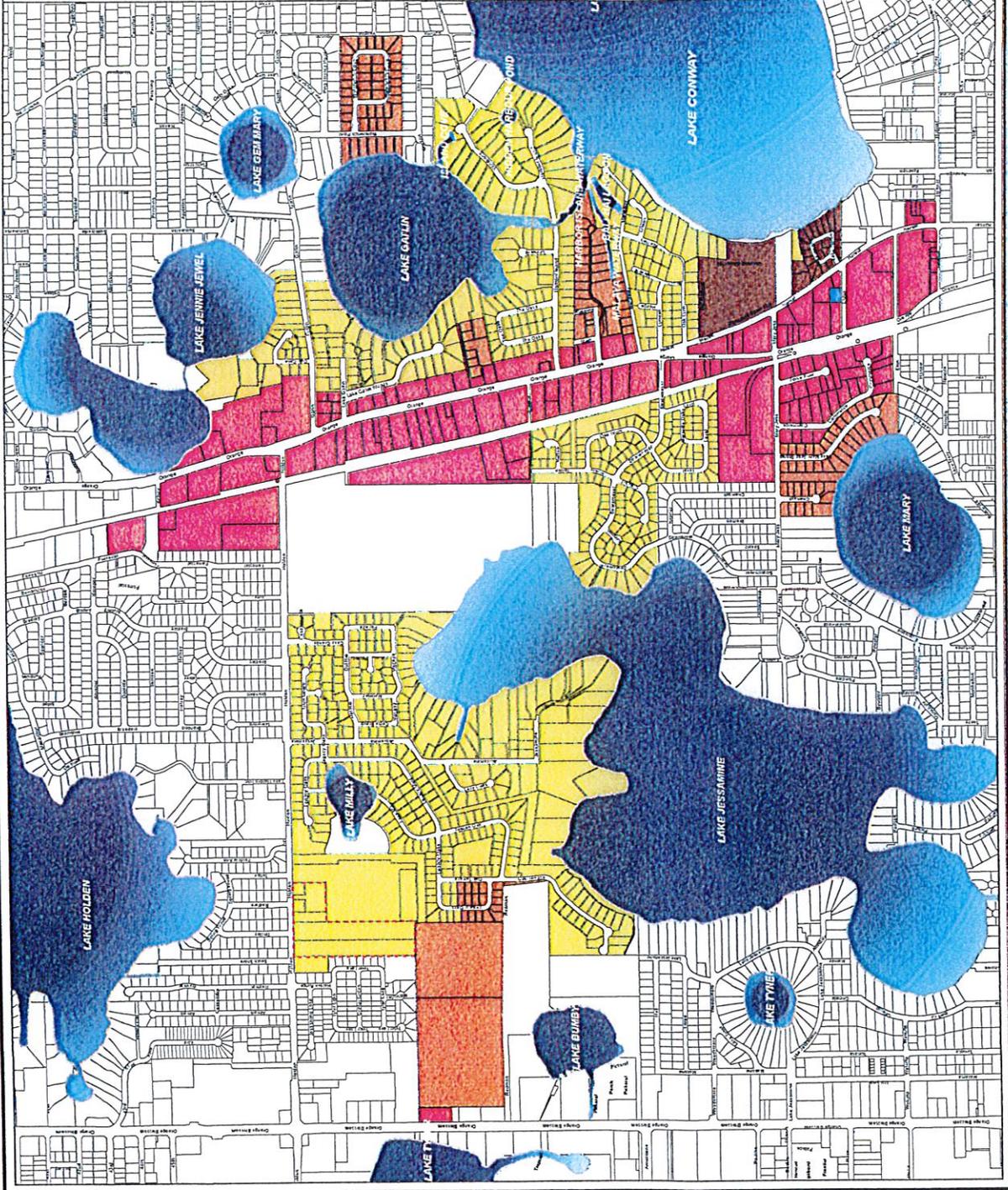
- Edgewood Future Land Use (Feb 19, 2008)
-  Low Density Residential
 -  Medium Density Residential
 -  High Density Residential
 -  Commercial
 -  Institutional
 -  Other Jurisdiction
 -  Lake

PREPARED BY:

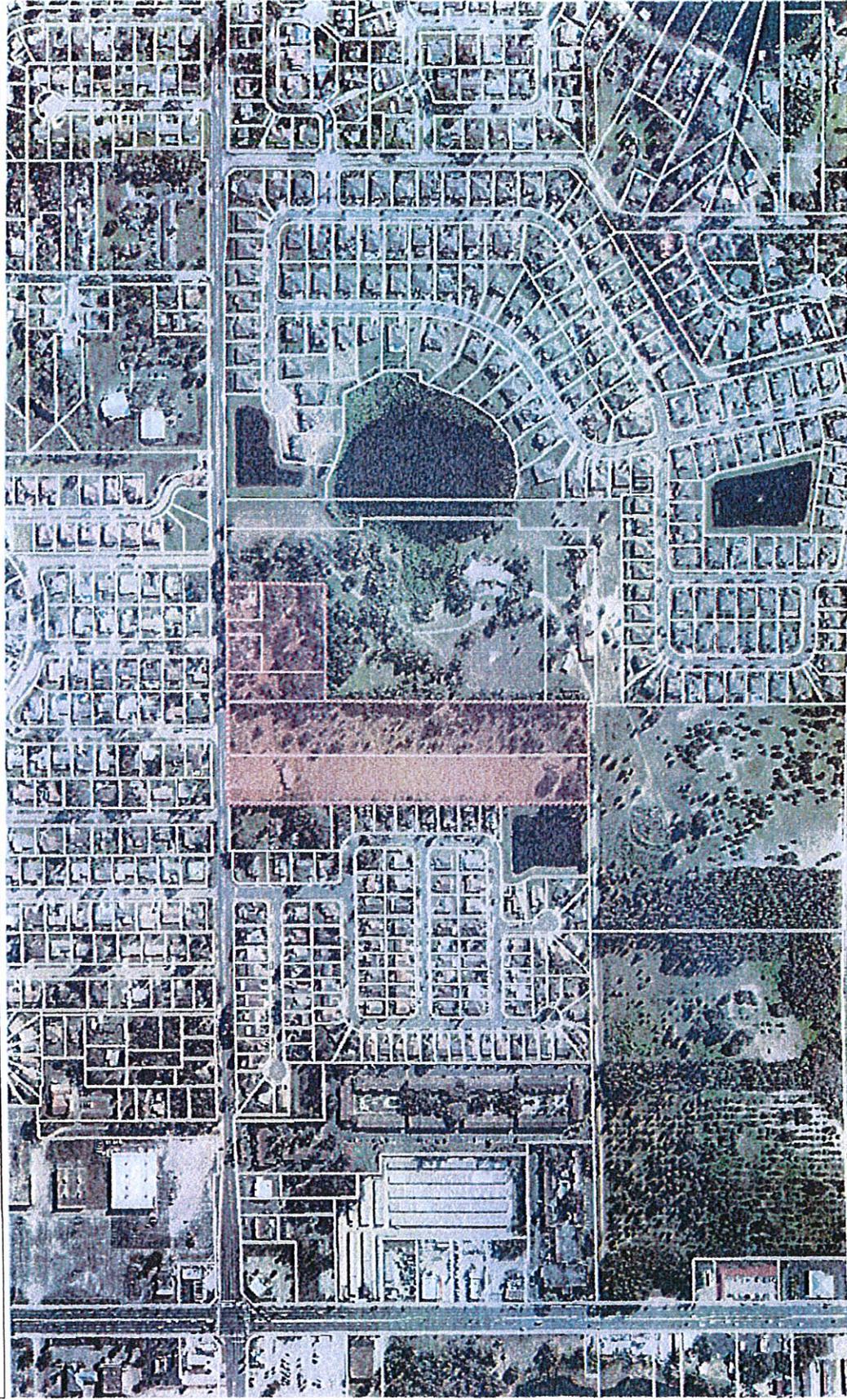


Planning Design Group, LLC
930 Woodcock Road, Suite 224
Orlando, Florida 32803
Tel: 407-267-9161 Fax: 407-267-0654
www.pdgfla.com

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Site 118 - Aerial Map



- Legend**
- Parcel Outline
 - Aerial Imagery
 - Red Band_1
 - Green Band_2
 - Blue Band_3
 - Primary Streets (~ 8,000)
 - Florida Turnpike
 - Florida Turnpike On Ramp N
 - I-4
 - State Road 408
 - State Road 414
 - State Road 417
 - State Road 429
 - State Road 429 Off Ramp N
 - State Road 528
 - Major Streets (~ 8,000)
 - Streets (~ 4,000)
 - Railroads
 - Parcels
 - Water Bodies
 - Florida Counties
 - Water Values
 - ORFNGE
 - Coastal Waters

1: 4,000

0.1
0
0.05
0.1 Miles

NAD_1983_StatePlane_Florida_East_FIPS_0901_Feet
© Latitude Geographics Group Ltd.

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

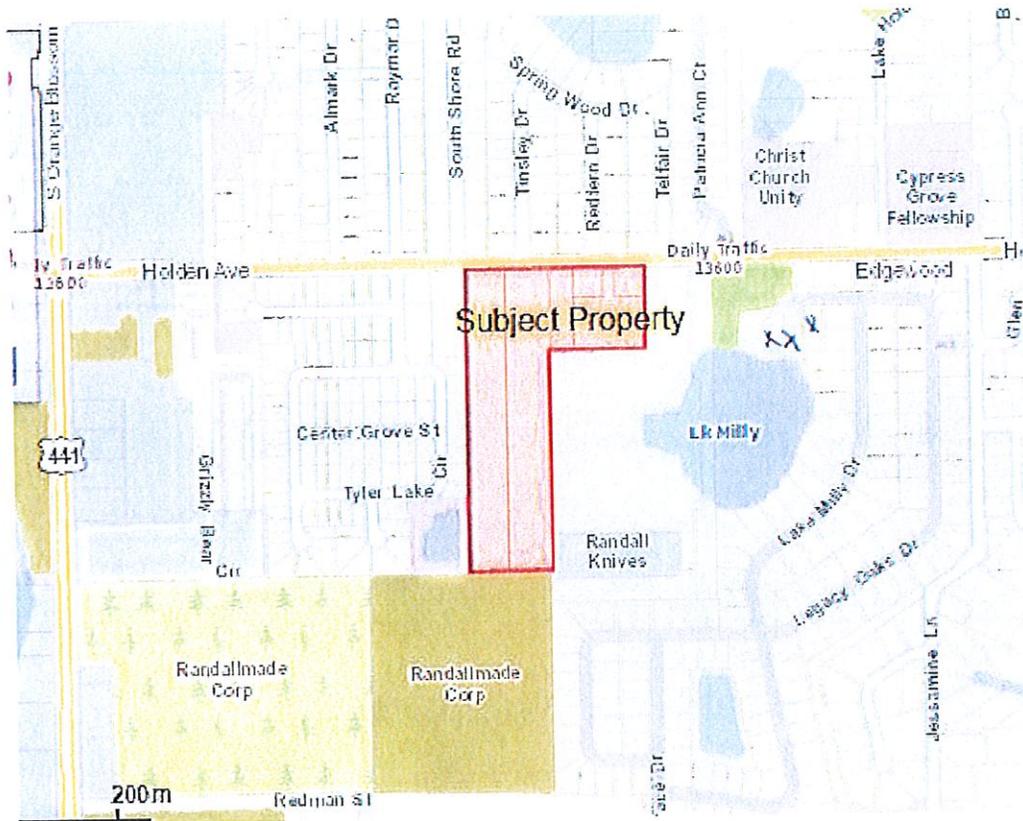
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes
This map was automatically generated using Geocortex Essentials.

CITY OF EDGEWOOD
NOTICE OF HEARING

PLEASE TAKE NOTICE that at its regular meeting on **Monday, February 12, 2018**, the Planning and Zoning Board of the City of Edgewood, will consider Rezoning Application No. 2018-01, Chapter 134, Section 121-122, Rezoning. The application was submitted by the Orange County School board on behalf of Bavaria Holdings, LLC, for property located at 1090, 1098, 1100, 1103, 1110 and 1130 Holden Avenue. The meeting will be held in the Council Chamber of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m.**

The Planning and Zoning Board's recommendation will be forwarded to City Council for consideration on February 20, 2018 (6:30 p.m.) and final action on March 20, 2018 (6:30 p.m.).



The subject property is legally described as

DESCRIPTION:

(Per Title Commitment):

A portion of Section 14, Township 23 South, Range 29 East, lying in Orange County, Florida, being more particularly described as follows:

1290.82 feet along said Southerly projection and East line of aforementioned Holden Ridge to the POINT OF BEGINNING.

Interested parties may attend this meeting and be heard with respect to Rezoning Application No. 2018-01. In addition, the application may be inspected by the public at the City Clerk's Office, 405 Larue Avenue, Edgewood, Florida. (407-851-2920)

This matter is subject to quasi-judicial rules of procedure. Interested parties should avoid making comments to members of the Planning and Zoning Board and City Council on this topic until the public hearing(s) and can send written communication to the City Clerk's Office.

Any person aggrieved by a recommendation of the Planning and Zoning Board may file a notice of appeal to the City Council within seven days after such recommendation is filed with the city clerk pursuant to Section 134-108(b) of the *Code of Ordinances*.

Any person who wishes to appeal the final decision of City Council with respect to this matter will need to ensure that a verbatim record of the proceedings is made (both of the Planning and Zoning Board meeting and City Council meeting), which record includes the testimony and evidence upon which the appeal is made. Such appeals shall be made to the Circuit Court.

The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, *Florida Statutes*, should, at least 48 hours prior to the meeting, submit a written request that the physically handicapped person desires to attend the meeting to the City Clerk's Office.

Dated: 1/30/2018



47 **Section 2: Adoption of Land Use Plan and Development Plan.**
48

49 The Land Use Plan, attached hereto as Exhibit “B” for the property
50 described above is approved and adopted subject to the additional
51 conditions contained herein.
52

53 **Section 3: Terminology.**
54

55 For the purposes of this Ordinance, the term “Developer” shall refer
56 to any person, corporation or entity, which carried out any building
57 activity, makes any natural change in the use or appearance of any structure
58 or land, or divides the property into two or more parcels in connection with
59 the development of the subject property as contemplated herein.
60

61 **Section 4: Development.**
62

63 Development and use of the subject property shall be subject to and
64 in accordance with the Land Use Plan, attached hereto as Exhibit “B” and
65 the Developer’s Agreement, attached hereto as Exhibit “C” and
66 incorporated herein by reference.
67

68 **Section 5: Zoning map.**
69

70 The Official City Zoning Map shall be amended to conform to the
71 zoning assigned as described in Section 2 of this Ordinance.
72

73 **Section 6: Conflicts.**
74

75 All ordinances or part of ordinances in conflict with this Ordinance
76 are hereby repealed. In the event of any conflict between the terms of this
77 Ordinance and the Developer’s Agreement entered between the City and
78 the Developer, the terms of the Developer’s Agreement shall control.
79

80 **Section 7: Severability.**
81

82 Should any section or part of this Ordinance be declared invalid by
83 any court of competent jurisdiction, such adjudication shall not apply or
84 affect any other provision of this Ordinance, except to the effect that the
85 entire section or part of the section may be inseparable in meaning and
86 effect from section to which such holding shall apply.
87

88 **Section 9: Effective date.**
89

90 This ordinance shall take effect immediately upon its final adoption
91 by the City Council of the City of Edgewood, Florida.
92

93 PASSED ON FIRST READING THIS _____ DAY OF
94 _____, 2018.

95
96 PASSED AND ADOPTED THIS _____ DAY OF _____,
97 2018.

98
99
100 CITY OF EDGEWOOD, FLORIDA
101 CITY COUNCIL

102
103 _____
104 John Dowless, Council President

105 ATTEST:
106
107 _____
108 Bea Meeks, City Clerk

MEMORANDUM

TO: Mayor and Council
FROM: Drew Smith 
DATE: 12/6/2017
RE: Review of school district zoning applications

Currently, an application for Planned Development zoning submitted by Orange County Public Schools is pending before the City. The City Council has requested a memorandum addressing the City Council's authority when considering a zoning application submitted by a school district. Below is a description of the general authority related to school site zoning as well as comments related to the differences between existing zoning (i.e. if a school district were to seek a special exception under existing zoning) and the Planned Development review process.

School Districts are subject to local government comprehensive plans and land development regulations. While the Florida Legislature has exempted school districts from local amendments to building and fire codes, that exemption does not extend to zoning requirements. In the City of Edgewood, school use is a special exception in each of the commercial zoning districts. Under existing zoning, a school would have to apply for a special exception to operate a school. The review and analysis of such special exception would proceed like any other special exception. The matter is a quasi-judicial matter so the City Council would be sitting "like a judge" and evaluating the application on the facts and evidence presented to it during its hearings on the matter. If competent substantial evidence¹ established that all required elements of the

¹ Competent substantial evidence is real, fact based, material evidence that tends to establish the matters at issue and which a reasonable mind would accept as reliable to support a conclusion. Reports by planners, engineers, architects, etc. usually will meet the standard of competent substantial evidence. Lay comments also frequently meet this standard but a critical ear is required. "Traffic is bad on I-4 and it takes me 45 minutes each day to drive three miles," may be competent and substantial if traffic were a material issue under consideration in an application. The witness would be presenting testimony well within his level of expertise and knowledge. Conversely, if the witness has no background in traffic engineering or related field and no scientific evidence to support the claim were to say, "This development will add eight hundred trips a day to this stretch of I-4," that testimony is likely not

comprehensive plan and land development regulations were met by the application and such evidence was not rebutted by contrary competent substantial evidence, the Council would approve the application. If competent substantial evidence did not establish that all requirements of the comprehensive plan and land development regulations were met, then the City could deny the application or approve it with conditions that would address any deficiencies identified in the application.

The applicant in a quasi-judicial matter bears the burden of proof. That means it is the applicant's responsibility to present competent substantial evidence that the application meets all requirements of the comprehensive plan and land development regulations. Once that burden is met, the question then becomes whether there is competent substantial evidence to show that the application does not meet the Comprehensive Plan or Zoning Code. So, in a case where an applicant presents its application and presents competent substantial evidence that it meets all requirements and there is no evidence presented in contradiction, the deciding board has little option but to grant approval. Alternatively, if after the applicant's presentation, countervailing evidence is presented, whether by members of the public or City staff², the Council must then weigh its decision and approve, approve with conditions, or deny the application. As long as the

competent and substantial as the witness has no background with which to make such a statement. Finally, though, if the witness was a resident traffic engineer who had performed his own study and analysis and presented such analysis to the Council to support the eight hundred trips a day number, the needle shifts back toward competent and substantial evidence.

² It is important for councilmembers to remember that they are acting "like a judge" in a quasi-judicial review and to not become witnesses. As such, it is much better to ask questions rather than make statements. Members of boards sitting in a quasi-judicial capacity are allowed to bring their own knowledge and expertise to their review but must hear the evidence as impartial reviewers. I can best explain this through examples. "I drive by this site everyday and there's no way you can add eight hundred more trips to this road way without it becoming a disaster," tends to sound like a statement of fact and such phrasing should be avoided in quasi-judicial hearings as much as possible. However, if the same topic were addressed by, "Please explain to me how you are going to add eight hundred trips to this road way without degrading the level of service required in the comprehensive plan," the councilmember has not made any statement of fact but rather has, as a hearer of evidence, asked for factual evidence to be presented to him or her. The latter statement creates a much better record if there were a challenge of that hypothetical council's decision.

decision of the Council is supported by competent substantial evidence, it will be upheld by a reviewing court in the event of a challenge.

With all that in mind, what then would be the items the City Council could base its decisions upon in a special exception application for a school within the City? First, we look to the City's Code. In order to be approved, a special exception must consider the character of the neighborhood in which the proposed use is to be located, the impact of the proposed use on the value of surrounding lands, and how the location and development of the site relates to open spaces and off-street parking. In conjunction with and in addition to the aforementioned items specifically referenced by the Code's special exception language, the City Council would consider how the proposed development would meet all provisions of the City's Land Development Regulations.³ How will the site be landscaped? How much open space is there? How are stormwater retention requirements being met? How will parking be configured? How many parking spaces will there be? How does that number relate to the square footage of the site? Where will road access points be located? How will the interior traffic flow be managed? How will buildings be massed? How will the character of the surrounding areas be protected and preserved? Finally, we add the City's Comprehensive Plan to the mix because any development approved must be consistent with the Comprehensive Plan. The most significant Comprehensive Plan concurrency standard when considering school uses is traffic. How is the Comprehensive Plan's required level of service for area streets impacted? What measures are being taken to ensure the development does not cause area streets to fall below the required level of service? Often such questions may have already been answered by the applicant's team and/or by City staff's report. Many times City staff in its

³ While in other forms of zoning consideration, the ultimate site design is not considered until site plan review, in special exception review it is necessary to consider how the site will be developed to determine if and how the development will be in harmony with the surrounding areas.

review of applications has identified points at which an application is weak or fails in compliance and concurrency. Usually, a great deal of attention is paid to those items where City staff identifies deficiencies. When such staff conclusions are supported by competent analysis, competent substantial evidence already exists to support denial or approval with conditions. For this reason, most applicants work very hard in the preapproval process to address all staff concerns with a development. When unresolved issues remain at the quasi-judicial hearing, though, that board must weigh the evidence and render a decision. Such board should not defer to one side or the other. A board should never say, "Well this is what our staff said, so we'll go with that." When there is competing competent substantial evidence the most important thing for a board to do is engage in a fair and impartial review of all the evidence. In a similar vein, remember the board always has the ability to ask questions and explore facts with any of the witnesses, City or applicant. Just because City staff has not identified a required element of code as a deficiency in the application does not mean a member of a decision making board should not ask a question about that element if he or she has concerns. "Mr. City Traffic Engineer, you have opined that the addition of eight hundred additional peak trips will not impact the level of service on Avenue A. Can you please go over how you arrive at that conclusion?" While not frequent, I have seen boards determine that their own staff's analysis in favor of approval was not sufficient to support an approval. Likewise, I have seen projects approved over staff's recommendations for denial.

Because conditional approval is an option, it is appropriate to engage the applicant in dialogue regarding any potential solutions. Again, I will resort to hypothetical examples. "Applicant, your engineer has opined that at maximum allowed density this development will generate eight hundred additional peak hour trips. The City's traffic engineer has opined that such increase would drop the traffic level of service below that set by the comp plan. While your

engineer has a different opinion about the impact on level of service, I find the evidence presented by the City's engineer more persuasive. If, however, we could be assured that the site would only be developed to three quarters of the maximum allowed density, I would be satisfied that the project would be consistent with our requirements for traffic flow. Would you accept a condition of approval that the site density will be capped at three quarters the maximum allowed density for the zoning?" In that scenario, the applicant might say yes. Even if staff had asked for the same condition of approval prior to the hearing, some developers will wait until the question is asked by the decision makers before conceding. If the applicant says no, the board may deny the application or may grant it subject to conditions, even conditions the developer has refused. The key question is: is there competent substantial evidence to show that the proposed project as proposed would fail to meet standards of the comprehensive plan and land development regulations? If conditions are imposed over the applicant's objections, the next question is: are these conditions the minimum necessary to make the proposal consistent with the comprehensive plan and land development regulations?

Review of a special exception application by a school district would proceed just like a special exception for any other applicant. A school district has to check all the same boxes. There is not a specific list of items that are fair game or not fair game to require as conditions because it is all driven by the evidence presented at the hearings. The purpose of the hearings, though, is to ensure that the proposed development would be consistent, compatible, and concurrent. So, I would encourage members of a board sitting in such review to raise any questions that go to consistency, compatibility, and concurrency and allow the applicant and City staff to answer those questions. If at the conclusion of the hearing the board does not believe the competent substantial

evidence tends to establish that all requirements of the comprehensive plan and land development regulations are met, the board may table, deny, or approve the application with conditions.

OCPS has not, however, submitted an application for a special exception. Rather, OCPS has applied to rezone the property to PD, Planned Development. That makes a significant difference in the review and ultimately gives the Council much more freedom in how they interact with the applicant. While the zoning portion of the PD consideration is still quasi-judicial and, therefore, technically subject to all of the same considerations I discussed related to special exceptions. A Planned Development zoning is ultimately based on a developer's agreement, the review of which is legislative.⁴ So, the Council can negotiate, express its own point of view, consider and speak on policy concerns or goals, etc., in the context of consideration of the developer's agreement. When discussing the developer's agreement, the Council is sitting as a legislative body not "like a judge." This does not mean that the Council could impose arbitrary or capricious standards on a developer. All negotiation points should have a rational connection to identifiable standards, objectives, or impacts. Because of the back and forth negotiation inherent in the developer's agreement, though, the Council has much more ability to engage with the applicant to make requests than it would in a special exception consideration.

The standard of review is also lower. The Council's decision on whether to approve or deny a developer's agreement is the fairly debatable standard. On review of a challenged legislative decision a trial court can only consider whether the decision was fairly debatable. Could reasonable people disagree? Returning to the hypothetical traffic trip scenario: "It's obvious your

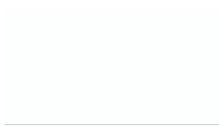
⁴ Even though everyone thinks of the developer's agreement and rezoning as being one item, they really are two. The rezoning of a parcel of property is quasi-judicial. So, the standard to approve or deny the rezoning is still: is there competent substantial evidence to approve or deny this rezoning? The PD zoning, however, is based upon and incorporates a developer's agreement that outlines how the property will be developed and what requirements will be imposed. The determination on that item is purely legislative and a council has complete authority to bargain and negotiate it like they would any other agreement and the standard of review is fairly debatable (could reasonable minds disagree) rather than competent substantial evidence.

development is going to increase traffic in the area. We have to address and mitigate those impacts in this developer's agreement. What do you propose?" In a legislative dialogue, this is a fair comment and request. Assuming, the facts were such that reasonable people could disagree as to whether there would be traffic impacts, the councilmember was within the council's authority to attempt to address that issue. While the latitude of the Council in a Developer's Agreement discussion is not unfettered, as long as requests made for the developer's agreement are not arbitrary and have a reasonable connection to mitigating identifiable impacts (as could be supported by the lower fairly debatable standard) it is unlikely a court would overturn the refusal to enter a developer's agreement. The list of concerns may be much the same as discussed above in the special exception context: compatibility with surrounding areas, open space, landscaping, massing and site configuration, parking, traffic (internal and external), access points, but the level of proof on which the Council could deny approval of a developer's agreement is much lower than that required to deny a special exception application.

Moving on to the actual rezoning part of the PD, two threshold questions must be answered. First, does the proposal meet the intent and purpose of the PD district as described in the Code? If not, a PD should not be approved. If so, then are the City and applicant prepared to agree to the terms contained within the developer's agreement. If not, the PD zoning cannot be approved. So, even though the actual rezoning is quasi-judicial and subject to all the same commentary above regarding the special exception process, you do not get to those quasi-judicial questions until the Council is prepared to approve a developer's agreement.

In conclusion, a school district has to meet zoning and comprehensive plan requirements. In a strict quasi-judicial review, the Council must rely upon the testimony and evidence presented to it and make a determination based on competent substantial evidence. If the evidence

establishes that an application meets all requirements of the Comprehensive Plan and Land Development Regulations and there is no countervailing evidence, such application must be approved. If there is competent substantial countervailing evidence, the application can be denied or conditions of approval imposed to the extent such conditions are necessary to correct those deficiencies identified in the evidence. In the blended legislative/quasi-judicial review of a PD based on a developer's agreement, the City Council has a great deal of latitude in requesting or even requiring certain measures be taken in the context of the developer's agreement to mitigate impacts that are reasonably expected to be caused by the proposed development (regardless of whether or not those impacts can be proved to the competent substantial evidence standard).





1117 East Robinson St.
Orlando, FL 32801
Phone: 407.425.0452
Fax: 407.648.1036

January 10, 2018

Ms. Sandy Repp
Administrative Assistant
City of Edgewood
405 Laure Avenue
Edgewood, FL 32809-3406

**RE: Orange County Public Schools – Rezoning Application
CPH plan review
Project number E7601**

Dear Ms. Repp;

We have had additional conversations with the City with respect to the possible rezoning for the proposed Orange County School on Holden Avenue. The plans we received were for rezoning only and were not construction plans. There was limited details on the plans. However, there was more information within the traffic study that was not reflected on the plans, such as road widening for turn lanes, sidewalks and cross walks.

Should the City Council approve the zoning change, we would recommend that conditions be included with an approval that would require the School Board provide construction plans to the City for review, documenting the design for the proposed turn lanes to the school, any sidewalks that may be constructed, and collection of the storm water runoff from the Holden Avenue and the storm water runoff from the site. These improvements will have an impact on Holden Avenue and the residents of the developments both across the street from the site as well as the homes and developments and businesses on Holden Avenue.

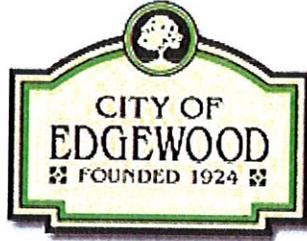
We would also like the opportunity to review the site storm water design and calculations to verify the proposed work will not have a negative impact on the surrounding properties.

Sincerely,
CPH, Inc.

Allen C. Lane, Jr., P.E.
Project Engineer

CC: David Mahler, P.E., file

J:\E7601\Civil\Documents\Letter\OCPS Holden Avenue Rezoning Application follow up letter 1-10-18.docx



405 Larue Avenue - Edgewood, Florida 32809-3406

(407) 851-2920

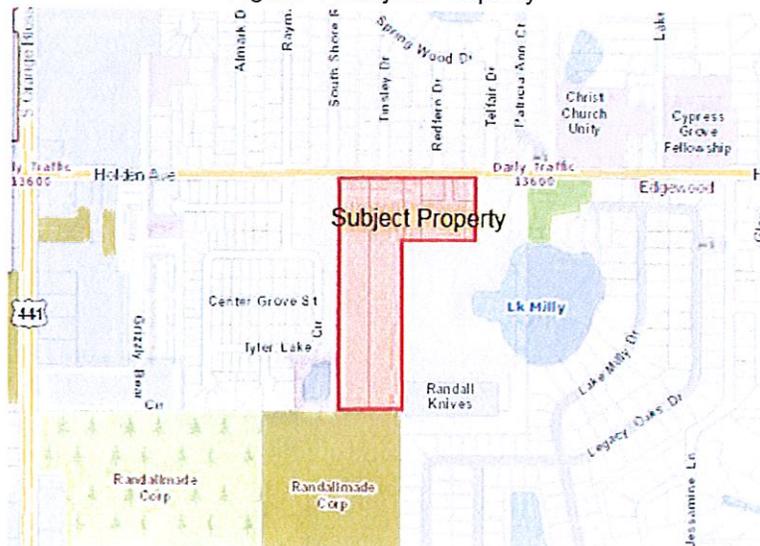
To: Planning and Zoning Board Members
XC: Mayor Bagshaw
Sandy Repp, Deputy City Clerk
Bea Meeks, City Clerk
Drew Smith, City Attorney
David Mahler, City Engineering Consultant
From: Ellen Hardgrove, AICP, City Planning Consultant
Date: February 6, 2018
Re: Consideration of a Rezoning Request R1A and R1AA to PD (Holden Avenue School)

I. Introduction - Holden Avenue School Planned Development (PD)

A request has been made by Orange County Public Schools (OCPS) to establish PD zoning on 13.72 acres located on the south side of Holden Avenue as shown in Figure 1. The request is made for the construction of a public elementary and ancillary uses; ancillary uses are defined by the applicant as “uses as it pertains to functions and events related to schools and community-orientated occasions,” such as church services, public meetings, after school sports programs, summer camp, and head start programs.

The subject property is currently zoned R1A and R1AA; a school in these districts requires approval of a Special Exception (Code Section 134-220(c)1). Instead of a Special Exception, Orange County Public Schools (OCPS) is proposing to rezone the property to the PD district.

Figure 1 Subject Property



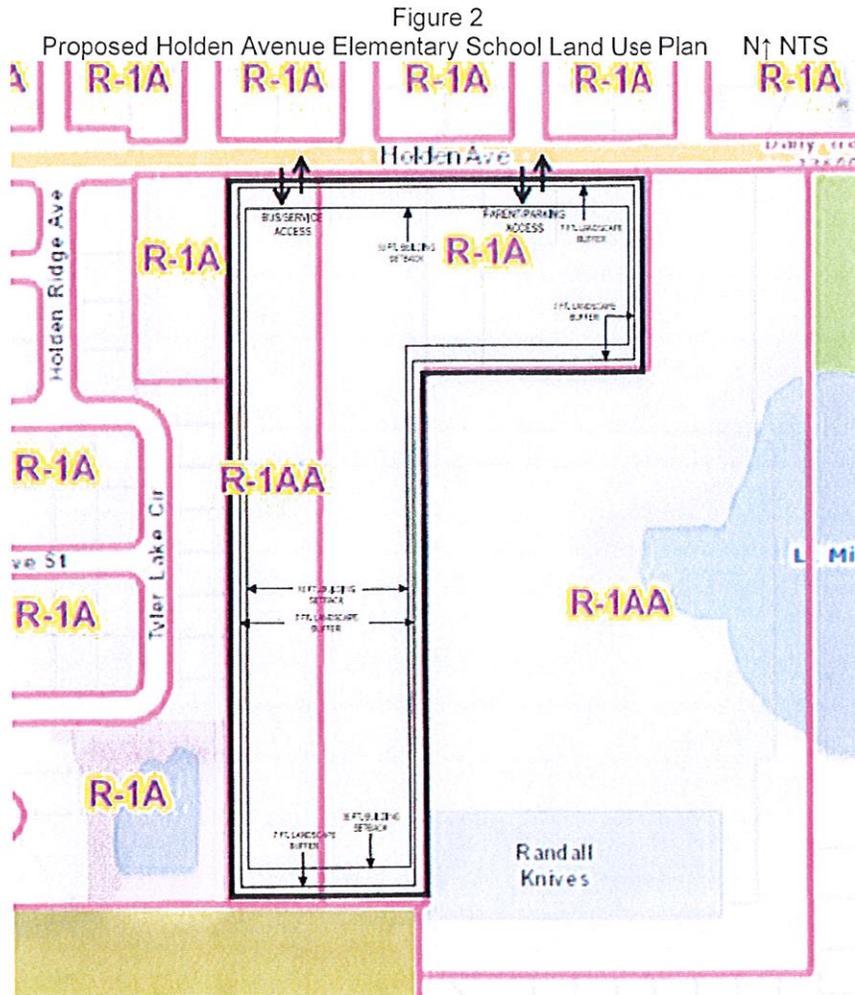
The school's proposed enrollment is 830 with an estimated 85 employees. It should be noted that, according to an OCPS representative, since OCPS is required to provide a free public education to all students, the noted enrollment is not a maximum.

Pursuant to Section 1013.33(4), Florida Statutes, (F.S.), siting of a new public educational facility must be consistent with the local comprehensive plan and consistent with local land development regulations.

Section 1013.33(4), FS: The location of educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and consistent with the plan's implementing land development regulations.

II. Proposed Land Use Plan

Approval of PD zoning is tied to the Land Use Plan's contents. Figure 2 is an excerpt from the Land Use Plan for the proposed PD as was submitted by OCPS.



III. Process for Approving Development using the Planned Development District

- Development Review Committee (DRC) = Staff level meetings with applicant and applicant's representatives
Pre-application Conference (held 8/29/17)
Land Use Plan Review (held 11/15/17 and 2/1/18)
- Approval of the Land Use Plan = The rezoning public hearings: requires public notice
Planning and Zoning Board Public Hearing
Two City Council Public Hearings
- Approval of the Development Plan = Detailed site plan (or subdivision plan):
no public notice required
Planning and Zoning Board Hearing
City Council Hearing

IV. Standards for Approval

Section 134-121(f) of the City Code lists the factors that must be deliberated when considering a rezoning.

- (1) *Comprehensive plan.* Whether the proposal is consistent with all applicable policies of the city's adopted comprehensive plan.
- (2) *Conformance with Chapter 134 of the City Code.* Whether the proposal is in conformance with all applicable substantive requirements of Chapter 134 of the City Code.
- (3) *Changed conditions.* Whether and the extent to which land use and development conditions have changed since the effective date of the existing zoning district regulations involved which are relevant to the property.
- (4) *Land use compatibility.* Whether and the extent to which the proposal would result in any incompatible land uses.
- (5) *Adequate public facilities.* Whether and the extent to which the proposal would result in demands on public facilities and services (both on-site and off-site), exceeding the capacity of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services and similar necessary facilities and services.

As stated above, pursuant to Section 1013.33(4), F.S., these considerations apply to the OCPS proposal. If City Council finds that the rezoning is consistent with the comprehensive plan and land development regulations, the city may apply conditions to the approval related to the site plan's effects on the environment; the health, safety and welfare of the general public; and adjacent property.

V. Analysis of the Proposal Considering the Standards for Approval

A. *Comprehensive plan.* Whether the proposal is consistent with all applicable policies of the city's adopted comprehensive plan.

Four comprehensive plan policies and one objective are particularly relevant to the subject request: Future Land Use Policy 1.1.8, Future Land Use Policy 1.1.6, Future Land Use Policy 1.1.4, Transportation Policy 2.2.3, and Transportation Objective 2.1.

- *Future Land Use Policy 1.1.8: "Public and private kindergarten through 12th grade (K-12) schools meeting standards for property size and location consistent with the Orange County School District standards shall be permitted in all Future Land Use classifications."*

The subject request is consistent with this policy.

- *Future Land Use Policy 1.1.6: "Institutional: Activities within land areas that are predominantly connected with government, schools, hospitals, and medically related facilities. Institutional land uses will be at a relatively low to moderate intensity, consistent with existing uses. Maximum institutional intensity will be 0.50 F.A.R. (floor area ratio)."*

A condition of approval can limit the floor area ratio of the development onsite to provide consistency with this policy.

- *Future Land Use Policy 1.1.4: "New development shall be reviewed to ensure its compatibility with surrounding existing land uses and with the overall character of the community, such as:*
 - 1. Providing adequate buffers to reduce the impact of more intense development on existing less intense development,*
 - 2. Placing conditions or restrictions on development to improve compatibility of a proposed new use,*
 - 3. Establishing development standards for new development that maintain the overall character of the community, and*
 - 4. Ensuring architectural design and site planning efforts produce development that is compatible and attractive to surrounding uses."*

Compatibility of the proposed school with surrounding land use is difficult to determine based on the submitted land use plan and information. Although the Code's minimum requirements for a Land Use Plan have been met, the level of detail provided is not sufficient to adequately assess land use compatibility.

The only design details that were presented to the DRC pertain to a perimeter fence and buffer and building setbacks. As stated at the DRC meeting, the OCPS proposes to submit the detailed site plan for the school during the Development Plan phase of the PD

development process. Conditions can be established as part of the rezoning approval, as suggested below, to direct the creation of the detailed site plan and to ensure land use and area character compatibility.

Future Land Use Policy 1.1.4.1: Buffers to reduce the impact of more intense development on existing less intense development

As identified on the submitted Land Use Plan, seven feet wide buffers are proposed along all sides of the property. This width may be insufficient to ensure compatibility between the school and the adjacent and planned residential uses, particularly given the proposed building side setback is 10 feet. As a gauge, Orange County's school siting ordinance requires a minimum 25-foot side setback.

Furthermore, whereas the minimum width of the buffer is identified on the Land Use Plan, the details of the buffer's contents are not. From discussion at the DRC meetings, OCPS will only accept minimal landscape requirements within the buffer due to security concerns.

Minimal buffering coupled with the proposed building setback will likely cause incompatibility issues, particularly as it relates to the proposed building height. Whereas the proposed minimum building setbacks and proposed maximum height are identical to the current zoning of the property, these development standards are for single family houses, which differ in scale of the proposed school. The OCPS is anticipating a two-story building will be within 100 feet of an adjacent single family district.

In other zoning districts, buildings in excess of one story in height within 100 feet of a side or rear lot line of any single-family residential district must be considered as a Special Exception, thus affording the ability to establish design standards such as increased setbacks, landscape buffers or walls, and architectural features to ensure land use compatibility. As would be established if the approval of the school were to be pursued via the Special Exception process, staff recommends conditions to guide the placement of a two story structure.

A potential development layout, as was provided in the traffic analysis prepared for the school, is shown in Figure 3. This layout shows the building on the north end of the property. In this location, a two-story building would have the least impact on existing and planned adjacent uses. The OCPS will not commit to this layout. Consequently, staff recommends a condition of approval to minimize the impact to the existing houses along the west property line: Two-story structures shall be setback at least 75 feet from the west side property line,, and a minimum side setback of 25 feet on the east side.

For one story structures, staff recommends a minimum side setback of 15 feet. This dimension relates to the side yard requirement for commercial districts where adjacent to residential uses.

Furthermore, staff recommends at least a minimum 10 feet wide buffer adjacent to all property lines, except along Holden Avenue where the minimum width can be 7 feet. This buffer width relates to the City's code buffer width required between office and residential uses -Type D buffer Section 114-5 (1)d). It should be noted that the Type D buffer is required to be completely opaque from the ground up to a height of at least six feet, minimum three feet high/50 percent opaque at planting and be capable of attaining full height and opacity within three years.

Since OCPS is proposing minimal landscaping within the buffer, another type buffer may be more appropriate. Section 114-5 of the Code lists the following buffers.

Type A, opaque buffer. This buffer is used to separate industrial uses from all residential uses. This buffer is a minimum of 50 feet wide and requires a masonry wall.

Type B, opaque buffer. This buffer is used to separate community (general) commercial (C-2) or C-3 [wholesale commercial district] uses from all residential uses. This buffer is a minimum of 25 feet wide.

Type C, opaque buffer. This buffer is used to separate neighborhood (retail) commercial (C-1) uses from all residential uses. This buffer is a minimum of 15 feet wide.

Regardless of the width, given minimal landscaping will be provided within the buffers, the buffers should be maintained as open space. Impervious structures/pavement, including all pavers, should not be permitted within the buffers.

Future Land Use Policy 1.1.4.2-4: Maintain overall community character and land use compatibility through site planning efforts

Conditions of approval can provide compatibility with the community character and surrounding neighborhood. These conditions can include, in addition to buffer width and setbacks, requirements for landscaping, fencing, lighting, and architectural features.

Landscaping

Landscaping is typically used to provide promote aesthetic development. OCPS has voiced security concerns related to adding landscaping to the site. Planting of shrubs and trees can be arranged and maintained to avoid security issues, while still providing the aesthetic value, helping to emphasize the elementary school as a city focal point, and ensuring the school is attractive to surrounding uses and users of the Holden Avenue corridor. This could include keeping hedges low and clustering trees to maintain clear lines of sight from the road; avoiding plantings that cover or obstruct windows, doors, and security cameras; and placement of trees to avoid the ability to climb atop buildings.

To this end staff recommends the following:

Landscaping along Holden Avenue

1. A continuous hedge of at least 30 inches high at planting, within a 7 feet wide buffer parallel to Holden Avenue. The height of the hedge shall be measured from road grade.

2. One understory tree for each 25 linear feet of road frontage, to be clustered and arranged at the applicant's option. Shade tree can be swapped for the understory trees at a rate of 1:2 if the shade trees are planted where interference with the overhead utility lines will not occur.
3. Ground cover shall be maintained in areas of the buffer not covered with trees and shrubs.
4. Wheel stops or curbing shall be used to protect plantings.

Parking area landscaping

1. At least ten percent of the interior vehicular use area [area used for employee and customer parking and maneuvering] shall be pervious, which would include breaks and end caps within the parking lot and adjacent pervious areas outside of the required buffers. Pervious pavers will be considered impervious since the intent is to provide green open space.
2. Each separate pervious area shall be a minimum of 25 square feet. All pervious areas adjacent to parking areas shall be protected from vehicle encroachment by curbing or wheel stops.
3. A maximum of ten continuous parking spaces shall be permitted without a pervious area break. The break shall be a minimum of eight feet in length and eight feet in width. Pervious breaks that are head-to-head shall be eight feet by 16 feet.
4. A pervious break (singular or head-to-head) shall be required at the ends of each row of parking spaces.
5. Shade trees shall be planted adjacent to the parking areas where such is adjacent to a residential zoned property at a rate of at least one shade tree every 50 feet of common lot line or fraction thereof.

Bus/Carpool loading and driveways landscaping - Landscaping would be particularly necessary where a bus/carpool loading area is adjacent to existing houses. Code requires the landscaping be completely opaque from the ground to height of at least six feet and at least seven feet in width. Shade trees are also required to be planted at a 50-foot interval, on center, between the vehicular use area and adjacent property. Staff recommends OCPS follow at least the tree requirement where the vehicular use area and bus/carpool loading driveways perimeters face existing homes.

Building perimeter landscaping - Code requires landscaping along buildings that face public right-of-way. Components of that landscaping include a hedge and trees. Trees adjacent to the building may create security issues; low hedges can provide aesthetic value while preventing crime. Staff recommends at least compliance of the hedge requirement with the height of the hedge allowed to be maintained below the window level.

Solid waste storage areas landscaping - Code requires that a solid waste refuse facility be screened on three sides by a six-foot high masonry wall if it is located within the building setback area or located in an area visible to customers or from a public right-of-way. For land use compatibility with the adjacent residential uses and the safety of the students,

staff recommends that any dumpster/solid waste refuse facility on the school site comply with the wall requirement. The walls should match the principal structure, and the open side should be gated.

Fencing

OCPS has proposed six (6) feet high black vinyl chain link fencing along most of the perimeter. Per code, fences in front of the building cannot exceed 4 feet in height; staff recommends this be a condition of approval. An exception to this would be if stormwater ponds were placed between the building and the road; for safety purpose the fence may need to be higher.

Lighting

Lighting details have not been provided. A recommended condition of approval is that the Development Plan shall demonstrate that the location and arrangement of exterior lighting is designed and installed to minimize adverse impacts to adjacent residential property.

Parking

Despite the OCPS stating, "all parking needs shall be met onsite," adequate parking is of concern, particularly given the inability to establish a maximum enrollment/employment. The number of parking spaces proposed, as identified on the Land Use Plan, is 133. 133 spaces may not be sufficient for "functions and events related to schools and community-orientated occasions;" i.e., the "ancillary uses." A plan for overflow parking needs to be submitted to the City to ensure an increased work load on the City's police department resulting from illegal parking along Holden Avenue or other nearby roads does not occur. If the overflow parking plan is not presented at the rezoning public hearing, staff recommends approval be conditioned upon such plan being submitted for review/approval during the Development Plan phase.

Signage

A waiver from Chapter 122-4 is being requested to permit an electronic public message center for public school uses. Given the City's recent efforts pertaining to signs, staff cannot support any waivers to the sign regulations. A programmable electronic message sign is prohibited at this time.

Architectural Features

Architectural features such as a specific building color palette, building design, and roof line treatment can help to improve land use compatibility.

- ***Transportation Policy 2.2.3, "The City shall support Safe Routes to School Planning, to ensure safe pedestrian and bicyclist access to schools." Assurance of public safety is of utmost importance.***

The submitted information only addresses pedestrian safety on and very close to the subject property. This information would suffice if no pedestrian/bicyclist travel to the school were anticipated; however, a significant number of children are anticipated to be walking along Holden Avenue, a minor arterial road with a continuous trend for increased traffic volume.

The sidewalks along this unavoidable path to school, where they exist, can be narrow and sometimes very close to vehicle travel lanes; the cross section of Holden is often without curb and gutter. Furthermore, street lights do not exist along the Holden Avenue corridor. The combination can easily create a hazardous situation, particularly for elementary-age children. An elementary school would be better sited where pedestrian/cyclists access is available on local streets instead of an arterial road.

It is understood that the School Board is not the provider of off-site sidewalks. According to the County's Traffic Engineering staff, OCPS's sidewalk needs receive priority for funding. At a minimum, a coordination plan/position statement from Orange County will be essential and should be identified prior to Development Plan approval. As a note, even with adequate paths along Holden Avenue, City police responsibilities will increase as a result of a school in this location.

- ***Objective 2.1: "The City shall adopt roadway facility capacities and level of service standards to ensure the operation of a safe, convenient and efficient traffic circulation transportation system. The City does not control roadways within the City other than those classified as local roads. Due to this, the City recognizes the authority of FDOT and Orange County over such roads within the City. The City adopts the Metropolitan Planning Organization (MPO) Long-Range Transportation Plan (LRTP) or most current annual update by reference as the City's 20-year roadway improvement program, as related to the City of Edgewood. This Plan includes the 10-year Capital Improvement Schedule, a 5-year Capital Improvement Program, state roadway projects, and other needed city/county transportation improvement projects inclusive of proposed partnership projects."***

Consistent with Objective 2.1, which recognizes that the City does not control Holden Avenue, review of the school's traffic impacts, including access to the site and internal vehicular circulation, as well as impacts to the external road network, should be a collaborative effort between the City and Orange County. The review would include, but in no way be limited to, ensuring safe and adequate access to the site as well as adequate capacity for on-site vehicle stacking to facilitate safe and efficient pick-up and drop-off of students on-site. If the traffic and operational impact study warrants turn lanes at the entrances and/or exits to the school, turn lanes of sufficient length, as determined by the traffic impact study, should be installed at the OCPS's expense.

B. Conformance with the Zoning Code

The following identifies the intent and purpose of the City's PD Zoning District. Of these nine criteria, the proposed development meets two, #4 and 8, which focus on flexibility in zoning site standards. Using the PD district to only provide flexibility in design standards may not meet the intent and purpose of the district.

Intent and Purpose of PD Zoning District (Excerpt from Code Sec. 134-456(b))

1. To provide for planned residential communities, containing a variety of residential structures and diversity of building arrangements, with complementary and compatible residential and nonresidential uses developed in accordance with an approved Development Plan.
2. To allow diversification of uses, structures, and open spaces in a manner compatible with existing and permitted land uses on abutting properties.
3. To reduce public facility and energy costs through a more efficient use of land design and smaller networks of utilities and streets than is possible through application of other conventional Euclidean zoning districts and subdivision requirements.
4. To ensure that development will occur according to limitations of use, design, density, coverage and phasing stipulated on an approved Development Plan.
5. To preserve the natural amenities and environmental assets of lands by encouraging the preservation and improvement of scenic and functional open areas.
6. To encourage an increase in the amount and use of open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional Euclidean zoning districts.
7. To provide maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping and working environments on properties of adequate size, shape and location.
8. To provide for the flexibility in site design and technical requirements that is not available in conventional Euclidean zoning districts.
9. To provide an appropriate balance between the intensity of development and the ability to provide adequate capacity with regard to the public services and facilities available or committed to be available as a binding development condition.

C. *Changed conditions.* Whether and the extent to which land use and development conditions have changed since the effective date of the existing zoning district regulations involved which are relevant to the property.

According to the OCPs, school age population in the area has created a need for a new elementary school.

D. *Land use compatibility.* Whether and the extent to which the proposal would result in any incompatible land uses, considering the type and location of uses involved.

See above in Section V.A. of the report.

E. *Adequate public facilities.* Whether and the extent to which the proposal would result in demands on public facilities and services (both on-site and off-site), exceeding the capacity of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services and similar necessary facilities and services.

The significant concern with level of public facilities and services relates to transportation issues, which are more appropriately addressed by the City's engineer.

VI. Effect of Approval

Pursuant to 1013.371(1)(a), F.S., the OCPS is not required to process the construction documents according to the established building permit process. However, pursuant to 1013.33(6) F.S., the OCPS must, at least 90 days before commencing construction, request written notification that the proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations; this written confirmation is not satisfied with approval of the PD zoning.

Per Code Section 134.458(3)c, the DRC must review the Development Plan and evaluate it for consistency with the Land Use Plan and all applicable city ordinances, regulations and policies. The DRC will either recommend approval of the Development Plan or recommend denial of the Development Plan based upon specific findings, which shall be stated in writing. The DRC's recommendation is then considered by the Planning and Zoning Board at its next regularly scheduled meeting, followed by City Council review.

It should be noted that if the OCPS proposes to expand the school once it is built, the city may only impose development standards and conditions on the expansion. Furthermore, Local government review or approval is not required for,

- (a) The placement of temporary or portable classroom facilities; or
- (b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity.

VII. Recommendation

If the Planning and Zoning Board's recommendation is for approval, staff recommends the following conditions be attached to the approval.

1. Land Use Plan Consistency

Development onsite shall be consistent with the Land Use Plan dated "created 06-19-2017"/ "Received October 27, 2017" and the following conditions of approval, which shall be considered an integral part of the Land Use Plan. OCPS shall obtain all necessary state or federal approvals, to the extent applicable to the School Board, prior to the development of the Subject Property. A Development Plan, consistent with Section 134-461 of the City Code and the conditions of approval, shall be submitted to the City no later than 90 days before commencing construction. Approval of such will be considered the written notification that the proposed educational facility is consistent with the local comprehensive plan pursuant to 1013.33(6) F.S.

2. Use of School Site

The approved land use for the site is an elementary school and its ancillary uses, defined as "uses as it pertains to functions and events related to schools and community-orientated

occasions." No school buses shall be stored onsite.

3. Changes to Land Use

Any change to the use of the Subject Property as identified by the approved Land Use Plan, including a change in type of school (elementary vs other), or results in a greater than 5 percent increase in student capacity, excluding use of portable classroom facilities, shall require a new or amended land use plan application, subject to the requisite meetings and public hearings outlined in the City's land development regulations. The maximum number of portable classroom facilities shall be established at the Development Plan approval.

4. Maximum Intensity

The maximum intensity of development onsite shall be 0.50 F.A.R.

5. Building Height and Setbacks

Maximum height of structures on site shall be 35 feet, not exceeding two stories.

Two-story structures shall be setback at least 75 feet from the west side property line, and 25 feet from the east side property lines.

For one story structures, the minimum side setback shall be 15 feet.

Setback from Holden Avenue – 30 feet

Setback from any southern property boundary – 35 feet

6. Buffers

A minimum 10 feet wide buffer shall be maintained adjacent to all property lines, except along Holden Avenue. The buffer width along Holden shall be a minimum width of 7 feet. The buffers shall be maintained as open space. Impervious structures/pavement, including all pavers, pedestrian/bike path and sidewalks located parallel to Holden Avenue, shall not be permitted within the buffers.

7. Landscaping

No later than 90 days before commencing construction, a landscape plan shall be submitted for review and shall be consistent with the following standards. The landscape plan shall include method of irrigation and maintenance of the landscaped areas. Approval of the landscape plan shall follow the Development Plan process established in City Code.

7. a. Landscaping adjacent to Holden Avenue

1. A minimum seven (7) feet wide buffer width shall be maintained adjacent to Holden Avenue.
2. A continuous hedge at least 30 inches high at planting, within the 7 feet wide buffer parallel to Holden Avenue. The height of the hedge shall be measured at road grade.

3. One understory tree for each 25 linear feet of road frontage, to be clustered and arranged at the applicant's option. Shade tree can be swapped for the understory trees at a rate of 1:2 if the shade trees are planted where interference with the overhead utility lines will not occur.
4. Ground cover shall be maintained in areas of the buffer not covered with trees and shrubs.
5. Wheel stops or curbing shall be used to protect plantings.

7. b. Landscaping within Parking Areas

1. At least ten percent of the interior vehicular use area [area used for employee and customer parking and maneuvering] shall be pervious to include ground cover planting. These areas would include breaks and end caps within the parking area and adjacent pervious areas outside of the required buffers. Pervious pavers will be considered impervious.
2. Each separate pervious area shall be a minimum of 25 square feet. All pervious areas adjacent to parking areas shall be protected from vehicle encroachment by curbing or wheel stops.
3. A maximum of ten continuous parking spaces shall be permitted without a pervious area break. The break shall be a minimum of eight feet in length and eight feet in width. Pervious breaks that are head-to-head shall be eight feet by 16 feet.
4. A pervious island (singular or head-to-head) shall be required at the ends of each row of parking spaces.
5. Shade trees shall be planted proximate to the parking area where the parking area is adjacent to a residential district, and planted at a rate of one tree/50-feet of vehicular use area facing the residentially zoned property. Trees can be clustered at the option of the OCPS. Such trees shall be a minimum of ten feet in height with a two-inch caliper at the time of planting
6. Curbing or wheel stops shall be used to protect the plantings. Where wheel stops are not used, the required plantings shall not be planted within two feet of the curb, to allow for vehicle overhang.

7. c. Landscaping along Bus/Carpool Loading Driveways

Shade trees shall be required along the bus/carpool loading driveways where such is adjacent to residential property. Such trees, at planting, shall be a minimum of ten feet in height with a two-inch caliper and planted at an interval of one tree/50-feet, on center.

7. d. *Landscaping along building perimeter facing Holden Avenue*

Continuous hedge required along building façade, height allowed to be maintained below the window level.

7. e. *Solid Waste Storage Area Screening*

All dumpsters and trash compactors shall be screened with solid walls to match the principal structure, with gates on the entry side.

7. f. *Maintenance*

If the landscaping appears to be under stress, City staff shall notify OCPS. If the landscaping is not viable, notice shall be given to OCPS, and OCPS shall be responsible for restoring the landscaping within a time period acceptable to the city.

8. **Lighting Onsite**

No later than 90 days before commencing construction, a lighting plan shall be submitted to the City that demonstrates onsite lighting, including security lighting, will not create adverse impacts on adjacent residential zoned land. The lighting plan shall identify the fixture type, lamp type and wattage or LED luminaire wattage, and fixture mounting height. Approval of the lighting plan shall follow the Development Plan process established in City Code.

9. **Overflow Parking**

An overflow parking plan shall be submitted for review/approval no later than 90 days prior to commencing construction. Such plan shall demonstrate that adequate area onsite is available to accommodate the parking needs for functions and events related to schools and community-orientated occasions. Approval of the overflow parking plan shall follow the Development Plan process established in City Code.

10. **Fencing**

A black vinyl chain link fence no greater than six feet in height shall be constructed around the entire perimeter of the Subject Property except that portion of the perimeter between the building and Holden Avenue. Any fencing constructed between Holden Avenue and the front building line of any building shall be limited to four feet in height except where such fencing is necessary to secure a stormwater management facility, in which case such fencing necessary to secure the retention area shall be allowed to be a maximum of six feet in height. OCPS shall allow the City to install decorative fencing in addition to any fencing installed by School Board at City's option subject to approval by School Board.

11. **Signage**

A sign plan shall be submitted to the city for approval no later than 90 days prior to commencing construction. Approval of such plan shall follow the Development Plan process established in City Code. Any signage onsite shall be consistent with City sign regulations in place at time of construction.

12. Safety of Pedestrians and Bicyclists

OCPS shall retain a pedestrian/bicycle path, at least 7 feet in width, for the entire length of the property frontage along Holden Avenue. Where sidewalks or internal walkways cross vehicular access drives, special pedestrian treatment that demarcates the continuation of the pedestrian zone across the driveway shall be installed, such as the use of colored/stamped concrete.

No later than 90 days before commencing construction, a plan that details the needs and coordination of provision of safe and adequate travel to the school for those students whose primary mode of transportation is other than public school bus transport shall be submitted to the City for consideration of approval. Such plan shall also address lighting needs along Holden Avenue and the projected number of crossing guards needed to ensure the walkers/cyclists have safe passage to school. Approval of such plan shall follow the Development Plan process established in City Code.

13. Traffic Impacts

No later than 90 days before commencing construction, construction documents and a traffic impact report shall be submitted to the City of Edgewood and reviewed in collaboration with Orange County Traffic Engineering and Development Engineering. Such shall address, but is not necessarily limited to, ensuring safe and adequate access to the site as well as adequate capacity for on-site vehicle stacking to facilitate safe and efficient pick-up and drop-off of students on-site. If the traffic and operational impact study warrants turn lanes at the entrances and/or exits to a school, turn lanes of sufficient length, as determined by the traffic impact study, shall be installed at the OCPS's expense.

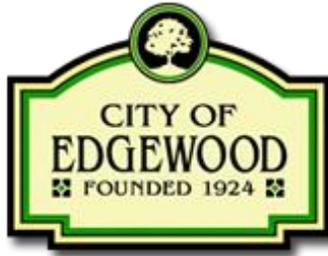
14. Access Permit

No later than 90 days before commencing construction, an access permit application shall be submitted to Orange County. Such shall be approved by the County prior to connection to Holden Avenue.

15. Utilities

Central sewer and water service are required for sewage disposal and potable water for the use.

ESH



405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

MEMORANDUM

TO: Sandy Repp, Deputy City Clerk
CC: Bea Meeks, City Clerk
FROM: Ellen Hardgrove, AICP
DATE: February 26, 2018
RE: Review of Traffic Study for Holden Elementary School

Based on the discussion at the last Planning and Zoning Commission meeting, I have asked a colleague to review the submitted traffic study for the proposed school and have summarized his comments/questions below. I would advise forwarding the memo to the OCPS to give them an opportunity to respond as well as make revisions to their analysis if they find such needed. I would also recommend forwarding the memo to the Planning and Zoning Commission members.

Overview

- The proposed vacant ± 15.0 -acre development site is located on the south side of Holden Avenue approximately 1,800 feet east of US 441. The proposed development will be a public elementary school with a design capacity of 1,000 students (planned capacity is 830 students and 135 employees).
- Two access connections are proposed. Both will be full access connections.
- Based on the OCPS's presentation of the likely site layout, the school bus loading and unloading will be the western access driveway as shown in the Traffic Analysis, with the eastern access driveway used for all other vehicles: employees and parents dropping off and picking up.
- Based on the proposed site plan in the Traffic Analysis, it appears that Holden Avenue will be widened to a 36-foot cross section along the entire frontage of the development site, as well as an additional ± 200 feet to taper the roadway back to the existing cross section.
- In reviewing the October 2017 traffic analysis report, the following questions are posed. Response may require revision and resubmission of the analysis/report.

Questions

- **Were the traffic counts taken on a typical day?** It appears that the count was taken on December 15th, a day before a holiday break. The August 31st count was taken the day before Labor Day break. The "close to holiday" counts may have resulted in lower traffic. Additional counts on a typical school day should be performed to validate the counts. Further, the FDOT count factor should be used to ensure the traffic data is normalized.

- **Do the timings/phases for the signalized intersections used in the analysis reflect the current conditions?** If not, the analysis needs to be revised to use existing timing and phasing. Additionally, it appears that more favorable timings and phasing were utilized in the future condition; some of the directional movements have improved in level of service despite an increase in background and the addition of project traffic. An explanation is needed for this improved condition.
- **Is the trip generation calculation valid?** First, why was the trip generation based on the 9th Edition of ITE when the 10th Edition is available? It should be noted that trip generation can be calculated based on students as well as employees. The traffic engineer used the student ratio in the reported trip generation. While use of students or employees are both equally valid, for design purposes and access analysis it is better to use the higher number to ensure the site is not under-designed.

If the trip generation (using the 9th Edition) was based on the number of employees, the estimating the number of daily trips is almost doubled and the peak hour trips increase by 150 to 165% (see table at the end of the report). If the 10th Edition ITE trip rates are used the increase between students and employees is not as great, but the student trip generation calculations are higher in the 10th Edition over the 9th Edition.

It seems that the trip distribution used in the Traffic Analysis contradicts statements by the OCPS staff. Whereas the OCPS represented that a significant number of students would be from Edgewood, the traffic analysis shows at least 60% of the school users will be from the west, not from within the City.

- **Will the growth rate used in the Traffic Analysis reasonably predict the future condition?** The traffic engineer used FDOT 2011 to 2016 historical counts to estimate the annual growth rate. The counts from 2011 to 2013 are questionable in that the counts for 2011, 2012 and 2013 have the same AADT (13,600), which is unusual. Using these three years, with the same number, in the growth rate calculation results in a lower growth rate compared to a rate calculated using only 2013 to 2016. The future would be better predicted using the last three years to create a growth rate.

Furthermore, verification is needed as to whether the Holden Avenue road improvement west of OBT was used in the future condition. Extension of Holden Avenue from Texas Avenue John Young Parkway (JYP) in a four lane configuration, providing a direct connection between JYP and Orange Avenue, and widening the existing segment from Texas to OBT from two to four lanes, and then funneling this traffic into the two lane segment east of OBT, will have a significant impact on the future condition. Construction is planned to begin in September 2018, with completion in 2020.

- **Is the road capacity used in the traffic analysis valid?** Since the posted speed is 35 mph, the maximum roadway service volume would be 800, not 850 as apparently used in the Traffic Analysis. Additionally, since Holden Avenue is not a state road, the non-state roadway adjustment factor should have been applied ($800 \times 0.9 = 720$), thus, the correct service volume capacity is 720. This capacity would actually be even less when the

school is operational since the future posted speed will be 25 mph, as noted by the traffic engineer.

Using 720 as the correct service volume, Holden Avenue is currently over capacity during the PM peak hour. Existing eastbound traffic ranges from 792 east of US 441 to 789 west of Orange Avenue. Using the correct service volume (720), the road will also be over capacity in the future not only in the PM peak hour, but also during the mid-day. Furthermore, if a more realistic growth rate is applied as explained earlier in this memo, the AM peak hour will most likely be over capacity. Mid-day and AM peak hour conditions are significantly relevant to the school.

- While vehicle queues on Holden do not currently create congestion issues as noted by the traffic engineer, when the school is operational, with the posted speed at 25 mph, with ±10 buses arriving and departing in each direction, with the traffic personnel directing drop-off/pick-up traffic at the entrance, and pedestrians crossing at multiple locations, queuing will become a significant issue. Does the traffic engineer dispute this?
- Please identify the significance of the asterisk in Table 2 under the Sidewalks column references.
- The site plan shows parking for 133 vehicles. Is this enough for the 135 employees and potential visitors?
- The westbound left turn lane for the bus entrance assumed a queue length of 25 feet (or one passenger vehicle). However, it might be better to base the queue length on the length of a school bus and not a typical passenger vehicle. The westbound bus lane will need to be longer. An estimated number of buses is needed as well as an analysis of the bus arrivals and movements at the bus entrance.
- The turning radius for the bus entrance looks like it is too tight and should be larger.
- A question was asked at the public hearing if the school trip generation was compared to the prior proposed development (45 single family dwellings). The trip generation for the residential development previously proposed on the subject property would be 504 daily trips, 51 PM peak hour, and 41 AM peak hour. Comparatively, the school is projected to generate at least 1290 daily trips, 150 PM peak hour trips, and 450 AM peak hour trips. As stated above, the school trip generation would be higher if calculated based on employment and/or the current ITE manual; the table below provides for a comparison.

	Previously Proposed Single Family Development	School with 9 th Edition based on students	School with 10 th Edition based on students	School with 9 th Edition based on employment	School with 10 th Edition based on employment
Daily Trips	504	1290	1946	2471	2381
PM Peak Hour	51	150	170	237	240
AM Peak Hour	41	450	670	720	974

Estimated Trip Generation Comparison (Students Vs Employees) (9th Ed ITE)

Land Use	Size	ITE Code (2)	Trip Generation Rates (1)									
			Daily	A.M. Peak Hour			P.M. Peak Hour of Generator			P.M. Peak Hour		
				Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
School	1,000 Students	520 / R	1.29	0.45	0.25	0.20	0.28	0.13	0.15	0.15	0.07	0.08
School	135 Employees	520 / E/R	18.33	5.33	2.88	2.45	3.41	1.50	1.91	1.76	0.86	0.90

Land Use	Size	ITE Code (2)	Traffic Volumes									
			Daily	A.M. Peak Hour			P.M. Peak Hour of Generator			P.M. Peak Hour		
				Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
School	1,000 Students	520 / R	1,290	450	248	202	280	126	154	150	74	76
School	135 Employees	520 / E/R	2,474	720	389	331	461	203	258	237	116	121

(1) Trip generation calculations from 9th Edition of ITE Trip Generation Report.

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

Estimated Trip Generation Comparison (Students Vs Employees) (10th Ed ITE)

Land Use	Size	ITE Code (2)	Trip Generation Rates (1)									
			Daily	A.M. Peak Hour			P.M. Peak Hour of Generator			P.M. Peak Hour		
				Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
School	1,000 Students	520 / E/R	1.95	0.67	0.36	0.31	0.34	0.15	0.19	0.17	0.08	0.09
School	135 Employees	520 / E/R	17.64	7.21	3.82	3.39	3.57	1.57	2.00	1.78	0.85	0.93

Land Use	Size	ITE Code (2)	Traffic Volumes									
			Daily	A.M. Peak Hour			P.M. Peak Hour of Generator			P.M. Peak Hour		
				Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
School	1,000 Students	520 / R	1,946	670	362	308	340	153	187	170	82	88
School	135 Employees	520 / E/R	2,381	974	516	458	482	212	270	240	115	125

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

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

Prepared by:

Return to:
Bea Meeks, City Clerk
City of Edgewood
405 Larue Avenue
Edgewood, Florida 32809-3406
407/ 851-2920

RE: APPLICATION OF THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA

PLANNED DEVELOPMENT AGREEMENT

The application of The School Board of Orange County, Florida (hereinafter referred to as “School Board”) and Ordinance XXXX-XX for rezoning was heard by and before the City Council of the City of Edgewood, Florida (hereinafter referred to as “City”) on the XX day of MONTH, YEAR, for second and final reading. Based upon the application and other supporting documents, the land use plan, maps, and other instruments, and based upon the advice, reports and recommendations of the City Engineer, and City Planner of the City of Edgewood and the first reading of the Ordinance by City Council on MONTH XX, YEAR, the City Council does hereby find and determine as follows:

GENERAL FINDINGS

- a. That School Board initially filed with the City on October 23, 2017 an application for rezoning to Planned Development (“Application”) with a proposed Land Use Plan (hereinafter defined), as required by City Code of Ordinance (“Code”).
- b. That the Application to rezone involves parcels of land containing 13.72 acres, more or less, situated in the City of Edgewood, Orange County, Florida. This parcel of land is described more particularly in the legal description which is attached hereto as **Exhibit “A”** (hereinafter referred as the “Subject Property”) and incorporated herein.
- c. That School Board warrants it or its affiliates have contracted to purchase all of the parcels comprising the Subject Property and the owners of said parcels have authorized the School Board to pursue the Application.
- d. That the City’s Development Review Committee held a public meeting wherein it considered the Application and proposed Land Use Plan and moved the Application and proposed Land Use Plan forward to the City’s Planning and Zoning Committee.
- e. That on MONTH XX, YEAR at a public hearing the City’s Planning and Zoning Committee reviewed and considered the Application and proposed Land Use Plan, input from the public, and reports and recommendations of the City Engineer and the City Planner, and after considering the testimony of School Board, the proposed conditions of approval and other documents, the Planning and Zoning Committee made its recommendations to City Council.

f. That pursuant to the City's Code, the City Council held public hearings to review and consider the Application for rezoning and proposed Land Use Plan and recommendations of the Planning and Zoning Committee relative to proposed conditions of approval. City Council heard testimony and received evidence from the School Board, and School Board's expert and members of the public.

g. That School Board intends to construct a non-residential development consisting an elementary school and ancillary facilities as more particularly described in the proposed land use plan attached hereto as **Exhibit "B"** and made a part hereof ("Land Use Plan").

h. That School Board hereby affirms and acknowledges that everything contracted for, negotiated, acknowledged and affirmed herein by School Board is done freely and voluntarily.

i. That School Board was granted home rule powers and may exercise any power for school purposes in the operation, control and supervision of free public schools.

j. That pursuant to Section 1013.33(7), Florida Statutes, a local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the Florida Building Code, unless mutually agreed and consistent with the interlocal agreement required by s. 163.31777.

k. That when planning, designing and constructing public educational facilities, School Board, as a public corporate body, is required to comply with the restrictions set forth in the State Requirements for Educational Facilities, State of Florida in Section 1013.51, F.S., related to the expenditure of public funds for infrastructure and Section 1013.64, F.S., setting a maximum cost per student station.

l. That pursuant to Section 1013.51(b), F.S., School Board, as a public corporate body tasked with providing public educational facilities, is exempt from the concurrency requirements set forth in Section 163.3180, Florida Statutes.

m. That pursuant to Section 1013.33(9), F.S., local government review is not required for (a) the placement of temporary or portable classroom facilities; or (b) proposed renovation or construction on existing school site, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed upon, pursuant to an interlocal agreement adopted in accordance with s. 163.31777.

n. That pursuant to Section 1013.38(2), Florida Statutes, School Board provides review services for any onsite building permit issuance and inspections to determine compliance with the State Requirements for Educational Facilities through the School Board's Building Code and Compliance Office ("BCCO").

o. That Ordinance **XXXX-XX** to which a copy of this Planned Development Agreement ("Agreement") is attached, relating to the rezoning of Subject Property to Planned Development has been properly publicly noticed under the statutes of the State of Florida and the City's Code of Ordinances.

p. That the rezoning to PD (Planned Development) is consistent and complies with the City's Comprehensive Plan and Land Development Regulations.

q. The City and School Board enter this Agreement pursuant to their Home Rule Powers given to them under the Florida Constitution and the Florida Statutes.

NOW THEREFORE, in consideration of the covenants set forth below and the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the School Board, on behalf of itself, its agents, successors and assigns, hereby agree as follows:

1. **Incorporation of general findings.** The general findings set forth above are true and correct and incorporated herein as if fully set out below.

2. **Compliance.**

a. The School Board shall conform to the Land Use Plan submitted by School Board and attached hereto as **Exhibit "B"** and with all conditions and requirements of Ordinance **XXXX-XX**, which rezoned the Subject Property to Planned Development.

b. To the extent permit by the law, the School Board shall comply with all City laws, codes, ordinances, and regulations now in effect, which are incorporated herein by reference, except to the extent the applicable laws, codes, ordinances and regulations are expressly waived and modified by this Agreement or by action approved by City Council or to which the School Board is otherwise exempt pursuant to its home rule powers or Florida Statutes.

c. The School Board shall comply with all applicable Federal, State, and County laws, and all City laws, codes, ordinances and regulations hereinafter adopted which are not inconsistent with the specific terms and agreements set forth herein, except to the extent that School Board is otherwise exempt pursuant to its home rule powers or Florida Statutes. In the event of a conflict between requirements of two or more governmental entities having jurisdiction over the Subject Property the more restrictive requirement shall apply.

d. The School Board shall comply with the terms of this Agreement as it may be amended from time to time.

e. The School Board shall comply with the City's Comprehensive Plan, except to the extent the School is otherwise exempt pursuant to home rule powers or Florida Statutes.

f. In the event that this Agreement fails to address a particular permit, condition, term, or restriction that School Board would otherwise be required to comply with, School Board shall not be relieved of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

3. **Power to bind.** School Board hereby covenants and warrants that this Agreement has been approved by the School Board and the individual executing this Agreement has the right, authority and capacity to enter into this Agreement, and School Board acknowledges that the City relied upon the School Board's covenants in connection with the decision to enter into this Agreement. If the School Board or City do not approve this Agreement it shall be null, void and without further effect.

4. **Growth management plan.** The City attests that the future land use designation to the Subject Property allows non-residential use such as an elementary school and the PD (Planned Development) zoning and Land Use Plan are consistent with the City's Comprehensive Plan and City's Code.

5. **Land Use Plan.** The School Board and City agree to the following conditions of approval, which shall be applicable to the development of the Subject Property:

a. **Consistent with Land Use Plan and Applicable Regulations:** Development of the Subject Property shall be consistent with the Land Use Plan dated X, conditions of approval as listed herein, all codes and ordinances of the City of Edgewood, except as specifically waived by the Land Use Plan or conditions of approval, the State of Florida, and all other applicable regulatory agencies, or to the extent School Board is otherwise exempt. All applicable state or federal permits must be obtained before commencing development. School Board shall be required to secure all local building permits for any proposed construction for Subject Property through the School Board's BCCO and will obtain all necessary state or federal approvals, to the extent applicable to the School Board, prior to the development of the Subject Property. A Development Plan, consistent with Section 134-461 of the City Code and the conditions of approval, shall be submitted to the City no later than 90 days before commencing construction.

b. **Use of School Site:** The Property may be developed as an elementary school with ancillary uses. No school buses shall be stored on-site.

c. **Changes to Land Use Plan:** Any change to the use of the Subject Property as identified by the approved Land Use Plan, including a change in type of school (elementary vs other), or results in a greater than 5 percent increase in student capacity, excluding use of portable classroom facilities, shall require a new or amended land use plan application, subject to the requisite meetings and public hearings outlined in the City's land development regulations.

d. Maximum Intensity: The maximum intensity of development onsite shall be 0.50 F.A.R.

e. Building Height and Setbacks: The maximum height of structures on site shall be 35 feet, not exceeding two stories. Two-story buildings shall be setback at least 75 feet from all west side property lines and 25 feet from all east side property lines. One story buildings shall be set back a minimum of 15 feet from all side property lines. All buildings shall be set back from Holden Avenue a minimum of 30 feet. All buildings shall be set back from all southern property lines a minimum of 35 feet.

f. Buffers: A minimum 10 foot wide buffer shall be maintained adjacent to all property lines, except along Holden Avenue. The buffer width along Holden Avenue shall be a minimum width of 7 feet. All buffers shall be maintained as open space. Impervious structures and pavement, including pavers, shall not be permitted within said buffers.

g. Landscaping: No later than 90 days prior to commencing construction OCPS shall submit to City for review and approval. Approval of the landscape plan shall follow the Development Plan review process established in the City Code.

h. Lighting Onsite: No later than 90 days prior to commencing construction, School Board shall submit to City a lighting plan that demonstrates onsite lighting, including security lighting, will not create adverse impacts on adjacent residential zoned land. The lighting plan shall identify the fixture type, lamp type and wattage or LED luminaire wattage, and fixture mounting height. Approval of the lighting plan shall follow the Development Plan review process established in the City Code.

i. Parking: An overflow parking plan shall be submitted by School Board to City for review and approval no later than 90 days prior to commencing construction. Said plan shall demonstrate that adequate onsite parking is available to accommodate the parking needs for functions and events related to school and community-oriented activities. The overflow parking area can be of stabilized materials. Approval of the overflow parking plan shall follow the Development Plan review process established in the City Code.

j. Fencing Along Perimeter Except Holden: A black vinyl chain link fence no greater than six feet in height shall be constructed around the entire perimeter of the Subject Property except that portion of the perimeter between the building and Holden Avenue. Any fencing constructed between Holden Avenue and the front building line of any building shall be limited to four feet in height except where such fencing is necessary to secure a stormwater management facility, in which case such fencing necessary to secure the retention area shall be allowed to be a maximum of six feet in height. School Board shall allow City to install decorative fencing in addition to any fencing installed by School Board at City's option subject to approval by School Board of the design plan for such decorative fencing. School Board may install temporary fencing up to six feet in height around the entire perimeter of the Subject Property for the purpose of pre-construction and construction securing of the Subject Property.

k. Safety of Pedestrians and Bicyclists: School Board shall retain the existing seven foot wide pedestrian/bike path located adjacent to Holden Avenue on the Subject Property for the entire length of the property frontage along Holden Avenue. Where sidewalks or internal walkways cross vehicular access drives, special pedestrian treatment that demarcates the continuation of the pedestrian zone across the driveway through the use of colored or stamped concrete shall be installed. No later than 90 days prior to commencing construction, School Board shall submit to City a plan that details the needs and coordination of provision of safe and adequate travel to the school for those students whose primary mode of transportation is other than public school bus transport. Such plan shall also address lighting needs along Holden Avenue and the projected number of crossing guards needed to ensure walkers and cyclists have safe passage to the Subject Property. Approval of said plan shall follow the Development Plan process established in the City Code.

l. Traffic Impacts: No later than 90 days prior to commencing construction, School Board shall submit to City construction documents and a traffic impact report which shall be reviewed in collaboration with Orange County Traffic Engineering and Development Engineering. Said report shall address, but is not limited to, ensuring safe and adequate access to the Subject Property as well as adequate capacity for on-site vehicle stacking to facilitate safe and efficient pick-up and drop-off of students on-site. If the traffic and operational impact study warrants turn lanes at the entrances and/or exits to the Subject Property, turn lanes of sufficient length, as determined by the traffic impact study, shall be installed by School Board at School Board's expense.

m. Access Permit: No later than 90 days prior to commencing construction, an access permit application shall be submitted to Orange County. Such permit shall be approved by the County prior to opening vehicular access points to Holden Avenue.

n. Utilities: Central sewer and waste services are required for sewage disposal and potable water on the Subject Property.

o. Dumpsters: All dumpsters and trash compactors shall be screened with solid walls to match the principal structure.

p. Signage: Signage onsite shall be consistent with City sign regulations.

6. Recordation of Agreement. Upon execution of this Agreement, the School Board shall reimburse the cost of recording this Agreement in Orange County, Florida.

7. Fees. School Board is exempt from paying any and all impact fees (including, without limitation, transportation, school, electric, fire, police, water and sewer impact fees) and all City review, legal, inspection, and permitting fees associated with the design, engineering, construction, and operation of the Planned Development.

8. Legislative act. This Agreement is deemed a quasi-legislative act of the City of Edgewood.

9. **Force majeure.** The parties shall each use reasonable diligence to ultimately accomplish the purposes of this Agreement and the subsequent Development Plan as approved but shall not be liable to each other, or their successors or assigns, for damages, costs, or attorneys' fees, for breach of contract or otherwise, for failure, suspension, diminution, or other variations of services occasioned by any cause beyond the control and without the fault of the parties. Such causes may include but shall not be limited to acts of God or of a public enemy, fires, floods, or failure or breakdown of transmission or other facilities.

10. **Binding effect.** This Agreement shall run with the land, shall be binding upon and inure to the benefit of the School Board and its assigns and successors in interest and the City and its assigns and successors in interest.

11. **Third party beneficiary.** This Agreement is solely for the benefit of the City of Edgewood and the School Board and no right, nor any cause of action, shall accrue to or for the benefit of any third party.

12. **Captions.** The captions used in this Agreement are for convenience only and shall not be relied upon in construing the terms of this Agreement.

13. **Severability.** If any part of this Agreement is found invalid or unenforceable by any Court, such invalidity or enforceability shall not affect the other parts of this Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and the intentions of the parties can remain unaffected. To that end, this Agreement is declared severable.

14. **Governing law and venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Venue shall lie in Orange County, Florida.

15. **Amendments to Development Agreement.** This Development Agreement may be amended in a manner consistent with the City's Code and Section 163.3237, Florida Statutes.

16. **Indemnification and hold harmless.** City and School Board are prohibited from indemnifying or insuring the other party in accordance with Section 768.28(19), Florida Statutes. It is specifically understood by the parties that the City is not guaranteeing the quality of the use or development of the Subject Property, including but not limited to drainage or sewer plans, fire safety, or quality of construction, whether or not inspected, approved, or permitted by the City.

17. **Entire agreement.** This instrument constitutes the entire Agreement between the parties as of the time of rezoning and supercedes any previous discussions, understandings and agreements. Modifications to and waivers of the provision herein may be made only by the parties hereto and in writing.

18. **Notice.** Any notice to be given in accordance with this Agreement shall be in writing and shall be sent by hand delivery, overnight mail, or certified mail, return receipt requested, to the party being noticed at the addresses set forth below:

As to Edgewood: City of Edgewood, Florida
Attn: Bea Meeks, City Clerk
405 Larue Avenue
Edgewood, Florida 32809-3406

As to School Board: School Board of Orange County, Florida
Attn: Facilities Planning Department
6501 Magic Way, Building 200
Orlando, Florida 32809

With a copy to: School Board of Orange County, Florida
Attn: Office of Legal Services
6501 Magic Way, Building 200
Orlando, Florida 32809

Should any party identified above change, it shall be that party's obligation to notify the other party of the change in a fashion as is required for notices herein.

19. **Effective date.** This Agreement shall become effective upon recordation of this Agreement in the public records of Orange County, Florida in accordance with Section 163.3239, Florida Statutes.

20. **Counterparts.** This Agreement may be executed in two counterparts, each of which if properly executed by both parties shall be considered an original.

21. **Duration of Agreement.** This Agreement shall begin on the Effective Date and shall exist for thirty (30) years following the date thereof. This Agreement may be extended by mutual consent of the City and School Board, subject to a public hearing in accordance with the requirements of Section 163.3225, Florida Statutes, as allowed under Section 163.3229, Florida Statutes.

IN WITNESS WHEREOF, the School Board and the City have executed this Agreement as of the day and year last signed by those parties.

[SIGNATURE PAGES TO FOLLOW]

Signed and sealed in the presence of:

“SCHOOL BOARD”

THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA, a public body corporate and political subdivision of the State of Florida

Print Name: _____

By: _____
William E. Sublette, its Chairman

Print Name: _____

Date: _____

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this ___ day of _____, 2018, by William E. Sublette, Chairman of The School Board of Orange County, Florida, a public body corporate and political subdivision of the State of Florida, on behalf of The School Board, who is personally known to me or had produced _____ (type of identification) as identification.

AFFIX NOTARY STAMP

NOTARY PUBLIC OF FLORIDA
Print Name: _____
Commission No.: _____
Expires: _____

**THE SCHOOL BOARD OF ORANGE
COUNTY, FLORIDA**, a public body corporate
and political subdivision of the State of Florida

Signed and sealed in the presence of:

Print Name: _____

Print Name: _____

Attest: _____
Barbara M. Jenkins, Ed.D.,
as its Superintendent

Dated: _____

STATE OF FLORIDA)
) s.s.:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Barbara M. Jenkins as Superintendent of The School Board of Orange County, Florida, a public body corporate and political subdivision of the State of Florida, on behalf of The School Board, who is personally known to me or has produced _____ (type of identification) as identification.

NOTARY PUBLIC OF FLORIDA
Print Name: _____
Commission No.: _____
Expires: _____

AFFIX NOTARY STAMP

Reviewed and approved by Orange County
Public School's Chief Facilities Officer

Approved as to form and legality by legal
counsel to The School Board of Orange County,
Florida, exclusively for its use and reliance.

John T. Morris
Chief Facilities Officer

Laura L. Kelly, Staff Attorney III/Planning
and Real Estate

Date: _____, 2018

Date: _____, 2018

Attest:

CITY OF EDGEWOOD, FLORIDA

By: _____
City Clerk

By: _____
Ray Bagshaw
Mayor, City of Edgewood

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Ray Bagshaw, Mayor, City of Edgewood, to me known to be the person described in or who provided _____ as proof of identity. _____ who executed the foregoing and he acknowledged before me that he executed said _____.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2018.

Notary Public

EXHIBIT "A"

DESCRIPTION:

(Per Title Commitment):

A portion of Section 14, Township 23 South, Range 29 East, lying in Orange County, Florida, being more particularly described as follows:

PARCEL 1

The West 165 feet of the following tract: Beginning at a point 6 2/3 chains East of the Northwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 14, Township 23 South, Range 29 East, Orange County, Florida, run thence East 5 1/3 chains; thence South 20 chains to the South line of the said Northwest 1/4 of the Northwest 1/4; thence West along the South line of the said Northwest 1/4 of the Northwest 1/4, 5 1/3 chains; thence North 20 chains to the point of beginning.

PARCEL 2

THE EAST 187 FEET OF THE FOLLOWING: BEGIN 440 FEET EAST OF THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST, RUN EAST 352 FEET; THENCE SOUTH 1320 FEET; THENCE WEST 352 FEET; THENCE NORTH 1320 FEET TO THE POINT OF BEGINNING, ORANGE COUNTY, FLORIDA (LESS THE NORTH 30 FEET FOR RIGHT OF WAY).

ALSO DESCRIBED AS THE EAST 187 FEET TO THE FOLLOWING: BEGINNING AT A POINT 6 2/3 CHAINS EAST OF THE NW CORNER OF THE NW 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST, RUN THENCE EAST 5 1/3 CHAINS, THENCE SOUTH TO THE SOUTH LINE OF THE SAID FORTY 20 CHAINS; THENCE WEST ALONG THE SAID SOUTH LINE OF THE SAID FORTY 5 1/3 CHAINS, THENCE NORTH 20 CHAINS TO THE POINT OF BEGINNING (LESS THE NORTH 30 FEET FOR RIGHT OF WAY).

PARCEL 3

THE NORTH 380 FEET OF THE WEST 303 FEET OF THE EAST 426.7 FEET OF THE NW 1/4 OF THE NW 1/4 (LESS N 155 FEET OF E 125 FEET, AND LESS N 155 FEET OF W 128 FEET, AND LESS N 30 FEET FOR ROAD), SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST, OF ORANGE COUNTY, FLORIDA.

AND

THE NORTH 155 FEET OF THE WEST 125 FEET OF THE EAST 248.7 FEET OF THE NW 1/4 OF THE NW 1/4 (LESS NORTH 30 FEET FOR ROAD) OF SECTION 14 TOWNSHIP 23 SOUTH RANGE 29 EAST, OF ORANGE COUNTY, FLORIDA.

AND

THE NORTH 155 FEET OF THE WEST 128 FEET OF THE EAST 426.7 FEET OF THE NW 1/4 OF THE NW 1/4 OF SECTION 14 TOWNSHIP 23 SOUTH RANGE 29 EAST, ORANGE COUNTY, FLORIDA, LESS THE NORTH 30 FEET THEREOF FOR ROAD RIGHT OF WAY.

AND

THE NORTH 380 FEET OF THE WEST 100 FEET OF THE EAST 526.7 FEET OF THE NW 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, LESS THE NORTH 30 FEET THEREOF FOR ROAD RIGHT OF WAY.

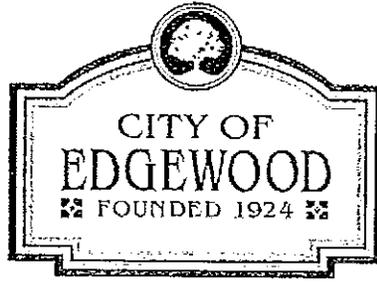
PARCELS 1 THRU 3 MORE PARTICULARLY DESCRIBED AS:
(BY THIS SURVEYOR)

A portion of Section 14, Township 23 South, Range 29 East, lying in Orange County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of Holden Ridge, according to the Plat thereof, as recorded in Plat Book 27, Pages 80 and 81, Public Records of Orange County, Florida, said point lying on the South right of way line of Holden Avenue per Deed Book 338, Page 527 of the Public Records of Orange County, Florida; thence N89°33'14"E, a distance of 165.31 feet along said South right of way line to the POINT OF BEGINNING; thence continue N89°33'14"E, a distance of 761.10 feet along said South right of way line; thence departing said South right of way line, S00°05'55"E a distance of 350.01 feet; thence S89°33'14"W, a distance of 406.96 feet; thence S00°26'56"E, a distance of 941.14 feet to the South line of the Northwest quarter of the Northwest quarter of Section 14, Township 23 South, Range 29 East, Orange County, Florida; thence S89°36'31"W, a distance of 360.04 feet along said South line to a point on the Southerly projection of the East line of aforementioned Holden Ridge; thence N00°05'33"W a distance of 1290.82 feet along said Southerly projection and East line of aforementioned Holden Ridge to the POINT OF BEGINNING.

EXHIBIT "B"





November 15, 2017
Development Review Committee Meeting
(Not Recorded)

ATTENDEES:

Staff: Mayor Bagshaw, City Clerk Meeks, Lt. Jackson, Ellen Hardgrove, AICP and David Mahler, PE

Orange County Public School: Rob Staglino – Project Manager for OCPS, Tyrone Smith, AICP and Laura Kelly, Staff Attorney

City Clerk Meeks opened the meeting at 2:00 p.m. The following are abbreviated notes from the 11/15/2017 DRC meeting with OCPS:

Ellen Hardgrove, AICP

1. Plan sheet can be revised prior to P&Z meeting if changes are made after this meeting.
2. As long as information is accounted for as project continues. Attorney Laura Kelly said the “school is not projected to go over capacity”.
3. OCPS will get with Orange County with a request for sidewalks; however, it doesn’t mean Orange County will approve. The School Board will put a sidewalk on Holden that is the length of the school.
4. Engineer Mahler said he wants actual calculations
5. Discrepancy of sidewalk size

RE: Traffic Study – Engineer Mahler said this goes back to his concerns with sidewalks. He said the bus turning lane needs to be done to correct turning radius. He suggested having an interlocal agreement with Orange County for a “joint pond”.

Planner Hardgrove shared a discussion she had with Attorney Smith regarding the use of a PD. She said the intent of the PD district is mixed use. It should not be used to circumvent the special exception process. She said be prepared to address how the proposal meets the intent of the PD district as this came up in another proposed PD.

OCPS Planner Tyrone Smith said Orange County’s policy is to have zoning first (“properly entitled”). He said there are no funds at this time for a site plan because this is a future school. He indicated the Holden properties will be part of OCPS’ “land bank”.

He explained how there will be three community meetings prior to construction of the school.

Ellen Hardgrove, AICP

- Lack of detail “is it compatible or not” Although the minimum requirements have been met, the level of detail provided on the Land Use Plan is not sufficient to adequately address land use compatibility and public safety/general welfare concerns. The detail is needed to determine consistency with the comprehensive plan. Details, such as building placement, stormwater management, and access plans for bus, car, delivery vehicles have been provided in a Traffic Report submitted with the application; however, such is not binding.
- Identify what the buffer will consist of.
 - Planner Smith said that the OCPS does not do buffers
 - OCPS fence is required and will be 1 foot off the property and be a 6 feet high black chain link fence
 - No opaque or screening
- Planner Hardgrove said OCPS will need to ask for a waiver from buffer, then noted that code doesn’t address schools and decided that a waiver is not required.
 - Planner Smith was to provide Planner Hardgrove with language as to why there will not be a buffer
- Lighting plan will be on development plan
- Planner Hardgrove asked about “beefing” up landscaping
- Planner Hardgrove said include fencing on LUP
- Planner Hardgrove said parking will be a problem with 133 parking spaces and staff will consist of 85 to 100 staff members. She said be prepared to address.
- Mayor Bagshaw said that you need to look at percentage of bus riders versus parents driving
- Planner Hardgrove said signs are a big issue. She confirmed that Attorney Kelly’s sign was okay except for the digital portion. Planner Hardgrove said a waiver is likely to be needed to have a digital sign.

Planner Hardgrove asked if OCPS can get a commitment from Orange County for sidewalks due to concerns about pedestrian safety. Planner Smith said no and confirmed that street infrastructure is Orange County.

Attorney Kelly explained “hazardous busing”.

Mayor Bagshaw asked City Clerk Meeks to schedule a meeting with Chris Testerman, Assistant County Administrator regarding the pedestrian safety at this site.

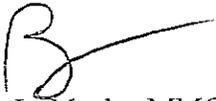
Planner Hardgrove asked if OCPS can have a plan before the development plan is approved. She said City Council will need assurance of safety.

Planner Smith confirmed that the City will have to provide crossing guards.

Brief discussion was held regarding the conditions. Planner Hardgrove said she will get with Attorney Smith for the conditions needed in the Ordinance.

Having no further discussion, the meeting adjourned.

Respectfully Submitted



Bea L. Meeks, MMC, CPM, CBTO
City Clerk

Approved in February 1, 2018 DRC Meeting

DEVELOPMENT REVIEW COMMITTEE

Meeting Minutes

February 2, 2018

Attendees:

Ray Bagshaw, Mayor

Bea L. Meeks, City Clerk

Sandy Repp, Deputy City clerk

John Freeburg, Police Chief

Scott Breitenstein, P.E.

Ellen Hardgrove, AICP

Applicants:

Laura Kelly, OCPS

Bob Stagliano, OCPS

Julie Salvo, OCPS

City Clerk Meeks opened the meeting at 10:00 am and confirms attendees, including staff and Orange County Public Schools (OCPS) representatives. City Clerk Meeks clarified that the purpose of this meeting is to address Use and Rezoning, which was confirmed by City Attorney Smith. City Clerk Meeks asked that all public comments and questions be held until discussion was completed.

City Clerk Meeks provided corrections to minutes from Planner Hardgrove. Mayor Bagshaw moved to approve the minutes of the November 15, 2017 DRC meeting, with correction; second by Planner Hardgrove. The minutes were approved.

Planner Hardgrove began review and conditions of approval. Per Attorney Smith the Conditions of Approval will go into the Developers Agreement. In response to Planner Hardgrove, Attorney Smith said that Council will decide if a decision cannot be made for an agreement.

Maximum Intensity: Planner Hardgrove began discussion of the Developer's Agreement in regards to the number of permanent students and regulating student portables. City Clerk Meeks referenced Ms. Kelly's statement that 835 students is the number prepared for capacity. Ms. Kelly said that they cannot regulate student portables and will need to provide student stations and OCPS cannot agree to not put in portables. Mayor Bagshaw said he would like to be able to project the greatest impact for student capacity, which was agreed by Attorney Smith because a maximum number would indicate where the risk ends. Ms. Kelly said that OCPS is fine with stating the maximum intensity.

Building Height and Setbacks: Discussion included establishing setbacks versus asking for a waiver. Attorney Smith said that if the zoning amendment is made then the conditions don't apply and there is no need for a waiver.

Discussion also included the style and placement of the building and minimizing the impact of the setbacks on the existing residents on the west side. Ms. Kelly said that the building will actually be located closer to the rear of the property, which raises concerns for how this will become compatible for the existing residents on the west or their property line. In response to Planner Hardgrove, Ms. Kelly

said that it is being pushed back for parking and queuing in the front and that they will have to go to a different prototype. Planner Hardgrove asked if it is pushed to the east could it been 100 feet? Ms. Kelly responded that it could be 75 feet and 25 from east and Planner Hardgrove agreed that is a good compromise. Ms. Kelly confirmed for Mayor Bagshaw that this allows the “s” queuing.

In response to Planner Hardgrove and Attorney Smith, Ms. Kelly said that they cannot agree to the condition that there be no bus loading adjacent to the homes or behind the residential and OCPS needs something within that 75 feet to make it work. City Engineer Breitenstein said that the pond could be a buffer behind that area. Planner Hardgrove’s recommendation would be that buses not line up in the back yards of the homes and Attorney Smith added that these houses back right up to the property line. Planner Hardgrove stated her concern this location may not be functional due to turning radius. Planner Hardgrove said that the single family residences are a huge concern and Ms. Kelly responded that OCPS is restricted by the site’s narrow shape. Attorney Smith agreed with Mayor Bagshaw’s request to review the OCPS prototypes so that OCPS would know the City’s concerns.

OCPS agreed with Planner Hardgrove to keep 10 feet maintained as open space.

Buffers: Ms. Kelly is in agreement with the 7 foot buffer on Holden Avenue.

Landscaping: In response to Ms. Kelly’ concern regarding the irrigation, Attorney Smith said the plan just has to show the irrigation.

In response to Planner Hargrove, Ms. Kelly says the school cannot have hedges or understory trees due to security concerns. In response to Planner Hardgrove, new schools comply with the results of a safety and security study. Chief Freeburg added that you need to be able to see where people can come in. Discussion included canopy trees such as oaks, and how they would impact the seatbacks and power lines.

In response to Planner Hardgrove’s concern with how the school can be consistent with beautification, Ms. Kelly said that OCPS can work with City when they have the plan. Mr. Stagliano said there is landscaping if you look at other schools. Planner Hardgrove suggested that P&Z be shown what landscaping will be used for the Board’s discussion.

Lighting Onsite - Ms. Kelly said that OCPS is in agreement.

Parking –Planner Hardgrove stated concerns about the original agreement regarding overflow for parking and that only the minimum would be provided for parking. Ms. Kelly suggested stabilized parking for overflow which was agreed with by Attorney Smith and Planner Hardgrove.

Fencing along Perimeter– Ms. Kelly stated that the fences are built for security purposes, including for retention pond, which requires a 6 foot chain link fence. In response to Mayor Bagshaw, Ms. Kelly said that the front gate is dependent upon the location of the building. Decorative fencing could be put up by the City in front of the chain link around the retention pond. Attorney Smith offered suggestions of a 4 foot fence, except by retention area and Planner Hardgrove agreed, adding 4 foot high maximum fence in front of the building.

Signage – Ms. Kelly said that OCPS would use an electronic sign. Planner Hardgrove said that would have to go to P&Z as there is new sign code which, at present, does not allow electronic signage. City Council has said that the topic of electronic signs will be revisited in the near future by City Council. Ms.

Kelly said that she would send Attorney Smith their regulations. Per Attorney Smith, the sign would be part of the PD and Mayor Bagshaw said that it is consistent with other schools.

Safety of Pedestrians and bicyclists – OCPS is in agreement that Orange County shall retain the 7 foot sidewalk width.

Per Chief Freeburg, safety and security is a primary concern and sidewalks are needed on the north site. Ms. Salvo said it is still in design and will be reviewed.

Mayor Bagshaw discussed crossing guards as children are not primarily coming from Edgewood. He noted the proposed school would be located in Edgewood but on an Orange County road. He said that some information is not provided and it will affect the budget.

Per Ms. Kelly, construction would begin in 2019 for an opening of August 2020.

Attorney Smith said that he will make changes where there is consensus for a new draft.

Planner Hardgrove said that her concerns include building height and setbacks, and all of the section 7 fence.

City Clerk Meeks said that the ads will be published on 2/8/2018 and 3/8/2018 for the meetings on 2/20/2018 and 3/20/2018 and there is language to set time certain to change a meeting. Signs are ready to be posted and Ms. Kelly said they have personnel to post the Public Notice signs.

Attorney Smith said that P&Z will make their recommendation to City Council and City Council will make their own decision.

Ms. Kelly said it is a school building and there will be ancillary uses and rezoning as a PD will give OCPS flexibility. Attorney Smith suggested to be prepared to explain why the City would view it as a PD and how it meets the criteria.

Planner Hardgrove discussed conditions of use of the school site. Ms. Kelly confirmed as did Mayor Bagshaw, that the school can be leased for a church. Ms. Kelly said it can also be leased to Headstart, PeeWee football, tutoring, summer camp, and other uses. In response to Mayor Bagshaw, Ms. Kelly said that the City has the right to request the use of the facility with a minimal charge. Ms. Kelly said that OCPS can look into incorporating this into the Developer's Agreement and Attorney Smith said that it can be part of joint use agreement.

Planner Hardgrove stated concerns with community oriented occasions. Ms. Kelly said that Headstart is in portables and is an all day program. In regards to the use of portables, Ms. Kelly said the headstart program is evaluated each year for program approval.

City Clerk Meeks clarified that the lines showing on the agenda are due to a copier problem. This is not a strike out or omissions.

Discussion:

Sandra DePorter (Edgewood resident at property adjacent to OCPS location)

- Stated her concerns that there was only one traffic survey which was performed on a Wednesday and Thursday. Ms. DePorter doesn't feel that it was adequate due to the Wednesday school schedule.

- For some neighborhoods, Holden Avenue is the only way out to the road and there is no alternative exits.
 - OCPS needs to be responsible for the removal of the present damaged fence that was put there by the grove owners and maintain the area around the fence. Ms. Kelly responded that fences on the property will be removed.
 - Concerned that the property will not be maintained. Ms. Kelly responded that OCPS won't own the property until after approval. There is a walkthrough before closing and they will identify structures to be removed. If there are issues of trespassing, Ms. Kelly said that typically there can be action on demolition and the situation will be assessed.
- In response to Planner Hardgrove, Ms. Kelly said that the budget is available in 2019 to fence the area in before construction. As for maintenance of site, there is language for OCSP to comply with Code.
- Attorney Smith stated that it is necessary to take a look at what needs to be done to conform to code before closing.
- In response to Planner Hardgrove, Attorney Smith said there needs to be a condition for the construction of the 6 foot temporary fence before construction and there needs to be a condition for the construction fence.
- In response to Ms. DePorter regarding the Randall owned portion of the fence, if a fence is not on the OCPS property, then the OCPS builds their own fence.
 - Ms. DePorter requested a "classy building that is attractive" and that is not pink or purple. Attorney Attorney Smith asked if it is possible to work with color palettes consistent with this area. Ms. Kelly responded that OCPS has a neutral palette they work with. Attorney Smith – can that palette be made available to provide comfort. It can be attached in the exhibit.

Jim Worthen (representing HAINC) – stated his concerned about going to P&Z with so many open ending issues.

- In response to Mr. Worthen, if it serves the community to sell the property and approve a successor, Attorney Smith said that the PD is for a school use.
- Ms. Kelly responded to Mr. Worthen about the responsibility for the traffic and said that turn lane studies are made and OCPS is responsible for what is in front of the school. This decision is made during the design and development process phase. Per Mr. Worthen, the sidewalk is oversized because it is for pedestrian and bikes. Ms. Salvo walked the entire length of the sidewalk on 1/31/2018 for assessment.
- Asked about the City paying for crossing guards and a traffic school zone. Ms. Kelly said that comes later in the process and they will work with the City and County. Mr. Worthen mentioned the early reference from OCPS that children would not be crossing South Orange Blossom Trail because it is not safe and Ms. Kelly responded that the crossing guards would be provided by the jurisdiction of the crossing area.
- Stated that there are designs with more compatible roof structures that HAINC feels would be more compatible with roof designs of the neighborhoods. He would like the school to be a good neighbor and build design that is compatible to the neighborhood similar to how some of the churches along Holden Avenue have built.
- Per Mr. Worthen, FL Statute 1013 does require consistency and he is concerned that there are some sections, such as the buffer, that OCPS can't meet.

- The property is close to South Orange Blossom Trail and there are issues for semi trucks and criminal activity, particularly if the property is not gated, and the Police Department will need jurisdiction for the property. Ms. Kelly said it is gated and it comes by the prototype OCPS will use. If it's not secure there needs to be approval for the City to enter the property routinely. Chief Freeburg said that the City already has jurisdiction because the school is located in the City. Mr. Worthen said the Sheriff's Office feels differently. Chief Freeburg said that is the County not the City. Ms. Kelly said cattle gates will be installed.

Mayor Bagshaw commented that he would like to see the prototypes that would be suitable for the property and Ms. Kelly said that she understands the issue of compatibility. She also mentioned that OCPS is regulated by state on their budget for a school. The budget is set and they can lose funding if they exceed the budget. This is public tax dollars and will make every effort to be good neighbors.

Attorney Smith said that the point of Comprehensive Plan is how to make this compatible and if it can't be done under budget, is this the right site? It is important to show the people how it will be done. There are a lot of gaps and will have to be addressed. There is some information that P&Z and Council will need to know now.

- Mr. Worthen asked about an electronic messaging board and Ms. Kelly said that OCPS is retrofitting schools to electronic signs. Ms. Kelly also stated that the City has a say regarding the standards and colors for lighting.

City Clerk Meeks repeated the purpose of the meeting, which is for Use and Rezoning.

Planner Hardgrove asked for a selection of prototypes to incorporate into the agreement and Attorney Smith added that that would help with the analysis of compatibility. Mayor Bagshaw added that it would be fair if OCPS could look at the site and narrow down the prototypes and show options for an overlay.

In response to Mr. Worthen, regarding separation of auto and bus traffic, Ms. Kelly said there has to be separate entrances for the two types of vehicles.

In response to Sandy DePorter, Ms. Kelly confirmed that OCPS is aware that many streets only have one way out from the neighborhoods.

City Clerk Meeks said that draft minutes of this meeting will be in the P&Z agenda package for February 12, 2018, so that they and council are aware of the results of this meeting.

Having no more discussion, the DRC Meeting was adjourned at 12:02 pm.

Bea L. Meeks, MMC, CPM, CBTO
City Clerk

Approval Date: _____