



**MEETING AGENDA
SESSION OF THE PLANNING ADVISORY BOARD
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
WEDNESDAY, APRIL 6, 2022 AT 6:00 PM**

- 1. MEETING CALLED TO ORDER**
- 2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
- 3. MINUTES**
 - 3.A APPROVAL OF THE MARCH 16, 2022 PLANNING ADVISORY BOARD MEETING MINUTES.
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - 5.A PUBLIC HEARING: AX-22-0001 TANGELO CIRCLE: ANNEXATION - PROPOSED ORDINANCE NO. 22-008
 - PUBLIC HEARING: LUPA-22-0001 - CONSTELLATION (FORMERLY RAMONA):
 - 5.B LAND USE PLAN AMENDMENT: LARGE SCALE - CITY MF-MDR, MF-HDR, CONS, & CG TO CITY CONS AND IB - PROPOSED ORDINANCE 22-009
 - 5.C PUBLIC HEARING: PUD-22-0001 - CONSTELLATION (FORMERLY RAMONA): PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT: (INDUSTRIAL USES)
- 6. PUBLIC HEARINGS**
- 7. DISCUSSION**
- 8. HEAR CHAIRMAN AND BOARD MEMBERS**
- 9. ADJOURNMENT**

In accordance with Florida Statutes 286.105: Any person wishing to appeal any decision made by the Planning Advisory Board with respect to any matter considered at such meeting or hearing will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with Florida State 286.26, persons needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 101 Church Street, Kissimmee, Florida, (407) 518-2309.

ITEM 3.A

APPROVAL OF THE MARCH 16, 2022 PLANNING ADVISORY BOARD MEETING MINUTES.

Request

Approval of the March 16, 2022 Planning Advisory Board Meeting Minutes.

Explanation

Recommendation

REQUESTED PLANNING ADVISORY BOARD ACTION:

Approve

Attachment(s):

1. 03.16.2022 PAB Minutes - revised- 04.02.2022



**MEETING MINUTES
SESSION OF THE PLANNING ADVISORY
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
WEDNESDAY, MARCH 16, 2022 AT 6:00 PM**

Board Members Present: Chairman Robert Bussiere, Vice Chairman Wolff, Member Diana Marrero-Pinto, Member Robert Spalding, Member Jackie Espinosa (**Absent**), Member Fatima Santiago, School Board Member Jason Lindsey (**Absent**)

Staff Members Present: Douglas Etheredge, Assistant Director, Brenda Ryan, Planning Manager, Cristian Arias, Senior Planner, Yolanda Hazley, Planning Technician

1. **MEETING CALLED TO ORDER**
2. **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
3. **MINUTES**

3.A APPROVAL OF THE FEBRUARY 16, 2022 PLANNING ADVISORY BOARD MEETING MINUTES.

ACTION: Member Spalding made a motion to approve the minutes of the February 16, 2022, Planning Advisory Board Meeting. Seconded by Member Marrero-Pinto

Chairman Bussiere	AYE	Member Santiago	AYE
Vice Chairman Wolff	AYE	Member Marrero-Pinto	AYE
Member Spalding	AYE		

MOTION CARRIED 5-0

4. **OLD BUSINESS**
5. **NEW BUSINESS**

5.A PUBLIC HEARING: CU-22-0001 - OPPORTUNITY CENTER MURAL: AUTHORIZATION OF A TRUE WORK OF ART

Planning Manager Ryan stated that this is a request for an Authorization of A True Work of Art to allow a mural installation on a portion of a building façade wall. The subject property is located at 310 N. Clyde Ave.

Staff recommends approval for the following reasons:

1. Compliance with Section 14-11-16 of the Land Development Code as the mural is a true work of art and is not intended to be used as a sign as defined by Section 14-2. The additional logos and others have no direct association with the business that occupies the building where the mural will be established and the proposed mural is compatible with the character of the surrounding area in terms of size, style, colors, materials, general appearance and location.

Staff recommends approval subject to the following 4 conditions:

1. The murals and subject building walls shall be conducted in accordance with the attachments.
2. No signage or direct association of the establishments shall be permitted within the murals.
3. Existing or proposed signage shall not be incorporated into the murals.
4. Subject to review and approval of Right-Of-Way/Easement Utilization permits and conditions.

Marilyn Cortes-Lovato, representing the applicant, stated that this mural would be a vibrant addition to the community.

Kristen Lafferty, Executive Director for the applicant, stated that she hopes that the Board will approve this request.

Scott Pool, President of the Board representing the applicant, stated that this mural would bring more awareness to the building and the clients by increasing the visibility to the building.

**ACTION: Member Spalding made a motion for approval subject to 4 conditions
Seconded by Member Santiago**

1. The murals and subject building walls shall be conducted in accordance with the attachments.
2. No signage or direct association of the establishments shall be permitted within the murals.
3. Existing or proposed signage shall not be incorporated into the murals.
4. Subject to review and approval of Right-Of-Way/Easement Utilization permits and conditions.

Chairman Bussiere	ABSTAIN	Member Santiago	AYE
Vice Chairman Wolff	AYE	Member Marrero-Pinto	AYE
Member Spalding	AYE		

MOTION CARRIED 4-0-1

5.B PUBLIC HEARING: CU-21-0001 - MLK COMMERCIAL: CONDITIONAL USE WITH SITE PLAN (RETAIL SALES, RESTAURANT, BUSINESS SERVICES, OFFICE, & INDOOR PRIVATE RECREATION)

Planning Manager Ryan stated that this request is a Conditional Use with Site Plan to allow approval of a retail sales, restaurant, business service, office and indoor private recreation uses on approximately 0.674 acres of land.

Planning Manager Ryan stated that Staff wants to add the condition of personal services to this request.

Planning Manager Ryan stated that this request would consist of 3 multi-tenant buildings totaling of about 6,050 square feet with two of the buildings fronting along Martin Luther King Blvd with one building along Person St with a right in and right

out connection.

Staff recommends approval for the following reasons:

1. Compliance with the intent of the Neighborhood Open (T4-O) transect zoning standards as outlined in Section 14-5-4(D) of the Land Development Code.
2. Compliance with Section 14-5-6, Table 5-1, as retail sales, restaurant, business services, office, and indoor private recreation are uses listed as potential conditional use allowances in the Neighborhood Open (T4-O) transect zoning district.
3. Compliance with Section 14-3-29(G)(1)-(13) general review criteria for conditional use approval as the subject property, layout, compatibility, and public facility impacts of the project are in compliance with the Land Development Code.
4. Compliance with Comprehensive Plan Future Land Use Element Policy 1.2.9.2, Mixed Use - Downtown (MU-D), intended to mirror the sub-areas outlined in the Strategic Investment Map in the Downtown Kissimmee Community Redevelopment Area (CRA) Plan. The property is located in the Medical Campus sub-area centered on the hospital and medical uses that includes residential uses and support uses with a maximum project density of 40 dwelling units per acre (du/ac) and up to 6.0 Floor Area Ratio (F.A.R.)

Staff recommends approval subject to the following 2 conditions with 1 added Condition:

1. The establishment of uses on this site will be limited by the total amount of off-street parking spaces available to accommodate all uses. Parking calculations shall be required for each unit prior to Business License and/or Building Permit issuance to confirm parking requirements can be met.
2. A landscaped buffer shall be provided on the north side consisting of a 6ft fence, canopy, and understory trees.
3. **Personal services is also included as a use included with this Conditional Use approval.**

Todd Hudson, Hudson Engineering representing the applicant stated that he agrees with Staff's recommendation and was available for any questions.

ACTION: Member Marrero-Pinto made a motion for approval subject to 2 conditions with one added condition. Seconded by Member Spalding.

1. **The establishment of uses on this site will be limited by the total amount of off-street parking spaces available to accommodate all uses. Parking calculations shall be required for each unit prior to Business License and/or Building Permit issuance to confirm parking requirements can be met.**
2. **A landscaped buffer shall be provided on the north side consisting of a 6ft fence, canopy, and understory trees.**
3. **Personal services is also included as a use included with this Conditional Use approval.**

Chairman Bussiere
Vice Chairman Wolff
Member Spalding

AYE
ABSTAIN
AYE

Member Santiago
Member Marrero-Pinto

AYE
AYE

MOTION CARRIED 4-0-1

- 6. PUBLIC HEARINGS**
- 7. DISCUSSION**
- 8. HEAR CHAIRMAN AND BOARD MEMBERS**
- 9. ADJOURNMENT**

Meeting Adjourned at 6:18 p.m.

Robert Bussiere, Chairman
Planning Advisory Board

Brenda Ryan, Planning Manager
Development Services Dept.

In accordance with Florida Statute 286.0105, any person wishing to appeal any decision made by the Planning Advisory Board with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is made.

In accordance with Florida Statute 286.26, persons needing assistance to participate in any of these proceedings should contact the office of the City Clerk at (407) 518-2309 prior to the meeting.

ITEM 5.A

PUBLIC HEARING: AX-22-0001 TANGELO CIRCLE: ANNEXATION - PROPOSED ORDINANCE NO. 22-008

Request

Recommendation of approval to annex approximately 1.19 acres of property located east of Old Vineland, and north of W. Vine St.

Explanation

This annexation includes a 1.19 acres parcel of land located off of Old Vineland Road. The property is contiguous, or adjacent to parcels currently within City limits along the north, east and southern boundaries, meeting the state voluntary annexation and city Land Development Code requirements.

Improvements and conditions to mitigate impacts will be addressed with subsequent development review applications and reviews and is subject to applicable local, state, and federal permitting requirements and standards.

FINDINGS AND REASONS:

1. Compliance with Chapter 171 of the Florida Statutes as it meets all the criteria for voluntary annexation as the subject property is contiguous to the City Limits along the north, east, and southern boundaries of the parcel. Adequate public facilities, including water, sewer, drainage, and emergency protection are already provided to surrounding properties. The subject property is reasonably compact and will not result in the creation of enclaves if annexed.
2. Compliance with Section 14-2-12 annexation regulations outlined in the Land Development Code.

Recommendation

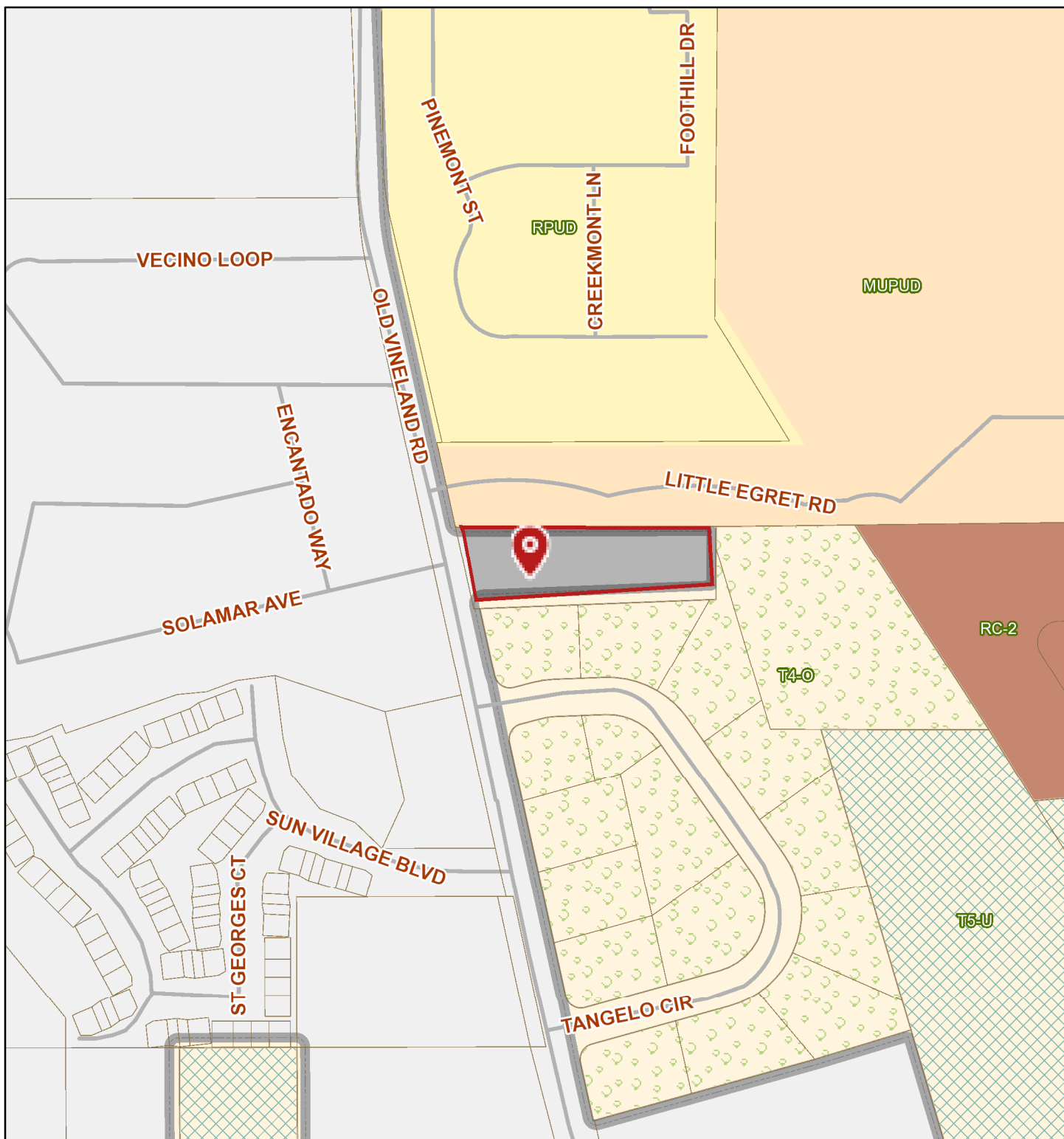
REQUESTED PLANNING ADVISORY BOARD ACTION:

Approve

The Development Review Committee (DRC) recommended approval on March 1, 2022.

Attachment(s):

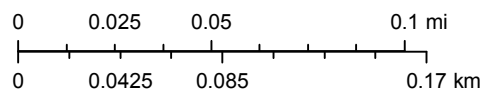
1. AX-22-0001 Vicinity Map
2. AX-22-0001 Aerial Map
3. AX-22-0001 Site Data Tables
4. AX-22-0001 Proposed Ordinance 22-008
5. AX-22-0001 PAB Ad
6. AX-22-0001 Planning DRC Comments
7. AX-22-0001 PWE DRC Comments
8. AX-22-0001 School District DRC Comments

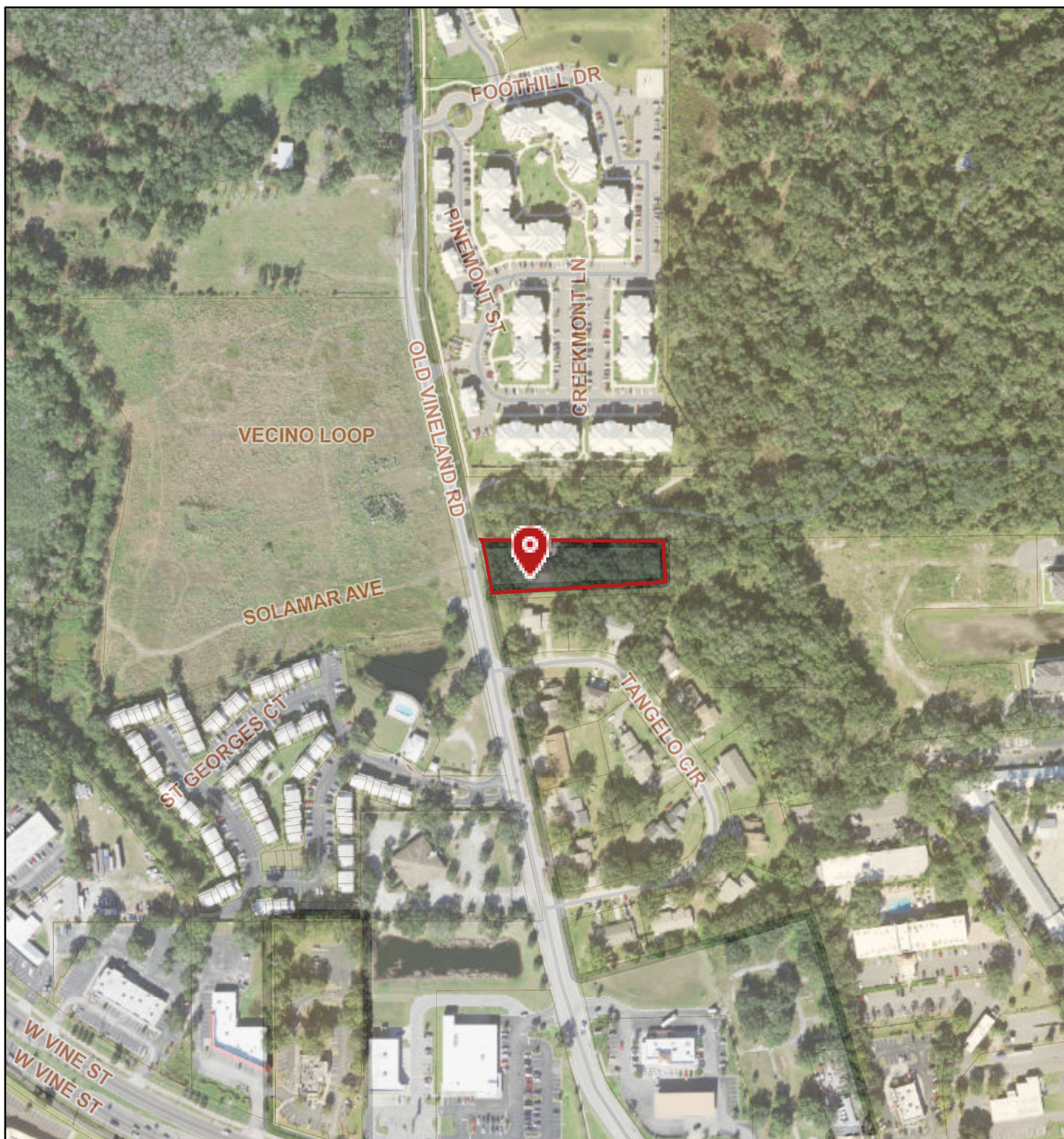


March 31, 2022

1:3,147

- Address Points
- Parcels
- Road Centerlines
- City Limits**
- CITY
- COUNTY





March 31, 2022

1:4,288

Address Points



COUNTY



Parcels

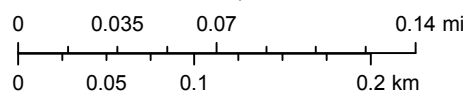


Road Centerlines

City Limits



CITY



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Tangelo Circle Annexation, AX-22-0001
Parcel ID#13-25-28-0000-0360-0000; 1895 Old Vineland Road;
East of Old Vineland and North of W. Vine St.

Site Data Tables

Site Data	
Size	1.19 acres
Future Land Use Designation	Low Density Residential/Intensity (LDR) – County
Proposed Future Land Use Designation	Single Family Medium Density Residential (SF-MDR) – City
Zoning District Designation	Medium Density Residential (RM-3) – County
Proposed Zoning District Designation	Medium Density Residential - City
Existing Overlay District	N/A
Existing Use(s)	Single Family Detached Home
Proposed Use(s)	Residential
Adjacent Land Use	
North	Multiple Family Medium Density Residential (MF-MDR) – City
South	Single Family Medium Density Residential (SF-MDR) – City
East	Single Family Medium Density Residential (SF-MDR) – City
West	Tourist Commercial (TC) - County
Adjacent Zoning	
North	Mixed Use Planned Unit Development (MUPUD) - City
South	Neighborhood Open (T4-O) - City
East	Neighborhood Open (T4-O) - City
West	Planned Development (PD) - County
Past/Current Project Tracking	LUPA-22-0002 Land Use Amendment ZMA-22-0001 Zoning Map Amendment (Both pending)

Comprehensive Plan Summary
Policy 1.2.1.3, Medium Density Residential (MDR): The medium density designation is intended to ensure sufficient land area for developments of medium density, and an adequate supply of existing and/or projected public facilities for the area. Supportive community facilities and accessory land uses may be located within areas designated MDR. The Single Family Medium Density Residential (SF-MDR) designation is intended to accommodate single family detached or attached dwelling units with a maximum density of between seven and nine units per acre. Within this land use designation, attached single family structures are defined as duplex and triplex structures only, with the following exception: multiple family structures and rooming houses existing within these designated areas prior to the enactment of

the Comprehensive Plan shall be allowed to remain as conforming conditional uses.	
Potential Zoning Districts	Single Family Residential Districts – RA-1, RA-2, RA-3, RA-4
	Medium Density Residential Districts RB-1 & RB-2
	Residential Planned Unit Development District - RPUD
	Short-Term Rental Planned Unit Development - SRPUD
	Mixed-Use Planned Unit Development District - MUPUD

<i>Zoning District Standards District Summary</i>
Land Development Code Section 14-4-4(D), Medium Density Residential District) Intent: The RB-1 and RB-2 zoning districts are primarily intended to meet housing needs for single family medium density development, duplexes, and, where appropriate, triplexes. Both districts are also intended to accommodate compatible non-residential uses, existing multiple family structures, and existing rooming houses. The RB-1 district is particularly suitable for redevelopment areas having small platted lots; areas with natural constraints which make higher densities inappropriate; and sites serving as a transition between areas or districts with differing intensities of development. The RB-2 district is primarily designed for locations on the fringe of existing residential areas serving as a transition area between residential neighborhoods and higher intensity development. The RB-1 and RB-2 districts implement the Single Family Medium Density Residential and the Office-Residential future land use designations in the comprehensive plan.

<i>Comprehensive Plan Future Land Use & Zoning Comparisons</i>		
	<i>Existing Future Land Use & Zoning</i>	<i>Requested Future Land Use & Zoning</i>
Uses	LDR County Land Use (3-8 du/ac)	SF-MDR City Land Use (7-9 du/ac)
	RM-3 County Zoning	RB-1 City Zoning
	Residential	Residential

<i>Public Facilities Analysis</i>	
Transportation	
Adjacent street	Old Vineland Rd.
Street Quality of Service (QOS)	Adjacent Street is under Osceola County jurisdiction.
Sanitary Sewer	

Is volume less than 98% capacity?	N/A – Compliance
Potable Water	
Is volume less than 98% capacity?	N/A – Compliance
Is water pressure at least 40lbs per square inch?	N/A – Compliance
Solid Waste	
Is volume less than 5.1lbs per person per calendar day?	N/A – Compliance
Recreation	
Is active recreation area at least 2 acres per 1,000 population?	N/A – Compliance
Is urban open space area at least 2 acres per 1,000 population?	N/A – Compliance
Is total recreation area at least 4 acres per 1,000 population?	N/A – Compliance
Drainage	
Is off-site discharge; runoff velocities; roadway drainage; pavement; retention; and flood storage LOS standards met?	N/A- Compliance

PROPOSED ORDINANCE NO. 22-008
ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN HEREIN DESCRIBED LAND, TO THE CITY OF KISSIMMEE, FLORIDA, FURTHER PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH LAND AFTER ITS ANNEXATION, REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KISSIMMEE, FLORIDA, IN LAWFUL SESSION ASSEMBLED, AS FOLLOWS:

SECTION 1. After public hearing and proper legal advertisement, the City Commission of the City of Kissimmee determined that the hereinafter described property is susceptible of municipal benefits and that the best interest of the City of Kissimmee will be served by the annexation of the hereinafter described land.

Acreage: 1.19

The subject property is located at: 1895 Old Vineland Rd.; Parcel ID: 13-25-28-0000-0360-0000

Legal Description:

BEG AT NE COR OF SE 1/4 OF SE 1/4, W 399.45 FT TO R/W OF SR 530, NLY ALONG R/W 135.5 FT, E 429.5 FT, S 132 FT TO POB LESS WLY 10 FT MOL FOR R/W

SECTION 2. That upon the effective date of this Ordinance, the land described in Section 1 of this Ordinance shall be part of the City of Kissimmee, Florida, and the boundaries of said shall now include the herein above described land from the effective date of this Ordinance.

SECTION 3. That the land described in Section 1 of this Ordinance shall from the effective date of this Ordinance be susceptible to all of the municipal benefits and responsibilities. That the land shall be subject to taxation by the City of Kissimmee beginning the first date of the first calendar year after the effective date of this Ordinance.

However, until that date, no real or personal property within the area described in this Ordinance and so annexed, shall be liable for or taxed to pay any bonded indebtedness of the City of Kissimmee existing at the time of the passage of this Ordinance. Except the exemption provided in this Ordinance, said land shall be subject to all of the obligations and duties as any other lands within the corporate boundaries of the City of Kissimmee, Florida.

SECTION 4. This Ordinance shall take effect 10 days after its passage.

Commissioner _____ moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Commissioner _____ and upon roll call on the motion the vote was as follows:

AYES:

NAYS:

Said motion having been duly carried, thereupon, Mayor Gonzalez, declared said Ordinance duly passed and adopted the ____ day of _____, 2022.

Mayor - Commissioner

ATTEST:

City Clerk



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

**ADDRESS: 1895 Old Vineland Road.
PLAN NUMBER: AX-22-0001**

DATE: 2/23/2022

**Review Status:
APPROVED WITH CONDITIONS.**

PLANNING - Brenda Ryan - 407.518.2104 - Brenda.Ryan@kissimmee.gov

1. Subject to Planning Advisory Board and City Commission approval.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forthcoming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation. When submitting, please provide a response to comments outlining where and how the comments have been addressed.

DEVELOPMENT PROJECT COMMENT FORM



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

DATE: 2/23/2022
PROJECT: 1895 OLD VINELAND RD Annexation
SITE PLAN (DRC) NUMBER: AX-22-0001
REVIEW NUMBER: 1



QUESTIONS ?

Review Status:

APPROVED WITH CONDITIONS

ENGINEERING DEPARTMENT - Ryan Kilman - 407.518.2279 - ryan.kilman@kissimmee.gov

CONDITIONS OF APPROVAL:

- All applicable code requirements of the City of Kissimmee Code of Ordinances shall be adhered to for any proposed use(s) and its processes.
- If you have any questions regarding the comments/conditions above, please use the contact information provided.

###



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

**ADDRESS: 1895 Old Vineland Road
PLAN (DRC) NUMBER: AX-22-0001**

**DATE: 2/23/2022
SDOC#: 2021/22-0115**

**Review Status:
CHOOSE REVIEW STATUS.**

OSCEOLA COUNTY SCHOOL DISTRICT - Jason Lindsey - 407.518.2964 - Jason.Lindsey@osceolaschools.net

Comments/Conditions (if applicable):

This Annexation for this existing lot and dwelling has no impact on public schools.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forthcoming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation. When submitting, please provide a response to comments outlining where and how the comments have been addressed.

ITEM 5.B

PUBLIC HEARING: LUPA-22-0001 - CONSTELLATION (FORMERLY RAMONA): LAND USE PLAN AMENDMENT: LARGE SCALE - CITY MF-MDR, MF-HDR, CONS, & CG TO CITY CONS AND IB - PROPOSED ORDINANCE 22-009

Request

Recommendation of approval of a Land Use Plan Amendment (LUPA) to change the Future Land Use Map designation from City Multi Family Medium Density Residential (MF-MDR), Multi-Family High Density Residential (MF-HDR), Conservation (CONS), and Commercial General (CG) to City Conservation (CONS) and Industrial Business (IB) on 114.25 acres of land west of Florida's Turnpike, east of Bill Beck Blvd., along the north and south sides of E. Osceola Parkway.

Explanation

Recommendation of approval of a Land Use Map Amendment from City Multi Family Medium Density Residential (MF-MDR), Multi-Family High Density Residential (MF-HDR), Conservation (CONS), and Commercial General (CG) to City Conservation (CONS) and Industrial Business (IB) on 114.25 acres of land. This is a companion application to the Constellation (formerly Ramona) Planned Unit Development (PUD)(PUD-22-0001) that will accommodate industrial warehouse uses.

Off-site transportation improvements to the segment of Bill Beck Blvd. south of Osceola Parkway has commenced and is under construction by Osceola County. Construction includes a 2 lane, undivided urban roadway designed for future expansion to 4 lanes. The improvements also include sidewalks, provisions for street lighting, and a new traffic signal at Osceola Parkway intersection.

On site improvements and conditions to mitigate impacts will be addressed with subsequent development review submittals and reviews and are subject to applicable local, state, and federal permitting requirements and standards.

FINDINGS AND REASONS:

1. Compliance with Comprehensive Plan Future Land Use Policy 1.2.4.3, Industrial Business (IN) Future Land Use Designation, that is intended to accommodate a mixture of typical industrial uses and more intense non-industrial uses. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 0.50 FAR. This designation shall be applied to areas appropriate for typical industrial uses or mixed-use development consisting of light-industrial uses and compatible commercial uses.
2. Compliance with Comprehensive Plan Future Land Use Policy 1.2.8.2, Conservation (CONS) Future Land Use Designation, that is intended for those lands, because of their environmental quality or sensitivity, for protection and are not intended for development activities, and therefore have no allowable FAR. These lands may include wetlands, wildlife habitats, and/or watershed protection areas. The CONS designation shall be applied to portions of major natural resource areas and environmentally sensitive corridors which the City deems appropriate and feasible to protect in order to help implement natural resource conservation goals, objectives, and policies stipulated in the Comprehensive Plan. The designation shall be primarily assigned to publicly owned and restricted privately owned properties.
3. Compliance with Transportation Element Policy, 2.2.2.3: Density Support, in that transportation infrastructure and services shall support residential, non-residential, and mixed use land uses.

4. Compliance with Land Development Code Section 14-3-26, Comprehensive Plan Text and Map Amendments, in regards to the submittal and review procedures and criteria to support an amendment.

Recommendation

REQUESTED PLANNING ADVISORY BOARD ACTION:

Approve w/Conditions

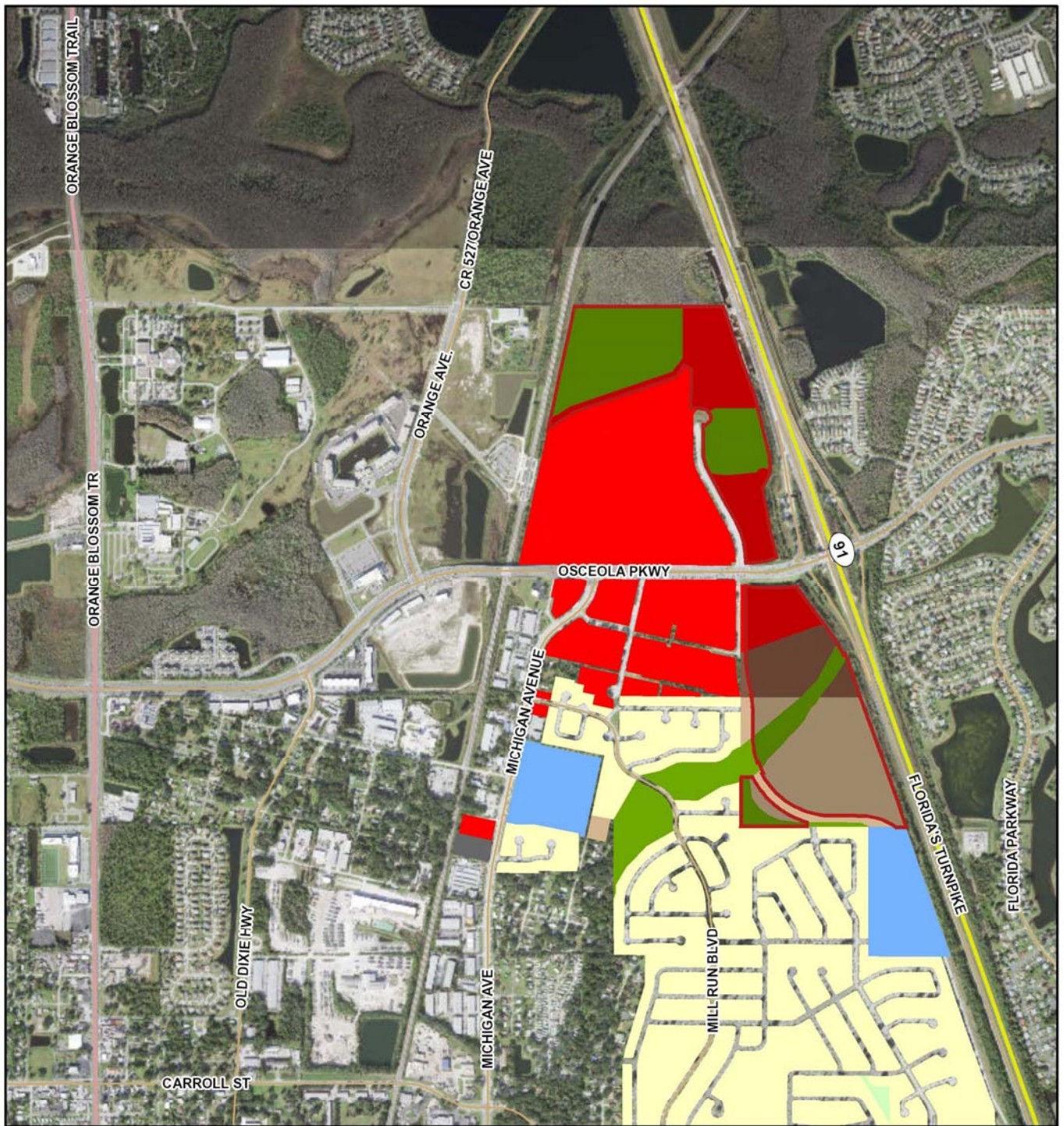
The Development Review Committee (DRC) recommended approval on March 1, 2022.

CONDITION:

1. Subject to City Commission approval and transmittal to the Department of Economic Opportunity (DEO).

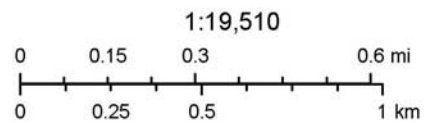
Attachment(s):

1. LUPA-22-0001 Vicinity Map
2. LUPA-22-0001 Aerial Map
3. LUPA-22-0001 Site Data Tables
4. LUPA-22-0001 Proposed Ord 22-009
5. LUPA-22-0001 PAB Ad
6. LUPA 22-0001 Planning DRC Comments
7. LUPA-22-0001 School District DRC Comments
8. LUPA-22-0001 PWE DRC Comments
9. LUPA-22-0001 DRC Application

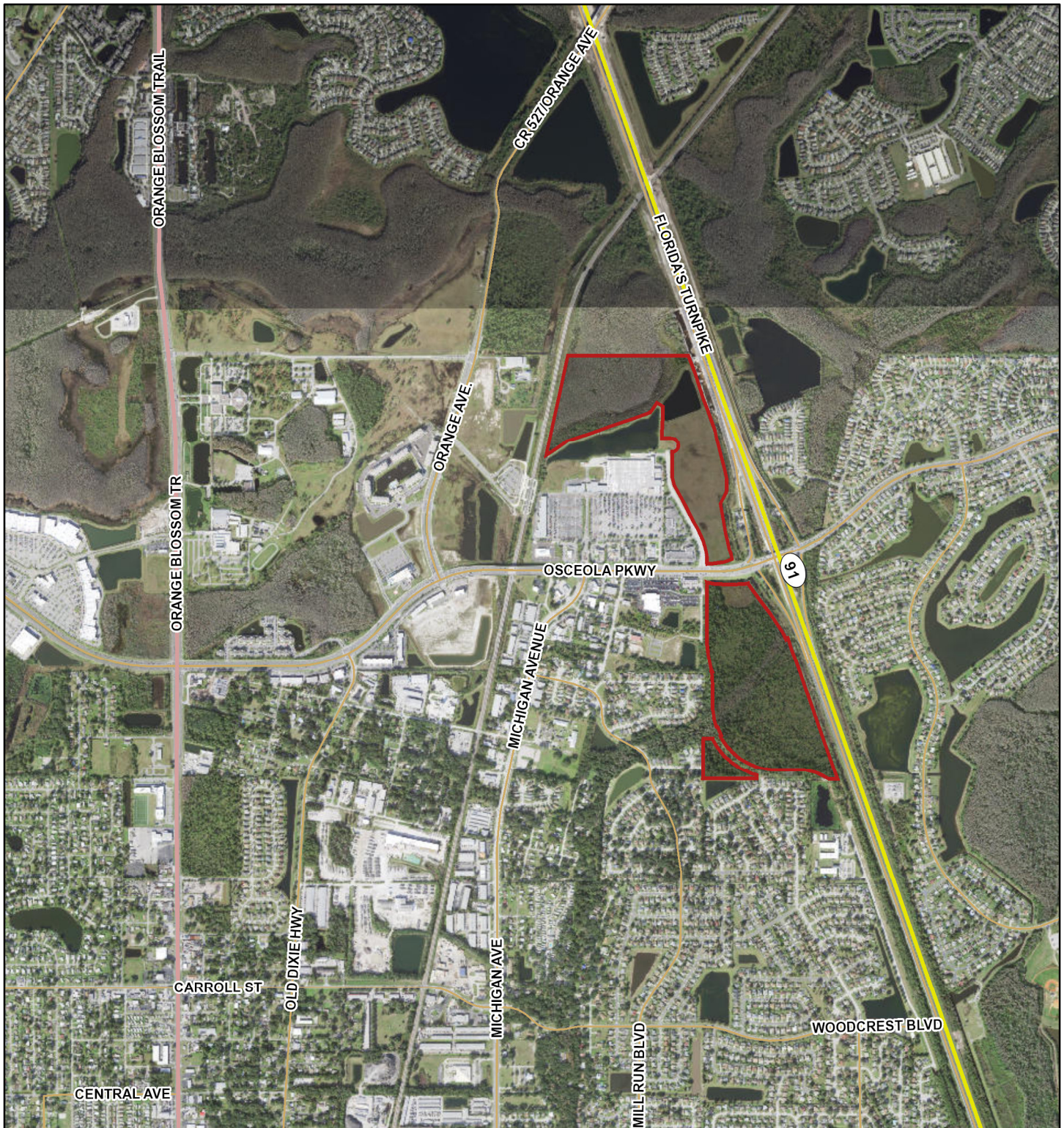


March 22, 2022

- Toll Roads
- US Roads
- Major Roads

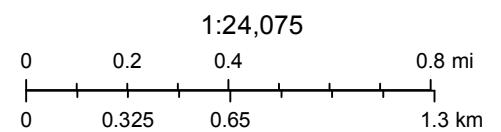


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



March 22, 2022

- Toll Roads
- US Roads
- Major Roads



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Constellation (formerly Ramona) Land Use Amendment, LUPA-22-0001
Parcel ID# 02-25-29-1448-0001-0090, 02-25-29-00U0-0032-0000, 02-25-29-00U0-0025-0000
North & South of E. Osceola Parkway, East of Bill Beck Blvd., & West of Florida's Turnpike
Site Data Tables

Site Data	
Size	114.25 acres
Future Land Use Designation	Commercial General (CG), Multi-Family High Density Residential (MF-HDR), Multi-Family Medium Density Residential (MF-MDR), & Conservation (CONS) - City
Proposed Future Land Use Designation	Industrial Business (IN) – City Conservation (CONS) - City
Zoning District Designation	Planned Mixed Use Development (PMUD) – City
Proposed Zoning District Designation	N/A
Existing Overlay District	N/A
Existing Use(s)	Vacant, Wetlands
Proposed Use(s)	Industrial, Warehouse
Adjacent Land Use	
North	Planned Development (PD-MDR-CO), Industrial (IND) – Orange County
South	Commercial General (CG), Institutional (INST), Single Family Low Density Residential (SF-LDR) – City
East	Florida's Turnpike, Low Density Residential (LDR), Medium Density/Intensity (MDR) – County
West	Commercial General (CG), Single Family Low Density Residential (SF-LDR), & Conservation (CONS) – City
Adjacent Zoning	
North	Planned Development (PD), Farmland Rural (A-2) – Orange County
South	Planned Mixed Use Development (PMUD), Single Family Residential (RA-3) - City
East	Florida's Turnpike, Planned Development (PD) - County
West	Planned Mixed Use Development (PMUD), Residential Planned Unit Development (RPUD), General Commercial (B-3) – City
Past/Current Project Tracking	91-001 Gateway Commons DRI 96-061 Gateway Commons DRI Amendment 99-099 Gateway Commons DRI Amendment 04-097 Land Use Amendment 04-099 Land Use Amendment 05-146 PUD Amendment 18-00016 Gateway Commons DRI Rescission

	18-017 Land Use Amendment (Ramona) 18-018 PUD Amendment (Ramona) LUPA-22-0001 Land Use Amendment (pending) PUD-22-0001 PUD Amendment (pending)
--	---

Comprehensive Plan Summary	
Policy 1.2.4.3, Industrial Business (IN) Future Land Use Designation: The Industrial Business (IN) land use designation is intended to accommodate a mixture of typical industrial uses and more intense non-industrial uses. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 0.50 FAR. This designation shall be applied to areas appropriate for typical industrial uses or mixed-use development consisting of light-industrial uses and compatible commercial uses.	
Potential Zoning Districts	Industrial Business District - IB
	Business Park District - BP
	Airport Industrial District - AI
	Mixed-Use Planned Unit Development District - MUPUD
Policy 1.2.8.2, Conservation (CONS) Future Land Use Designation: Lands designated for Conservation (CONS) are those lands that, because of their environmental quality or sensitivity, are intended for protection and are not intended for development activities, and therefore have no allowable FAR. These lands may include wetlands, wildlife habitats, and/or watershed protection areas. The CONS designation shall be applied to portions of major natural resource areas and environmentally sensitive corridors which the City deems appropriate and feasible to protect in order to help implement natural resource conservation goals, objectives, and policies stipulated in the Comprehensive Plan. The designation shall be primarily assigned to publicly owned and restricted privately owned properties.	
Potential Zoning Districts	All Zoning Districts

Zoning District Standards District Summary
Land Development Code Section 14-4-8(D), Mixed-Use Planned Unit Development District (PMUD) Intent: The purpose of this district is to permit land under unified control to be planned and developed for a compatible mix of residential and commercial purposes or commercial-light industrial uses with a greater amount of site design flexibility by removing some of the restrictions of conventional zoning. This district is intended for use in suitable areas which have been assigned any of the comprehensive plan future land use designations other than the Mobile Home Medium Density Residential (MH-MDR) designation. The uses, density and intensity allowed in this district shall be consistent with the future land use designation.

Comprehensive Plan Future Land Use & Zoning Comparisons		
	<i>Existing Future Land Use & Zoning</i>	<i>Requested Future Land Use & Zoning</i>
Uses	Commercial General (CG), Multi-Family High Density Residential (MF-HDR), Multi-Family Medium Density Residential (MF-MDR), & Conservation (CONS) – City	Industrial Business (IN) – City Conservation (CONS) – City
	Planned Mixed Use Development (PMUD) – City	Planned Mixed Use Development (PMUD) – City
	Vacant, Wetlands	Vacant, Wetlands

Public Facilities Analysis	
Transportation	
Adjacent street	E. Osceola Pkwy., Bill Beck Blvd., Florida's Turnpike
Street Quality of Service (QOS)	Adjacent Streets are under Osceola County (E. Osceola Pkwy. & Bill Beck Blvd.) & State (Florida's Turnpike) jurisdictions. Construction of access off of Bill Beck Blvd. has commenced and is under construction by Osceola County. Construction includes 2 lane, undivided urban roadway designed for future expansion to 4 lanes. Includes sidewalk, curb & gutter, closed drainage system, provisions for street lighting, & new traffic signal at Osceola Parkway intersection.
Sanitary Sewer	
Is volume less than 98% capacity?	N/A – Compliance
Potable Water	
Is volume less than 98% capacity?	N/A – Compliance
Is water pressure at least 40lbs per square inch?	N/A – Compliance
Solid Waste	
Is volume less than 5.1lbs per person per calendar day?	N/A – Compliance
Recreation	

Is active recreation area at least 2 acres per 1,000 population?	N/A – Compliance
Is urban open space area at least 2 acres per 1,000 population?	N/A – Compliance
Is total recreation area at least 4 acres per 1,000 population?	N/A – Compliance
Drainage	
Is off-site discharge; runoff velocities; roadway drainage; pavement; retention; and flood storage LOS standards met?	N/A- Compliance

PROPOSED ORDINANCE NO. 22-009
ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kissimmee, Florida, has adopted Ordinance No. 3050 pursuant to the Local Government Comprehensive Planning Act of 1975, as amended, and

WHEREAS, the City of Kissimmee has advertised as required by law for two (2) public hearings prior to adoption of this ordinance, and

WHEREAS, the City has held such public hearings and the records of the City provide that the owners of the land affected have been notified as required by law;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KISSIMMEE, FLORIDA, IN LAWFUL SESSION, ASSEMBLED, AS FOLLOWS:

SECTION 1. Amend the Land Use Plan as to the following area:

FROM: MF-MDR (Multi Family Medium Density Residential), MF-HDR (Multi-Family High Density Residential), CONS (Conservation), and CG (Commercial General) – City

TO: CONS (Conservation) & IB (Industrial Business) – City

The subject property is located at: Parcel ID: 02-25-29-1448-0001-0090, 02-25-29-00U0-0032-0000, & 02-25-29-00U0-0025-0000

Legal Description:

GATEWAY COMMONS NORTH PB 13 PG 28-32 LOT 9

Together with Parcel 2:

NW 1/4 OF SE 1/4 LYING WLY OF FLA TRNPK LESS RD RW & LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E

428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB

Together with Parcel 3:

SW 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE & SE 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB

A map of the area is included with this ordinance.

SECTION 2. That a copy of said Land Use Plan Amendment is filed in the office of the Development Services Department of the City of Kissimmee as a matter of permanent record of the City, and that matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office, available for public inspection.

SECTION 3. That the City Manager, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Kissimmee.

SECTION 4. That all ordinances in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect 10 days after its passage

Commissioner_____ moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Commissioner _____ and upon roll call on the motion the vote was as follows:

AYES

NAYS

Said motion having been duly carried, thereupon, Mayor Olga Gonzalez declared said Ordinance duly passed and adopted the ____ day of _____, 2022.

Mayor - Commissioner

ATTEST:

City Clerk

This E-Sheet(R) is provided as conclusive evidence that the ad appeared in The Orlando Sentinel on the date and page indicated. You may not create derivative works, or in any way exploit or repurpose any content.

CELEBRITIES

Willis, Leto, James nab Razzie ‘wins’

From news services

Bruce Willis was among the “winners” of this year’s Golden Raspberry Awards, celebrating the worst in film.

But the award was no surprise: The Razzies think so little of Willis, they gave him his own category for “going through the motions in an astounding eight low-budget movies in one year while racking up millions.”

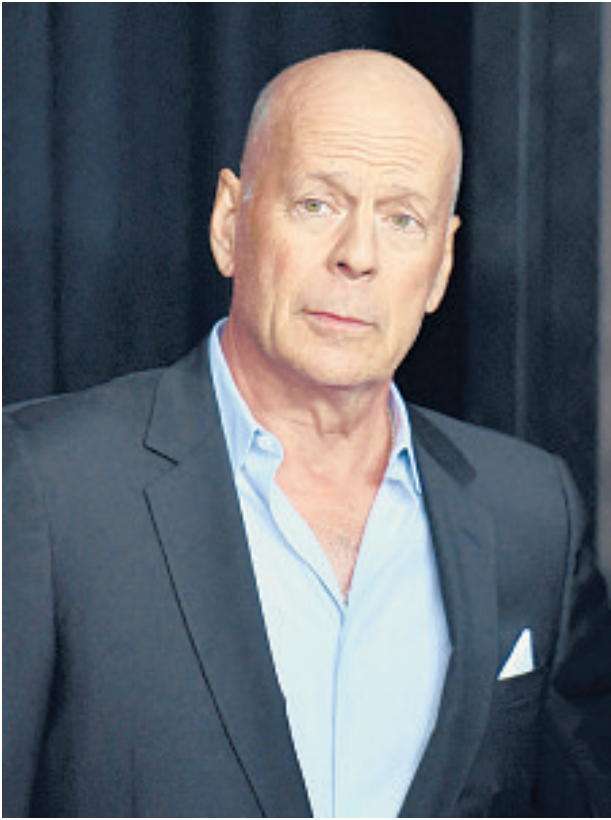
With eight choices, the Razzies chose “Cosmic Sin” as Willis’ worst stinker of 2021.

The 42nd annual Razzie Awards were announced on Saturday. “Diana the Musical” won five awards, including worst picture, worst actress for Jeanna de Waal and worst supporting actress for Judy Kaye.

Jared Leto was named worst supporting actor for his role in “House of Gucci” while LeBron James landed two awards for worst actor as well as worst screen couple with any Warner cartoon character (or WarnerMedia product) he dribbles on in “Space Jam: A New Legacy.”

Coulier opens up about drinking: “Full House” star Dave Coulier is opening up about his struggles with alcohol. In a lengthy post on Instagram Thursday, Coulier, 62, shared a photo of himself with a large, bloody scratch down his face, which he said he got after tripping on stairs. He said he “was a drunk,” but he has now been sober since Jan. 1, 2020.

“When I drank, I was the life of the party,” Coulier wrote. “I could make people laugh until they fell down. In this picture I was the one who fell down. Not because I was playing hockey or doing the things I love ... I was hammered and fell, going up some stairs made of stone.” Coulier said he made



Actor Bruce Willis was given his own category at the 42nd annual Razzie Awards. ANGELA WEISS/GETTY-AFP 2019

a decision to get sober based on his own well-being and for his family. He said physical and mental withdrawal “were big challenges,” but thanked his wife, Melissa, for her support.

Coulier is most well-known for playing Joey Gladstone on the ‘90s sitcom “Full House.”

Singer Carson dies: Country music singer and songwriter Jeff Carson, 58, who scored hits with “Not On Your Love,” and “The Car” before becoming a police officer, has died in Tennessee, his publicist said. Carson died of a heart attack at a hospital in Franklin, said Jeremy Westby of 2911 Media.

During his career, he had 14 singles on the Billboard chart, Westby said. Carson retired from music to become a police officer in Franklin, where he remained on the police force, but returned to

music in 2019.

‘The Lost City’ dethrones ‘The Batman’: Sandra Bullock and Channing Tatum led the action-adventure comedy throwback “The Lost City” to a \$31 million debut in U.S. and Canadian theaters over the weekend, according to studio estimates Sunday, dethroning “The Batman” from the No. 1 spot. The superhero film fell to second in its fourth week of release and added \$20.5 million to its domestic total of \$332 million.

March 29 birthdays: Comedian Eric Idle is 79. Singer Bobby Kimball is 75. Actor Brendan Gleeson is 67. Actor Marina Sirtis is 67. Actor Christopher Lambert is 65. Comedian Amy Sedaris is 61. Model Elle Macpherson is 58. Musician John Popper is 55. Actor Lucy Lawless is 54. Actor Megan Hilty is 41.



ASK AMY

By Amy Dickinson

askamy@amydickinson.com Twitter@askingamy

In-law details emotions pregnancy triggered

Dear Amy: My husband and his sister have been feuding for almost a year.

This began when she told us via email that she couldn’t bear to see me pregnant at my baby shower. They argued over the phone, and it intensified through text messages and emails.

The previous year she had a baby that died soon after birth.

This baby had a known genetic condition. It was a scary time for the whole family, as my sister-in-law was constantly in and out of the hospital — and nearly lost her life.

We made many three-hour trips to help support her, her husband and their 5-year-old daughter.

She knew we were struggling with fertility, but when she found out, I was pregnant, she seemed offended. She sent an email detailing her difficult emotions surrounding my pregnancy.

She did come to my baby shower last year, but has not met our baby.

She went on to have a healthy baby, who is only six months younger than our child. We would like to meet her new baby.

My husband and his sister used to be very close. He says he would like to repair their relationship. He found a family counselor and presented his sister with the information.

She said she is not ready. We’re now approaching our son’s first birthday and my husband’s 40th birthday (two days apart).

We would love to invite her to celebrate and to meet her baby, but I think it’s highly unlikely they will accept.

What should we do?
— *I Miss Her*

Dear Miss Her: Over the last couple of years, your sister-in-law has endured a heartbreaking pregnancy and had a baby die, has become pregnant again, and now has another baby.

According to you, she somehow made it to your baby shower after her loss, but then shared her emotions about it with her brother.

You and your husband consider these emotions the start of a “feud,” but from where I sit it seems less like a shot across the bow and more like an anguished cry in the dark.

Her priority at this point should be to see a therapist to attend to her grief and possible postpartum depression and emotional exhaustion.

She may struggle with celebration days, such as baby showers and birthdays, for some time to come.

Your husband should treat his sister gently and patiently, and let her know that when she is ready, your family will press the “reset” button and move forward.

Send her invitations to all family events, and communicate that you look forward to seeing her and her family.

Dear Amy: The last few years have seen an influx of weddings for me.

I’m always flattered when a close friend or family member includes me on their guest list.

On numerous occasions I have received invitations that are addressed only to me and do not include an “and guest” on the

envelope. I’m never offended if I can’t bring a date.

A few times after I’ve sent in my RSVP, the bride has reached out to me and asked if I’m bringing my boyfriend, even though there was no “and guest” on the invitation.

I recently received another invitation addressed to me without an “and guest.”

I don’t want to assume I’m allowed a guest, and I don’t want the bride to feel awkward by asking if I can bring one if they didn’t budget for me to bring one.

What is the best course of action for me to take?
— *Befuddled Wedding Guest*

Dear Befuddled: Assume that you are going solo.

After RSVP’s come in, couples sometimes find they have room for more guests, and issue a second round of invitations.

Dear Amy: The question from “Petite” exposed the challenges of a middle school teacher who was often confronted about her size.

At the opposite end of the scale, my husband is 6 foot, 9 inches tall and people are always asking him incredulously, “How tall are you?”

He often answers: “5 foot, 21 inches” — and it’s amazing how few people can figure that out.

— *Gazing Up*

Dear Gazing: I had to use my calculator.

Copyright 2022 by Amy Dickinson

Distributed by Tribune Content Agency

NOTICE OF PUBLIC HEARING
PLANNING ADVISORY BOARD

This is to inform you that the Planning Advisory Board of the City of Kissimmee will make a recommendation to the City Commission concerning a request for Annexation of the project known as Tangelo Cir.

PROPOSED ORDINANCE **#22-008** AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN HEREIN DESCRIBED LAND TO THE CITY OF KISSIMMEE, FLORIDA, FURTHER PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH LAND AFTER ITS ANNEXATION.

The city is requesting annexation as follows:

The subject property is located at 1895 Old Vineland Rd. **Parcel ID:** 13-25-28-0000-0360-0000

Legal Description:

BEG AT NE COR OF SE 1/4 OF SE 1/4, W 399.45 FT TO R/W OF SR 530, NLY ALONG R/W 135.5 FT, E 429.5 FT, S 132 FT TO POB LESS WLY 10 FT MOL FOR R/W

The Planning Advisory Board will meet to consider their recommendation on said request on **Wednesday, April 6, 2022 at 6:00 P.M.** in the Commission Chambers of City Hall, 101 Church Street, Kissimmee, Florida.

The proposed amendment and the supporting documents, including a parcel description, may be inspected in the Development Services Department, City Hall, 101 Church Street, Kissimmee, Florida, between 8:00 a.m. and 5:00 p.m., Monday through Friday. Please direct any questions to the Development Services Department, (407) 518-2140 or planning@kissimmee.gov.

Any interested party wanting to be heard on this issue may submit testimony to be read into the official record to CityClerkEmail@kissimmee.gov prior to the start of the meeting or may be heard by participating in person.



Reference # AX-22-0001
Tangelo Cir

PLANNING ADVISORY BOARD
KISSIMMEE, FLORIDA

In accordance with [Florida Statutes](#) 286.0105: any person wishing to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with [Florida Statute](#) 286.26, persons needing assistance to participate in any of these proceedings should contact the Office of the City Clerk (407) 518-2308 prior to the meeting. (FS286.26)

NOTICE OF PUBLIC HEARING
PLANNING ADVISORY BOARD

The City of Kissimmee proposes to change the use of land for the area described in this advertisement by adopting an ordinance with the following title:

An ordinance amending Ordinance No. 3049 known as the Ordinance Adopting the Comprehensive Development Plan for the City of Kissimmee, Florida, under the authority of Florida Statute 163.3184; Directing the City Manager to amend the Comprehensive Land Use Plan as herein provided after the passage of this ordinance; Providing for a public hearing as required by law; Repealing all ordinances in conflict herewith; and Providing an effective date.

The Planning Advisory Board will hold a Public Hearing on this request, **Wednesday, April 6, 2022** at 6:00 p.m., or as soon thereafter as possible, in the Commission Chambers of City Hall, located on the first floor of City Hall, 101 Church Street, Kissimmee, Florida 34741. The purpose of this Public Hearing is to make a recommendation to the City Commission concerning the request to amend Ordinance No. 3049. The proposed Ordinance would amend the 2025 Future Land Use Map of the Kissimmee Comprehensive Plan by changing the land use classification for the area described below as follows:

FROM: **MF-MDR-(Multi-Family Medium Density Residential) MF-HDR (Multi-Family High Density Residential) CONS (Conservation) & CG (Commercial General)-City**

TO: **CONS (Conservation) & IB (Industrial Business)-City**

The subject property is located at **Parcel ID: 02-25-29-1448-0001-0090; 02-25-29-0000-0032-0000; & 02-25-29-0000-0025-0000**

Legal Description:

GATEWAY COMMONS NORTH PB 13 PG 28-32 LOT 9

Together with Parcel 2:

NW 1/4 OF SE 1/4 LYING WLY OF FLA TRNPK LESS RD RW & LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB

Together with Parcel 3:

SW 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE & SE 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY

ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB

PROPOSED ORDINANCE# **22-009:** AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

The proposed amendment and the supporting documents, including a parcel description, may be inspected in the Development Services Department, City Hall, 101 Church Street, Kissimmee, Florida, between 8:00 a.m. and 5:00 p.m., Monday through Friday. Please direct any questions to the Development Services Department, (407) 518-2140 or planning@kissimmee.gov.

Any interested party wanting to be heard on this issue may submit testimony to be read into the official record to CityClerkEmail@kissimmee.gov prior to the start of the meeting or may be heard by participating in person.



Reference # **LUPA-22-0001** PLANNING ADVISORY BOARD
Constellation (Ika Ramona PUD) KISSIMMEE, FLORIDA

In accordance with Florida Statutes 286.0105: Any person wishing to appeal any decision made by the Planning Advisory Board with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with Florida Statute 286.26, persons needing assistance to participate in any of these proceedings should contact the Office of the City Clerk (407) 518-2308, prior to the meeting.



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

ADDRESS: E. of Bill Beck Blvd.; N. & S. of Osceola Pkwy.
PLAN NUMBER: LUPA-22-0001 - Revised

DATE: 2/26/2022

**Review Status:
APPROVED WITH CONDITIONS.**

PLANNING - Brenda Ryan - 407.518.2104 - Brenda.Ryan@kissimmee.gov

1. The property ownership of the north parcel (02-25-29-1448-0001-0090) includes Wendell E Spears Revocable Trust which is not part of the ownership of the other 2 parcels to the south (Ramona Ann Spears 2008 Irrevocable Trust & James P. Grodecki TR). The ownership of all of the parcels appears to consists of co-trustees. Please provide additional ownership authorizations for all co-trustees or provide additional trust documents that confirms Michael Spears can act as a sole trustee for all trusts.
2. Subject to Planning Advisory Board recommendation and City Commission approval.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forth coming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation. When submitting, please provide a response to comments outlining where and how the comments have been addressed.



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

**ADDRESS: E. Bill Beck Blvd, North & South Osceola Pkwy
PLAN (DRC) NUMBER: LUPA-22-0001**

**DATE: 2/23/2022
SDOC#: 2017/18-0020**

**Review Status:
CHOOSE REVIEW STATUS.**

OSCEOLA COUNTY SCHOOL DISTRICT - Jason Lindsey - 407.518.2964 - Jason.Lindsey@osceolaschools.net

Comments/Conditions (if applicable):

This Land Use Plan Amendment for Industrial Warehouse Center has no impact on public schools.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forthcoming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation. When submitting, please provide a response to comments outlining where and how the comments have been addressed.



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

**DATE: 2/23/2022
PROJECT: 3151 BILL BECK BLVD
DRC NUMBER: LUPA-22-0001
REVIEW NUMBER: 1**

**Review Status:
APPROVED WITH CONDITIONS**

ENGINEERING DEPARTMENT - Ryan Kilman - 407.518.2279 - ryan.kilman@kissimmee.gov

CONDITIONS OF APPROVAL:

- All applicable code requirements of the City of Kissimmee Code of Ordinances shall be adhered to for any proposed use(s) and its processes.
- If you have any questions regarding the comments/conditions above, please use the contact information provided.

###



Poulos & Bennett, LLC • 2602 E. Livingston Street • Orlando, Florida 32803 • (407) 487-2594 • www.poulosandbennett.com

January 28, 2022

Ms. Brenda Ryan
Planning Manager
City of Kissimmee
101 Church Street, Suite 110
Kissimmee, FL 34741

RE: Constellation Land Use Plan Amendment Application
Poulos & Bennett Job No. 21-167

Dear Brenda:

In follow-up to the November 5, 2021, meeting with City of Kissimmee Senior Staff, Poulos & Bennett, LLC, is pleased to submit the enclosed Land Use Plan Amendment Application in support of the development of a 1,020,000 SF Industrial Warehouse Center.

The Constellation project property is located on the western boundary of the Florida Turnpike, north and south of Osceola Parkway.

We look forward to working with Planning Staff to bring this extraordinary economic development opportunity to the City of Kissimmee.

Please do not hesitate to contact me if you have any questions or need additional information to begin the staff review of our application. I may be reached at the number above, or at amcgillis@poulosandbennett.com.

Sincerely,

A handwritten signature in black ink that reads "Allison McGillis".

Allison McGillis, AICP
Planning Team Leader

c: Scott Alexander, Constellation Real Estate Partners

Constellation Land Use Plan Amendment

Kissimmee, Florida

Prepared For:

**Constellation Real Estate Partners
2021 McKinney Ave., Suite 300
Dallas, Texas 75201**

January 28, 2022



2602 E. Livingston Street | Orlando, Florida 32803 | Tel: 407.487.2594 | www.poulosandbennett.com
FBPE Certificate of Authorization No. 2856

TABLE OF CONTENTS

<i>Section 1</i>	<i>Application Documents</i> DRC Application Land Use Plan Amendment Application Owner Authorization Property Legal Description Parcel Record Cards
<i>Section 2</i>	<i>Land Use Plan Amendment Background Data</i> <i>A.</i> Existing Conditions <i>B.</i> Statement of Intended Use
<i>Section 3</i>	<i>Comprehensive Plan Analysis and Justification</i>
<i>Section 4</i>	<i>Public Facilities Analysis</i> Potable Water and Wastewater Solid Waste Transportation Stormwater
<i>Section 5</i>	<i>Environmental & Cultural Information</i>
<i>Section 6</i>	<i>Maps</i> Aerial Map Location Map Existing Future Land Use Map Proposed Future Land Use Map Zoning Map Soils Map FEMA Map
<i>Section 7</i>	<i>Exhibits</i> <i>A.</i> Ordinance 2529 <i>B.</i> Preliminary Ecological Analysis Report (PEA) <i>C.</i> Division of Historical Resources Letter <i>D.</i> Traffic Impact Analysis (To Be Submitted Under Separate Cover) <i>E.</i> Boundary Survey

SECTION 1: APPLICATION DOCUMENTS

APPLICATION FORMS



DISCLAIMER FOR ALL CITY OF KISSIMMEE DEVELOPMENT REVIEW APPLICATIONS

Important note: The Development Review process associated with this request (as outlined in the attached application) is intended to ensure that the request meets the requirements established in the City of Kissimmee Land Development Code and site development criteria for the City of Kissimmee, and other local, regional and state agencies. It is not intended to constitute approval of building construction or permits as required by external agencies.

Other processes, permits, authorizations, and/or fees may be required prior to construction of requested improvements. These may include, but are not limited to:

- ❖ Mobility/Impact Fees (Transportation, Water & Sewer, Recreation, School)
- ❖ Building permits and review fees
- ❖ Right-of-Way Utilization permits
- ❖ South Florida Water Management District (SFWMD) permits
- ❖ Utility permits and/or fees
- ❖ Federal Aviation Administration (FAA) authorizations
- ❖ Business Tax Receipts (BTRs)
- ❖ State Permits and/or Licenses
- ❖ Development Service Agreements (Toho Water Authority)
- ❖ Florida Department of Environmental Protection (FDEP) Permits
- ❖ NPDES Permits (Stormwater permitting)

The Agent of record and/or property owner for the attached request is responsible for coordinating with applicable agencies to ensure all requirements for the requested improvements have been met prior to construction.

Please read all information above and complete the lower portion of this disclaimer. This document must be signed by both agent and property owner and shall be included with the attached application. Failure to submit this form with the completed application will result in Staff finding the application to be insufficient for review and will delay your request.

Project Name: Constellation Land Use Plan Amendment DRC#

I Certify that I have read the above and understand/acknowledge the information contained therein.

Agent Signature: Allison McGillis Date: 1/27/22

Agent Name (Print): Allison McGillis, AICP

Property Owner Signature: Michael D. Spears Date: 01-10-2022

Property Owner Name (Print): Michael D. Spears



CITY OF KISSIMMEE
APPLICATION FOR DEVELOPMENT REVIEW



PROJECT

Name of Project: Constellation Land Use Plan Amendment
Location (Address if possible): East of Bill Beck Blvd, North and South of Osceola Parkway
Parcel ID#: 02-25-29-1448-0001-0090; 02-25-29-00U0-0032-0000; 02-25-29-00U0-0025-0000

APPLICANT

Name: Scott Alexander
Firm: Constellation Real Estate Partners
Address: 2021 McKinney Avenue Suite 300, Dallas, TX 75201
Phone: () - X E-Mail: scotta@constellationrep.com

AGENT (Contact Person)

Name: Allison McGillis, AICP
Firm: Poulos & Bennett, LLC
Address: 2602 E. Livingston Street, Orlando FL 32803
Phone: (407) 487 - 2594 E-Mail: amcgillis@poulosandbennett.com

OWNER

Name: Michael Spears
Firm: Wendell E. Spears Revocable Trust
Address: PO Box 1780, Winter Park FL 32790
Phone: () - E-Mail:

LEGAL DESCRIPTION/LOCATION

See attached legal description of Parcels 1-3.

Note: Dates are contingent upon previous meeting approval and dependent upon the project type may not require various meetings. For specific processes, please see the project type. Scheduled dates for Public Hearings are subject to notification requirements and may be altered due to advertising requirements.

All requests must be accompanied by a completed application, checklist, fee, folded plan(s), a PDF of any exhibits and/or plans and any other supporting materials. A sufficiency review will be conducted within 24 hours of submittal. If submittal is insufficient, the request will not be scheduled/distributed for review. Unless specifically noted, deadlines for submittals are **Friday at 4:00 p.m.** on the above listed dates. **No late or incomplete submittal will be accepted.**

FOR OFFICE USE ONLY			
REQUEST			FEE COLLECTED
DATE	REC'D BY	DRC #	DRC DATE
SUFFICIENCY REVIEW (Y/N)		PROJECT MANAGER	



CITY OF KISSIMMEE
APPLICATION FOR LAND USE PLAN AMENDMENT REQUEST

Present land use designation: CG, MF-HDR, MF-MDR, CONS

Present zoning district designation: MUPUD

Requested City land use designation: Industrial Business (IN), CONS (Unchanged)

What is the proposed zoning for the subject site: MUPUD (Unchanged)

(Submittal of a zoning map amendment request application is also required to be submitted with this request)

Is this submittal in conjunction with an Annexation request? **YES** () **NO** (X)

Ownership: When was the deed to this property last recorded?

Date: Jan. 4, 2016 Official Record of Deed Book 5816 Page 2674

What covenants, deed restrictions or other private agreement(s) regulate the use and development of this property?

See attached survey

Size (acres) of land included in the property: 114.25 acres

State why the proposed land use change of the property would be appropriate for the property and also the surrounding areas:

The property's strategic location being adjacent to the Florida Turnpike and having direct, signalized access

to Osceola Parkway make it appropriate for Industrial Uses that require a robust regional transportation network.

I Certify that to the best of my knowledge and belief, all information supplied with this application is true and accurate, and that I am:

- () Owner of the property described herein
- () Party to an agreement for purchase of this property*
- () An agent for the owner or purchase of this property
- () Other

*Applications submitted by an applicant other than the owner of the subject property shall be accompanied by written documentation, suitable to the City Attorney, from the property owner authorizing the applicant to submit this request.

Date: _____

Printed Name: _____ Signature: _____

* The applicant will need to attend all city meeting or the request will not be considered. Applicant may be required to provide additional data and analysis during the review process to support this proposed land use plan amendment.

See next page for approximate timing of the review process.

Approximate Review Time for a Land Use Plan Amendment Request:

OWNER AUTHORIZATION

POULOS & BENNETT

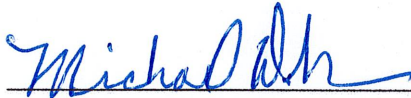
Poulos & Bennett, LLC • 2602 E. Livingston Street • Orlando, Florida 32803 • (407) 487-2594 • www.poulosandbennett.com

January 7, 2022

ATTN:
City of Kissimmee
Planning and Zoning Division
101 Church Street
Kissimmee, FL 34741

As Owner of the properties located at Parcel ID 02-25-29-00U0-0025-0000, 02-25-29-00U0-0032-0000, and 02-25-29-1448-0001-0090, I hereby authorize Poulos & Bennett, LLC to process any applications/permits necessary to amend the Constellation PUD (formerly known as the Ramona PUD) and establish the appropriate zoning and future land use designation for those Parcels identified above.

Please feel free to contact me at 407-310-4321 should you have any questions.



Signature



Printed Name

THE RAMONA ANN SPEARS DECLARATION OF TRUST
APPOINTMENT AND ACCEPTANCE OF ADDITIONAL TRUSTEE
OF THE ARTICLE I TRUST

WHEREAS, RAMONA ANN SPEARS was the initial Trustee of the Ramona Ann Spears Revocable Trust (the “Trust”) created under trust agreement dated June 26, 2002 (the “Trust Agreement”); and

WHEREAS, RAMONA ANN SPEARS, JAMES P. GRODECKI and PATRICK F. SPEARS are currently serving as co-Trustees under the Trust Agreement, with James P. Grodecki having been appointed as co-trustee by Ramona Ann Spears by instrument dated June 4, 2008 and Patrick F. Spears having been appointed as co-trustee by Ramona Ann Spears by instrument dated August 8, 2013; and

WHEREAS, Article XI (B) of the Trust Agreement (on page 17) provides as follows:

The settlor, or if the settlor is not living and able to act, the settlor’s husband may, at any time or times, appoint additional or successor trustees of any trust created under this agreement, including appointments that supersede the appointments of successor trustees under Subdivision (A) of this Article; provided, however, that the settlor’s husband may only appoint individuals or corporations who are not related or subordinate to the settlor’s husband (within the meaning of Section 672(c) of the Internal Revenue Code).

; and

WHEREAS, Article XI (G) of the Trust Agreement (on page 18) provides as follows:

Any appointment or removal of a trustee shall be effected by instrument signed and acknowledged by the person or persons authorized to take the action and delivered to the person being appointed or removed. Any appointment of a trustee may be revoked prior to the qualification of the person so appointed by instrument signed and acknowledged by the person or persons who made the appointment and delivered to the appointee.

; and

WHEREAS, RAMONA ANN SPEARS, as settlor desires to exercise the powers granted to her under Article XI (B) of the Trust Agreement to appoint an additional trustee as Co-Trustee under the Trust Agreement of the trust under Article I created under the Trust Agreement.

NOW THEREFORE, pursuant to Article XI (B) of the Trust Agreement, **RAMONA ANN SPEARS** hereby appoints **MICHAEL D. SPEARS** as Co-Trustee under the Trust Agreement of only the trust under Article I thereof, to act together as co-trustee with Ramona Ann Spears, James P. Grodecki and Patrick F. Spears.

MICHAEL D. SPEARS hereby acknowledges receipt of this *Appointment and Acceptance of Additional Trustee* and accepts his appointment as Co-Trustee of the trust under Article I under the Trust Agreement, effective immediately.

IN WITNESS WHEREOF, the undersigned has signed this *Appointment and Acceptance of Additional Trustee* this 27 day of January, 2017.

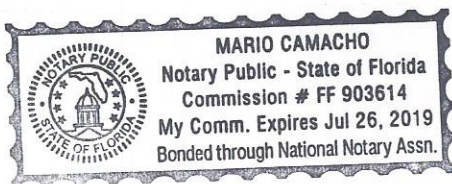
WITNESS:

Samantha Harper Ramona Ann Spears
Print name: Samantha Harper RAMONA ANN SPEARS

Angela Kovalisic
Print name: ANGELA KOVALISIC

STATE OF Florida)
) SS:
COUNTY OF Palm Beach)

The foregoing instrument was acknowledged before me this 27 day of January, 2017, by **RAMONA ANN SPEARS**, who personally appeared before me and ☐ is personally known to me or ☒ produced FDL 9162721316830 as identification.



[Signature]
Notary Public (sign above)
Print Name: MARIO CAMACHO
Notary Public, State of: Florida
My Commission Expires: 7/26/19

IN WITNESS WHEREOF, the undersigned has signed this *Appointment and Acceptance of Additional Trustee* this 27 day of January, 2017.

[Signature]
MICHAEL D. SPEARS

Owner Affidavit/Agent Authorization
For
City of Kissimmee

The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

The Trust has three (3) Trustees:

Michael Spears
Patrick Spears
James Grodecki

As a Trustee of the Ramona A Spears Revocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcel ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.


Michael Spears, Trustee

08-05-2022
Date

Owner Affidavit/Agent Authorization
For
City of Kissimmee

The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

The Trust has three (3) Trustees:

Michael Spears
Patrick Spears
James Grodecki

As a Trustee of the Ramona A Spears Revocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcel ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.


Patrick Spears, Trustee

3/1/22
Date

**Owner Affidavit/Agent Authorization
For
City of Kissimmee**

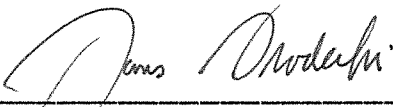
The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

The Trust has three (3) Trustees:

Michael Spears
Patrick Spears
James Grodecki

As a Trustee of the Ramona A Spears Revocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcel ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.



James Grodecki, Trustee

3-2-2022

Date

**Owner Affidavit/Agent Authorization
For
City of Kissimmee**

The Ramona A Spears 2008 Irrevocable Trust ("Trust") is the Property Owner of the following parcels of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

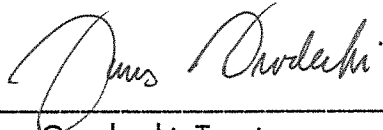
Parcel ID# 02-25-29-00U0-0032-0000

Parcel ID# 02-02-29-00U0-0025-0000

The Trust has one (1) Trustee:

James Grodecki

As the Trustee of the Ramona A Spears 2008 Irrevocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcels ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.



James Grodecki, Trustee

3-2-2022

Date

PROPERTY LEGAL DESCRIPTION

Legal Description

Legal Description: (PER COMMITMENT FOR TITLE INSURANCE BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 9906038, EFFECTIVE DATE SEPTEMBER 29, 2021, AND WAS PROVIDED BY THE CLIENT)

PARCEL 1:

LOT 9, GATEWAY COMMONS NORTH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE(S) 28 THROUGH 32, INCLUSIVE, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.

PARCEL 2:

A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE AND EASTERLY OF BILL BECK BLVD, LYING IN SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTION FOR ROAD RIGHT OF WAY.

PARCEL 3:

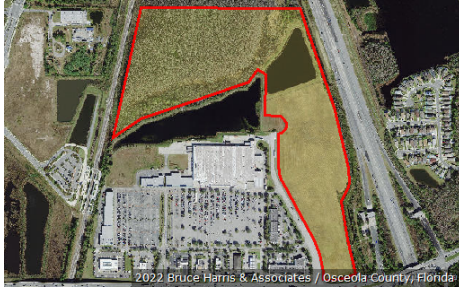
A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE AND A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE, LYING IN SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTION FOR ROAD RIGHT OF WAY.

PROPERTY RECORD CARDS



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
www.property-appraiser.org
Osceola County Government Center
2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-1448-0001-0090



Owner Information

Owner Name WENDELL E SPEARS REVOCABLE TRUST
SPEARS RAMONA ANN TR
GRODECKI JAMES P

Mailing Address PO BOX 1780
WINTER PARK, FL 32790

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT COMMERCIAL

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$1,810,800
AG Benefit	\$0
Extra Features	\$0
Buildings	\$0
Appraised(just)	\$1,810,800
Assessed(estimated)	\$1,810,800
Exemption(estimated)	\$0
Taxable(estimated)	\$1,810,800

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$1,810,800
AG Benefit	\$0
Extra Features	\$0
Buildings	\$0
Appraised(just)	\$1,810,800
Assessed*	\$1,810,800
Exemption	\$0
Taxable	\$1,810,800

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0		\$0	2007-03-05	OR
1		\$0	2007-02-22	OR
2		\$0	2007-01-16	DC

Land Information - Total Acreage: 55.66

Land Description	Units	Depth	Land Type	Land Value
COM AC	29.00	0.00	AC	\$297,300
COM AC	20.43	0.00	AC	\$1,513,000
SUBMERGED LAND	6.23	0.00	AC	\$600

Legal Description

Legal Description GATEWAY COMMONS NORTH PB 13 PG 28-32 LOT 9



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
www.property-appraiser.org
Osceola County Government Center
2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-00U0-0032-0000



Owner Information

Owner Name RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST
GRODECKI JAMES P TR

Mailing Address C/O JAMES P GRODECKI CPA
CHUMAN SIMON & GRODECKI LTD
CHICAGO, IL 60661-5615

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT COMMERCIAL WITH XFOB

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$1,478,700
AG Benefit	\$0
Extra Features	\$6,600
Buildings	\$0
Appraised(just)	\$1,485,300
Assessed(estimated)	\$1,485,300
Exemption(estimated)	\$0
Taxable(estimated)	\$1,485,300

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$1,577,000
AG Benefit	\$0
Extra Features	\$7,100
Buildings	\$0
Appraised(just)	\$1,584,100
Assessed*	\$1,584,100
Exemption	\$0
Taxable	\$1,584,100

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0	5816-2674	\$0	2016-05-23	SW
1		\$0	2012-02-10	AF
2		\$0	2007-03-05	OR
3		\$0	2007-02-22	OR
4		\$0	2007-01-16	DC
5	1175-0106	\$27,500	1994-03-07	QC
6	1107-2135	\$0	1992-12-29	WD
7	0905-0007	\$3,200,000	1988-12-30	WD

Land Information - Total Acreage: 22.63

Land Description	Units	Depth	Land Type	Land Value
COM AC	22.63	0.00	AC	\$1,478,700

Extra Features

Extra Feature	Units	Year Built	Feature Value
COMMERCIAL-CHAIN LINK FENCE-6 FT HIGH AVERAGE	1800	2007	\$6,552

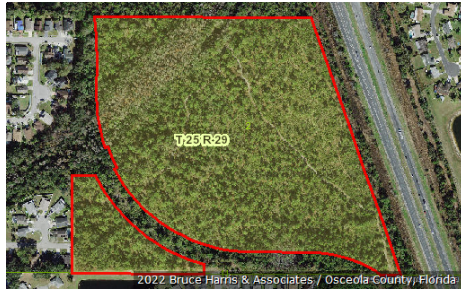
Legal Description

Legal Description	NW 1/4 OF SE 1/4 LYING WLY OF FLA TRNPK LESS RD RW & LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB
--------------------------	--



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
www.property-appraiser.org
Osceola County Government Center
2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-00U0-0025-0000



Owner Information

Owner Name RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST
GRODECKI JAMES P TR

Mailing Address C/O JAMES P GRODECKI CPA
CHUMAN SIMON & GRODECKI LTD
CHICAGO, IL 60661-5615

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT INDUSTRIAL WITH XFOB

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$581,000
AG Benefit	\$0
Extra Features	\$5,100
Buildings	\$0
Appraised(just)	\$586,100
Assessed(estimated)	\$586,100
Exemption(estimated)	\$0
Taxable(estimated)	\$586,100

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$678,800
AG Benefit	\$0
Extra Features	\$5,500
Buildings	\$0
Appraised(just)	\$684,300
Assessed*	\$670,230
Exemption	\$0
Taxable	\$670,230

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0	5816-2674	\$0	2016-05-23	SW
1		\$0	2007-03-05	OR
2		\$0	2007-02-22	OR
3		\$0	2007-01-16	DC
4	1107-2135	\$0	1992-12-29	WD
5	0905-0007	\$3,200,000	1988-12-30	WD

Land Information - Total Acreage: 37.84

Land Description	Units	Depth	Land Type	Land Value
INDUSTRIAL ACREAGE	37.84	0.00	AC	\$581,000

Extra Features

Extra Feature	Units	Year Built	Feature Value
COMMERCIAL-CHAIN LINK FENCE-6 FT HIGH AVERAGE	1400	2007	\$5,096

Legal Description

Legal Description	SW 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE & SE 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB
--------------------------	---

SECTION 2: LAND USE PLAN AMENDMENT BACKGROUND DATA

A. Existing Conditions

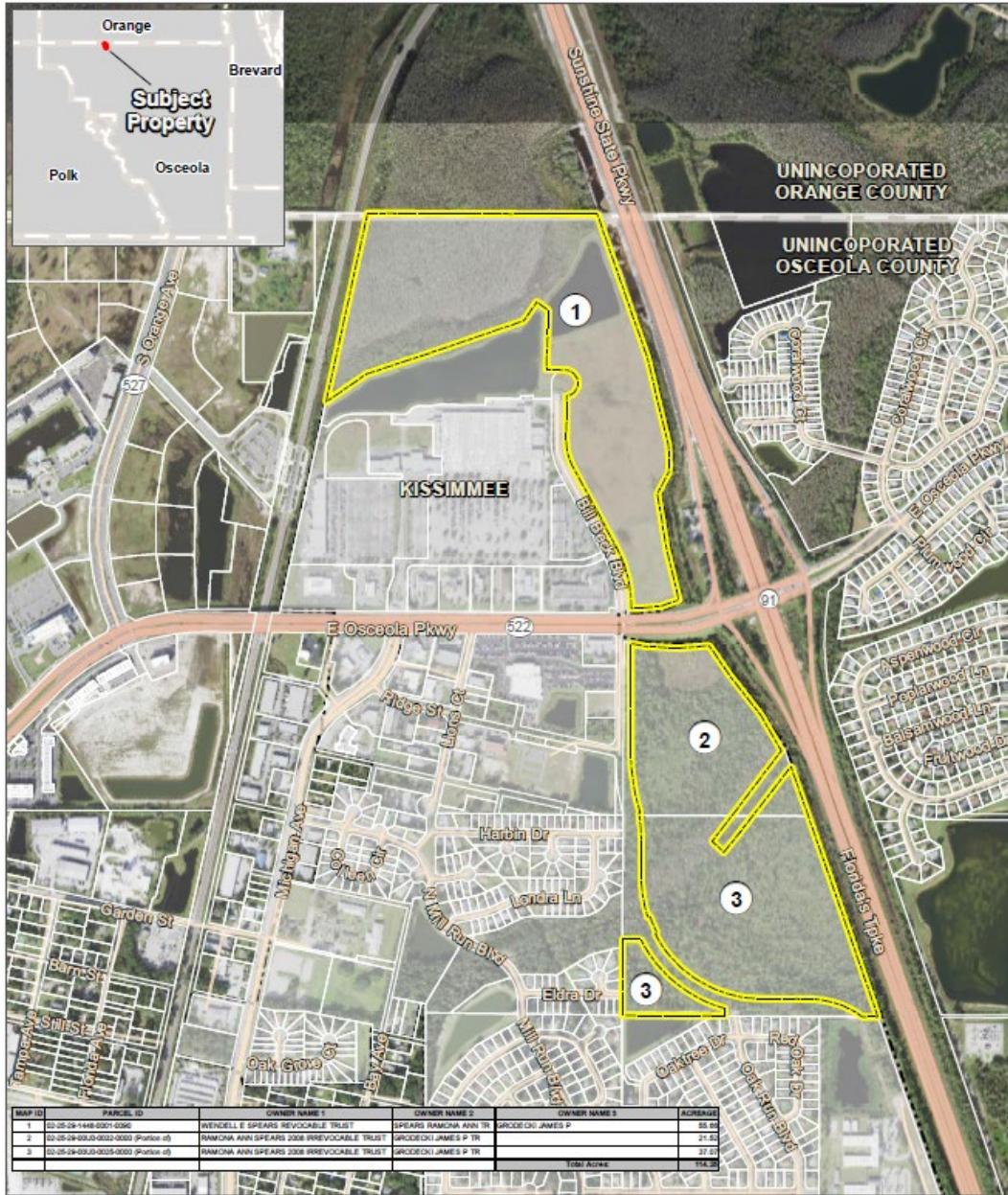
This proposed Land Use Plan Amendment affects three parcels of land totaling 114.25 acres located adjacent to, and west of, the Florida Turnpike, and north and south of Osceola Parkway (“Property”). The Property Location Map is provided below.

The parcel located north of Osceola Parkway (identified as Parcel 1 on the survey included in Section 7.E. of this application package), and identified by the Osceola Property Appraiser as Parcel ID# 02-25-29-1448-0001-0090, is approximately 55.66 acres in size. The northern portion of Parcel 1 is subject to a Conservation Easement in favor of the South Florida Water Management District. The remainder of Parcel 1 has been mass-graded. A stormwater pond was permitted and constructed on the parcel that is sized to accommodate the remaining developable area of the parcel.

Two parcels are located south of Osceola Parkway. The parcel identified on the survey as Parcel 2, and identified by the Osceola County Property Appraiser as Parcel ID# 02-25-29-00U0-0032-0000, is approximately 22.63 acres in size. The parcel identified on the survey as Parcel 3, and identified by the Osceola County Property Appraiser as Parcel ID# 02-25-29-00U0-0025-0000, is approximately 37.84 acres in size. Parcels 1 and 2 each contain a portion of the environmental area known as Mills Slough.

An extension of Bill Beck Boulevard from the southern boundary of Osceola Parkway south past the Property boundary is planned by Osceola County. The roadway extension design plans are complete and construction is scheduled to begin this year.

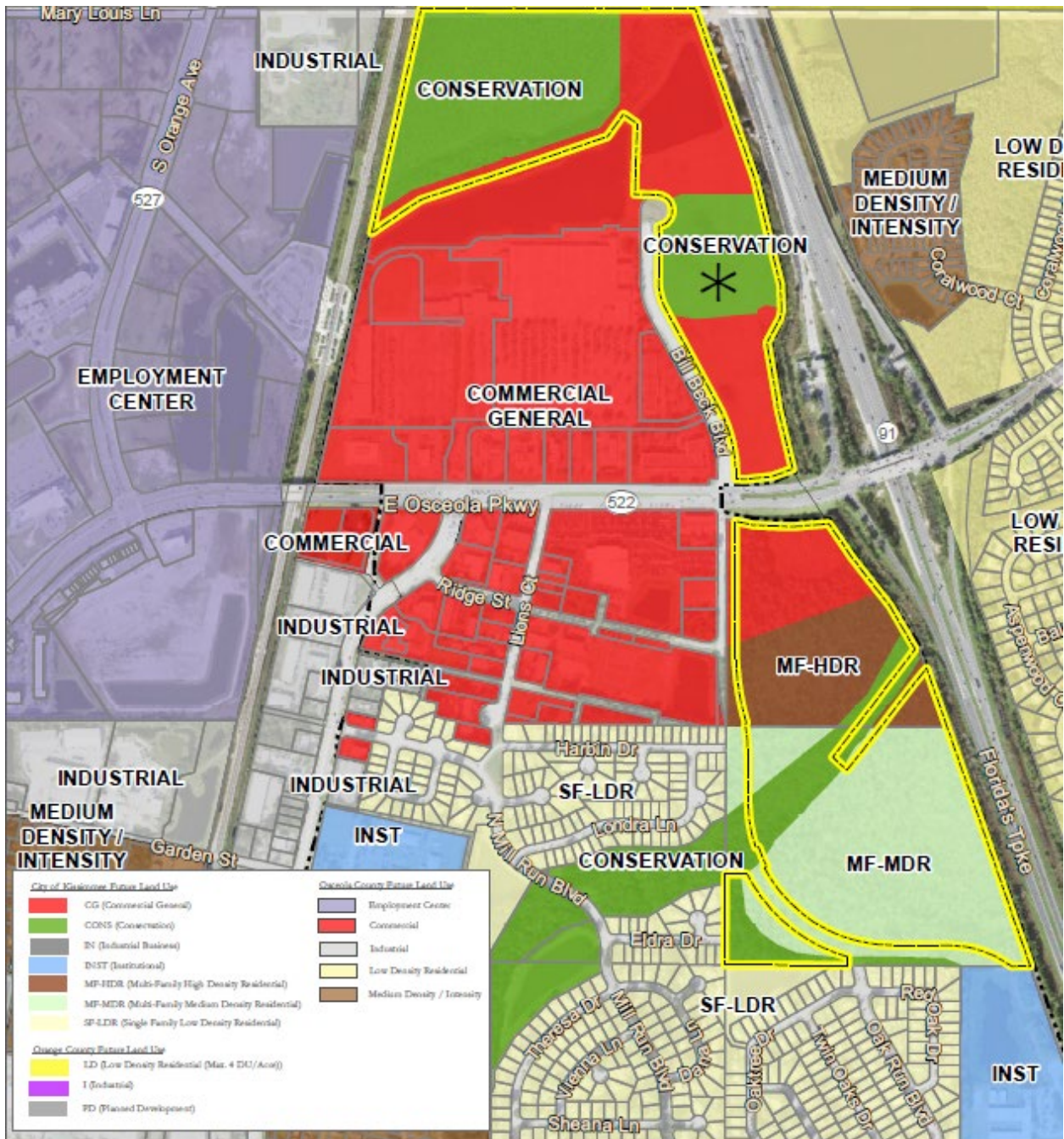
Location Map



The existing Future Land Use designations on the Property are Commercial General (CG), Multi-Family High Density Residential (MF-HDR), Multi-Family Medium Density Residential (MF-MDR) and Conservation (CONS), as illustrated in the Existing Future Land Use Map below.

Note: The Conservation Future Land Use area identified by the asterisk (*) on Parcel 1 was changed to Commercial General Future Land Use by the adoption of Ordinance 2529 on August 7, 2004. A copy of Ordinance 2529 is included in Section 7.A. of this application package. The Future Land Use designations on the below map were downloaded from the City's GIS files.

Existing Future Land Use Map



B. Statement of Intended Use

This Land Use Plan Amendment application requests that the existing Future Land Use designations on all portions of the Property, other than the Conservation Future Land Use areas, be changed to Industrial Business (IN). No change is proposed to the Conservation Future Land Use areas on the Property; noting that the correct Future Land Use designation on the Conservation area in the central portion of Parcel 1 is Commercial General.

The intended use of the Property under the proposed Industrial Business Future Land Use is the development of an up to 1,020,000 square foot Industrial Warehouse Center. The proximity of the Property to the Osceola Parkway interchange on the Florida Turnpike makes the location ideal for the proposed use. A successful warehouse facility of this size relies on a regional roadway network to facilitate the movement of goods throughout our state and the nation.

Industrial development is an important economic catalyst for the City, and this Land Use Plan Amendment will ensure that the industrial sector of the City's economy continues to grow. The proposed development has the full support of the City's Economic Development Department, as evidenced by comments made by Economic Development Director, Belinda Ortiz Kirkegard, at the project's initial meeting with City Officials on November 5, 2021.

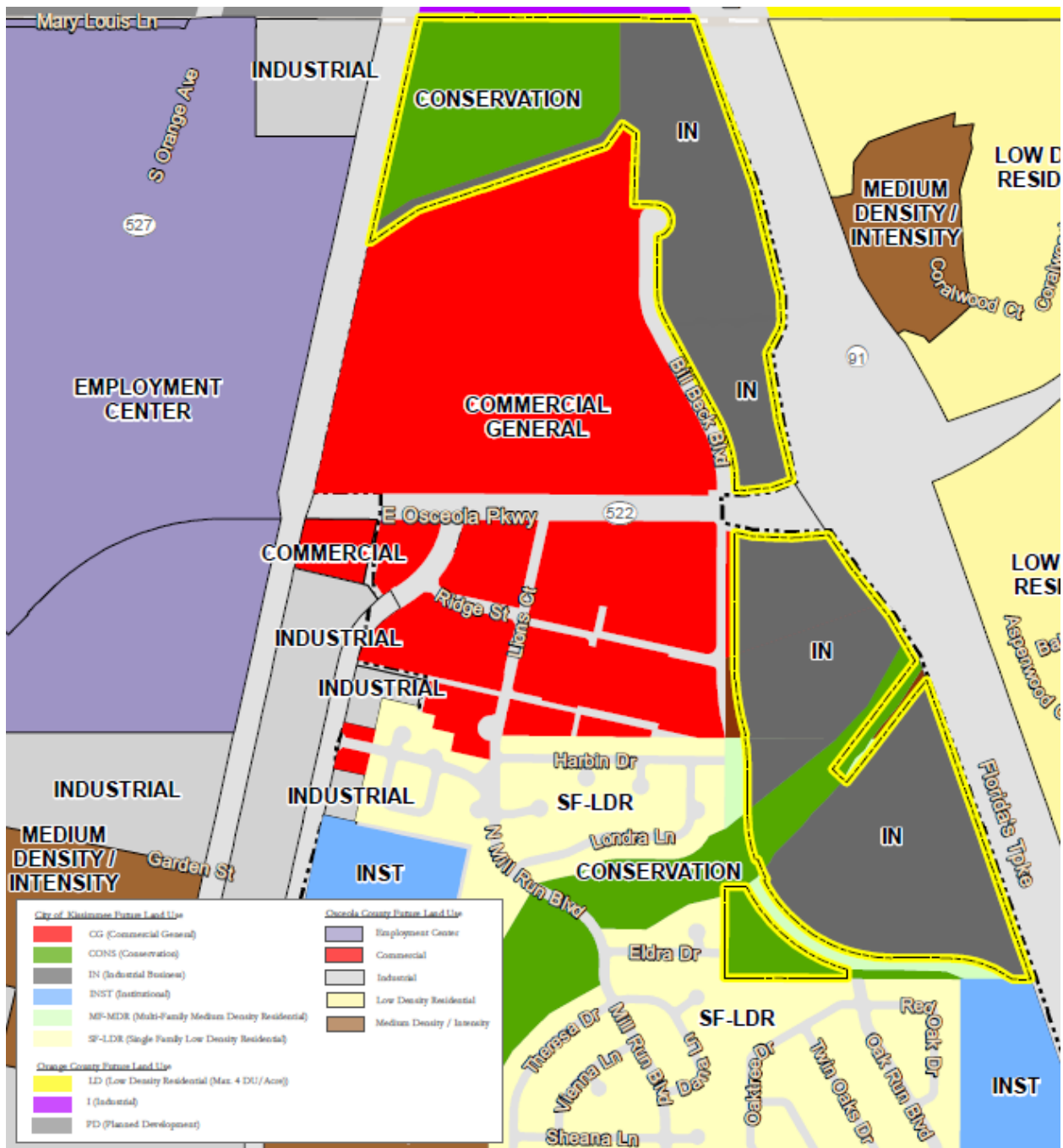
Concurrent with this Land Use Plan Amendment application, the Applicant submitted a PUD Amendment for the Constellation MUPUD (f/k/a Ramona MUPUD) to establish the entitlements for 1,020,000 SF of warehouse uses on the Property.

The table below, and Proposed Future Land Use Map that follows, further illustrate that the proposed IN Future Land Use and MUPUD uses are consistent and compatible with surrounding land uses. The portion of the Property north of Osceola Parkway is located between the Florida Turnpike to the east and Commercial General Future Land Use, developed as a WalMart and a variety of general commercial uses, to the west. The portion of the Property south of Osceola Parkway is also bounded by the Florida Turnpike on the east. The western and southern boundaries are adjacent to a mix of Commercial General, Institutional, Residential and Conservation uses. It is important to note that the fifty-foot (50') Bill Beck Boulevard Extension right-of-way and the Conservation areas on the Property will combine to provide a significant buffer between the Property and the existing residential development.

Surrounding Future Land Use and Zoning Table

	Future Land Use	Zoning
North	Orange County – Industrial	Orange County – A-2
East	Florida Turnpike	Florida Turnpike
South	SF-LDR, INST	RA-3, AC
West	CG, SF-LDR, CONS	B-3, RPUD

Proposed Future Land Use Map



Proposed Future Land Use Acreage

Future Land Use	Acres
Industrial Business (IN)	79.84
Conservation	34.41
Total Property	114.25

SECTION 3: COMPREHENSIVE PLAN ANALYSIS AND JUSTIFICATION

The following section analyzes how the proposed development is consistent with the Goals, Objectives, and Policies in the City of Kissimmee Comprehensive Plan. Those policies from each element of the Comprehensive Plan that are relevant to the proposed development have been included below, with a corresponding statement as to how the proposed development meets the intent of the stated policies. **Responses are provided in BOLD.**

Objective 1.1.3: PLANNING FOR INDUSTRIAL DEVELOPMENT. Sufficient land shall be maintained to accommodate and support industrial development in specific areas of the City.

Policy 1.1.3.1: GENERAL CONSIDERATIONS FOR LOCATING INDUSTRIAL DEVELOPMENT. The allocation of land resources for industrial development shall reflect the location, public facilities, and space requirements of industrial activities and potential fiscal, environmental, and socioeconomic impacts on the City.

Response: The proposed location of the Industrial Business Future Land Use is consistent with the intent of the above Objective and Policy. Industrial development is an important economic catalyst for the City, and this Land Use Plan Amendment will ensure that the industrial sector of the City's economy continues to grow. The location of the Property is in the northeast quadrant of the City, which is located less than a mile from the new Tupperware SunRail station and other existing industrial land uses to the west, and immediately adjacent to the Florida Turnpike on the east, which supports the long-term pattern of development specified in the Comprehensive Plan.

Policy 1.1.3.3: PURSUE SELECTIVE INDUSTRIAL EXPANSION. The City shall pursue a strategy of selective expansion of its industrial base, in accordance with the objectives and policies contained in the Economic Development Element, and other elements of this Plan. The City shall encourage industries that contribute optimally to the City's economy and that of the Central Florida region.

Response: The proposed use of the Property as an Industrial Warehouse Center located in proximity to a transit station and high-intensity corridor provides a significant opportunity for the long-range economic development of the City and supports the broader economy of the Central Florida region.

Policy 1.1.3.4: PURSUE NUISANCE ABATEMENT STANDARDS AND CRITERIA. The City shall prevent nuisance impacts frequently associated with industrial activities by maintaining performance standards for managing emission of noise, air pollutants, odor, vibration, fire or explosive hazard, and glare.

Policy 1.1.3.5: DISCOURAGE INCOMPATIBLE LAND USES. The City shall discourage non-industrial land uses, such as churches and schools, in industrial areas to preserve industrial lands for employment-focused uses.

Response: The proposed Industrial Warehouse Center on the Property will provide clean industrial uses that enhance the City's economy. No non-industrial land uses, such as churches and schools, are requested in the companion PUD Amendment for the Property.

Objective 1.1.5: PROMOTE INNOVATIVE LAND USE STRATEGIES AND URBAN DESIGN PRINCIPLES, AND RESOURCE CONSERVATION. The City shall continue to seek and implement innovative ways to promote and enhance land use and transportation connectivity while conserving natural resources through compact development patterns. Areas of particular focus for the City include major activity centers such as the Downtown Community Redevelopment Area, including the City's Central Business District (CBD), the Vine Street Corridor Community Redevelopment Area, the Medical Arts District, the Lake Tohopekaliga Waterfront, and the whole of the Multimodal Transportation District.

Policy 1.1.5.4: COMMUNITY APPEARANCE AND THE NATURAL ENVIRONMENT. Special emphasis shall be placed on preserving and/or improving the character of major natural features, including the Lake Tohopekaliga shoreline, Mill Slough, and Shingle Creek which serve as focal points and amenities for City residents and visitors.

Policy 1.1.5.5: EFFICIENT USE OF RESOURCES. The efficient use of natural resources, including energy supplies, shall be accomplished through the application of compact development patterns, energy-efficient building and site design, the application of mixed land uses, and support of multimodal transportation options.

Policy 1.1.5.6: RESTRICTION OF LAND USES TO PROTECT WETLANDS AND WATER QUALITY AND QUANTITY. The City will continue to protect water quality through the restriction of land use activities that may adversely affect wetlands and the quality and quantity of water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters.

Policy 1.1.5.7: LAND USE COORDINATION. The City shall coordinate its future land uses with natural systems, (including topography, soil conditions, vegetation, potable water wellfields, and other environmentally sensitive land and water resources) through the continued implementation of the City's adopted Land Development Regulations. Land use shall also be predicated on availability of infrastructure and service systems required to support land use activities.

Response: Conservation Future Land Use has been established over the existing Mill Slough and wetlands located along the banks thereof, as well as areas of the Property both north and south of Osceola Parkway. No change is proposed to the existing Conservation Future Land Use designations on the Property.

Objective 1.2.2: NON-RESIDENTIAL AND MIXED-USE LAND USES. The City shall provide and maintain non-residential and mixed-use future land use categories in proportion, and with identified intensities and mixes of uses, to satisfy the commercial and office, industrial, institutional, utility, recreation, and conservation needs of residents and visitors. These future land uses shall be identified on the Future Land Use Map.

Policy 1.2.2.1: NON-RESIDENTIAL INTENSITY. The City shall measure non-residential development and redevelopment project intensities using Floor Area Ratio (FAR). FAR shall be expressed as the result of the total square feet of structural development, excluding structured parking and surface parking areas, divided by the gross area of the development or redevelopment site, in square feet.

Policy 1.2.2.3: PROTECTION OF STABLE RESIDENTIAL NEIGHBORHOODS. The City shall discourage the mixture of residential and non-residential future land uses in stable residential neighborhoods, and where uses and associated densities and intensities are incompatible. Compatibility shall be guided by policies contained in this Plan, and the Land Development Code.

Response: The proposed Land Use Plan Amendment and companion PUD Amendment development will not encroach into the residential areas near the Property. The Property is separated from residential areas by the Bill Beck Boulevard Extension right-of-way and Conservation land. Development of the Property under PUD development standards will ensure proper buffering is included in site design.

Policy 1.2.4.1: INDUSTRIAL LAND USE DESIGNATIONS. The allocation of land use designations should provide a high priority to industry's frequent need for strategically located lands which are accessible by air, rail and major transportation thoroughfares, as well as labor markets and necessary urban services. The industrial land use designations are intended to provide strategically located sites principally within the airport environs, adjacent to the SunRail tracks in areas where industrial development already exists, developing areas along John Young Parkway and Thacker Avenue north of Carroll Street, and within newly annexed areas suitable for industrial development due to consistency with the objectives and policies of this element.

Policy 1.2.4.3: INDUSTRIAL BUSINESS LAND USE DESIGNATION (IN). The Industrial Business (IN) land use designation is intended to accommodate a mixture of typical industrial uses and more intense non-industrial uses. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 0.50 FAR. This designation shall be applied to areas appropriate for typical industrial uses or mixed-use development consisting of light-industrial uses and compatible commercial uses. The Land Development Code shall establish the specific permitted uses and applicable restrictions which shall be applied to areas with the Industrial Business land use designation.

Response: The proposed Industrial Future Land Use area is ideally located in a geographic area specifically identified in Policy 1.2.4.1 as having a high priority for industrial development: it is proximate to major transportation thoroughfares, labor markets and necessary urban services. The proposed industrial uses in the companion PUD Amendment are consistent with the term “light industrial” use. The proposed development will meet the requirements of the Land Development Code for permitted uses and development standards.

Objective 1.2.8: MAINTAINING RECREATION AND CONSERVATION LAND USES DESIGNATIONS. The Recreation and Conservation designations have been established to direct the preservation of major open spaces and recreation areas, including golf courses, parks, recreation areas, as well as environmentally sensitive areas such as Lake Tohopekaliga, Shingle Creek, Mill Slough, and major natural systems the City has committed to retain, preserve, and/or conserve as essential systems, excepting approved limited/passive uses as established in the land development regulations.

Policy 1.2.8.2: CONSERVATION LAND USE DESIGNATION (CONS). Lands designated for Conservation (CONS) are those lands that, because of their environmental quality or sensitivity, are intended for protection and are not intended for development activities, and therefore have no allowable FAR. These lands may include wetlands, wildlife habitats, and/or watershed protection areas.

Response: Conservation Future Land Use has been established over the existing Mill Slough and wetlands located along the banks thereof, as well as areas of the Property both north and south of Osceola Parkway. No change is proposed to the existing Conservation Future Land Use designations on the Property.

SECTION 4: PUBLIC FACILITIES ANALYSIS

Per Policy 8.1.3.1 of the Comprehensive Plan, future applications for development shall comply with the levels of services for the water and wastewater systems, solid waste system, stormwater management, recreation, and the transportation systems. Policy 8.1.4.1 provides the Level of Service standards used by the City in reviewing the impact of new development upon public facilities.

Below is the Level of Service established in Policy 8.1.4.1 for public facilities in the proposed project.

Potable Water and Wastewater

<u>Use</u>	<u>Gallons Per Day</u>	
	Water	Wastewater
Industrial – Warehouses (per sanitary plumbing fixture)	150	150

The proposed development will be served by central potable water facilities and shall meet the Level of Service standards for potable water supply established by the Tohopekaliga Water Authority (TWA).

Commercial*	0.1 gpd per gross square ft. of floor area
*No Industrial rate provided	

Solid Waste

5.1 pounds per person per day

Transportation

Compliance with Level of Service standards for Transportation facilities will be analyzed in a Traffic Impact Analysis to be submitted under separate cover.

Stormwater

Compliance with Level of Service standards for Stormwater Management will be analyzed in drainage analyses included with subsequent permitting applications. The proposed development will be served by an onsite stormwater system that meets City of Kissimmee and South Florida Water Management District requirements.

SECTION 5: ENVIRONMENTAL & CULTURAL INFORMATION

Environmental Assessment

A Preliminary Ecological Assessment Report (PEA) for the Property prepared by CPH and dated October 2021 is included in Section 7.B. of this application package.

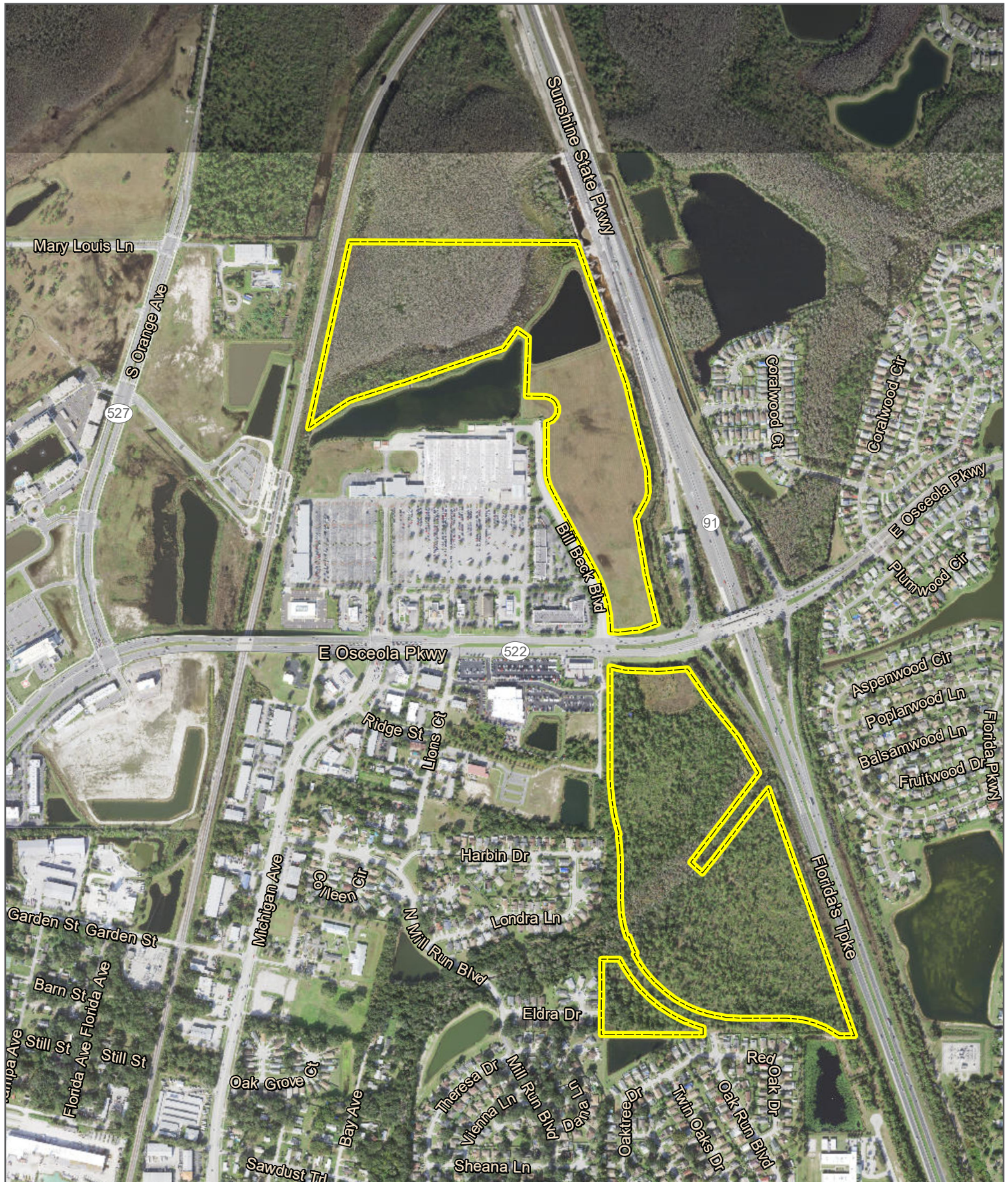
The PEA identified and analyzed the following Property features:

- Soils
- Vegetation and Land Use Types
- Wetlands and Surface Waters (and anticipated permitting requirements)
- Protected Fauna and Flora (and anticipated permitting requirements)

Cultural/Archaeological Information

A letter from the Florida Division of Historical Resources dated January 4, 2022, states that the Florida Master Site File lists no cultural resources on the Property. A copy of the letter is included in Section 7.C. of this application package.

SECTION 6: MAPS



Map Source: Esri, Osceola County

Subject Property

Aerial Map

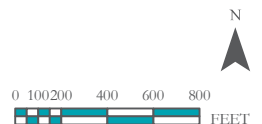
CONSTELLATION FUTURE LAND USE AMENDMENT

12/28/2021
P & B Job No: 21-167

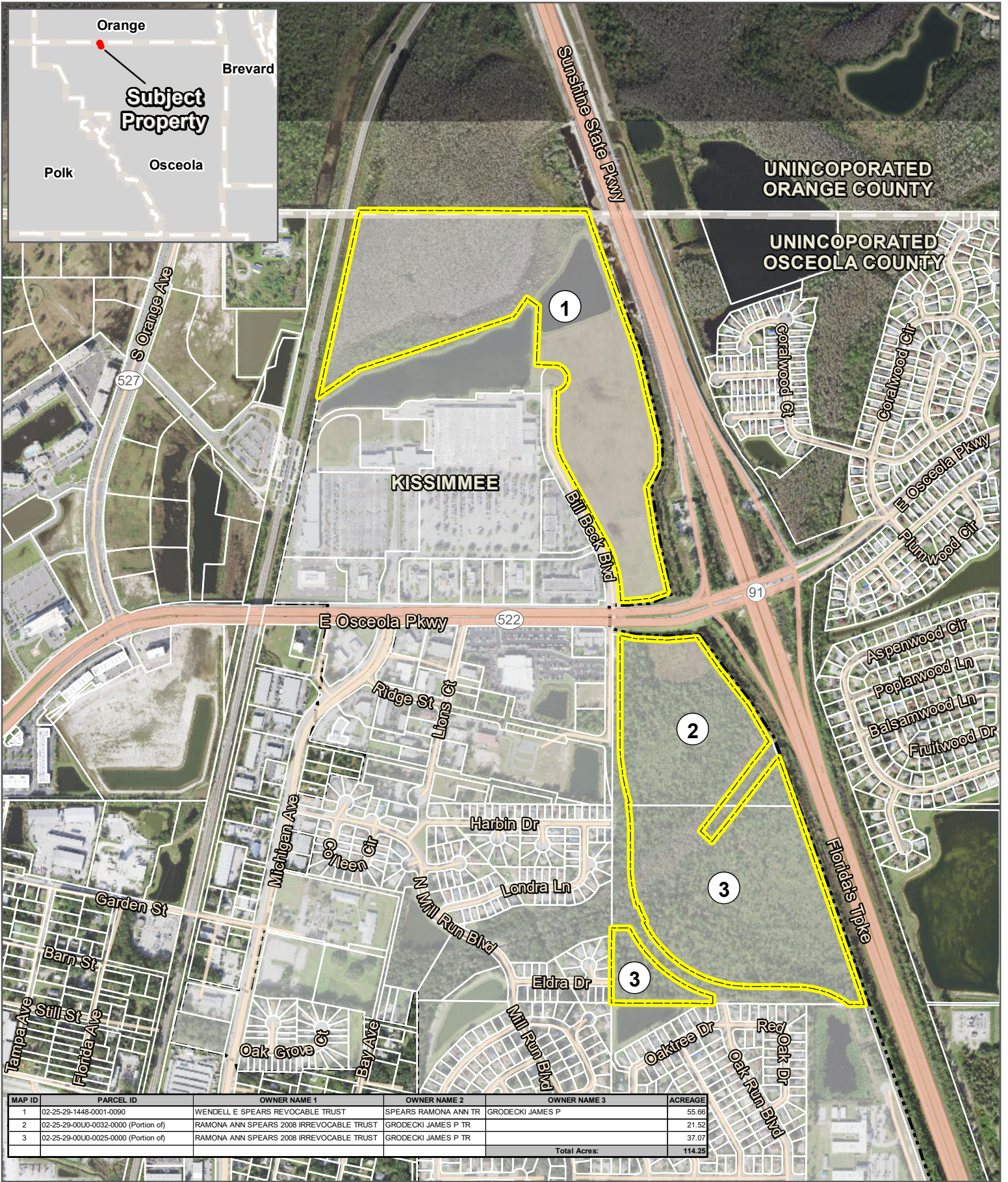
2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567



Planning QA/QC		
Information	Initials	Date
Planner	NM	1/4/2022
Team Leader		



MAP ID	PARCEL ID	OWNER NAME 1	OWNER NAME 2	OWNER NAME 3	ACREAGE
1	02-25-29-1448-0001-0090	WENDELL E SPEARS REVOCABLE TRUST	SPEARS RAMONA ANN TR	GRODECKI JAMES P	55.66
2	02-25-29-00U-0032-0000 (Portion of)	RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST	GRODECKI JAMES P TR		21.52
3	02-25-29-00U-0025-0000 (Portion of)	RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST	GRODECKI JAMES P TR		37.07
Total Acres:					114.25

Map Source: Esri, Osceola County

 Subject Property
 Municipal Boundary

Location Map

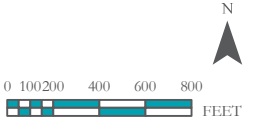
CONSTELLATION FUTURE LAND USE AMENDMENT

12/28/2021
P & B Job No: 21-167

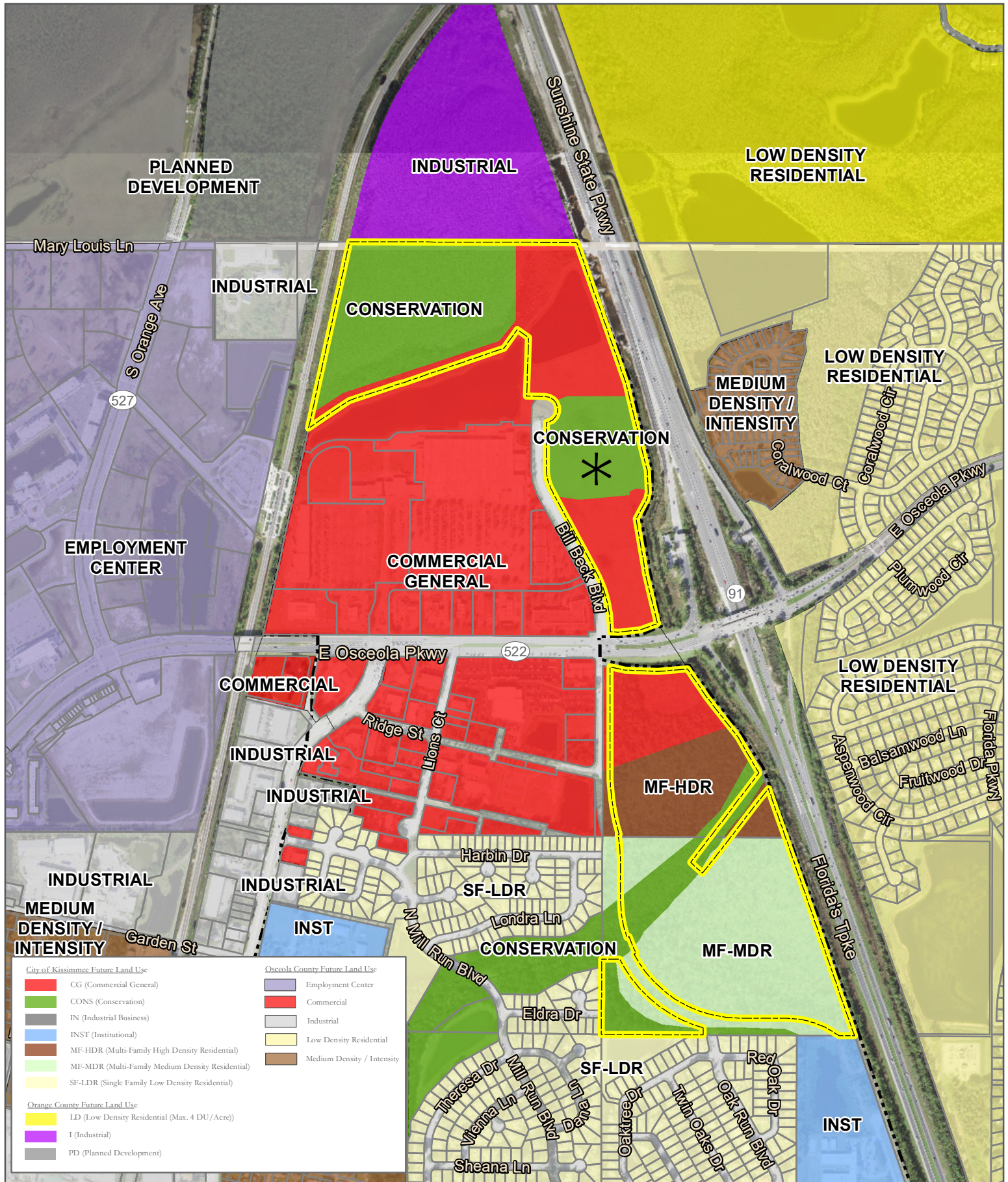
2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567



Planning QA/QC	Information	Initials	Date
Planner	NM		1/4/2022
Team Leader			



Map Source: Esri, City of Kissimmee, Osceola County, Orange County
 * changed administratively to CG per Ordinance 2529

Existing Future Land Use Map

CONSTELLATION FUTURE LAND USE AMENDMENT

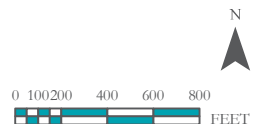
Subject Property
 Municipal Boundary

12/28/2021
 P & B Job No: 21-167

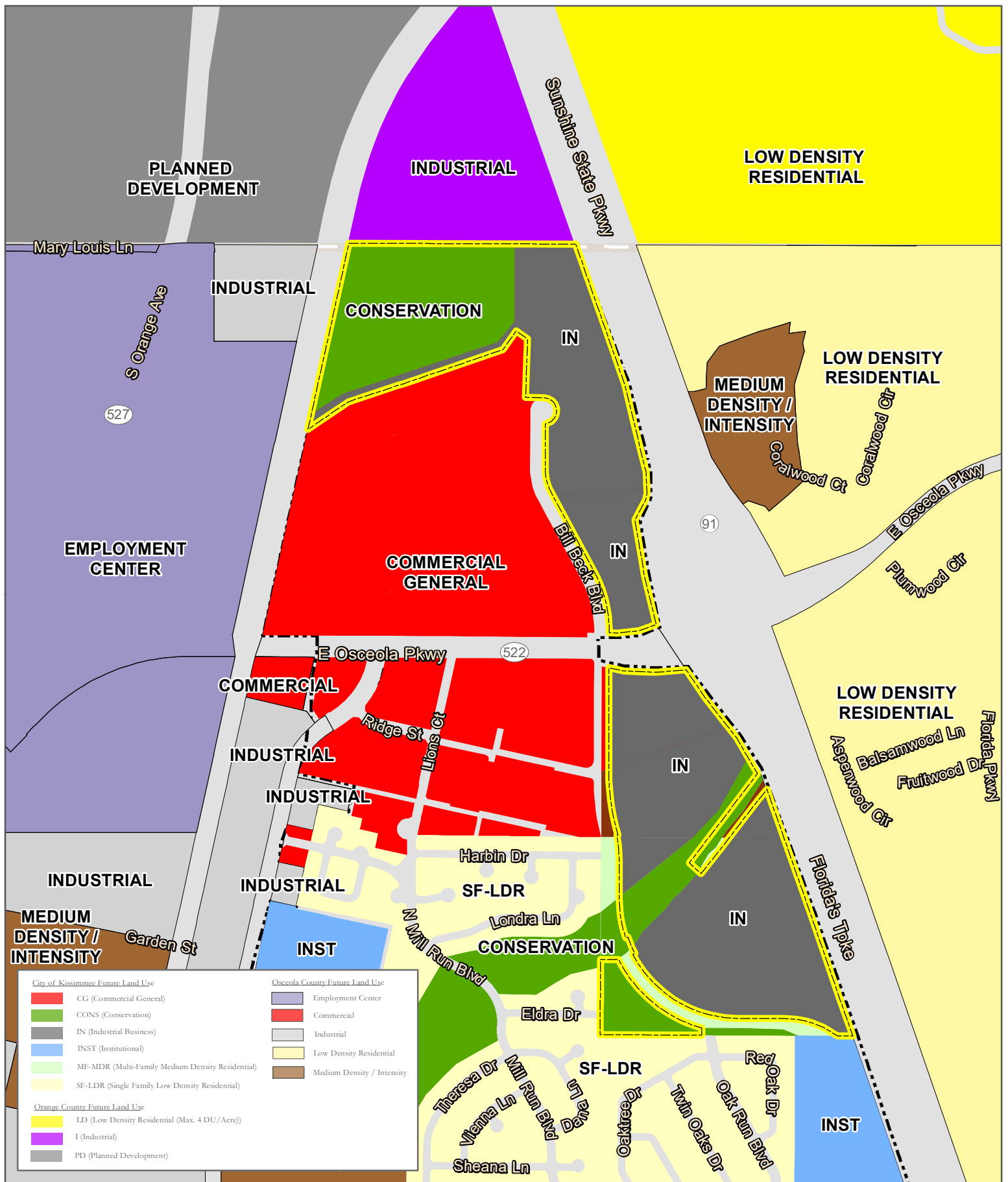
2602 E. Livingston Street
 Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
 Certificate of Authorization No. 28567



Planning QA/QC	Information	Initials	Date
Prepared	MM		11/14/2022
Reviewed			
Approved			



Map Source: Esri, City of Kissimmee, Osceola County, Orange County

Proposed Future Land Use Map

CONSTELLATION FUTURE LAND USE AMENDMENT

Subject Property

Municipal Boundary

12/28/2021
P & B Job No: 21-167

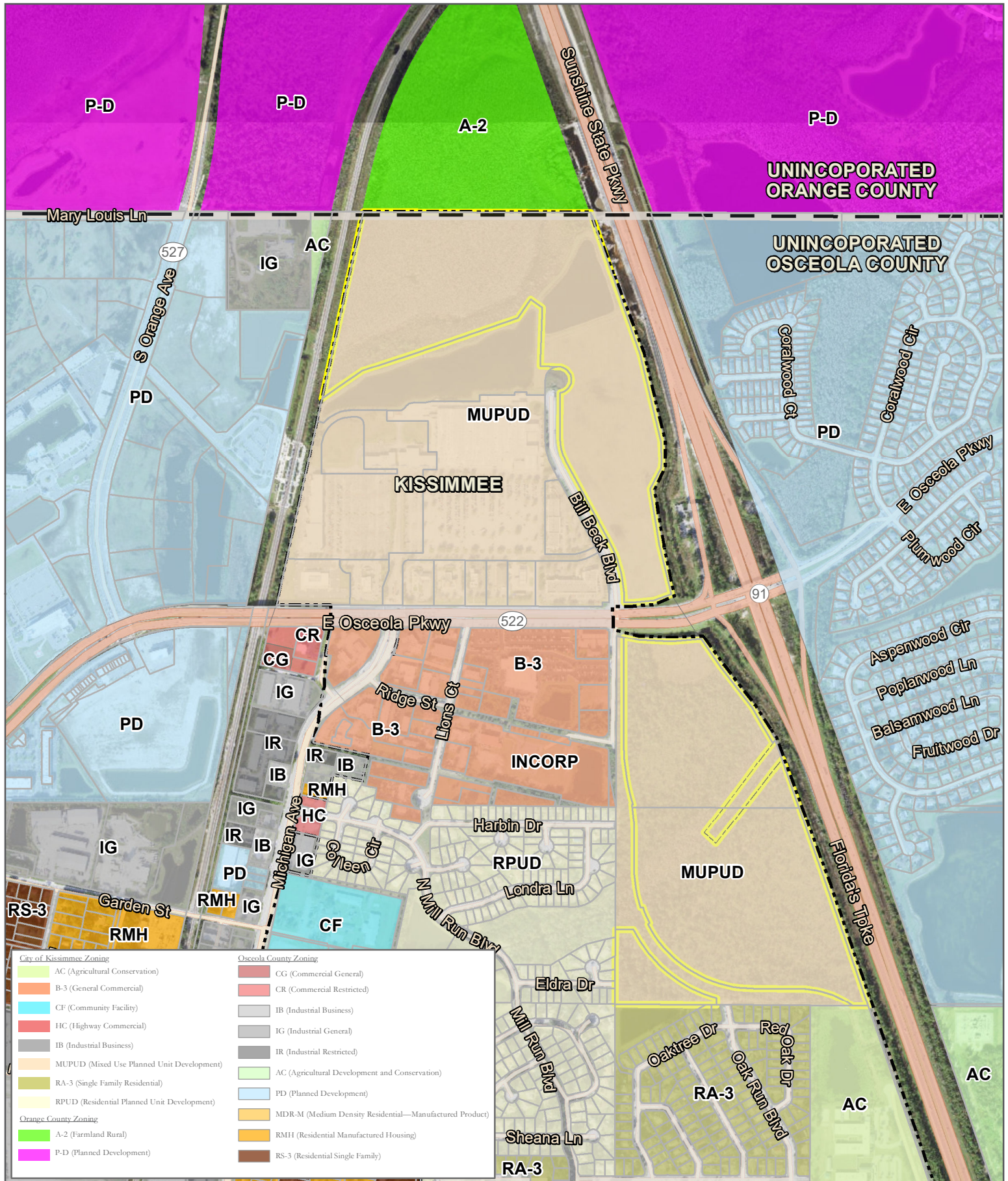
2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

0 100 200 400 600 800
FEET

Planning QA/QC	Information	Initials	Date
Prepared	NM		1/4/2022
Reviewed			

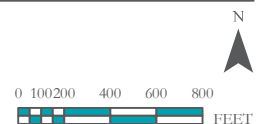


Map Source: Esri, City of Kissimmee, Osceola County, Orange County

- Subject Property
- Municipal Boundary

Zoning

CONSTELLATION FUTURE LAND USE AMENDMENT



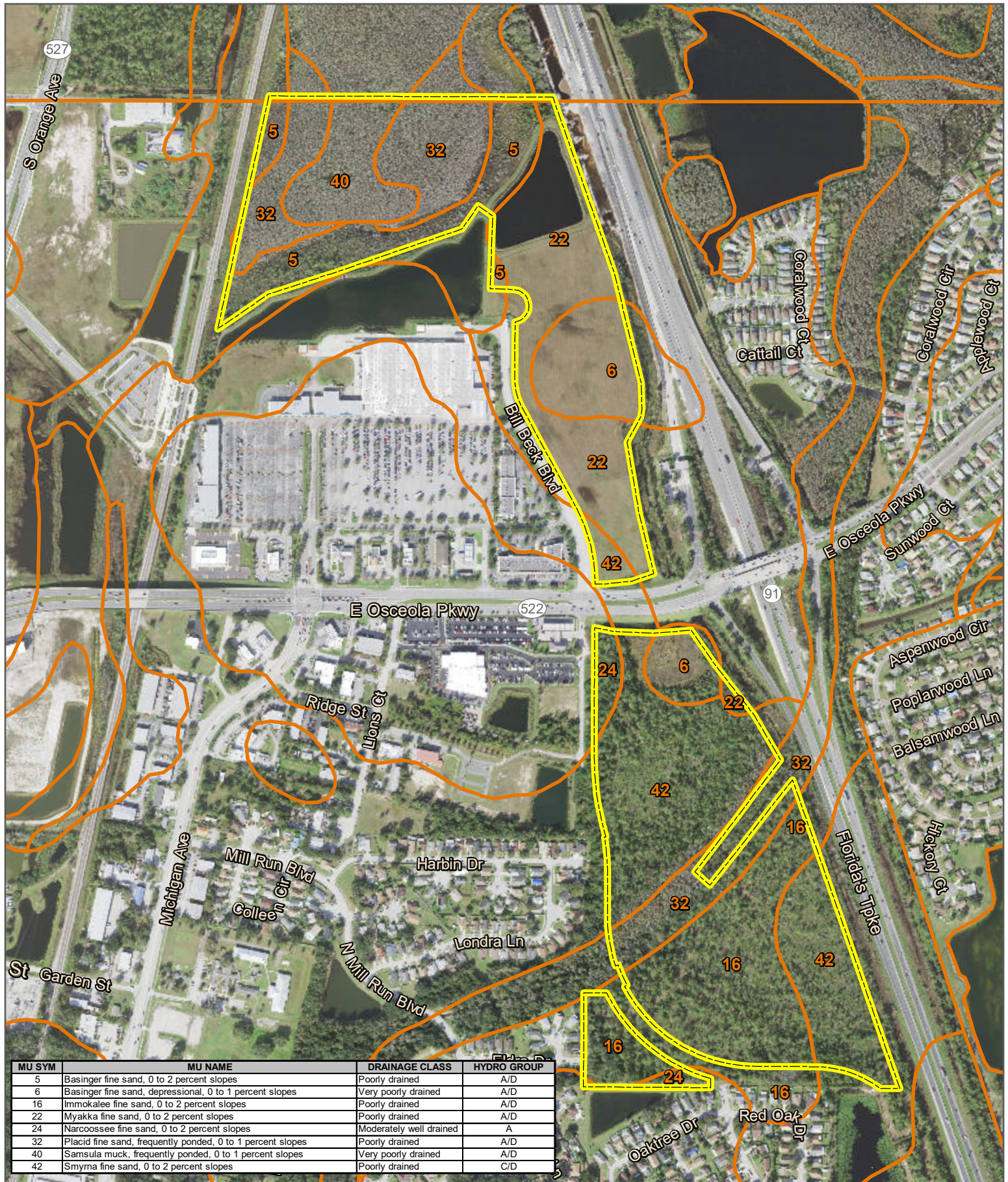
12/28/2021
P & B Job No: 21-167

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

Planning QA/QC	Information	Initials	Date
Prepared	NSM		1/4/2022
Reviewed			



Map Source: Esri, Osceola County, NRCS

- Subject Property
- Soils Boundary

Soils Map

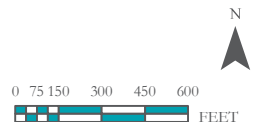
CONSTELLATION FUTURE LAND USE AMENDMENT

12/28/2021
P & B Job No: 21-167

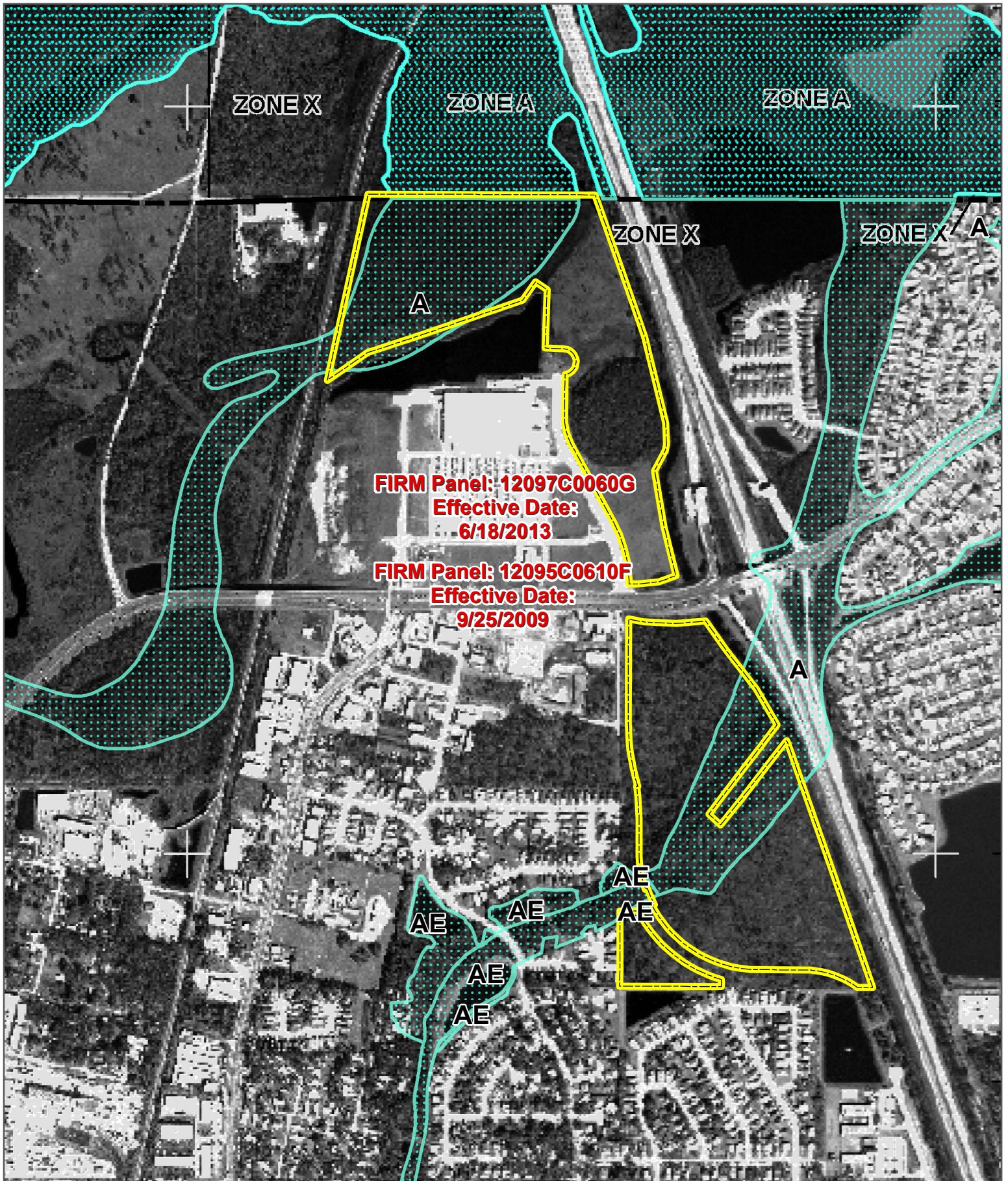
2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567



Planning QA/QC		
Information	Initials	Date
Planner	NM	1/4/2022
Team Leader		



Map Source: Esri, Osceola County, FEMA

 Subject Property

 Special Flood Hazard Areas
Subject to Inundation by the
1% Annual Chance Flood

FEMA Floodplains Map

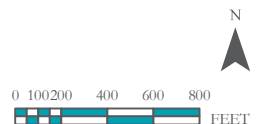
CONSTELLATION FUTURE LAND USE AMENDMENT

12/28/2021
P & B Job No: 21-167

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567



Planning QA/QC		
Information	Initials	Date
Planner	NM	1/4/2022
Team Leader		

SECTION 7: EXHIBITS

ORDINANCE 2529

PROPOSED ORDINANCE NO. 04-37
ORDINANCE NO. 2529

AN ORDINANCE AMENDING ORDINANCE NO. 1760 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kissimmee, Florida, has adopted Ordinance No. 1760 pursuant to the Local Government Comprehensive Planning Act of 1975, as amended, and

WHEREAS, the City of Kissimmee has advertised as required by law for public hearings prior to adoption of this ordinance, and

WHEREAS, the City has held such public hearings and the records of the City provide that the owners of the land affected have been notified as required by law;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KISSIMMEE, FLORIDA, IN LAWFUL SESSION, ASSEMBLED, AS FOLLOWS:

SECTION 1. Amend the Land Use Plan as to the following area:

FROM: OS (Open Space)
TO: CG (Commercial General)

Removal of Open Space designation for two isolated wetlands (Tracts W-2 and W-3) in the Gateway Commons DRI located north and south of Osceola Parkway. Subject areas are approximately 7.87 acres north of Osceola Parkway and 1.96 acres south of Osceola Parkway.

SECTION 2. That a copy of said Land Use Plan Amendment is filed in the office of the City Manager of the City of Kissimmee as a matter of permanent record of the City, and that matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office, available for public inspection.

SECTION 3. That the City Manager, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Kissimmee.

SECTION 4. That all ordinances in conflict herewith are hereby repealed.

8/8/04
DS

SECTION 5. This ordinance shall take effect 10 days after its passage

Commissioner McKinnon moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Commissioner Goodwin-Nichols and upon roll call on the motion the vote was as follows:

AYES
Commissioner McKinnon
Commissioner Burke
Commissioner Brooks
Commissioner Goodwin-Nichols
Mayor Gant

NAYS

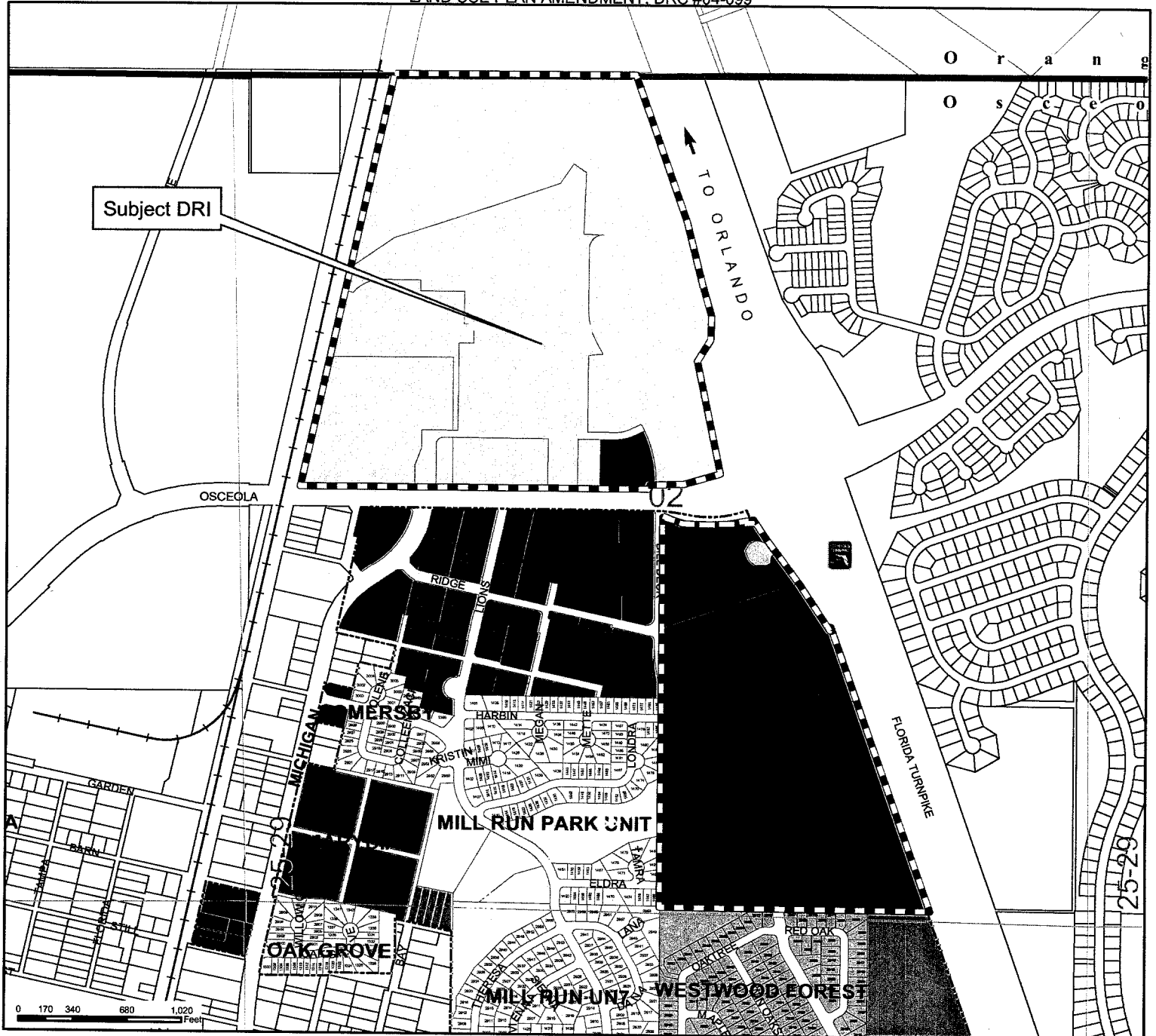
Said motion having been duly carried, thereupon, Mayor George Gant, M.D., declared said Ordinance duly passed and adopted the 7th day of August, 2004.


Mayor - Commissioner

ATTEST

City Clerk

GATEWAY COMMONS
LAND USE PLAN AMENDMENT, DRC #04-099



City Limit Boundary	MH-2 (Mobile Home 6,000 sqft)	UT (Utilities)
Subject Property	MHP (Mobile Home Park)	OS (Open Space)
Zoning District Designations	RPB (Residential Professional Business)	RPUD (Residential Planned Unit Development)
AC (Agricultural Conservation)	B-1 (Downtown Commercial)	SRPUD (Short Term Rental Planned Unit Development)
RE (Residential Estate)	B-2 (Neighborhood Commercial)	MUPUD (Mixed Use Planned Unit Development)
RA-1 (Single Family Residential 12,000 sqft)	B-3 (General Commercial)	County Boundary
RA-2 (Single Family Residential 9,000 sqft)	HC (Highway Commercial)	CRA District Boundary
RA-3 (Single Family Residential 7,000 sqft)	B-5 (Office Commercial)	Kissimmee Gateway Airport
RA-4 (Single Family Residential 6,000 sqft)	BP (Business Park)	Railroad
RB-1 (Medium Density Residential)	IB (Industrial Business)	Lake Surfaces
RB-2 (Medium Density Residential - Office)	AO (Airport Operations)	
RC-1 (Multiple Family Medium Density Resident	AI (Airport Industrial)	
RC-2 (Multiple Family High Density Residential	CF (Community Facility)	
MH-1 (Mobile Home 9,000 sqft)	HF (Hospital Facility)	



PRELIMINARY ECOLOGICAL ASSESSMENT REPORT (PEA)

PRELIMINARY ECOLOGICAL ASSESSMENT REPORT

GATEWAY COMMONS OSCEOLA & ORANGE COUNTIES, FLORIDA

OCTOBER 2021



Engineers
Architects
Planners
Surveyors
Landscape Architects
Traffic/Transportation
Environmental Scientists
Construction Management

Prepared by:
CPH, Inc.
1117 E. Robinson Street
Orlando, Florida 32801

PRELIMINARY ECOLOGICAL ASSESSMENT REPORT
GATEWAY COMMONS
OSCEOLA & ORANGE COUNTIES, FLORIDA

OCTOBER 2021

TABLE OF CONTENTS

		<u>Page</u>
1.0	INTRODUCTION	1
2.0	METHODOLOGY	1
3.0	EXISTING CONDITIONS	2
3.1	Soils	2
3.1.1	Osceola County Soil Mapping	2
3.1.2	Orange County Soil Mapping	4
3.2	Vegetation and Land Use Types	6
3.3	Wetlands & Surface Waters	8
4.0	REGULATORY CONSIDERATIONS	8
4.1	South Florida Water Management District	8
4.2	U.S. Army Corps of Engineers	9
4.3	Florida Department of Environmental Protection	10
4.3.1	Stormwater Pollution Prevention Plan	10
4.3.2	State 404 Program	11
5.0	PROTECTED FAUNA AND FLORA	12
5.1	Records Search	12
5.2	Field Investigation	13
5.3	Protected Fauna and Flora Regulatory Considerations	14
5.3.1	Migratory Bird Treaty Act	14
5.3.2	Bald Eagle	15
5.3.3	Wood Stork Core Foraging Area	15
5.3.4	USFWS Florida Grasshopper Sparrow Consultation Area	16
5.3.5	USFWS Crested Caracara Consultation Area	16
5.3.6	USFWS Florida Scrub-Jay Consultation Area	18
5.3.7	USFWS Sand Skink Consultation Area	18
5.3.8	USFWS Everglades Snail Kite Consultation Area	20
5.3.9	Gopher Tortoise	21
6.0	IMPAIRED WATERS	21
7.0	PRELIMINARY WETLAND MITIGATION ASSESSMENT	22
8.0	PAST REGULATORY AUTHORIZATIONS	24
9.0	SUMMARY & RECOMMENDATIONS	25

TABLE

Table No. 1	Mitigation Bank Options (2021)	23
-------------	--------------------------------------	----

APPENDIX

APPENDIX A – Figures

FIGURE 1	Location Map
FIGURE 2	Soils Map
FIGURE 3	Preliminary Vegetation and Land Use Map
FIGURE 4	Species Map
FIGURE 5	FDEP Impaired Waters/Basins Map
FIGURE 6	Special Environmental Designation Map

1.0 INTRODUCTION

CPH, Inc. (CPH), Environmental Services, conducted a preliminary ecological assessment for J.C. Wilson & Associates, P.A. on parcels known as Gateway Commons located in Section 2, Township 25 South, Range 29 East in Osceola County and Section 35, Township 24 South, Range 29 East, Orange County, Florida to assist with project planning. The purpose of this preliminary assessment is to: 1) provide a general estimate of the type and extent of upland habitat types and confirm the approximate extent and configuration of areas expected to fall within the wetland regulatory jurisdiction of the Florida Department of Environmental Protection (FDEP) and South Florida Water Management District (SFWMD); 2) conduct a public database search for known or probable geographic distribution of protected species within these habitat types; 3) perform a preliminary review for protected wildlife (and plant) species occurrence based on direct observation during the field investigations; 4) assess the quality of the on-site wetland habitats; and 5) identify special environmental designations on, or within close proximity to, the subject project area.

The 159.43 +/- acre project area is located west of Florida's Turnpike, east of Bill Beck Boulevard with the property divided by Osceola Parkway (Figure 1, Appendix A). Vegetation associations and landscape descriptions were identified from aerial photography, the Soil Conservation Service (SCS) *Soil Survey of Osceola County, Florida*, Soil Conservation Service (SCS) *Soil Survey of Orange County, Florida* and groundtruthing. There are eight (8) soil map units in Osceola County and (4) soil map units in Orange County and nine (9) vegetation and land use classifications mapped within the project area boundaries. Vegetation and land uses are generally classified in accordance with the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) (FDOT 1999). CPH's field investigations were conducted on September 21, 2021 and October 14, 2021.

2.0 METHODOLOGY

In September and October 2021, scientists performed pedestrian surveys of the project area for the presence of protected flora and fauna and wetlands and surface waters. Prior to the reconnaissance level survey, a list of potentially occurring protected flora and fauna was compiled based upon on-

site habitat types and known or probable geographic distribution of protected species within these habitat types.

3.0 EXISTING SITE CONDITIONS

The 159.43 +/-acre Gateway Commons Project consists of improved upland areas, undeveloped uplands and wetlands, a conservation area and a stormwater pond. The project area is adjacent to commercial and residential development to the west and south and Florida's Turnpike to the east. Osceola Parkway divides the subject property.

3.1 Soils

The *Soil Survey of Osceola County, Florida* identifies eight (8) soil map units and the *Soil Survey of Orange County, Florida* identifies four (4) soil map units within the subject project area (Figure 2). A summary of the characteristics of these soil types, as described by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), formerly Soil Conservation Service (SCS) Soil Survey Geographic (SSURGO) database is as follows:

3.1.1 Osceola County Soil Mapping

Basinger fine sand, 0 to 2 percent slopes

The *Hydric Soils of Florida Handbook; Fourth Edition* (Hurt 2007) lists this soil as a hydric soil. This is a poorly drained, nearly level soil in low, broad flats and sloughs in the flatwoods. Slopes are smooth to concave and range from 0 to 2 percent. The soil has a water table at a depth of less than 10 inches for 2 to 6 months during most years and at a depth of 10 to 30 inches during the dry season in most years. In extended dry periods, the water table drops below a depth of 40 inches. Permeability is very rapid throughout. Available water capacity, natural fertility, and organic matter content are low to very low.

Basinger fine sand, depressional, 0 to 1 percent slopes

This is a poorly drained, nearly level soil in shallow depressions and poorly defined drainageways in the flatwoods. Water stands on the surface for 6 to 12 months during most years. Available water capacity, natural fertility, and organic matter content are low to very low. The *Hydric Soils of Florida Handbook; Fourth Edition* (Hurt, 2007) lists this soil as hydric. Hydric soils typically support wetland habitats.

Immokalee fine sand, 0 to 2 percent slopes

This is poorly drained, nearly level soil in broad flatwoods areas. Slopes range from 0 to 2 percent. The water table is at a depth of less than 10 inches for 2 months in most years and within a depth of 10 to 40 inches for 8 months or more in most years. It is at a depth of more than 40 inches during dry periods. Permeability is rapid in the surface and subsurface layers, moderate to moderately rapid in the subsoil, and rapid below.

Myakka fine sand, 0 to 2 percent slopes

This is a poorly drained, nearly level soil in broad areas in the flatwoods. The water table is at a depth of less than 10 inches for 1 to 4 months in most years and a depth of more than 40 inches during very dry seasons. Permeability is rapid in the surface and subsurface layers, moderate to moderately rapid in the subsoil and rapid in the substratum. Available water capacity is very low above the subsoil, medium in the subsoil, and very low below the subsoil. Natural fertility and organic matter content are low.

Narcoossee fine sand, 0 to 2 percent slopes

This somewhat poorly drained soil is on low hammocks and ridges on flatwoods. Slopes are smooth to convex and are 0 to 2 percent. This Narcoossee soil has a seasonal high water table at a depth of 24 to 40 inches for 4 to 6 months during most years. Permeability is moderately rapid in the subsoil. The available water capacity is low.

Placid fine sand, frequently ponded, 0 to 1 percent slopes

The *Hydric Soils of Florida Handbook; Fourth Edition* (Hurt, 2007) lists this soil as being a hydric soil. Hydric soils typically support wetland habitats. This is a very poorly drained, nearly level soil in low, wet depressions and swamps in the flatwoods. Slopes are less than

1 percent. Water stands on the surface for 6 to 9 months or more in most years. Available water capacity is high in the surface layer and low in the underlying layers. Permeability is rapid throughout. Natural fertility is moderate in the surface layer and low in the underlying layers. Organic matter content is moderate.

Samsula muck, frequently ponded, 0 to 1 percent slopes

The *Hydric Soils of Florida Handbook, Fourth Edition* (Hurt 2007), lists this soil as hydric. This soil is nearly level and very poorly drained. It is in freshwater marshes and swamps. Undrained areas are ponded for 6 to 9 months or more each year. The slopes are smooth and are less than 1 percent. A seasonal high water table fluctuates between depths of about 10 inches and the surface. The available water capacity is very high in the organic material and is very low in the underlying sandy material. The permeability is rapid throughout. Natural fertility is medium. The organic matter content is very high.

Smyrna fine sand, 0 to 2 percent slopes

This is a nearly level, poorly drained soil in broad flat areas in the flatwoods. The water table is at a depth of less than 10 inches for 1 to 4 months and between depths of 10 and 40 inches for more than 6 months in most years. In rainy seasons, the water table rises above the surface briefly. Permeability is rapid in the surface and subsurface layers, moderate to moderately rapid in the upper subsoil, rapid in the next layer, and moderate to moderately rapid in the lower subsoil. Available water capacity is very low to low in the surface and subsurface layers, medium in the upper subsoil, very low to low in the next layer, and medium in the lower subsoil. Natural fertility is low, and organic matter content is moderately low or moderate.

3.1.2 Orange County Soil Mapping

Basinger fine sand, depressional, 0 to 1 percent slopes

This is a poorly drained, nearly level soil in shallow depressions and poorly defined drainageways in the flatwoods. Water stands on the surface for 6 to 12 months during most years. Permeability is very rapid throughout. Available water capacity, natural fertility, and organic matter content are low to very low. The *Hydric Soils of Florida Handbook; Fourth*

Edition (Hurt, 2007) lists this soil as hydric. Hydric soils typically support wetland habitats.

St. Johns fine sand

The *Hydric Soils of Florida Handbook, Fourth Edition* (Hurt 2007), lists this soil as containing 30 percent hydric inclusions. This nearly level soil is poorly drained and found on broad flats on the flatwoods. Slopes are smooth to concave and range from 0 to 2 percent. The seasonal high water table is within 10 inches of the surface for 6 to 12 months and between depths of 10 and 40 inches for more than 6 months. In rainy periods, the water table can rise to the surface for brief periods. The available water capacity is medium in the surface layer, very low to low in the subsurface layer and medium to very high in the subsoil. Permeability is rapid in the surface and subsurface layers and moderately slow to moderate in the subsoil. The organic matter content is moderate and the natural fertility is low.

Samsula-Hontoon-Basinger associations, depressional

The *Hydric Soils of Florida Handbook, Fourth Edition* (Hurt 2007), lists this soil as hydric. This nearly level and very poorly drained soil type is found in freshwater swamps, depressions, sloughs and broad, poorly defined drainageways. Slopes are smooth to concave and range from 0 to 1 percent. Undrained areas can be ponded for 6 to 9 months out of the year. The water table is within 10 inches of the surface for the remainder of the year. The available water capacity is very high in organic layers and very low in the sandy Samsula soil. Permeability is rapid to very rapid throughout. The organic matter and natural fertility are low in the Basinger soils and medium fertility and very high organic matter content in the Samsula and Hontoon soils.

Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes

The *Hydric Soils of Florida Handbook, Fourth Edition* (Hurt 2007), lists this soil as containing 26 percent hydric inclusions. This nearly level, poorly drained soil type is found on broad flatwoods. The slopes are smooth and range from 0 to 2 percent. The seasonal high water table is within 10 inches of the surface for 1 to 4 months and recedes to a depth of 10 to 40 inches for more than 6 months. The available water capacity is low to very low in the surface and subsurface layers and medium in the subsoil. Permeability is rapid in the surface and moderately rapid in the subsoil.

3.2 Vegetation and Land Use Types

There are nine (9) vegetation and land use classifications mapped within the subject project boundaries. Vegetation and land use classifications are generally classified in accordance with the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) (FDOT 1999). The following descriptive titles and FLUCFCS numbers assess the project's vegetation and land uses and are presented on Figure 3.

Other Open Land (FLUCFCS No. 194)

This land use classification describes an areas improved by previous development activities associated with the mass grading of Gateway Commons. Vegetation observed included bahia grass (*Paspalum notatum*), beggar's tick (*Bidens alba*), cabbage palm (*Sabal palmetto*), slash pine (*Pinus elliotii*), cogon grass (*Imperata cylindrica*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Morella cerifera*), Caesarweed (*Urena lobata*) and various grasses and weeds.

Pine Flatwoods (FLUCFCS No. 411)

This habitat classification is common in Florida consisting of an open pine canopy. Predominant species observed included slash pine, longleaf pine (*Pinus palustris*), laurel oak (*Quercus laurifolia*), saw palmetto (*Serenoa repens*), live oak (*Quercus virginiana*), fetter bush (*Lyonia ferruginea*), bracken fern (*Pteridium aquilinum*) and gallberry (*Ilex glabra*). Other species observed included red maple (*Acer rubrum*), dahoon holly (*Ilex cassine*), greenbriar (*Smilax* sp.), grapevine (*Vitis* sp.), winged sumac (*Rhus copallinum*), wax myrtle, beauty berry (*Callicarpa americana*), reindeer lichen (*Cladonia rangiferina*) and the occasional loblolly bay (*Gordonia lasianthus*).

Brazilian Pepper (FLUCFCS No. 422)

This habitat classification describes disturbed land adjacent to Bill Beck Boulevard predominantly vegetated with exotic plant species. Vegetation observed included Brazilian pepper, wax myrtle, cogon grass, blackberry (*Rubus* sp.), Caesar weed, laurel oak, broom sedge (*Andropogon virginicus*), saw palmetto, rattlebox (*Crotalaria* sp.) and various weeds

and grasses. There were numerous urban outdoorsmen camps and debris throughout this area.

Stormwater Pond (FLUCFCS No. 531)

This land use classification describes an area designed and constructed to treat stormwater run-off.

Inland Ponds and Sloughs (FLUCFCS No. 616)

This habitat classification describes Mill Slough which flows from the northeast to the southwest through the middle of the project area south of Osceola Parkway. Vegetation observed included cypress (*Taxodium* sp.), dahoon holly, red maple, black gum (*Nyssa biflora*), royal fern (*Osmunda regalis*), staggerbush (*Lyonia lucida*), loblolly bay (*Pinus taeda*), wax myrtle, gallberry, saw palmetto, laurel oak, lemon bacopa (*Bacopa caroliniana*), willow (*Salix* sp.), maiden cane (*Panicum hemitomon*), chain fern (*Woodwardia* sp.), and various rushes and sedges.

Cypress (FLUCFCS No. 621)

This habitat classification describes a wetland predominantly vegetated with cypress. Other vegetation observed included dahoon holly, wax myrtle, Brazilian pepper, stagger bush, willow, chain fern, royal fern, black gum, red maple and various herbaceous plants.

Hydric Pine Flatwoods (FLUCFCS No. 625)

This habitat is described as a wetland forest with sparse canopy of slash pine. The understory included gall berry, dahoon holly, chain fern, wax myrtle, stink weed (*Pluchea* sp.), spike rush (*Eleocharis* sp.), redroot (*Lachnanthes caroliniana*), sphagnum moss (*Sphagnum* sp.), marsh pennywort (*Hydrocotyle* sp.), broomsedge and various sedges and grasses.

Wetland Forested Mixed (FLUCFCS No. 630)

This habitat classification includes mixed wetland forest communities in which neither hardwoods or conifers achieve a 66 percent dominance of the crown canopy composition. Vegetation observed included slash pine, cypress, red maple, laurel oak, blackberry, wax

myrtle, grape vine and various weeds and vines. This isolated wetland area is located on the southern property boundary.

Wet Prairie (FLUCFCS No. 643)

This habitat classification is characterized as a seasonally inundated herbaceous depression. This habitat is composed of predominately grassy vegetation on hydric soils and is distinguished from marshes by having less water and shorter herbage. Vegetation observed included torpedo grass (*Panicum repens*), spikerush, yellow-eyed grass (*Xyris* sp.), wire grass (*Aristida stricta*), red root, dog fennel (*Eupatorium capillifolium*) and various rushes and grasses.

3.3 Wetlands & Surface Waters

According to wetland delineation methodologies outlined in the *Corps of Engineers Wetland Delineation Manual* (1987), the *2008 Corps Interim Regional Supplement to the Corps Wetland Delineation Manual: Atlantic & Gulf Coastal Plain Region* and the State of Florida Unified Wetland Delineation Methodology (Section 62-340, F.A.C.), wetland areas (FLUCFCS Nos. 616, 621, 625, 630 & 643) were observed within the project boundaries during the field investigations (Figure 3). It is recommended to delineate the wetland boundaries to determine their extent prior to site plan development.

4.0 REGULATORY CONSIDERATIONS

4.1 South Florida Water Management District

The SFWMD regulates wetlands that are isolated and those considered within or connected to “Waters of the State” pursuant to Chapter 403 of the Florida Statutes, Rules 62-302 and 62-330 of the Florida Administrative Code (F.A.C.). Development activities altering wetlands and/or drainage will require a Statewide Environmental Resource Permit (SWERP) from the SFWMD. Different ERP Permits for various activities, General Permits and exemptions can be found in the *State of Florida Environmental Resource Permit Applicant’s Handbook*,

Volume I. Specific design standards, basin specific criteria and procedures can be found in the *State of Florida Environmental Resource Permit Applicant's Handbook, Volume II.* Typical protocol for a project includes a SFWMD representative reviewing and approving the delineation of the landward extent of wetlands and surface waters subsequent to the submittal of a permit application for construction.

Applicants must provide reasonable assurances that a regulated activity will not cause adverse secondary impacts to the water resources, specifically aquatic or wetland dependent fish and wildlife that are listed as threatened, endangered or of special concern. Secondary impacts to the habitat functions of wetlands associated with adjacent upland activities will not be considered adverse if upland buffers with a minimum width of 15 feet and an average width of 25 feet are provided abutting those wetlands to remain under the permitted design.

In most circumstances, SFWMD will require mitigation to compensate for direct and secondary impacts to the water resources (wetlands and surface waters). There are exceptions to this requirement and each project is evaluated on a case-by-case basis. Isolated wetlands less than 0.5 acres as long as they are not utilized by protected species typically do not require mitigation. This permit exemption may apply to several of the isolated wetlands if the wetland delineation efforts determine the wetland size to be less than 0.5 acres.

4.2 U.S. Army Corps of Engineers

The ACOE regulates wetlands connected to “Waters of the United States” and “Adjacent Waters” pursuant to Section 404 of the Clean Water Act. Based on the U.S. Supreme Court decision Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178 (January 9, 2001) (SWANCC) isolated wetlands are considered non-jurisdictional for the ACOE. Based on the U.S. Supreme Court decision consolidated cases Rapanos v. United States and Carabell v. United States, 126 S. Ct. 2208 (2006) (RAPNOS) the ACOE is required to establish a physical, biological, or chemical nexus of connection to traditional navigable waters (TNW) of the United States to claim jurisdiction.

On December 17, 2020, the U.S. Environmental Protection Agency (EPA) delegated responsibility to the Florida Department of Environmental Protection (FDEP) to administer dredge and fill applications within “Assumed Waters” that fall under the jurisdiction of Section 404 within the State of Florida. Assumed Waters generally include non-navigable freshwaters and wetlands that fall beyond 300 feet from a “Retained Water”. Dredge and fill applications that include Retained Waters will continue to be processed by the ACOE. Retained Waters generally include traditional navigable waters (TNW), tidal wetlands and jurisdictional areas within 300 feet of Retained Waters.

After a preliminary review of the subject property, areas meeting the jurisdictional definition of Retained Waters, (**“Waters of the United States”** and **“Adjacent Waters”**) pursuant to Section 404 of the Clean Water Act were not observed within the subject project limits. Therefore, proposed impacts to wetlands would not require authorization from the ACOE under current regulations.

4.3 Florida Department of Environmental Protection

4.3.1 Stormwater Pollution Prevention Plan

The U.S. Environmental Protection Agency (EPA) requires coverage under the National Pollutant Discharge Elimination System (NPDES) generic permit for discharge from large and small construction activities for any project that results in the clearing of one or more acres, pursuant to 40 CFR parts 122 and 124 and the Florida Department of Environmental Protection (FDEP), pursuant to rule 62-621.300 (4), F.A.C. The EPA has delegated responsibility to the FDEP to administer the NPDES permits for the State of Florida. In association with this permit, a Stormwater Pollution Prevention Plan (SWPPP), which will be implemented during the construction of the project, will also be required. The primary functions of the NPDES requirements are to ensure that sediment and erosion is controlled during construction of the project. The NPDES permit typically requires use of Best Management Practices to ensure compliance with water quality standards. In addition, coverage under the generic permit for discharge of produced ground water

from a non-contaminated site activity must be secured for any construction-related dewatering activity pursuant to Rule 62-621.302.

4.3.2 State 404 Program

The EPA has delegated responsibility to the Florida Department of Environmental Protection (FDEP) to administer dredge and fill applications within “Assumed Waters” that fall under the jurisdiction of Section 404 within the State of Florida pursuant to rule 62-331, F.A.C., “State 404 Program”. The State 404 Program rule was created to include federal requirements that were not addressed by the Florida SWERP program. The State 404 Program is a separate program from the existing SWERP program and projects within Assumed Waters will require both a SWERP and State 404 authorizations. The State 404 Program became effective on December 22, 2020. Once an application is confirmed by FDEP to include jurisdictional wetland areas, the application will be assessed to determine if those areas will require authorization for any proposed impacts per Section 404. After a preliminary review of the subject property, areas meeting the jurisdictional definition of Assumed Waters, (**“Waters of the United States” and “Adjacent Waters”**) pursuant to Section 404 of the Clean Water Act were observed within the subject project limits.

Dredge and fill activities within "Waters of the United States" and “Adjacent Waters” will require a State 404 Permit or verification to use permits issued through the General or Nationwide Permit Program. The State 404 guidelines request that all impacts associated with a particular project be submitted for consideration under one permit application. Typical protocol for a project would include a FDEP representative reviewing and approving the delineation of the landward extent of wetlands after the submittal of a permit application. If less than 0.5 acres of impact are proposed, a Nationwide Permit will be required to authorize wetland impacts. However, if more than a 0.5-acre impact is proposed, an Individual Permit will be required to authorize wetland impacts. If proposed impacts are minor, less than 0.10 acre, the FDEP can be notified of the proposed construction through a pre-construction notification (PCN) letter.

In most circumstances, FDEP will require mitigation to compensate for direct and secondary impacts to the water resources (wetlands and surface waters). There are exceptions to this requirement and each project is evaluated on a case-by-case basis. Federal jurisdiction over isolated wetland areas is typically not exerted, as long as the wetland areas are not considered “Adjacent Waters”.

5.0 PROTECTED FAUNA AND FLORA

Preliminary ecological investigations included review of published and unpublished literature concerning the subject project and surrounding area, solicitation of databases on protected species, field investigations to generally delineate and characterize the habitats and a preliminary field survey for the occurrence of protected flora and fauna.

5.1 Records Search

Prior to initiation of fieldwork, a records review of documented wildlife observations (Wildlife Occurrence Database System) maintained by the Florida Fish and Wildlife Conservation Commission (FFWCC) was conducted. Other resources used as aids included the following: aeriels, *Soil Survey of Orange County, Florida*, *Soil Survey of Osceola County, Florida*; and Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida (FFWCC). According to the public databases the subject project area is located within the USFWS Crested Caracara Consultation Area, USFWS Florida Scrub Jay Consultation Area, USFWS Everglades Snail Kite Consultation Area, USFWS Florida Grasshopper Sparrow Consultation Area and USFWS Sand Skink Consultation Area (Figure 4). The USFWS has a caracara nest as occurring in the cleared Florida Turnpike right-of-way adjacent to the subject project area. During the field investigations a nest was not observed in the recorded location depicted on Figure 4.

5.2 Field Investigation

CPH biologists conducted field investigations of the subject project area in September and October 2021. General reconnaissance of the project area was conducted, looking for the occurrence of federal or state-listed flora and fauna as well as general wildlife utilization.

Regulatory oversight for protected fauna and flora is the responsibility of the U.S. Fish and Wildlife Service (USFWS), FFWCC and the Florida Department of Agriculture and Consumer Services (DACS). The USFWS is the federal agency responsible for protecting the nation's fish and wildlife resources through implementation of the Endangered Species Act of 1973, as amended. ("ESA," 16 U.S.C. 1513-1543). Species (or their signs) protected under the ESA were not observed on the subject project area during the field investigations.

The Florida Fish and Wildlife Conservation Commission (FFWCC) regulate the taking of species listed as endangered, threatened or of special concern and their nests through Rules listed in 68A-27 Florida Administrative Code. The FFWCC also provides technical assistance to other agencies that have regulatory authority over activities, which may affect fish and wildlife and their habitat. State protected species protected under Rules 68A-27, Florida Administrative Code, were not observed within, or adjacent to, the subject project during the field investigations.

Section 581.185, Florida Statutes and Chapter 5B-40, F.A.C., delegates authority to the Florida Department of Agriculture and Consumer Services (DACS) to designate and regulate plants listed as "endangered," "commercially exploited" and "threatened." It is unlawful for an individual to harvest endangered or commercially exploited plants from the private land of another or any public land without first obtaining written permission of the landowner and a permit from DACS. It is unlawful for an individual to harvest a threatened plant from private land or public land without first obtaining written permission of the landowner. One DACS protected plant, **Catesby's lily** (*Lilium catesbaei*), listed as a threatened, was observed within the subject project area during the field investigations. The presence of this species will not adversely affect development of the subject project.

Wildlife utilization is a measure of direct observations or evidence of animals' presence (e.g. scat, tracks, dens, etc.). Potential wildlife utilization was evaluated on the basis of food sources, nesting areas, roosting areas, den areas and protective covering. During the field investigations, direct observations or signs of wildlife on the subject project included Northern cardinal (*Cardinalis cardinalis*), osprey (*Pandion haliaetus*), grey squirrel (*Sciurus carolinensis*), black vulture (*Coragyps atratus*), red-shouldered hawk (*Buteo lineatus*) and opossum (*Didelphis virginiana*) tracks.

5.3 Protected Fauna and Flora Regulatory Considerations

Below is a discussion of select species or groups of wildlife, that frequently affect development sites or can affect a project even though these species are not physically located on the development site.

5.3.1 Migratory Bird Treaty Act

The USFWS also administers and enforces the Migratory Bird Treaty Act (MBTA) of 1918, as amended, (16 USC 703-712) which makes it unlawful to pursue, hunt, take, capture, kill or sell birds listed therein ("migratory birds"). The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs and nests. A migratory bird is any species or family of birds that live, reproduce or migrate within or across international borders at some point during their annual life cycle. The current list of birds protected under the MBTA was published in the *Federal Register* on April 16, 2020 which became effective on May 18, 2020. In total, 1,093 bird species are protected by the MBTA. Several species protected under the MBTA were observed on, or within the vicinity of, the subject project during the field investigations. Provided construction activities do not directly kill or harm birds, their nests or eggs, development of the subject project has a low probability of violating the MBTA.

5.3.2 Bald Eagle

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) and the regulations derived therefrom (50 CFR 22) state, in part, that no person shall take any bald eagle or any golden eagle, alive or dead, or any part, nest, or egg thereof with “take” meaning to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. Both Federal and State laws and regulations make it unlawful to take any listed species with “take” meaning to harass, harm pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct.

According to the Florida Audubon Society Eagle Nest database, active nests are not documented as occurring within the subject project boundary (Figure 4) and eagle nests were not observed during the field investigations.

5.3.3 Wood Stork Core Foraging Area

The wood stork (*Mycteria americana*) is listed as Endangered by the USFWS and the FFWCC. The wood stork is protected under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.* and Florida Chapter 68A, Florida Administrative Code. Inundated forested wetlands, cypress strands and domes, mixed hardwood swamps and sloughs provide nesting habitat. Shallow freshwater marshes, ponds, flooded pastures and ditches provide suitable foraging habitat. Wood storks nest in colonies and will return to the same colony site for many years so long as the site and the surrounding feeding habitat continue to supply the needs for the birds. The USFWS has determined the extent of the Core Foraging Area (CFA) as approximately 15 miles from the nesting colony for central Florida counties.. The subject project area is located within a Wood Stork Core Foraging Area (Figure 4).

USFWS and FFWCC regulate impacts to the wood stork by requiring a one to one mitigation ratio and the mitigation wetlands need to mimic the historical hydroperiod of the impacted wetland to provide habitat compensation for the wood stork. Typically, habitat compensation is provided for as part of the project’s wetland mitigation plan either through the purchase of mitigation bank credits or on-site and

off-site mitigation plans during the SFWMD and FDEP 404 Program permitting process.

5.3.4 USFWS Grasshopper Sparrow Consultation Area

The grasshopper sparrow (*Ammodramus savannarum floridanus*) is listed as Endangered by the USFWS and FFWCC. The grasshopper sparrow is protected under the U.S. ESA of 1973, as amended, 16 U.S.C. 1531 *et seq.* and Florida Chapter 68A-27, F.A.C. Suitable habitat for the grasshopper sparrow is dry prairie that is relatively open and low in stature, treeless, relatively poorly-drained grasslands that have a history of frequent fires. The optimum time to survey for Florida grasshopper sparrows is between April and June when peak nesting activity occurs. The recommended survey protocol for determining presence is a three-event survey during the nesting season (April 1 through June 15). The minimum time between events is two weeks. Surveys outside of the nesting season may be non-conclusive and not acceptable to the USFWS.

The USFWS and the FFWCC typically require a property owner to conduct surveys prior to development to ensure the grasshopper sparrow receives sufficient protection in the development plan. Once these surveys are conducted, and the extent of sparrow use (if any) is determined, measures can be taken to obtain a Biological Opinion or incorporate management of the caracara within the development plan. The grasshopper sparrow was not observed within, or adjacent to, the subject project area during the field investigations. CPH recommends conducting an informal consultation with the USFWS to obtain written confirmation from USFWS of the **“no effect” determination for the grasshopper sparrow.**

5.3.5 USFWS Crested Caracara Consultation Area

The crested caracara (*Caracara cheriway audubonii*) is listed as Threatened by the USFWS and FFWCC and is protected under the U.S. ESA of 1973, as amended, 16 U.S.C. 1531 *et seq.* and Florida Chapter 68A-27, F.A.C. The subject project area is located within the USFWS Crested Caracara Consultation Area (Figure

4). The caracara is documented as occurring in the general vicinity of the subject property by USFWS database. The nearest documented nest site is adjacent to, and east of, the project area within the Florida Turnpike right-of-way. However, a nest was not observed during the field investigations at this recorded location.

Large expanses of pastures, grasslands, or prairies dotted with numerous shallow ponds and sloughs and single clumps of live oaks, cabbage palms and cypress provide nesting habitat. Improved pastures, extensive networks of drainage canals, stock ponds, agricultural ditches and marshes provide foraging habitat.

The crested caracara is non-migratory. Adult pairs stay year-round on territory which may be maintained for years. The presence of adult individuals in an area can usually be assumed to indicate the existence of a breeding territory. Should the caracara reside on a subject property, a development plan should be designed to buffer disturbance activities. Should it become necessary to provide caracara nest protection during development activities, protection of caracara nests is described in the FFWCC *Recommended Management Practices and Survey Protocols for Audubon's Crested Caracara (Caracara cheriway audobonii) in Florida Technical Report No. 18*.

The USFWS and the FFWCC typically require a property owner to conduct surveys prior to development to ensure the crested caracara receives sufficient protection in the development plan. These surveys should occur every two (2) weeks during January through April, starting by January 10th. Once these surveys are conducted, and the extent of caracara use (if any) is determined, measures can be taken to incorporate management of the caracara within the development plan.

The crested caracara was not observed within, or adjacent to, the subject project area during the field investigations. CPH recommends an informal consultation with the USFWS to confirm if a caracara survey is required and, if so, the limits of the survey area defined or to obtain written confirmation

from the USFWS that the subject project development is “not likely to adversely affect” the caracara. The caracara nest survey is time sensitive and needs to commence by January 10th and continues through April.

5.3.6 USFWS Florida Scrub Jay Consultation Area

The Florida scrub jay (*Aphelocoma coerulescens coerulescens*) is listed as a Threatened species by the USFWS through the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.* The USFWS issues a Biological Opinion (BO) for projects and its effects on the threatened Florida scrub jay in accordance with Section 7 or Section 10 of the Endangered Species Act of 1973, as amended (ESA) (87 stat. 884; 16 U.S.C. 1531 *et seq.*). The BO will spell out the negotiated mitigation measures taken by the project to ensure the listed species is not adversely affected.

If scrub habitat is located within ¼ mile of the site, regardless of the type of habitat on the subject project, the USFWS considers the on-site habitat Type III scrub jay habitat. However, scrub habitat is not observed within ¼ mile of the subject project.

According to the USFWS database, the closest known scrub jay territory is located 0.5 miles northeast of the subject project (Figure 4). Based upon field observations, scrub jays and suitable scrub jay habitat were not observed within the subject project area during the field investigations. CPH recommends conducting an informal consultation with the USFWS to obtain written confirmation from USFWS of the “no effect” determination for the Florida scrub jay.

5.3.7 USFWS Sand Skink Consultation Area

The sand skink (*Neoseps reynoldsi*) and blue-tailed mole skink (*Eumeces egregius lividus*) were listed as threatened under the Endangered Species Act (ESA) in 1987. Individuals or entities intending to conduct activities that may affect listed species may lawfully incidentally take those species after consulting with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 or 10 of the ESA. When a property is conducted, funded or authorized by a Federal agency, listed species consultation

occurs pursuant to Section 7 of the ESA. If there is no Federal nexus (e.g., federal funding or authorization), a non-Federal entity who wishes to conduct an activity may legally “take” listed species after obtaining an Incidental Take Permit (ITP) from the USFWS in accordance with Section 10 of the ESA.

No critical habitat has been designated for the sand skink or blue-tailed mole skink. However, the USFWS has delineated a “Sand Skink and Blue-tailed Mole Skink Consultation Area” based on known locations of skinks, location of skink habitat as defined by appropriate soils and elevation, and natural and developed ecosystems that are known to support sand skinks or blue-tailed mole skinks. Proposed activities within the consultation area are more likely to affect sand skinks and blue-tailed mole skinks, while activities outside the consultation area are less likely to affect skinks. The consultation area provides an initial analysis tool; it should not be considered the only factor in determining if consultation with the USFWS is required.

Both sand skinks and blue-tailed mole skinks are endemic to the sandy ridges of central Florida. Sand skinks have been documented to occur in Highlands, Lake, Marion, Orange, Osceola, Polk and Putnam Counties. Blue-tailed mole skinks seem to be restricted to the Lake Wales Ridge in Highlands, Polk and Osceola Counties. They are generally found at, or above, elevations of 82 feet above sea level and in excessively drained, well-drained and moderately well-drained sandy soils.

Research indicates that blue-tailed mole skinks typically occur with sand skinks. Only sand skinks leave visible signs, or tracks on sandy soil surfaces. Therefore, sand skink occurrence is used as an indicator of blue-tailed mole skink occurrence where the two species overlap in distribution. According to the USFWS *Sand Skink & Blue-tailed Mole Skink Conservation Guidelines* surveys must be conducted between March 1st and May 1st. Negative survey results (no skink tracts detected) obtained by surveys conducted outside of this time period will not be considered valid by the USFWS. Surveys should be conducted a minimum of four times in consecutive weeks within the survey time period to conclude that skinks are not

present. Cover boards must be lifted and checked for tracks a minimum of once per week.

The subject project is located within the USFWS Sand Skink and Blue-tailed Mole Skink Consultation Area, contains soil types preferred by skinks, and is at approximately 83-90 feet in elevation, which meets the 82-foot minimum elevation requirement. The subject project does not contain suitable skink habitat. Due to the historical development activities, the densely-rooted grasses and thick vegetation growth which prohibit skink movement and survival, a cover board survey may not be warranted for this property. Sandy open areas typically used by skinks were not observed during the field investigations.

During the field investigation, sand skink tracks were not observed on the subject project. CPH recommends conducting an informal consultation with the USFWS to confirm if a sand skink survey is required and, if so, what areas of the project should be subject to a survey or to obtain written confirmation **from the USFWS that the subject project development is “not likely to adversely affect” the sand skink.**

5.3.8 USFWS Everglades Snail Kite Consultation Area

The Everglades snail kite (*Rostrhamus sociabilis plumbeus*) is listed as Endangered by the USFWS and the FFWCC. The Everglades snail kite is protected under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.* Typical Everglades snail kite habitat consists of freshwater marshes and the shallow vegetated edges of lakes (natural and man-made) where apple snails (*Pomacea paludosa*) can be found. Everglades snail kites require suitable foraging areas that are relatively clear and open in order to visually search for their specialized diet (apple snails). If suitable habitat is present or snail kites are reported on site the survey procedures should be conducted in January to May during the breeding season.

During the September and October 2021 preliminary field investigations, suitable nesting and foraging habitat was not observed within the subject project boundaries. CPH recommends conducting an informal consultation **with the USFWS to obtain written confirmation from USFWS of the “no effect”** determination for the Everglades snail kite or to determine if a survey is warranted.

5.3.9 Gopher Tortoise

The gopher tortoise (*Gopherus polyphemus*) is listed as a “Threatened” species by the FFWCC and is protected by state law under Chapter 68A-27, Florida Administrative Code. If the gopher tortoise is observed, or signs of the tortoise such as burrows are observed, their presence must be addressed prior to on-site construction activities. The FFWCC is the state agency responsible for overseeing the management of this species including permitting. According the FFWCC there are several options to address sites slated for development with active gopher tortoise populations. These options include avoidance, on-site relocation and off-site relocation. All FFWCC permit scenarios will require local government approval of the development prior to permit issuance and tortoise relocation. According to FFWCC regulations, gopher tortoise surveys are valid for 90 days. Gopher tortoises and their burrows were not observed during the field investigations. CPH recommends conducting a tortoise survey to ascertain the full extent of the tortoise population at least 90 days prior to site construction in order to apply and process a permit with FFWCC, as appropriate.

6.0 IMPAIRED WATERS

Under federal law the Environmental Protection Agency (EPA) requires that states develop lists of waterways to be designated as Impaired Waters. Impaired Waters are those that do not meet water quality standards set by the states as stated in subsection 303(d) of the Clean Water Act (CWA). In

1999, the Florida Watershed Restoration Act (FWRA) was approved to develop the listing criteria and methodology (Chapter 62.303, F.A.C.). Total Maximum Daily Loads (TMDL) and the science-based approach to guiding the identification and verification of listed waterways is being developed. The EPA approved Impaired Waters list is on a five (5) year rotation for assessment.

The FDEP verified the impaired waters assessment by conducting specific studies. The FDEP's most recent mapping data (January 2020) for impaired waters in the vicinity of the subject project is shown on Figure 5. The subject project is not located within an impaired or a TMDL basin. FDEP and the five water management districts intend to limit the discharge of nutrients to prevent violations of water quality standards and perceived man-induced nutrient enrichment. It is anticipated each new development project will have to demonstrate, through stormwater management design that the project will not adversely affect downstream receiving waters.

7.0 PRELIMINARY WETLAND MITIGATION ASSESSMENT

As part of the permitting process, avoidance and minimization criteria must be addressed. Before mitigation to compensate for wetland impacts is accepted, an applicant must clearly show that all alternatives to avoid and minimize impacts to wetlands are exhausted. If it is determined that impacts to wetlands are unavoidable, then proposed mitigation options will be evaluated by the regulatory agencies. The subject project area is located in the Upper Kissimmee River Planning Unit, Lake Tohopekaliga Drainage Basin.

The subject project is located within the Mitigation Service Area (MSA) for eight (8) mitigation banks: Bullfrog Bay, Collany, Southport Ranch, Lucky L, Shingle Creek, Twin Oaks, Reedy Creek and Hatchineha Ranch. The subject project is eligible to use these eight (8) mitigation banks as a compensatory mitigation solution for proposed wetland impacts. Lucky L, Lake X Ranch, Twin Oaks, Reedy Creek and Hatchineha Ranch are not selling federal credits at this time.

Table No. 1 provided below summarizes credit availability, credit type and credit pricing for the eight (8) mitigation banks.

Table 1: Mitigation Bank Options (2021)

Mitigation Bank Name	State Credits Availability & Type	ACOE Credits Availability & Type	Price per Credit	Comments
Bullfrog Bay	Yes / UMAM	No	\$120,000	Forested & Herbaceous
Collany	Yes / UMAM	Yes / UMAM	\$95,000	Herbaceous credits
Southport Ranch	Yes / UMAM	Yes / UMAM	\$135,000 Dual	Forested & Herbaceous
Lucky L	Yes / UMAM	Pending	\$125,000	Forested & Herbaceous
Shingle Creek	Yes / UMAM	No	\$125,000	Forested & Herbaceous
Twin Oaks	Yes / UMAM	No	\$125,000	Herbaceous credits
Reedy Creek	Yes / UMAM	No / M-WRAP **	\$135,000 Dual \$125,000 State \$25,000 Federal	Forested credits
Hatchineha Ranch	Yes / UMAM	No	\$125,000	Forested & Herbaceous

* = Uniform Mitigation Assessment Method (UMAM)

** = Modified Wetland Rapid Assessment Procedure (M-WRAP)

Credit prices may vary depending on supply and demand. The mitigation banks may be willing to provide a discounted price on large credit purchases. Proposed impacts to wetlands or other surface waters shall be reviewed during the permitting process by evaluating the impacts to water quality along with other factors, such as fish, wildlife and protected species and their associated habitats. The quality of the on-site wetlands and surface water areas would not be characterized as pristine and may be described as fair as some form of disturbance has occurred.

Under current permitting guidelines mitigation options are limited to on-site and/or off-site mitigation through preservation, restoration, enhancement or creation of wetlands (type-for-type preferably). There are options for on-site mitigation including preservation and enhancement of wetlands. It should be noted that the Federal policy (FDEP 404 Program) is to accept mitigation bank credits before other mitigation options.

8.0 PAST REGULATORY AUTHORIZATIONS

A SFWMD public records search was conducted for the subject project to discover what previous and/or existing regulatory approvals had occurred. The preliminary search of readily available public databases found previous SFWMD permit authorizations for the project area. The project area was part of a development of regional impact (DRI) known as Gateway Commons.

According to the SFWMD, the Gateway Commons project has 18 permits associated with all, or part of, the project development footprint. The first SFWMD Permit #49-00614-S (Application #901228-5) issued conceptual approval for a general development plan and wetland mitigation plan over 166.4 acres on December 12, 1991.

The most recent permits #49-00614-S-05 (Application #140225-20) & #49-00614-S-09 (Application #140221-17) were issued on March 17, 2014 authorizing permit extensions. SFWMD Permit # 49-00614-S (Application # 010824-12) authorized the construction of the stormwater pond (FLUCFCS No. 531) and the clearing and improvement of areas north of Osceola Parkway (26.27 acres) and a small area (2.07 acres) immediately south of Osceola Parkway. Based on historical aerial photographs the site improvements authorized by this SFWMD permit occurred in 2008.

The mass grading permit authorized impact to several wetland areas and impacts were compensated for by on-site (Figure 6) mitigation and off-site mitigation. Figure 6 depicts the location of a conservation easement within the project area.

There have been several permit modifications and permit extensions issued since the mass grading occurred. The SFWMD conceptual permit initially approved incorporation of wetland areas located throughout the property into a mitigation plan. The conceptual approval is followed by the applicant submitting construction level design for each development phase. Each development phase is evaluated as a “stand alone” project. Any future proposed development would need to authorize wetland impacts and stormwater management design under current regulatory rules and policy.

Provided below is a list of SFWMD permits issued to Gateway Commons including the application number, permit approval date and the acreage associated with the permit.

APPLICATION NO	PERMIT NO	APPROVED DATE	PROJECT ACRES
130114-14	49-00614-S	1-Feb-13	96.58
111228-25	49-00614-S	30-Jan-12	96.58
091123-14	49-00614-S	23-Dec-09	96.58
961204-5	49-00614-S	13-Feb-97	166.4
951108-4	49-00614-S	11-Jan-96	166.4
941118-2	49-00614-S	9-Feb-95	166.4
930924-2	49-00614-S	9-Dec-93	209.2
901228-5	49-00614-S	12-Dec-91	166.4
050207-20	49-00614-S-03	9-May-05	6.67
140225-20	49-00614-S-05	17-Mar-14	2.5
070212-7	49-00614-S-05	23-May-07	2.5
140225-21	49-00614-S-06	17-Mar-14	3.4
070419-6	49-00614-S-06	1-Oct-07	3.4
140221-17	49-00614-S-09	17-Mar-14	96.58
061115-34	49-00614-S-09	11-Jan-07	96.58
020408-32	49-00614-S-09	10-Jun-02	96.58
010824-12	49-00614-S-09	14-Mar-02	96.58
970121-6	49-00855-P	27-Feb-97	2

The highlighted permits in the above list were discussed in the report narrative.

9.0 SUMMARY & RECOMMENDATIONS

The 159.43 +/- acre Gateway Commons project area is west of Florida's Turnpike, east of Bill Beck Boulevard and north and south of Osceola Parkway and is located in Section 2, Township 25 South, Range 29 East in Osceola County and Section 35, Township 24 South, Range 29 East, Orange County, Florida. The project is composed of upland and wetland habitats, improved areas, a conservation area and a stormwater management pond.

According to wetland delineation methodologies outlined in the *Corps of Engineers Wetland Delineation Manual* (1987), the *2008 Corps Interim Regional Supplement to the Corps Wetland*

Delineation Manual: Atlantic & Gulf Coastal Plain Region and the State of Florida Unified Wetland Delineation Methodology (Section 62-340, F.A.C.), habitats classified as wetlands (FLUCFCS Nos. 616, 621, 625, 630 & 643) were observed within the subject project area during the field investigations. CPH recommends conducting a wetland delineation prior to site plan design to assist with project planning.

Development activities altering wetlands and/or drainage will require a Statewide Environmental Resource Permit (SWERP) from the SFWMD. Different ERP Permits for various activities, General Permits and exemptions can be found in the *State of Florida Environmental Resource Permit Applicant's Handbook, Volume I*. Specific design standards, basin specific criteria and procedures can be found in the *State of Florida Environmental Resource Permit Applicant's Handbook, Volume II*.

Dredge and fill activities within "Waters of the United States" and "Adjacent Waters" will require a FDEP 404 Permit or verification to use permits issued through the General or Nationwide Permit Program. The FDEP 404 guidelines request that all impacts associated with a particular project be submitted for consideration under one permit application.

The subject project area is located within the Mitigation Service Area (MSA) for eight (8) mitigation banks available to provide credits. Collany and Southport Ranch Mitigation Banks both have State and Federal credits available as a compensatory mitigation solution for proposed wetland impacts. Credit prices may vary depending on supply and demand. The mitigation banks may be willing to provide a discounted price on large credit purchases. There are options for on-site mitigation including preservation and enhancement of wetlands. On-site mitigation options are available and would be considered by SFWMD. It should be noted that it is Federal policy (FDEP 404 Program) to accept mitigation bank credits before other mitigation options.

CPH biologists conducted field investigations of the subject project area in September and October 2021. General reconnaissance of the site was conducted, looking for the occurrence of federal or state-listed flora and fauna as well as general wildlife utilization. A state threatened plant, Catesby's lily was observed within the project limits. This presence of this plant will not adversely affect development.

The subject project area is located within the USFWS Consultation Areas for the crested caracara, Florida scrub jay, Florida grasshopper sparrow, sand skink and Everglades snail kite. CPH recommends conducting an informal consultation with the USFWS to solicit their review of the existing conditions of the subject project and field investigation observations to determine if formal surveys will be required to confirm species presence or absence. The survey for these species is time sensitive. If a survey is required for the caracara, the survey will need to begin by January 10th and end in April. The scrub jay survey timeframes are March, July, September and October. The sand skink survey timeframe is March 1st through May 1st. The Florida grasshopper sparrow survey timeframe is between April and June. The Everglades snail kite survey timeframe is from January to May. Survey's conducted outside of these timeframes will not be accepted by the USFWS. Conducting an informal consultation with the USFWS prior to development and conducting formal surveys, if required, typically expedite the permit process.

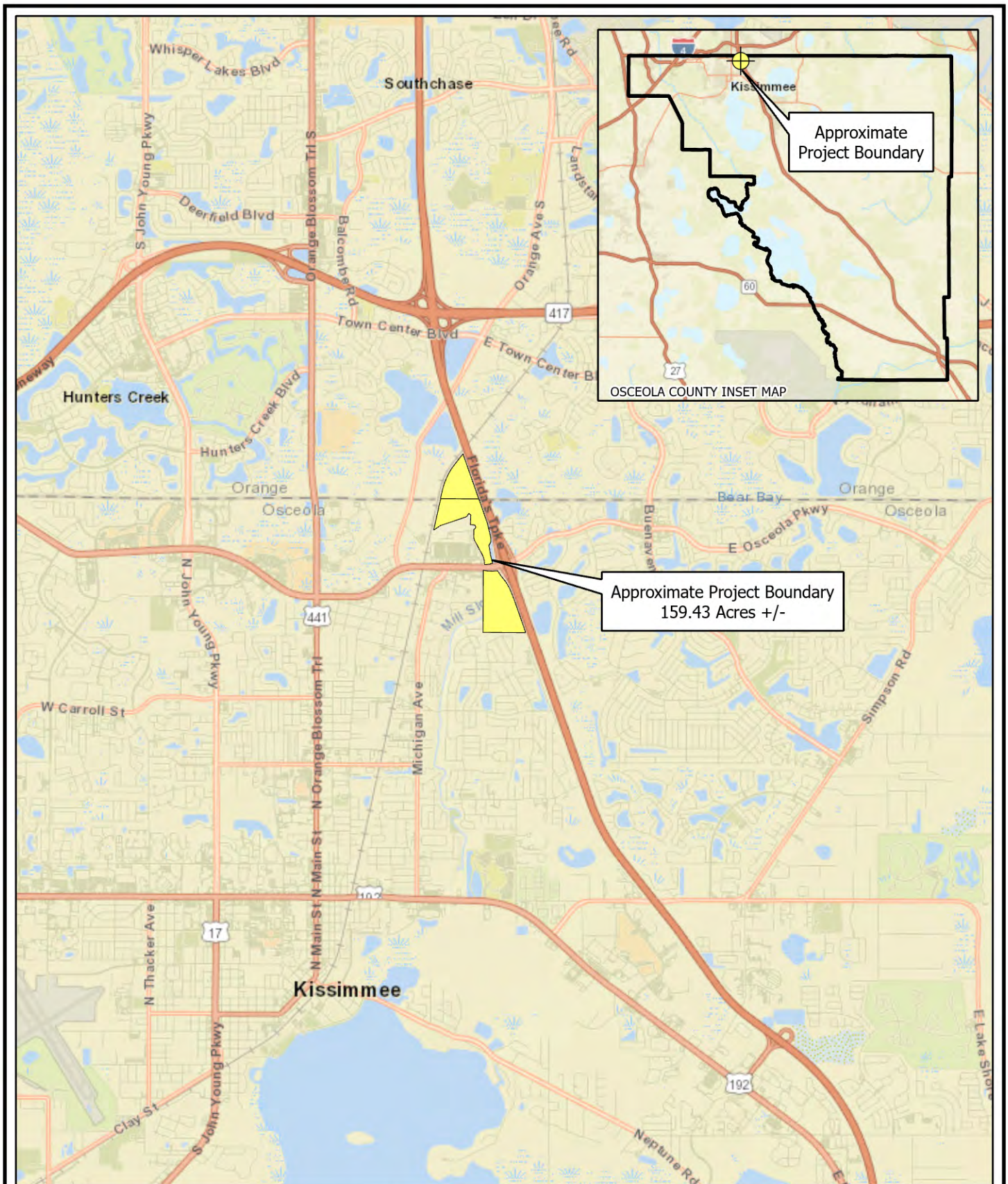
There have been several permit modifications and permit extensions issued since the SFWMD conceptual permit was issued for Gateway Commons. Mass grading and design of a stormwater pond was approved by SFWMD on a portion of the project. The mass grading and stormwater pond construction was completed in 2008. Each development phase is evaluated as a "stand alone" project. Any future proposed development would need to authorize wetland impacts and stormwater management design under current regulatory rules and policy.

As a preliminary assessment, the findings of this report concerning native vegetation and land use may be subject to change upon more detailed analysis. Additionally, failure to detect a listed species does not necessarily infer species absence as wildlife are mobile, exhibit seasonality of occurrence and generally have low population levels. Further, nothing in this report regarding environmental laws, rules and regulations is intended to be a legal interpretation or opinion, thus readers of this report should contact an attorney concerning any matters of law.



APPENDIX A Figures

Gateway Commons Preliminary Ecological Assessment Report Osceola & Orange Counties, Florida



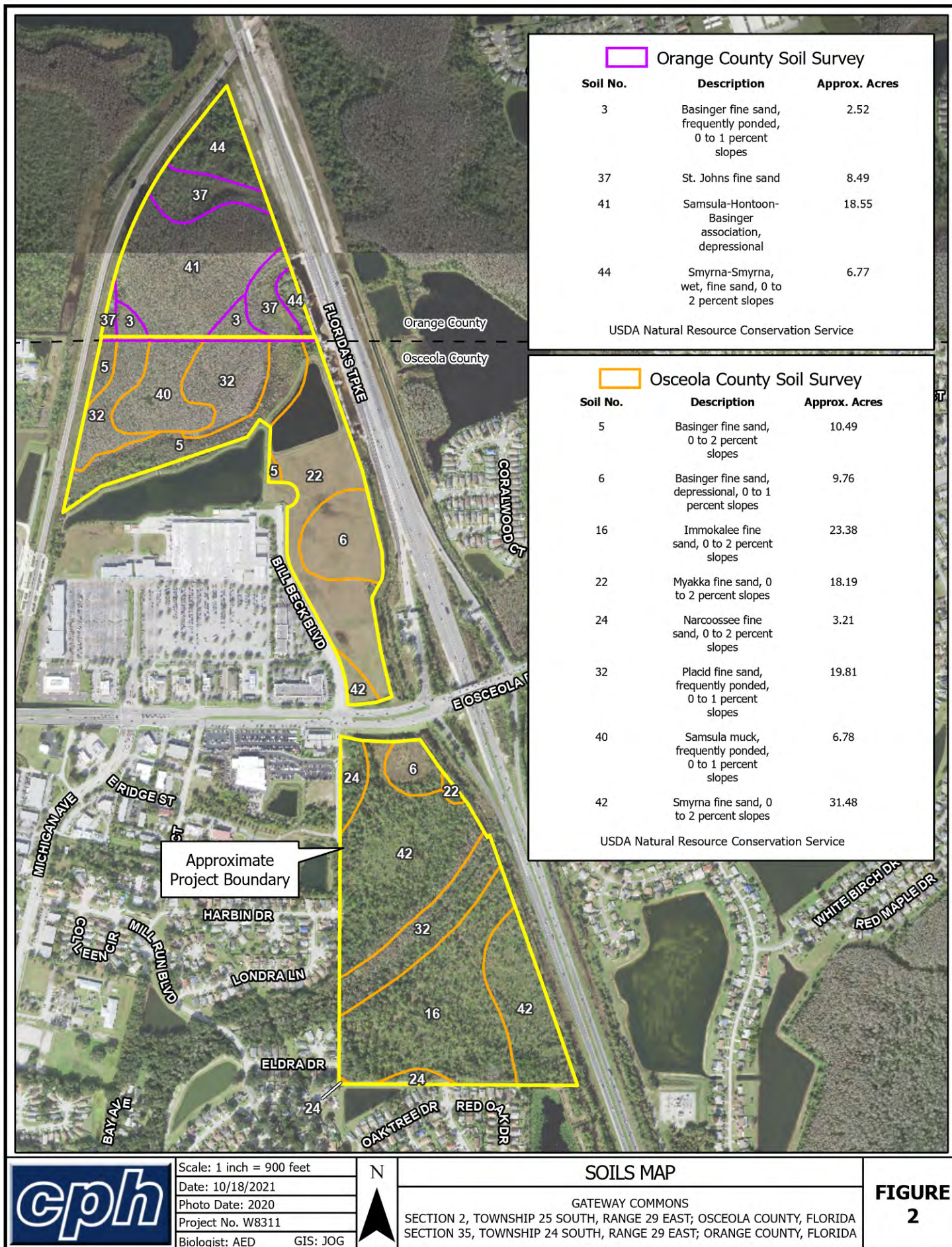
Scale: 1 inch = 1 mile
 Date: 10/18/2021
 Photo Date: N/A
 Project No. W8311
 Biologist: AED GIS: JOG

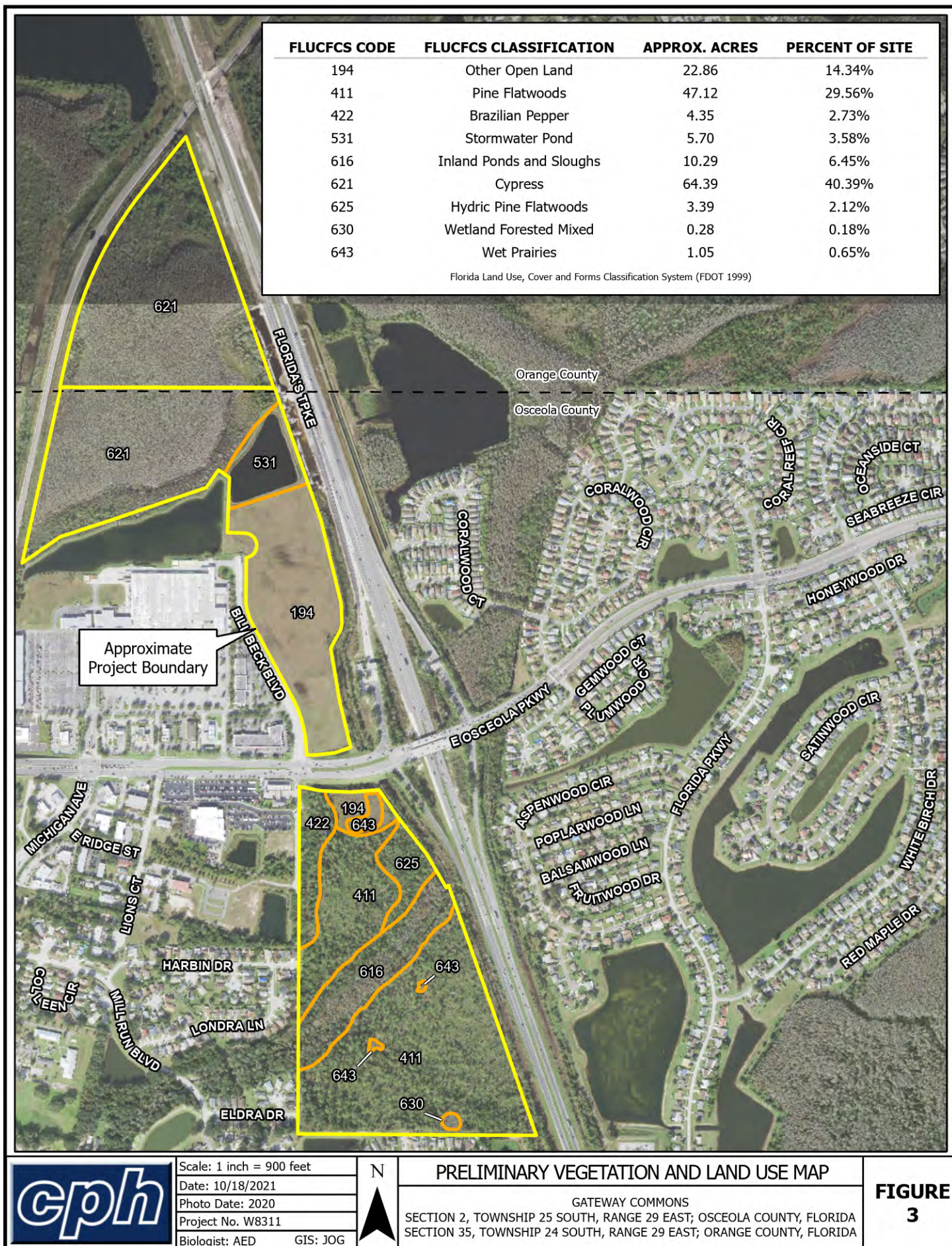


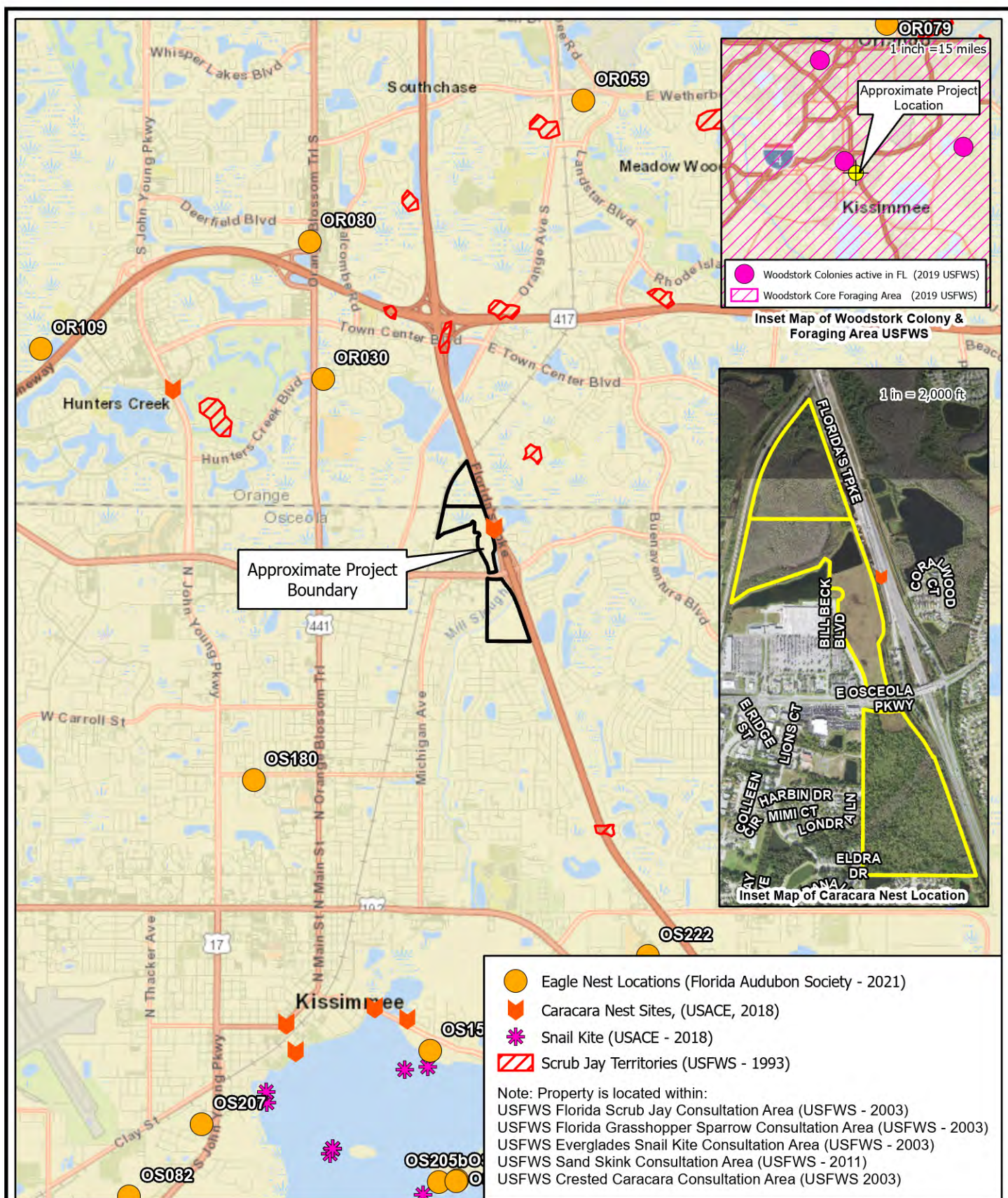
LOCATION MAP

GATEWAY COMMONS
 SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST; OSCEOLA COUNTY, FLORIDA
 SECTION 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST; ORANGE COUNTY, FLORIDA

**FIGURE
1**







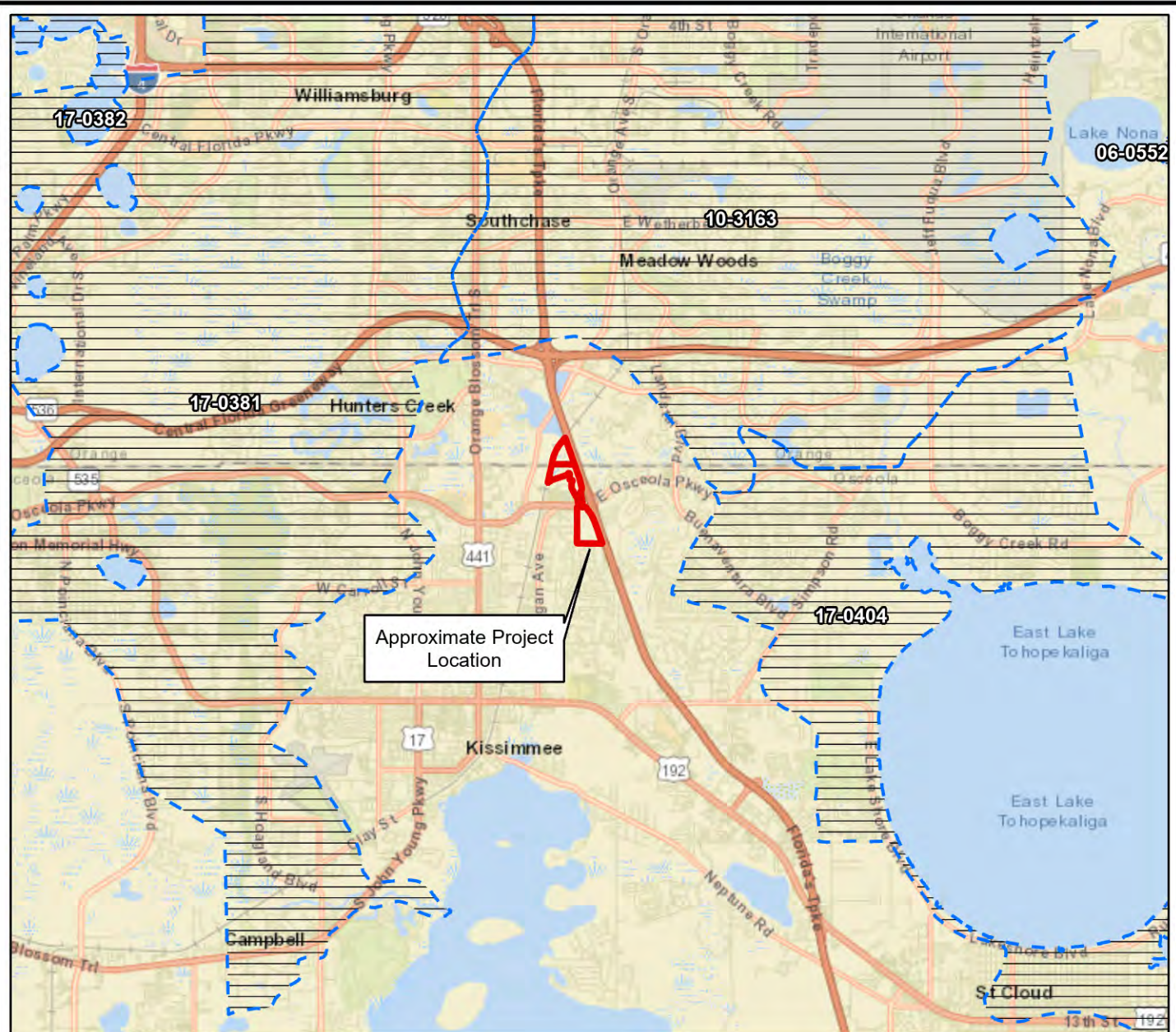
Scale: 1 inch = 1 mile
 Date: 10/18/2021
 Photo Date: N/A
 Project No. W8311
 Biologist: AED GIS: JOG



SPECIES MAP

GATEWAY COMMONS
 SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST; OSCEOLA COUNTY, FLORIDA
 SECTION 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST; ORANGE COUNTY, FLORIDA

FIGURE 4



 FDEP Verified Impaired Water Bodies (January 2020)

WBID	OGC NUMBER	GROUP NAME	BASIN NAME	WATERBODY	PARAMETER
3169C	17-0382	Kissimmee River	Upper Kissimmee Planning Unit	Big Sand Lake	Lead
3168B	10-3163	Kissimmee River	Upper Kissimmee Planning Unit	Boggy Creek	Fecal Coliform
3171C	06-0552	Kissimmee River	Upper Kissimmee Planning Unit	Red Lake	Copper
3172C	17-0404	Kissimmee River	Upper Kissimmee Planning Unit	East Lake Tohopekaliga Drain	Nutrients (Macrophytes)
3169A	17-0381	Kissimmee River	Upper Kissimmee Planning Unit	Shingle Creek	Nutrients (Macrophytes)



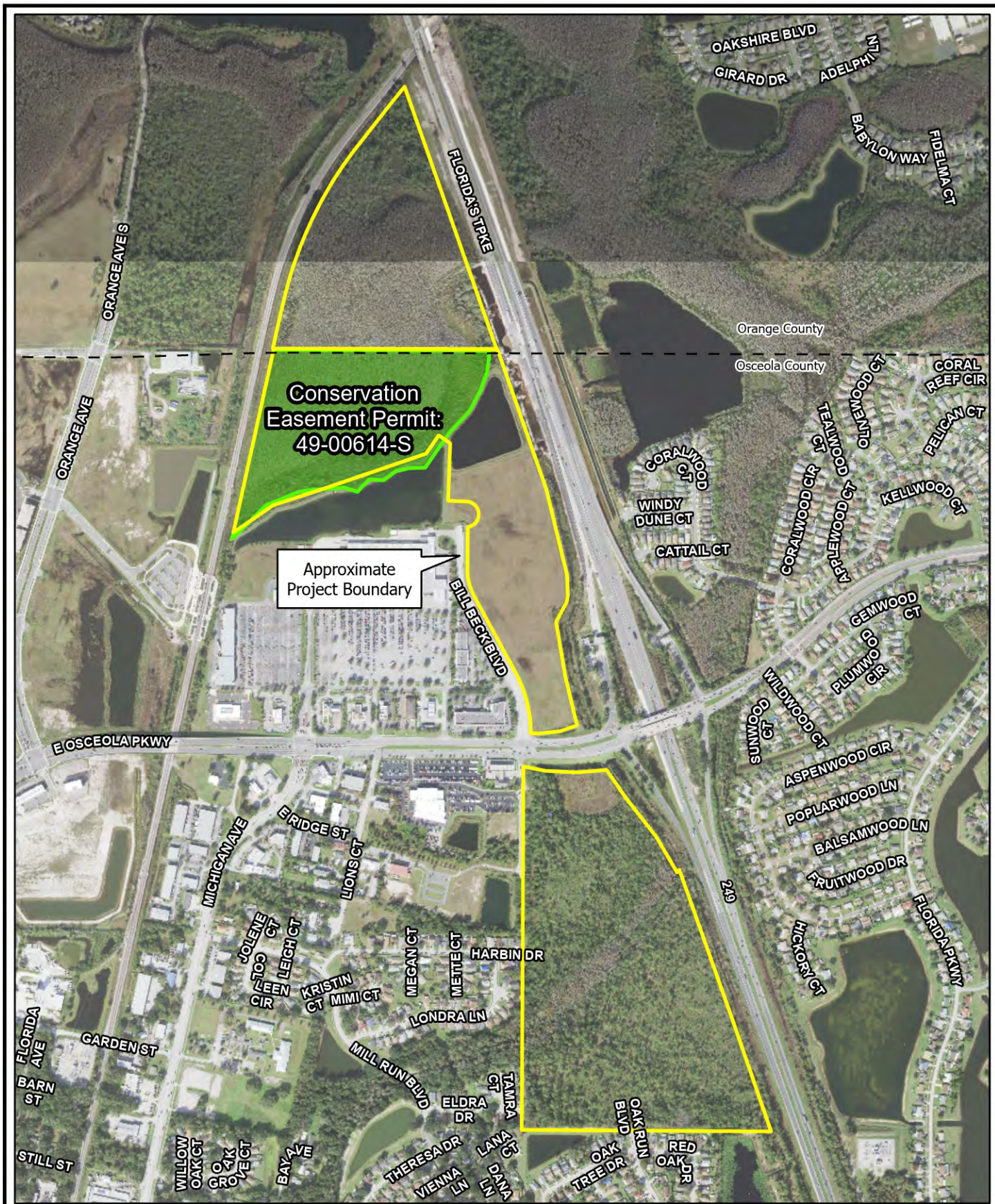
Scale: 1 inch = 2 mile
 Date: 10/18/2021
 Photo Date: N/A
 Project No. W8311
 Biologist: AED GIS: JOG



FDEP IMPAIRED WATERS/BASINS MAP

GATEWAY COMMONS
 SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST; OSCEOLA COUNTY, FLORIDA
 SECTION 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST; ORANGE COUNTY, FLORIDA

**FIGURE
5**



Scale: 1 inch = 900 feet
 Date: 10/18/2021
 Photo Date: 2020
 Project No. W8311
 Biologist: AED GIS: JOG



SPECIAL ENVIRONMENTAL DESIGNATION MAP

GATEWAY COMMONS
 SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST; OSCEOLA COUNTY, FLORIDA
 SECTION 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST; ORANGE COUNTY, FLORIDA

**FIGURE
6**

**DIVISION OF HISTORICAL RESOURCES
LETTER**



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.MyFlorida.com for project review information.

January 4, 2022

Tatum Jordan-Madden
Planner



2602 E. Livingston St.#
Orlando, FL 32803
Office: 407.487.2594
Fax: 407.289.5280

In response to your request on January 4, 2022, the Florida Master Site File lists no cultural resources at the Kissimmee designated area om Osceola County Florida.

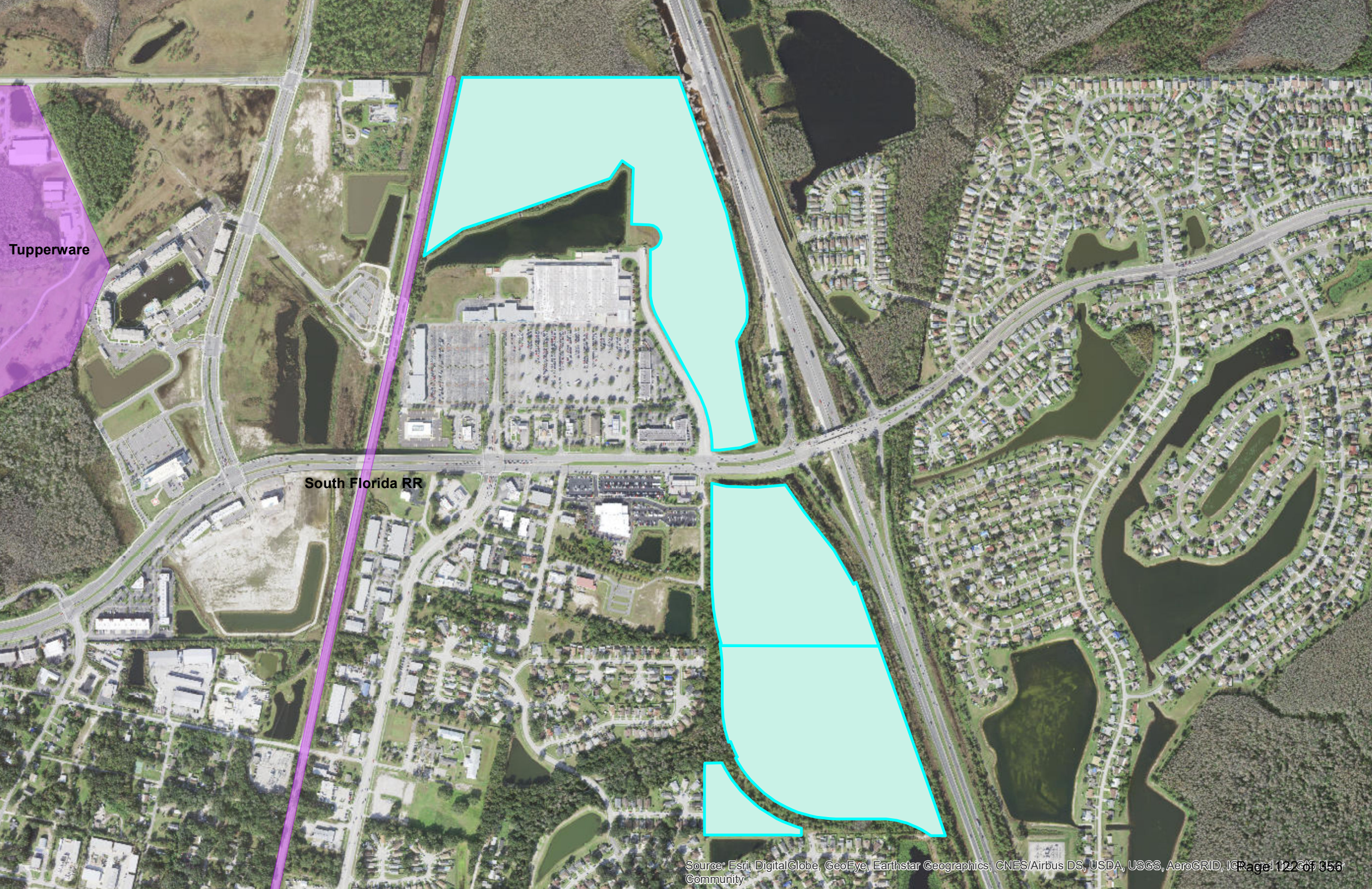
When interpreting the results of our search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.MyFlorida.com.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Eman M. Vovsi, Ph.D.
Florida Master Site File
Eman.Vovsi@DOS.MyFlorida.com

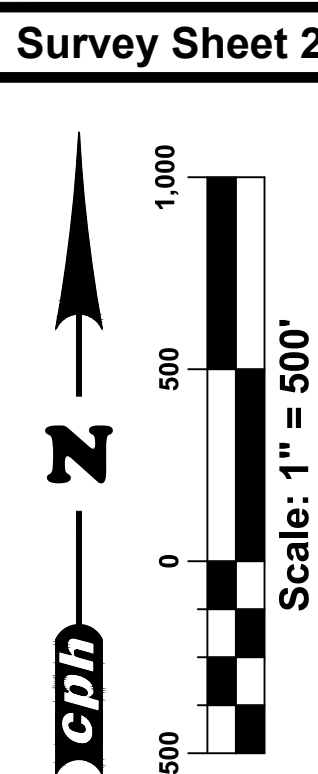
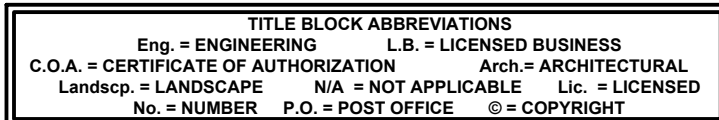
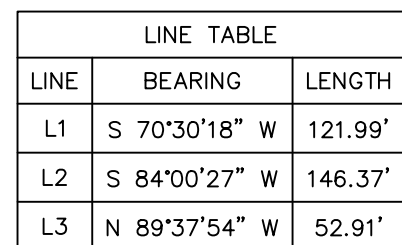


Tupperware

South Florida RR

TRAFFIC IMPACT ANALYSIS
(To Be Submitted Under Separate Cover)

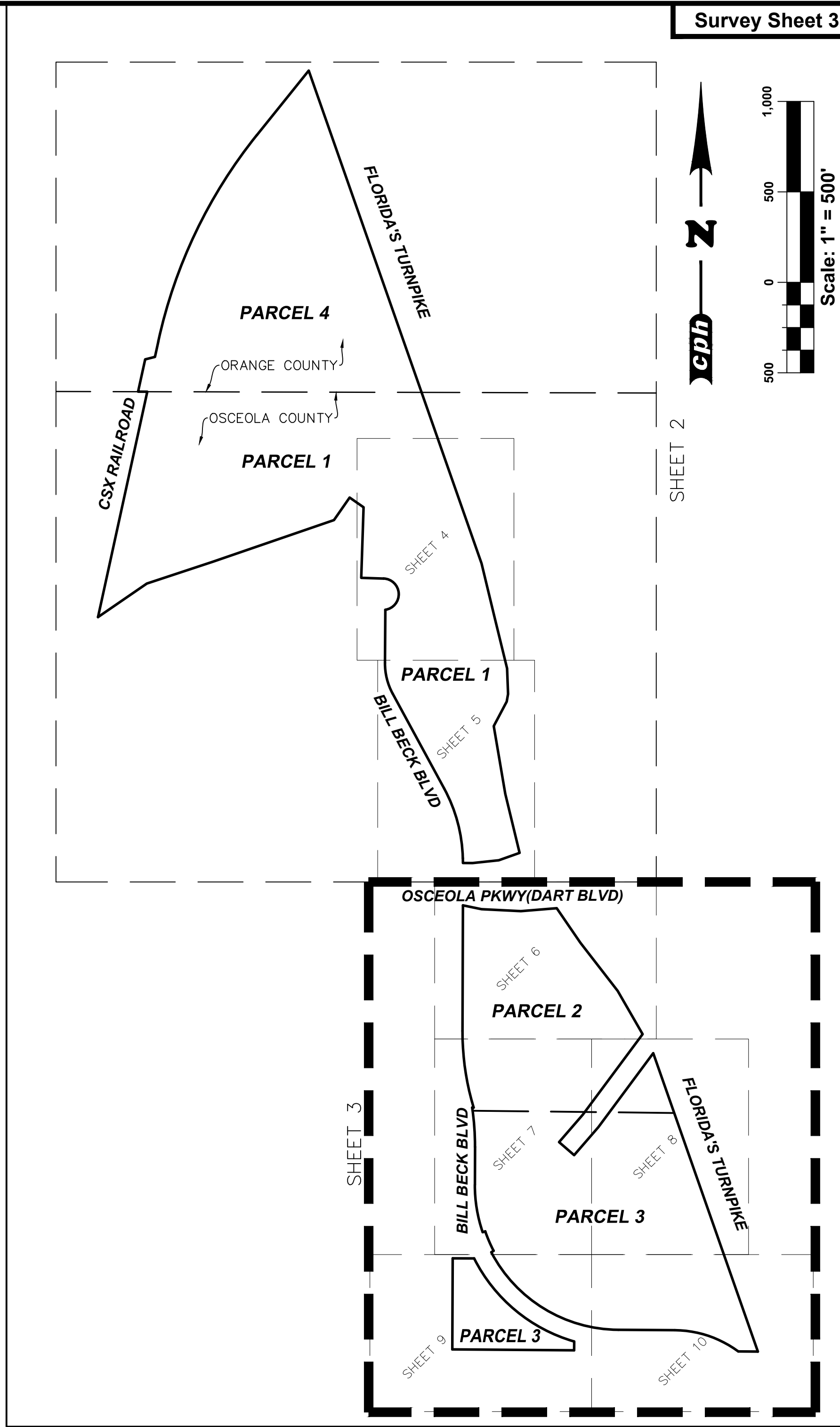
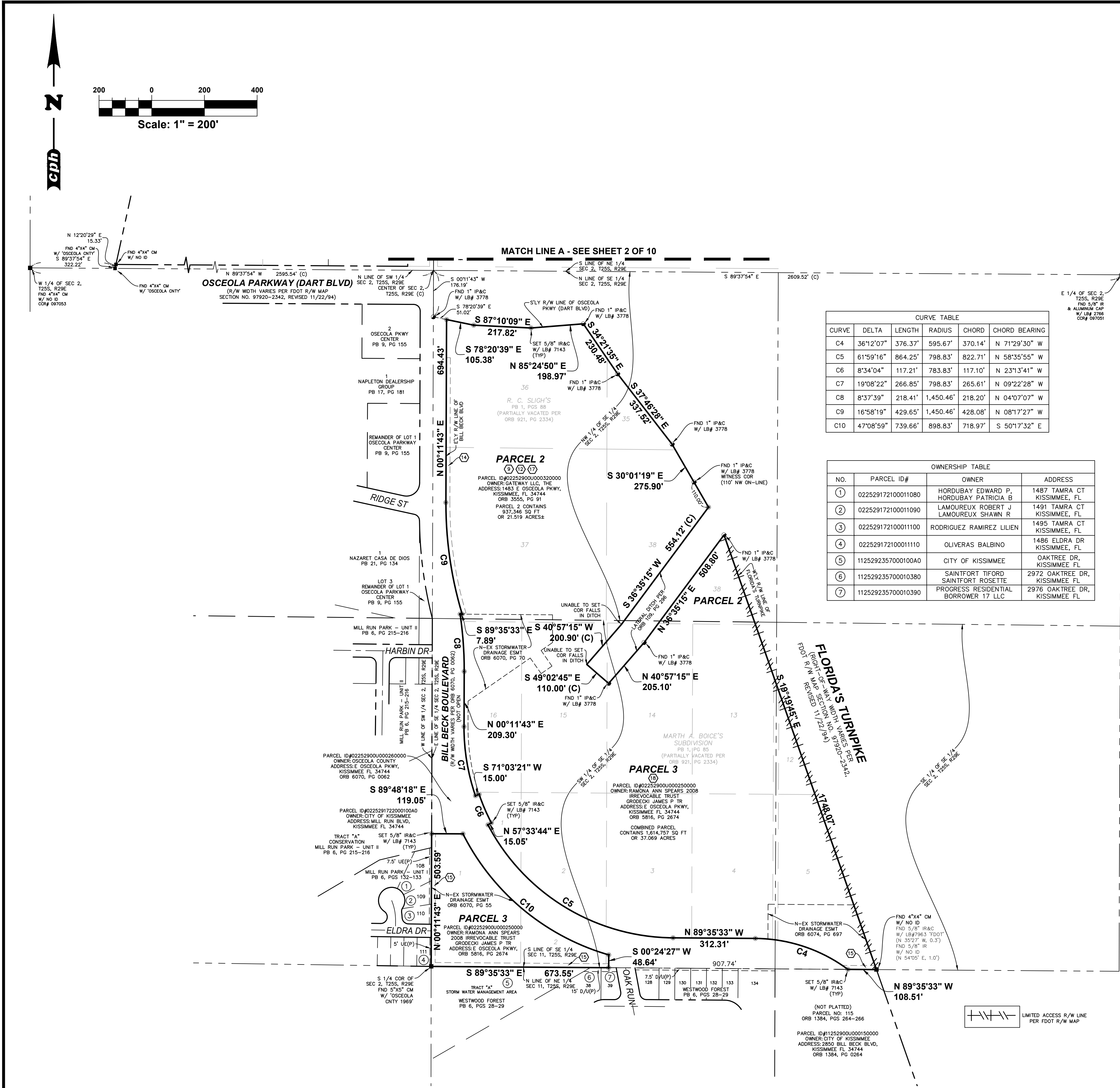
Boundary Survey



Field Crew: L. Stoffell	
Drawn By: J. Fleming	
Checked By: R. Roberts	
Approved By: P. Katrek	
Job No.: W8311.1	
Date: 11/19/2021	© 2021

THIS SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
1 THROUGH 10 OF 10.

Sheet No.
V1.1



CURVE TABLE				
CURVE	DELTA	LENGTH	RADIUS	CHORD BEARING
C4	36°12'07"	376.37'	595.67'	370.14' N 71°29'30" W
C5	61°59'16"	864.25'	798.83'	822.71' N 58°35'55" W
C6	8°34'04"	117.21'	783.83'	117.10' N 23°13'41" W
C7	19°08'22"	266.85'	798.83'	265.61' N 09°22'28" W
C8	8°37'39"	218.41'	1,450.46'	218.20' N 04°07'07" W
C9	16°58'19"	429.65'	1,450.46'	428.08' N 08°17'27" W
C10	47°08'59"	739.66'	898.83'	718.97' S 50°17'32" E

OWNERSHIP TABLE			
NO.	PARCEL ID#	OWNER	ADDRESS
①	022529172100011080	HORDUBAY EDWARD P. HORDUBAY PATRICIA B.	1487 TAMRA CT KISSIMMEE, FL
②	022529172100011090	LAMOREUX ROBERT J LAMOREUX SHAWN R.	1491 TAMRA CT KISSIMMEE, FL
③	022529172100011100	RODRIGUEZ RAMIREZ LILIE	1495 TAMRA CT KISSIMMEE, FL
④	022529172100011110	OLIVERAS BALBINO	1486 ELDRA DR KISSIMMEE, FL
⑤	1125292357000100A0	CITY OF KISSIMMEE	OAKTREE DR. KISSIMMEE, FL
⑥	112529235700010380	SAINTFORT TIFORD SAINTFORT ROSETTE	2972 OAKTREE DR. KISSIMMEE, FL
⑦	112529235700010390	PROGRESS RESIDENTIAL BORROWER 17 LLC	2976 OAKTREE DR. KISSIMMEE, FL

www.cphcorp.com

A Full Service

A & E Firm

500 West Fulton Street
Sanford, FL 32771
Ph: 407.322.6841

Plans Prepared By:
CPH, Inc.
State of Florida Licenses:
Engineer No. 3215
Surveyor No. LB7143
Architect No. AA26000926
Landscape No. LC000298

BOUNDARY SURVEY
ALSO BEING:
(ALT/ANSPS LAND TITLE SURVEY)

JC WILSON & ASSOCIATES
BILL BECK BOULEVARD
SECTION 2-TOWNSHIP 25 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA &
SECTION 35-TOWNSHIP 24 SOUTH-RANGE 29 EAST
ORANGE COUNTY, FLORIDA

THIS SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
1 THROUGH 10 OF 10.

Sheet No.
V1.2

No.

Date

Revision

By

Field Crew: L. Stoffell

Drawn By: J. Fleming

Checked By: R. Roberts

Approved By: P. Katrek

Job No.: W8311.1

Date: 11/19/2021 © 2021

Page 127 of 356

[illegible]

b No.: W8311.1

2021

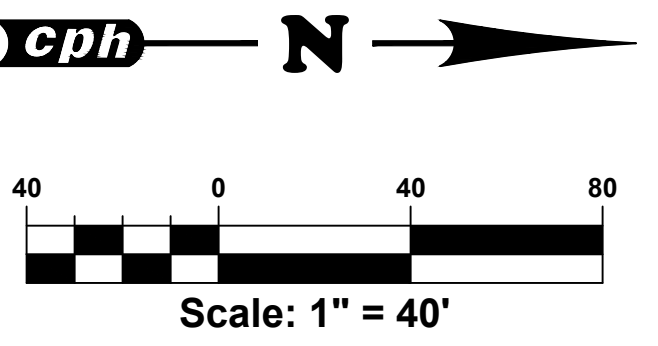
**BOUNDARY SURVEY
ALSO BEING AN
(ALTA/NSPS LAND TITLE SURVEY)**

JC WILSON & ASSOCIATES
BILL BECK BOULEVARD

SECTION 2-TOWNSHIP 25 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA &
SECTION 35-TOWNSHIP 24 SOUTH-RANGE 29 EAST
ORANGE COUNTY, FLORIDA

**SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
THROUGH 10 OF 10.**

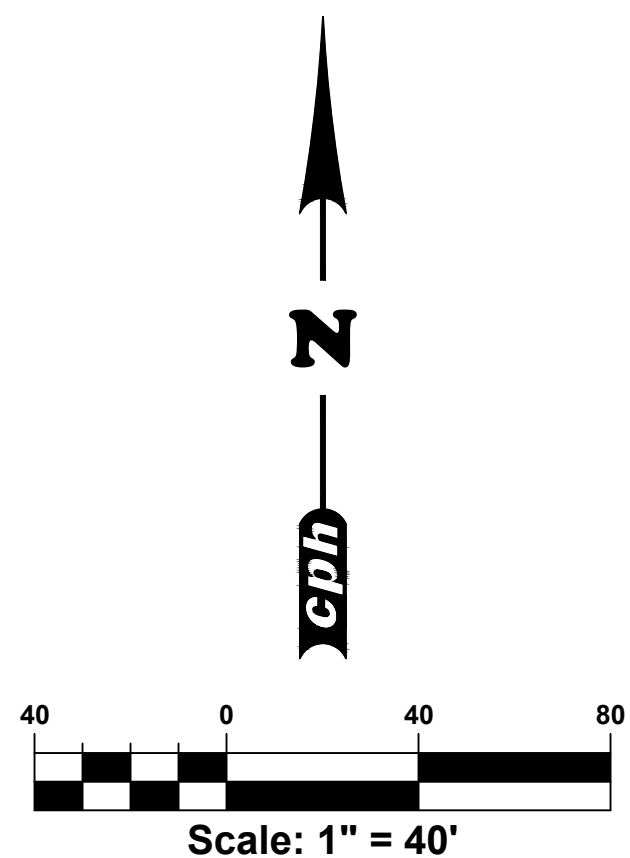
Sheet No.
V1.3



FLORIDA'S TURNPIKE
(RIGHT-OF-WAY WIDTH VARIES PER
FDOT R/W MAP SECTION NO. 97920-2342,
REVISED 11/22/94)

TITLE BLOCK ABBREVIATIONS

Eng. = ENGINEERING	L.B. = LICENSED BUSINESS
C.O.A. = CERTIFICATE OF AUTHORIZATION	Arch. = ARCHITECTURAL
Landscp. = LANDSCAPE	N/A = NOT APPLICABLE
No. = NUMBER	P.O. = POST OFFICE
	© = COPYRIGHT



(RIGHT-OF-WAY WIDTH VARIES PER FDOT R/W
MAP SECTION NO. 97920-2342, REVISED 11/22/94)

(R/W WIDTH VARIES PER ORB 6070, PG 0062)

—AREA WOODED/VACANT

— AREA WOODED/VACANT

FLORIDA'S TURNPIKE
(RIGHT-OF-WAY WIDTH VARIES PER
FDOT R/W MAP SECTION NO. 87920-2342
REVISED 11/22/94)

[illegible]

Field Crew: L. Stoffell

Drawn By: J. Fleming

Checked By: R. Roberts

Job No.: W8311.1

Date: 11/19/2021	© 202
------------------	-------

**BOUNDARY SURVEY
ALSO BEING AN
(ALTA/NSPS LAND TITLE SURVEY)**

JC WILSON & ASSOCIATES

BILL BECK BOULEVARD
SECTION 2-TOWNSHIP 25 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA 8

**SECTION 35-TOWNSHIP 24 SOUTH-RANGE 29 EAST
ORANGE COUNTY, FLORIDA**

**THIS SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
1 THROUGH 10 OF 10.**

Sheet No.
V1.5

[illegible]

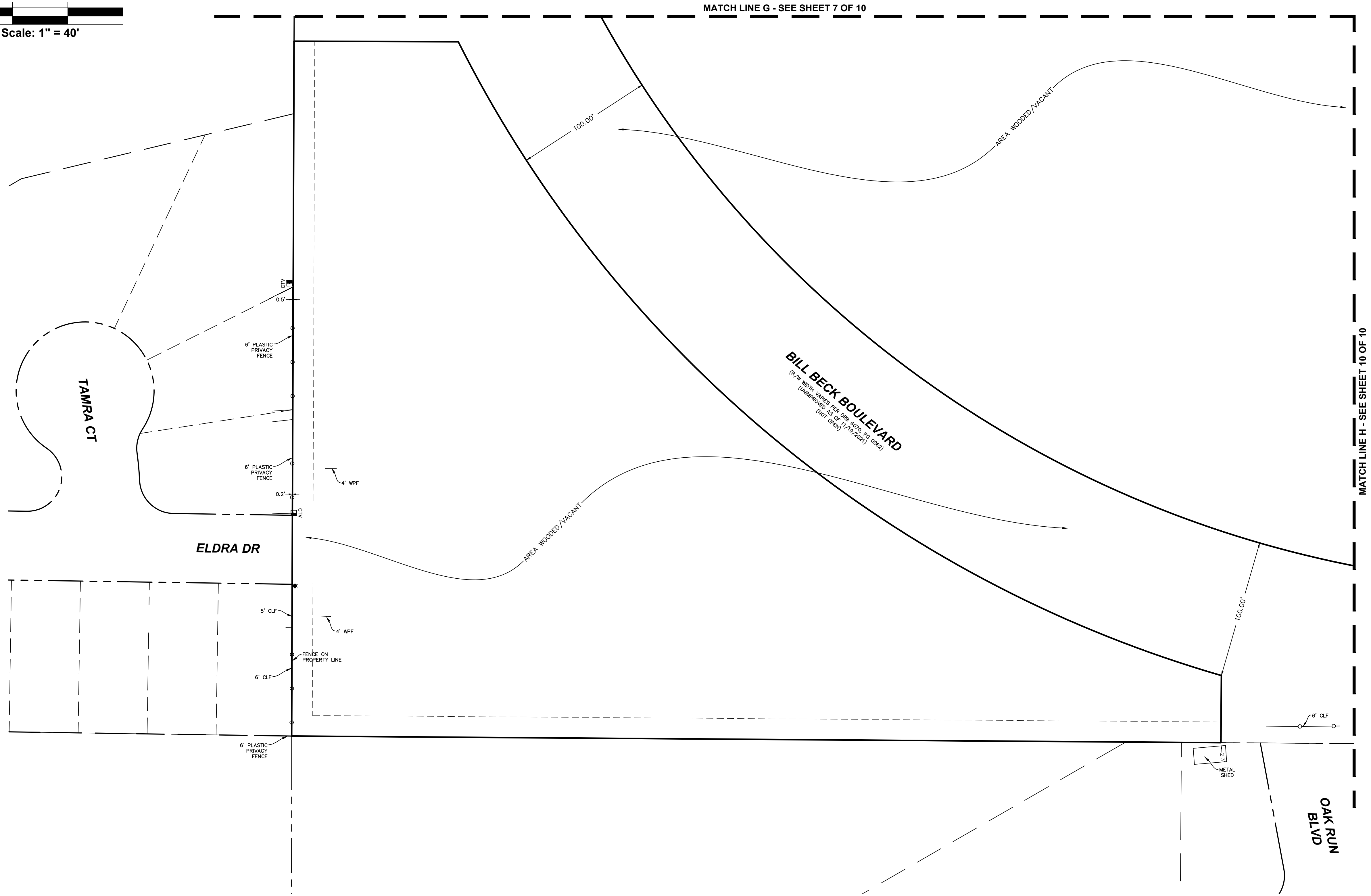
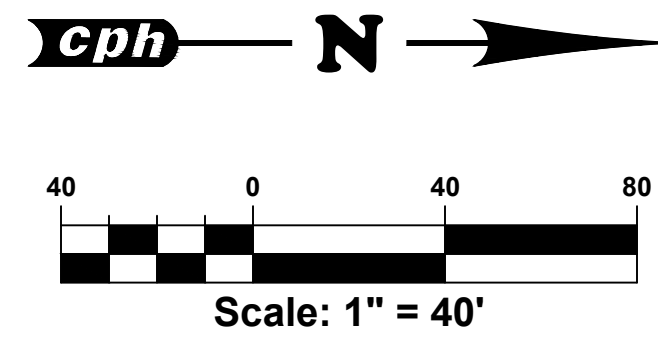
11/10/2021

te: 11/19/2021	© 2021
----------------	--------

JC WILSON & ASSOCIATES
BILL BECK BOULEVARD
SECTION 27-TOWNSHIP 25 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA &
SECTION 35-TOWNSHIP 24 SOUTH-RANGE 29 EAST
ORANGE COUNTY, FLORIDA

**SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
THROUGH 10 OF 10.**

Sheet No.
V1.8



TITLE BLOCK ABBREVIATIONS			
Eng. = ENGINEERING	L.B. = LICENSED BUSINESS		
C.O.A. = CERTIFICATE OF AUTHORIZATION	Arch. = ARCHITECTURAL		
Landscp. = LANDSCAPE	N/A = NOT APPLICABLE	Lic. = LICENSED	
No. = NUMBER	P.O. = POST OFFICE	© = COPYRIGHT	

ITEM 5.C

PUBLIC HEARING: PUD-22-0001 - CONSTELLATION (FORMERLY RAMONA): PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT: (INDUSTRIAL USES)

Request

Recommendation of approval of a Planned Unit Development (PUD) Amendment to establish industrial warehouse uses on approximately 114.25 acres of land west of Florida's Turnpike, east of Bill Beck Blvd., along the north and south sides of E. Osceola Parkway.

Explanation

The Constellation PUD Amendment will establish 1,020,000 sq. ft. of industrial warehouse uses and remove the previously approved 720 residential units, 182,000 sq. ft. commercial, 300 hotel rooms, and assisted living facility uses from the Ramona PUD (DRC#18-0018). The Constellation PUD will specifically include Industrial Business (IB) Zoning permitted uses such as warehouse and distribution, wholesale trade, light and medium manufacturing, as well as ancillary office uses. The new uses is compatible with the concurrent Constellation Industrial Land Use Amendment (LUPA-22-0001).

The parcels were previously part of the Gateway Commons Development of Regional Impact (DRI)(DRC#18-0016) that was rescinded at the May 7, 2019 City Commission Meeting.

Off-site transportation improvements to the segment of Bill Beck Blvd. south of Osceola Parkway has commenced and is under construction by Osceola County. Construction includes a 2 lane, undivided urban roadway designed for future expansion to 4 lanes. The improvements also include sidewalks, provisions for street lighting, and a new traffic signal at Osceola Parkway intersection. A trip generation analysis has been included within the PUD Narrative that demonstrates a decrease of daily transportation trips with the new industrial entitlements compared to the previously approved Ramona PUD mixed uses.

On-site improvements and conditions to mitigate impacts will be addressed with subsequent development review submittals and reviews and are subject to applicable local, state, and federal permitting requirements and standards. Examples of conceptual building elevations and site layouts are included in the attached Constellation Photo Book.

FINDINGS AND REASONS:

1. Compliance with Land Development Code Section 14-3-28(G), Zoning Map Amendment to Planned Unit Development, in regards to the submittal and review procedures and criteria to support PUD conceptual plan amendments.
2. Compliance with the site design regulations such as density, lot area, setbacks, building separation, height, and other general standards such as internal circulation, access and other conditions as outlined in Section 14-4-8(D)(4).
3. Compliance with Policy 1.2.4.3, Industrial Business (IN) Future Land Use Designation, intended to accommodate a mixture of typical industrial uses and more intense non-industrial uses. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 0.50 FAR. This designation shall be applied to areas appropriate for typical industrial uses or mixed-use development consisting of light-industrial uses and compatible commercial uses.

Recommendation

REQUESTED PLANNING ADVISORY BOARD ACTION:

Approve w/Conditions

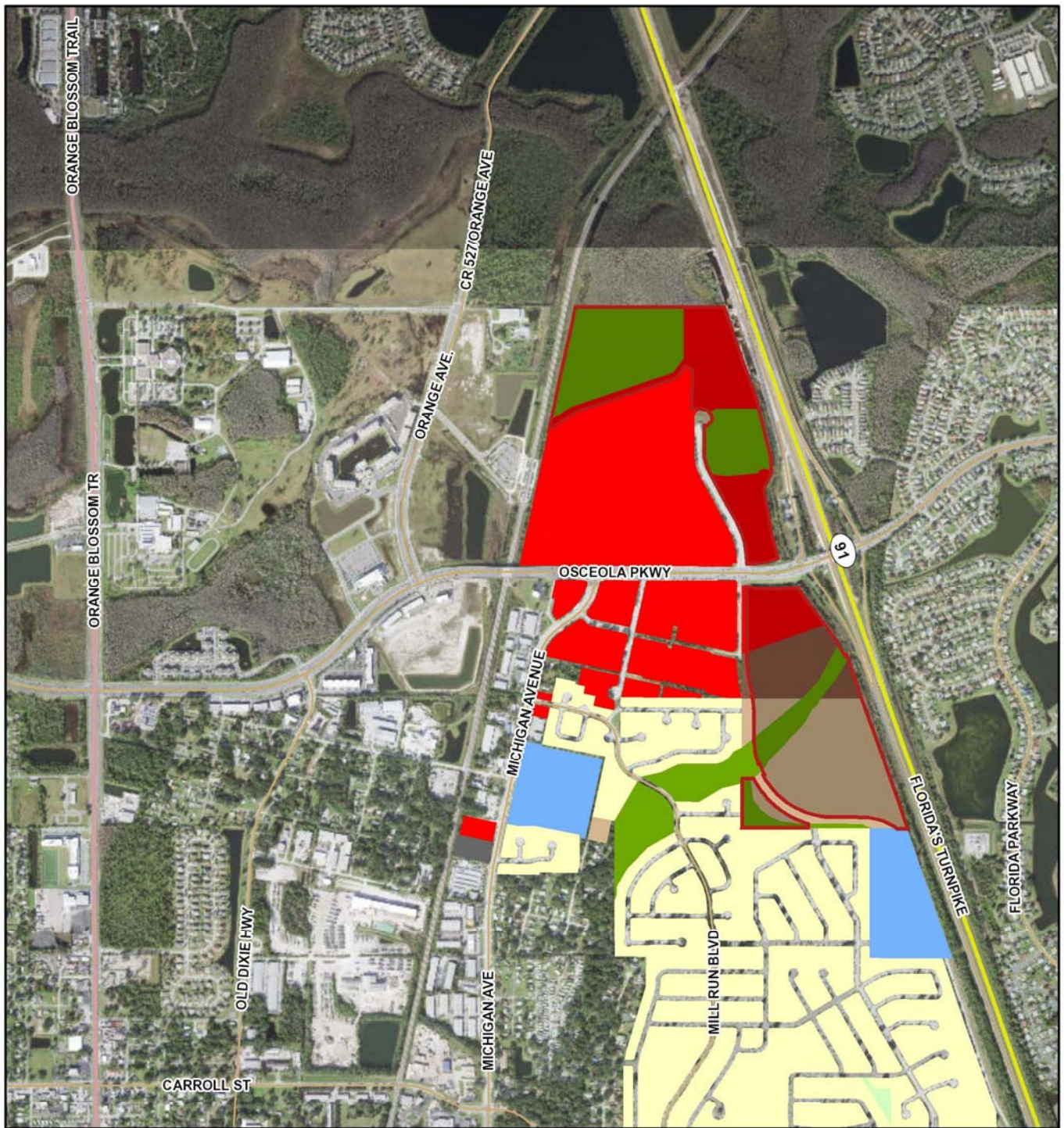
The Development Review Committee (DRC) recommended approval on March 1, 2022.

CONDITION:

1. Subject to City Commission approval of the Constellation Land Use Amendment (LUPA-22-0001).

Attachment(s):

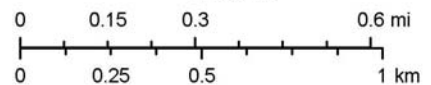
1. PUD-22-0001 Vicinity Map
2. PUD-22-0001 Aerial Map
3. PUD-22-0001 Site Data Tables
4. PUD-22-0001 PUD Narrative
5. PUD-22-0001 Constellation Photo Book
6. PUD-22-0001 Planning DRC Comments
7. PUD-22-0001 School District DRC Comments
8. PUD-22-0001 PWE DRC Comments
9. PUD-22-0001 DRC Application Supporting Documents



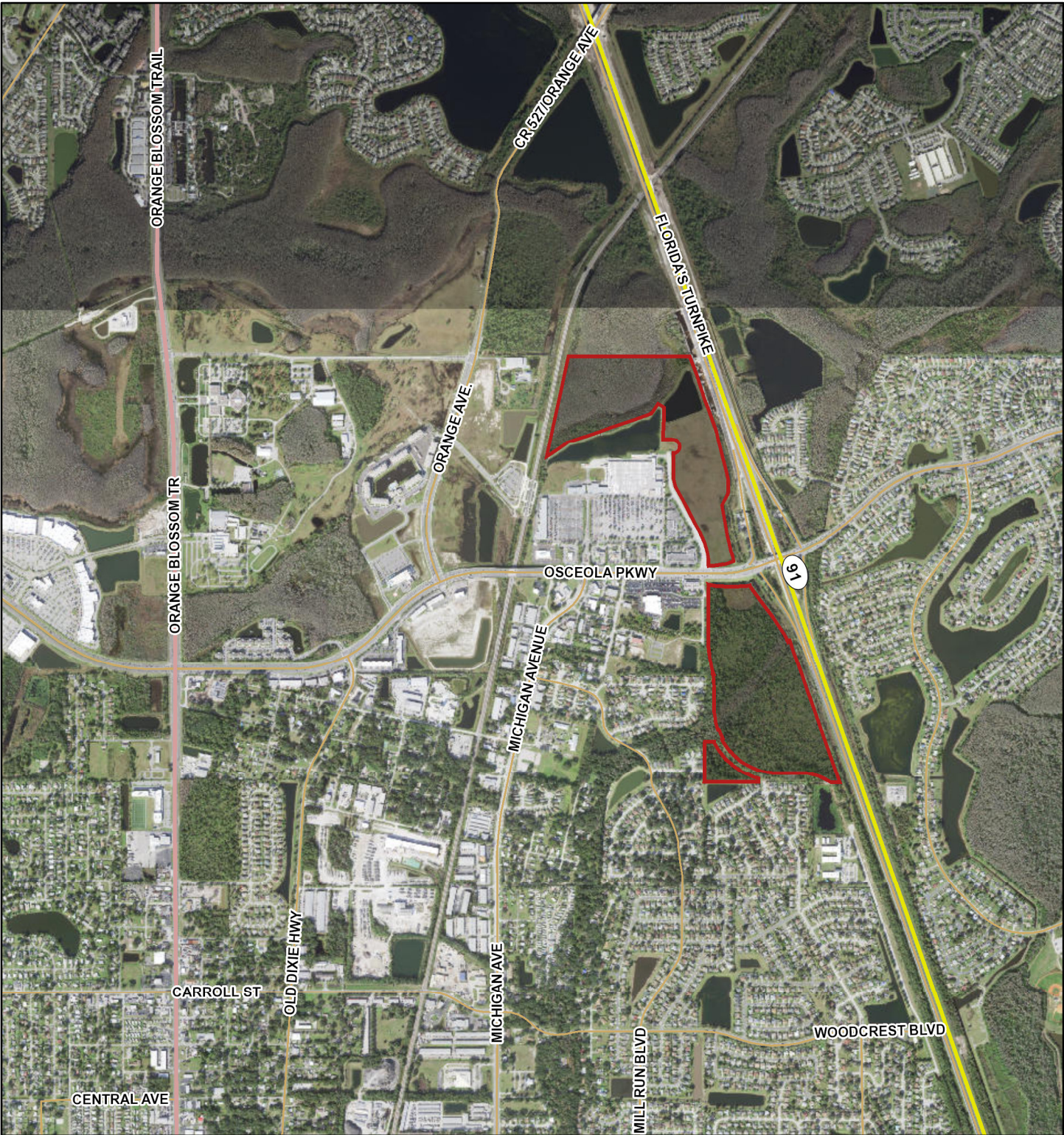
March 22, 2022

1:19,510

- Toll Roads
- US Roads
- Major Roads



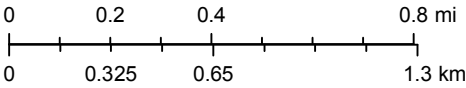
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



March 22, 2022

1:24,075

- Toll Roads
- US Roads
- Major Roads



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Constellation (formerly Ramona) PUD Amendment, PUD-22-0001
Parcel ID# 02-25-29-1448-0001-0090, 02-25-29-00U0-0032-0000, 02-25-29-00U0-0025-0000
North & South of E. Osceola Parkway, East of Bill Beck Blvd., & West of Florida's Turnpike
Site Data Tables

Site Data	
Size	114.25 acres
Future Land Use Designation	Commercial General (CG), Multi-Family High Density Residential (MF-HDR), Multi-Family Medium Density Residential (MF-MDR), & Conservation (CONS) - City
Proposed Future Land Use Designation	Industrial Business (IN) – City Conservation (CONS) - City
Zoning District Designation	Planned Mixed Use Development (PMUD) – City
Proposed Zoning District Designation	N/A
Existing Overlay District	N/A
Existing Use(s)	Vacant, Wetlands
Proposed Use(s)	Industrial, Warehouse
Adjacent Land Use	
North	Planned Development (PD-MDR-CO), Industrial (IND) – Orange County
South	Commercial General (CG), Institutional (INST), Single Family Low Density Residential (SF-LDR) – City
East	Florida's Turnpike, Low Density Residential (LDR), Medium Density/Intensity (MDR) – County
West	Commercial General (CG), Single Family Low Density Residential (SF-LDR), & Conservation (CONS) – City
Adjacent Zoning	
North	Planned Development (PD), Farmland Rural (A-2) – Orange County
South	Planned Mixed Use Development (PMUD), Single Family Residential (RA-3) - City
East	Florida's Turnpike, Planned Development (PD) - County
West	Planned Mixed Use Development (PMUD), Residential Planned Unit Development (RPUD), General Commercial (B-3) – City
Past/Current Project Tracking	91-001 Gateway Commons DRI 96-061 Gateway Commons DRI Amendment 99-099 Gateway Commons DRI Amendment 04-097 Land Use Amendment 04-099 Land Use Amendment 05-146 PUD Amendment 18-00016 Gateway Commons DRI Rescission

	18-017 Land Use Amendment (Ramona) 18-018 PUD Amendment (Ramona) LUPA-22-0001 Land Use Amendment (pending) PUD-22-0001 PUD Amendment (pending)
--	---

Comprehensive Plan Summary	
Policy 1.2.4.3, Industrial Business (IN) Future Land Use Designation: The Industrial Business (IN) land use designation is intended to accommodate a mixture of typical industrial uses and more intense non-industrial uses. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 0.50 FAR. This designation shall be applied to areas appropriate for typical industrial uses or mixed-use development consisting of light-industrial uses and compatible commercial uses.	
Potential Zoning Districts	Industrial Business District - IB
	Business Park District - BP
	Airport Industrial District - AI
	Mixed-Use Planned Unit Development District - MUPUD
Policy 1.2.8.2, Conservation (CONS) Future Land Use Designation: Lands designated for Conservation (CONS) are those lands that, because of their environmental quality or sensitivity, are intended for protection and are not intended for development activities, and therefore have no allowable FAR. These lands may include wetlands, wildlife habitats, and/or watershed protection areas. The CONS designation shall be applied to portions of major natural resource areas and environmentally sensitive corridors which the City deems appropriate and feasible to protect in order to help implement natural resource conservation goals, objectives, and policies stipulated in the Comprehensive Plan. The designation shall be primarily assigned to publicly owned and restricted privately owned properties.	
Potential Zoning Districts	All Zoning Districts

Zoning District Standards District Summary
Land Development Code Section 14-4-8(D), Mixed-Use Planned Unit Development District (PMUD) Intent: The purpose of this district is to permit land under unified control to be planned and developed for a compatible mix of residential and commercial purposes or commercial-light industrial uses with a greater amount of site design flexibility by removing some of the restrictions of conventional zoning. This district is intended for use in suitable areas which have been assigned any of the comprehensive plan future land use designations other than the Mobile Home Medium Density Residential (MH-MDR) designation. The uses, density and intensity allowed in this district shall be consistent with the future land use designation.

Zoning Comparisons		
	<i>Existing PUD Standards</i>	<i>Proposed PUD Standards</i>
Uses	720 MF Units 182,000 sq. ft. Commercial 300 Hotel Rooms Assisted Living Facility <i>(with use of the Equivalency Matrix)</i>	1,020,000 sq. ft. Warehouse/Distribution Light Manufacturing Medium Manufacturing Wholesale Trade Permitted IB Zoning Uses Office Ancillary to Primary Uses
Lot Width	100 ft. Apts. & Condos 20 ft. Townhomes 200 ft. Commercial*	150 ft.
Lot Area	10,000 sq. ft. Apts. & Condo 2,000 sq. ft. Townhomes 40,000 sq. ft. Commercial*	15,000 sq. ft.
Lot Depth	100 ft. Apts. & Condos 150 ft. Commercial*	100 ft.
Max. Impervious Area	75% Apts. & Condos 80% Commercial*	85%
Max. Height	3 stories (40 ft.) Apts/Condos** 6 stories (70 ft.) Apts/Condos** 4 stories (50 ft.) Apts/Condos** 3 stories (40 ft.) Townhomes	N/A
Setbacks		
Front	15 ft. <i>(Bill Beck Blvd.)</i> 35 ft. <i>(FL Turnpike)</i> 10-20 ft. <i>(Interior Front)</i> 5 ft. <i>(Front Porch)</i>	25 ft. <i>(Bill Beck Blvd.)</i> 35 ft. <i>(Osceola Pkwy.)</i>
Side	Zero <i>(Internal Bldgs.)</i> 10ft. <i>(Internal ROWs)</i> 15ft. <i>(PUD Boundary)</i>	10 ft.
Rear	Zero <i>(Apts/Condos)</i> 15 ft. <i>(Townhomes)</i>	10 ft.

*HC Zoning Development Standards

**3 stories/40ft. within 150ft. of single family zoned properties; more than 150ft. from single family zoned properties can be increased to 6 stories/70ft. on Parcel R1 and 4 stories/50ft. on Parcel R2.

Public Facilities Analysis	
Transportation	
Adjacent street	E. Osceola Pkwy., Bill Beck Blvd., Florida's Turnpike
Street Quality of Service (QOS)	Adjacent Streets are under Osceola County (E. Osceola Pkwy. & Bill Beck Blvd.) & State (Florida's Turnpike) jurisdictions.

	Construction of access off of Bill Beck Blvd. has commenced and is under construction by Osceola County. Construction includes 2 lane, undivided urban roadway designed for future expansion to 4 lanes. Includes sidewalk, curb & gutter, closed drainage system, provisions for street lighting, & new traffic signal at Osceola Parkway intersection.
Sanitary Sewer	
Is volume less than 98% capacity?	N/A – Compliance
Potable Water	
Is volume less than 98% capacity?	N/A – Compliance
Is water pressure at least 40lbs per square inch?	N/A – Compliance
Solid Waste	
Is volume less than 5.1lbs per person per calendar day?	N/A – Compliance
Recreation	
Is active recreation area at least 2 acres per 1,000 population?	N/A – Compliance
Is urban open space area at least 2 acres per 1,000 population?	N/A – Compliance
Is total recreation area at least 4 acres per 1,000 population?	N/A – Compliance
Drainage	
Is off-site discharge; runoff velocities; roadway drainage; pavement; retention; and flood storage LOS standards met?	N/A- Compliance



March 29, 2022

Ms. Brenda Ryan
Planning Manager
City of Kissimmee
101 Church Street, Suite 110
Kissimmee, FL 34741

RE: Constellation PUD Amendment (PUD-22-0001)
Responses to March 1, 2022, DRC Comments
Revised Submittal Package

Dear Brenda:

On behalf of the property owners and applicant, PDA is pleased to submit the following responses to the March 1, 2022, Development Review Committee (DRC) comments on the Constellation PUD Amendment (PUD-22-0001) application.

In addition to this letter, included in this revised submittal package are the following documents:

- Revised PUD Amendment Narrative Addressing DRC Comments;
- New Executed Property Owner Affidavits (Exhibit A);
- Gateway Commons DRI Rescission Resolution (Exhibit B); and
- PUD Parking Ratio Supporting Documentation (Exhibit C).

DRC Comments and Responses

PLANNING – Brenda Ryan
GENERAL

1. The property ownership of the north parcel (02-25-29-1448-0001-0090) includes Wendell E Spears Revocable Trust which is not part of the ownership of the other 2 parcels to the south (Ramona Ann Spears 2008 Irrevocable Trust & James P. Grodecki TR). The ownership of all of the parcels appears to consist of co-trustees. Please provide additional ownership authorizations for all co-trustees or provide additional trust documents that confirms Michael Spears can act as a sole trustee for all trusts.

Response: Included in this revised submittal package as Exhibit A are executed property owner affidavits reflecting the current ownership of the subject parcels, as described below. The new property owner affidavits have also been incorporated into the revised submittal package in Section 1 Application Documents.

Parcel ID# 02-25-29-1448-0001-0090 (North of Osceola Parkway)

Property Owner: Ramona A Spears Revocable Trust
3 Trustees: Michael Spears, Patrick Spears, James Grodecki

**Parcel ID# 02-25-29-00U0-0032-0000 & Parcel ID# 02-02-29-00U0-0025-0000
(South of Osceola Parkway)**

Property Owner: Ramona A Spears 2008 Irrevocable Trust
1 Trustee: James Grodecki

USES & DEVELOPMENT STANDARDS

2. Review the definition of manufacturing in the LDC and the different intensities to confirm whether light manufacturing will be the only type of manufacturing considered with this PUD Amendment.

Response: The list of Permitted Uses in the PUD has been revised to include Medium Manufacturing, as well as other Permitted Uses in the Land Development Code (LDC) Industrial Business (IB) zoning district.

3. Consider including prohibited (e.g., motor vehicle repair) and conditional uses (e.g. outdoor activities and storage).

Response: Any use not included in the PUD Permitted Uses is prohibited in the PUD. Further, the applicant does not wish to include any Conditional Uses in the proposed project.

4. Include that all repair and manufacturing activities conducted within 300 feet of a residential district shall be in completely enclosed buildings. Processes located at a greater distance may be located outdoors if approved as a conditional use and shall be enclosed by a solid wall or fence at least six feet high.

Response: The requested language has been added to the Permitted Uses subsection of Section 4: Development Standards in the revised PUD narrative included in this submittal package.

5. Revise the front setback and establish a separate front setback requirement from Bill Beck Blvd. and Osceola Parkway to 35ft. (arterial & collector roadways).

Response: The Building Setbacks subsection of Section 4: Development Standards in the revised PUD narrative now includes a separate 35' front setback requirement from Osceola Parkway, as it is identified in the City's Comprehensive Plan Transportation Element Figure 2-15 as a Principal Arterial road. However, the applicant was unable to find documentation in the City's Comprehensive Plan, or in the Osceola County Comprehensive Plan, of Bill Beck Boulevard - either the existing segment north of Osceola Parkway or the segment currently under construction by Osceola County south of Osceola Parkway - being designated as either an Arterial or Collector road.

6. Retain Condition 10 pertaining to on-site wetlands from the rescinded Gateway Commons DRI that is included in the existing Ramona PUD with this PUD Amendment.

Response: The referenced language from the DRI Rescission Order has been included in the PUD Amendment narrative, with minor clarifications that: a) the words “have received permits” in the DRI Rescission Order Condition 10. language include all existing permits, including those issued after the approval of the DRI Rescission Order (such as the permits recently received by Osceola County in conjunction with the construction of Bill Beck Boulevard), as well as those received in the future; and, b) remove references to the former Gateways Commons DRI. A copy of the approved Rescission of Gateway Commons DRI Development Order (Resolution #09-2019), Recorded in Osceola County Public Records Bk 5568/Pgs 541-644, is attached as Exhibit B to this letter.

ARCHITECTURAL/DESIGN STANDARDS

7. There were master sign standards in the Ramona PUD. Include these standards in this PUD amendment or defer sign standards to the LDC in the PUD narrative.

Response: It is not anticipated that the proposed project will require any modifications to the sign standards in the LDC.

8. A waiver to the loading/unloading bay/garage doors visible from ROWs, especially adjacent to residential uses, cannot be supported with this PUD Amendment. Alternative or enhanced design standards may be considered with subsequent PUD Site Plan reviews or when a detailed plan can be provided and reviewed as a modification of standards ([LDC 14-3-50](#)).

Response: It is the applicant’s understanding that the requested waiver will be supported by Planning staff as part of the PUD Amendment application. Therefore, the waiver language in the PUD narrative has not been revised. This understanding was documented in a March 9, 2022, email from the applicant to the Development Services Director.

PARKING & ROADWAYS

9. Include a trip generation table comparing the current uses in the Ramona PUD with the new uses of this PUD Amendment.

Response: A comparison trip generation table has been added to the PUD narrative that confirms that the proposed PUD development program generates fewer trips than the currently approved PUD development program.

10. The parking ratio of 1 space per 2,000 sq. ft. of gross floor area is a deviation from all of the parking standards for the proposed uses in this PUD Amendment. Revise to state parking standards must be consistent with LDC standards. Parking deviations may be considered with a parking study ([LDC 14-7-22A](#)) that can be submitted with subsequent PUD Site Plan reviews as an administrative waiver.

Response: It is the applicant's understanding that the requested parking ratio for the proposed project will be supported by Planning staff as part of the PUD Amendment application, based on the parking ratio documentation for other similar projects included as Exhibit C to this letter.

11. The Bill Beck Blvd. roadway improvements shall be consistent with the Osceola County Joint Facilitation of Public Infrastructure for Michigan Ave and Bill Beck Blvd. (OR Book 1859, Page 1676; April 12, 2001).

Response: As discussed at the March 1, 2022, DRC Meeting, the construction of the Bill Beck Boulevard extension south of Osceola Parkway is an Osceola County Transportation Project, over which neither the PUD property owners nor the applicant have any control.

ENGINEERING –Ryan Kilman
MINIMUM LOT STANDARDS

1. The Maximum Impervious Area listed in the PUD lot standards is 85%. Will the master stormwater pond(s) be designed for 85% impervious coverage? If not, please revise this number to indicate a percentage no greater than what the master stormwater pond is designed for.

Response: As discussed at the March 1, 2022, DRC meeting, the maximum impervious surface coverage included in the PUD narrative is consistent with the IB zoning district standards. Specific stormwater pond and site impervious coverage data will be provided with the PUD site plan submittals.

We trust that this revised Constellation PUD Amendment submittal package will allow the application to be scheduled for the April 6, 2022, Planning Advisory Board (PAB) meeting. Should you require any additional information in preparation for the PAB meeting, please do not hesitate to contact me at (407) 718-0858 or kathy@predevadvisors.com.

Sincerely,



Kathy Hattaway, AICP

c: Scott Alexander, Constellation Real Estate Partners

enclosures

Constellation MUPUD Amendment (f/k/a Ramona MUPUD)

Kissimmee, Florida

Prepared For:

**Constellation Real Estate Partners
2021 McKinney Ave., Suite 300
Dallas, Texas 75201**

Revised Submittal - March 29, 2022



TABLE OF CONTENTS

<i>Section 1</i>	<i>Application Documents</i> DRC Application PUD Amendment Application <u><i>Owner Authorizations - Revised</i></u> Warranty Deed Parcel Record Cards
<i>Section 2</i>	<i>Property Data & Existing Conditions</i>
<i>Section 3</i>	<i>Summary of Request</i>
<i>Section 4</i>	<u><i>Development Standards - Revised</i></u>
<i>Section 5</i>	<i>PUD Concept Plan</i>
<i>Section 6</i>	<i>Maps</i> Aerial Map Location Map Zoning Map Proposed Future Land Use Map Soils Map FEMA Maps
<i>Section 7</i>	<i>Boundary Survey</i>

SECTION 1: APPLICATION DOCUMENTS

APPLICATION FORMS



DISCLAIMER FOR ALL CITY OF KISSIMMEE DEVELOPMENT REVIEW APPLICATIONS

Important note: The Development Review process associated with this request (as outlined in the attached application) is intended to ensure that the request meets the requirements established in the City of Kissimmee Land Development Code and site development criteria for the City of Kissimmee, and other local, regional and state agencies. It is not intended to constitute approval of building construction or permits as required by external agencies.

Other processes, permits, authorizations, and/or fees may be required prior to construction of requested improvements. These may include, but are not limited to:

- ❖ Mobility/Impact Fees (Transportation, Water & Sewer, Recreation, School)
- ❖ Building permits and review fees
- ❖ Right-of-Way Utilization permits
- ❖ South Florida Water Management District (SFWMD) permits
- ❖ Utility permits and/or fees
- ❖ Federal Aviation Administration (FAA) authorizations
- ❖ Business Tax Receipts (BTRs)
- ❖ State Permits and/or Licenses
- ❖ Development Service Agreements (Toho Water Authority)
- ❖ Florida Department of Environmental Protection (FDEP) Permits
- ❖ NPDES Permits (Stormwater permitting)

The Agent of record and/or property owner for the attached request is responsible for coordinating with applicable agencies to ensure all requirements for the requested improvements have been met prior to construction.

Please read all information above and complete the lower portion of this disclaimer. This document must be signed by both agent and property owner and shall be included with the attached application. Failure to submit this form with the completed application will result in Staff finding the application to be insufficient for review and will delay your request.

Project Name: Constellation MUPUD Amendment
(f/k/a Ramona PUD)

DRC# _____

I Certify that I have read the above and understand/acknowledge the information contained therein.

Agent Signature: Allison McGillis Date: 1/19/22

Agent Name (Print): Allison McGillis, AICP / Poulos & Bennett, LLC

Property Owner Signature: Michael D. Spears Date: 01-10-2022

Property Owner Name (Print): Michael D. Spears



CITY OF KISSIMMEE
APPLICATION FOR DEVELOPMENT REVIEW



PROJECT

Name of Project: Constellation PUD Amendment (f/k/a Ramona PUD)
Location (Address if possible): East of Bill Beck Blvd, North and South of Osceola Parkway
Parcel ID#: 02-25-29-1448-0001-0090; 02-25-29-00U0-0032-0000; 02-25-29-00U0-0025

APPLICANT

Name: Scott Alexander
Firm: Constellation Real Estate Partners
Address: 2021 McKinney Avenue Suite 300, Dallas, TX 75201
Phone: (_____) _____ - _____ E-Mail: _____

AGENT (Contact Person)

Name: Allison McGillis, AICP
Firm: Poulos & Bennett, LLC
Address: 2602 E. Livingston Street, Orlando FL 32803
Phone: (407) _____ 487 _____ 2594 E-Mail: amcgillis@poulosandbennett.com

OWNER

Name: Michael D. Spears
Firm: Wendell E. Spears Revocable Trust
Address: PO Box 1780, Winter Park FL 32790
Phone: (_____) _____ - _____ E-Mail: _____

LEGAL DESCRIPTION/LOCATION

See attached document

Note: Dates are contingent upon previous meeting approval and dependent upon the project type may not require various meetings. For specific processes, please see the project type. Scheduled dates for Public Hearings are subject to notification requirements and may be altered due to advertising requirements.

All requests must be accompanied by a completed application, checklist, fee, folded plan(s), a PDF of any exhibits and/or plans and any other supporting materials. A sufficiency review will be conducted within 24 hours of submittal. If submittal is insufficient, the request will not be scheduled/distributed for review. Unless specifically noted, deadlines for submittals are **Friday at 4:00 p.m.** on the above listed dates. **No late or incomplete submittal will be accepted.**

FOR OFFICE USE ONLY			
REQUEST _____	FEE COLLECTED _____		
DATE _____	REC'D BY _____	DRC # _____	DRC DATE _____
SUFFICIENCY REVIEW (Y/N) _____		PROJECT MANAGER _____	



CITY OF KISSIMMEE ZONING MAP AMENDMENT APPLICATION

Project Name: Constellation PUD Amendment (f/k/a Ramona PUD)

Is subject property currently located in the City? YES ☒ NO ☐

Current City or Osceola County zoning district designation: MUPUD

Is this request in conjunction with an annexation or land use change request? YES ☒ NO ☐

If so, what is the current land use map designation prior to the annexation or land use change:
CG, MF-HDR, MF-MDR, CONS

What land use is proposed for the annexation or land use change: IN (Industrial Business), CONS

(A Land Use amendment application is required to be submitted if change of land use is also requested)

Requested zoning district designation: PUD (Unchanged)

To be rezoned for the following specific use or uses: Industrial Warehouse Center

Size (acres) of land included in the request: 114.25 acres

State the reasons why the proposed zoning map change of the property would be appropriate for the property and also the surrounding areas: Industrial uses require close access to the regional roadway network.

The strategic location along the Florida Turnpike and Osceola Parkway is ideal for an industrial warehouse center.

Ownership: When was the deed to this property last recorded? Date: 06/27/2016

Official Record of Deed Book: 5816 Page: 2674

What covenants, deed restrictions or other private agreement(s) regulate the use and development of this property? See attached survey

Supportive Material Required for All Zoning Requests

Development Report: The City requires the applicant to submit a report to include findings regarding compatibility with the Comprehensive Plan, justification for the proposed amendment, location map of the subject property, and map indicating the Future Land Use and zoning designations for the subject and adjacent properties.

Additional Material Required for All Planned Unit Development Zoning Requests

Preliminary Plan: The City requires the applicant to submit a preliminary plan at an appropriate size scale. The objectives of this requirement are to ensure that the development of the property will occur according to the limitations of housing types, uses, site design, density, building coverage, improvement standards, and construction phasing. See attached preliminary plan checklist for a list of items to be included on the plans.

Ownership and Control: The applicant shall agree to the following:

- (a) *Conditions:* To proceed with the proposed development according to the provisions of the Land Development Code, the conditions attached to the rezoning of the property, and the approved preliminary plan.
- (b) *Legal Documents:* To provide agreements, contracts, covenants, deed restrictions, or sureties

acceptable to the City for completion of the development according to the plans approved at the time of rezoning and for continuing operation and maintenance of such areas, functions and facilities which are not proposed to be operated or maintained at public expense or through a property owner's association.

(c) *City Review*: To bind successors in title to any of the commitments made under the above. All agreements and evidence of unified control shall be examined by City Staff, and no rezoning of land shall be adopted without a certification by the City Attorney that such agreements and evidence of unified control meet the requirements of the Land Development Code. Unified control shall be maintained for each phase until all required infrastructure improvements for the phase are completed or suitably guaranteed.

(d) *Property Owner's or Condominium Association*: The common open space shall be administered by the City or through an association or nonprofit corporation, said organization shall conform to the applicable laws of the State of Florida.

I Certify that to the best of my knowledge and belief, all information supplied with this application is true and accurate, and that I am:

- ☐ Owner of the property described herein
☐ Party to an agreement for purchase of this property
☒ An agent for the owner or purchase of this property
☐ Other _____

Applications submitted by an applicant other than the owner of the subject property shall be accompanied by written documentation, suitable to the City Attorney, from the property owner authorizing the applicant to submit this request.

Date: Jan. 27, 2022 _____

Printed Name: Allison McGillis, AICP

Signature: 

Approximate Review Time for a Zoning Map Amendment Request:

<i>Review Type</i>	<i>Progressive Review Time</i>
- Submittal of Application and necessary documents (see DRC schedule for submittal dates. DRC meets every other Tuesday.)	
- Development Review Committee meeting with the applicant * - 2 weeks	2 Weeks
- 14 day notification period for advertisement - 2 weeks	4 Weeks
- Planning Advisory Board meeting - (meets every 1st & 3rd Wednesday of each month)	
- 10 day notification period for advertisement – 10 days	5 ½ Weeks
- City Commission meeting (meets every 1 st & 3 rd Tuesday)	6 Weeks
Approximate Time of Review Total	6 - 8 Weeks *

* Estimations may vary. Dependent upon necessary revisions, resubmittals, required advertisement dates, and any other required documentation.

Note: Dates are contingent upon previous meeting approval and dependent upon the project type may not require various meetings. For specific processes, please see the project type. Scheduled dates for Public Hearings are subject to notification requirements and may be altered due to advertising requirements.

All requests must be accompanied by a completed application, checklist, fee, folded plan(s), a PDF of any exhibits and/or plans and any other supporting materials. A sufficiency review will be conducted within 24 hours of submittal. If submittal is insufficient, the request will not be scheduled/distributed for review. Unless specifically noted, deadlines for submittals are **Friday at 4:00 p.m.** on the above listed dates. **No late or incomplete submittal will be accepted.**



CITY OF KISSIMMEE PRELIMINARY PLAN CHECKLIST*

Project Name: Constellation PUD Amendment (f/k/a Ramona PUD)

Subject Property Address: East Osceola Pkwy

Subject Property Parcel ID #: 02-25-29-1448-0001-0090; 02-25-29-00U0-0032-0000; 02-25-29-00U0-0025-0000

A zoning map or PUD amendment application will need to accompany this checklist.

Written Information: The following information is required and where appropriate included on required maps:

- ☒ 14-2--50(E)(1)(a)Developer Info: Name, address and phone number of owner, developer and agent.
- ☒ 14-2-50(E)(1)(b)Evidence of Ownership or Control of Property: Material present evidence of ownership or control as required by Section 14-2-50(B).
- ☒ 14-2-50(E)(1)(c)PUD Objectives: A statement describing the objectives and characteristics of the development and indicating intent regarding the future selling or leasing of portions of the development.
- ☒ 14-2-50(E)(1)(d)Use List: A list of proposed land uses and locations on the site where each use would be allowed to occur.
- ☒ 14-2-50(E)(1)(e)Site Development Standards: A detailed list of proposed site development standards and locations of the site where each standard will apply. Standards include, but not limited to max building ht., min. lot width, yd. sizes, residential lot area, residential densities, lot coverage, and the gross floor area of non-residential uses.

PUD DENSITY WORKSHEET

Proposed Project is Industrial, not Residential	Required	Proposed
1. Total Project Size (Gross Acreage of Development)		_____ Acres
2. Total Wetlands Size		_____ Acres
3. Net Developable Acreage (Line 1 - Line 2)		_____ Acres
4. Density Rate (Maximum allowed u/a per land use)	_____ Units/Acre	
5. Maximum Net Density (Line 3 X Line 4)	_____ Units	_____ Units
6. Allowable Density Without Bonuses (75% of Line 5)	_____ Units	
7. Units Per Density Bonus (5% of Line 5)	_____ Units	
8. Density Bonus Needed to Get Proposed # of Units (Proposed – Required in Line 6)) (Line 7)	_____ Density Bonus Needed**	

**If density bonuses are needed, provide a listing of all density bonuses proposed in accordance with Section 14-2-50(D)(4).

- ☒ 14-2-50(E)(1)(f)Computations: A table of land use distribution showing proposed uses, acreage by land use, and number of units and density of each residential area, the entire project and the gross floor area of non-residential uses.

_____ 14-2-50(E)(1)(g)Phasing: Statement of the desired phasing, including approximate timing, and rationale of the phasing.

_____ 14-2-50(E)(1)(h)Concurrency: Proof of concurrency as required in 14-2-174.

Mapping of Existing Features: One or more maps and surveys showing the following for the entire tract at a scale of no less than 1 in. = 100 ft. (except the vicinity map), prepared by the appropriate combination of qualified professionals:

X 14-2-50(E)(2)(a)Vicinity Map: The location of the planned unit development site in relation to existing streets.

X 14-2-50(E)(2)(b)Boundary Survey/Legal Description: Prepared by a surveyor registered in the state.

X 14-2-50(E)(2)(c)Topographic Survey: Approximate topo defining the character of the land.

X 14-2-50(E)(2)(d)*Land Use Characteristics*: The Comprehensive Plan future land use designations, zoning classifications, and existing land uses for the site and all properties within 100 ft. of property lines and adjacent rights-of-way.

X 14-2-50(E)(2)(e)*Soils*: Hydric soils, as identified by the Soil Survey of Osceola County Area, Florida@ shall be presented.

X 14-2-50(E)(2)(f)*Existing Site Features*: The location of all existing structures, rights-of-way, easements and other natural and man-made features on site and within 100 ft. of the property lines and adjacent rights-of-way.

Mapping of Proposed Features: One or more maps and surveys showing the following for the entire tract at a scale of no less than 1 in. = 100 ft. (except the vicinity map), prepared by the appropriate combination of qualified professionals:

_____ 14-2-50(E)(3)(a)*Schematic Design*: A schematic representation of proposed land uses (including common open space), conceptual building locations, parking lots, and driveway entrances and exits.

PUD OPEN SPACE REQUIREMENT WORKSHEET

	Required	Proposed
A. Total Project Size (Buildable Acreage of Development)		_____ Acres
B. Total Open Space Required (25% of total in Line A)	_____ Acres	_____ Acres

Minimum Recreation Area Breakdown (For Multi-Family and Townhouse Only)

C. Active Recreation Area – Whichever is greater (3% of total in Line A) or (150 sq ft of rec area per unit)	_____ Acres	_____ Acres
D. Passive Recreation Area (15% of total in Line A)	_____ Acres	_____ Acres

Maximum Pond Usage Allowed (For Entire Development)

E. Retention Pond Area Used (Max 25% of total in Line B)	_____ Acres	_____ Acres
--	-------------	-------------

_____ 14-2-50(E)(3)(b)*Streets*: A delineation of proposed roads with the functional classification of streets and an indication of required off-site street improvements.

_____ 14-2-50(E)(3)(c)*Drainage*: A schematic depiction of existing and proposed surface water management elements, including wetlands and major detention facilities.

_____ 14-2-50(E)(3)(d)*Community Facilities*: The general location and size of any community facility included within the development such as parks, community centers, etc.

_____ 14-2-50(E)(3)(e)*Phasing*: Any proposed phasing of the project.

TRADITIONAL NEIGHBORHOOD DESIGN SUBDIVISIONS

The following items shall also be included as part of a preliminary plan for TND (Traditional Neighborhood Design) subdivisions:

_____ 14-2-53(B)(1)&(4)*Land Use*: A delineation of similar land uses within the same land use category facing across street(s) and dissimilar uses, when adjacent, abutting at rear lot lines. When authorized by the land use classification, each neighborhood may provide areas of mixed use (residential & commercial) buildings, with residential uses generally located on the second floor and above, encouraging the clustering of living, working, recreation, shopping and civic uses by design.

N/A 14-2-53(B)(2)*Land Use*: A delineation of required clubhouse or community center and sufficient surrounding open space to form a neighborhood square within 1,000 feet of the geographic center of each neighborhood. Non-residential uses are encouraged to be located within this area where appropriate given the land use classification of the area.

_____ 14-2-53(B)(3)*Land Use*: A schematic depiction that all neighborhoods are limited in size or shape to allow residents to walk to the neighborhood square in 5 to 10 minutes (generally 1,320 feet or less). Each neighborhood shall be small enough so that at least 95% of the housing units are within 1,320 feet of the neighborhood square.

_____ 14-2-53(C)(1)&(2)*Streets & Alleys*: A delineation of all streets and alleys accessing all lots and townhouse lots. Where alleys are provided, a continuous network of alleys to the rear of lots within the development shall be provided. Cul-de-sacs, gated or dead-end streets are not permitted within the development.

_____ 14-2-53(C)(3)*Street & Alley Widths*: A schematic depiction of the 24 foot width for all rights-of-way and of the 20 foot width for pavement for all bi-directional alleys. A minimum of 16 feet for rights-of-way and 12 feet for pavement width for one-way alleys.

_____ 14-2-53(C)(4)&(5)*Paths*: A schematic depiction of all sidewalks, bicycles, and pedestrian paths connecting between all residences, shopping, employment and recreation within and adjacent to the neighborhood. Sidewalks abutting all residential lots shall be separated from the edge of pavement by a minimum 6 foot wide planting strip and designed to accommodate street trees, street lighting, fire hydrants and other required infrastructure.

_____ 14-2-53(C)(6)&(11)*Streets & Alleys*: Delineation of curbing for streets and alleys. Curbing for streets shall be raised Type F style curbs and may be drop curb or shoulder gutter style (i.e. Miami curbs) for alleys. No block shall be more than 480 feet in length without a dedicated alley or pedestrian pathway providing through access.

_____ 14-2-53(C)(7)*Street & Alley Lighting*: Location of lighting along all streets within the area between sidewalks and curbs, at intervals no less than 75 feet in length, and compliance with illumination standards adopted by the City. Street lighting structures shall not exceed 18 feet in height to avoid conflicts with street trees and to provide pedestrian scale lighting. Where sidewalks abut the curb, street lighting structures shall be provided as close to the curb as possible.

_____ 14-2-53(C)(8)*Traffic Calming Measures*: Location of traffic circles or streets paved with bricks or pavers.

14-53(C)(9)&(D)(11)*Street Trees*: Delineation of street trees planted in the rights-of-way parallel to the street along all streets at a maximum average spacing of 35 feet on center. Trees shall be planted on both sides of the street within the planting strip between sidewalks and street curbs. The remaining required tree for each lot can be provided in the rear yard.

14-2-53(C)(10)&(D)(9)*Utility/Equipment*: Delineation of mechanical equipment including utility cabinets, transformers and the like, within alley rights-of-way or within easements that are not visible from the street right-of-way. Above grade mechanical equipment shall be fully screened from view through landscaping or alternative visual screening. Heating, air conditioning and ventilation systems shall be screened from the street.

14-2-53(D)(1)&(2)*Lots & Buildings*: A schematic depiction of residential dwelling building setback at a minimum of 5-20 feet from the front lot line. Variation in building setbacks along each block is encouraged. Consistent build-to lines shall be established for non-residential multi-family and mixed use buildings along all streets and public space frontages. This build-to line shall determine the width and ratio of enclosure desired for each street or public space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.

14-2-53(D)(3)&(4)*Buildings*: Depiction indicating that all buildings have their main entrance opening to a street. Delineation of setbacks for any stoop, colonnade, awning, projecting sign and open-sided porch which could encroach up to 10 feet into the front setback. In no case, such elements shall be setback less than 5 feet from front property line.

14-2-53(D)(5)*Porches*: Location of front porches or patios suitable in size to accommodate seating for the dwelling's occupants for a minimum of 50% of all proposed residential dwelling units.

14-2-53(D)(6)*Garages*: A schematic depiction of garages or carports with openings for vehicles facing the front lot line, at least 20 feet behind the front setback of the principal structure. No more than one-third of the total linear frontage of the front façade of the principal structure shall be comprised of garage door or carport openings. Attached garages or carports within openings facing the side, street side or rear lot line shall be subject to the setbacks established for the principal structures. Detached garages or carports shall be setback at least 10 feet behind the principal structure.

14-2-53(D)(7)*Elevations*: Depiction that all residential dwellings are raised a minimum of 18 inches from finished exterior finished grade.

14-2-53(D)(8)*Building Style*: Depiction of variation of building designs and architectural styles within the project.

14-2-53(D)(10)*Solid Waste*: Location of solid waste, recycling and yard trash containers for non-residential lots, multi-family and mixed use structures to be located in parking areas or in a location remote from the street. Depiction of containers to be screened by a minimum 6-foot high enclosure constructed in materials which are consistent with the adopted architectural style of the development.

14-2-53(E)(1)-(4)*Parking*: A schematic depiction of individual driveways for single family, duplex, triplex and townhouse residential structures for two off-street parking spaces of at least 8 feet by 18 feet in size. Parking lots for non-residential and multi-family structures shall be provided at the ratio outlined in Section 14-2-78(D) and be located behind or to the side of the principal structures which front on a street.

*Procedures and Requirements for Rezoning for RPUD and SRPUD as well as MUPUD with the exception that any phasing plan involving a residential component shall ensure that the proportion of the residential units constructed shall always equal or exceed the proportion of non-residential building sq. ft. constructed if the area with the residential component has been assigned a residential land use classification on the Future Land Use Map of the Comp Plan.

The applicant shall submit 15 copies of the preliminary plan, this checklist, and supporting documents meeting the requirements of the LDC. This application will be processed like any other rezoning request.

I certify that all of the information listed above has been provided if applicable on the preliminary plan and/or accompanying documents. Lack of information provided may constitute as an incomplete submittal, thus delaying the review process.

Signed: Alison McGillis Date: 1/27/22

Please Note: This list is provided to ensure that all preliminary plans submitted are uniform and contain the minimum information required for review under Sections 14-2-50 & 53 of the City of Kissimmee Land Development Code. It is not intended to be an inclusive list of all ordinance requirements. Please direct questions concerning preliminary plan review to the City of Kissimmee Development Services Department at (407) 518-2140.

1/6/2017

OWNER AUTHORIZATIONS

Owner Affidavit/Agent Authorization
For
City of Kissimmee

The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

The Trust has three (3) Trustees:

Michael Spears
Patrick Spears
James Grodecki

As a Trustee of the Ramona A Spears Revocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcel ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.


Michael Spears, Trustee

08-05-2022
Date

Owner Affidavit/Agent Authorization
For
City of Kissimmee

The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

The Trust has three (3) Trustees:

Michael Spears
Patrick Spears
James Grodecki

As a Trustee of the Ramona A Spears Revocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcel ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.


Patrick Spears, Trustee

3/1/22
Date

**Owner Affidavit/Agent Authorization
For
City of Kissimmee**

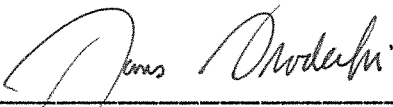
The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

The Trust has three (3) Trustees:

Michael Spears
Patrick Spears
James Grodecki

As a Trustee of the Ramona A Spears Revocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcel ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.



James Grodecki, Trustee

3-2-2022

Date

**Owner Affidavit/Agent Authorization
For
City of Kissimmee**

The Ramona A Spears 2008 Irrevocable Trust ("Trust") is the Property Owner of the following parcels of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

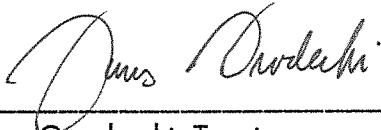
Parcel ID# 02-25-29-00U0-0032-0000

Parcel ID# 02-02-29-00U0-0025-0000

The Trust has one (1) Trustee:

James Grodecki

As the Trustee of the Ramona A Spears 2008 Irrevocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcels ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.



James Grodecki, Trustee

3-2-2022

Date

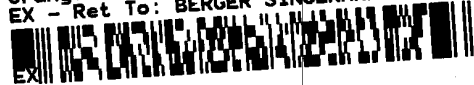
DEED



This Instrument Prepared by and Return to:

Marian Pearlman Nease, Esq.
Berger Singerman LLP
One Town Center Road, Suite 301
Boca Raton, Florida 33486

DOC# 20160330066
06/27/2016 01:35:29 PM Page 1 of 6
Rec Fee: \$52.50
Deed Doc Tax: \$0.00
DOR Admin Fee: \$0.00
Intangible Tax: \$0.02
Mortgage Stamp: \$0.35
Martha O. Haynie, Comptroller
Orange County, FL
EX - Ret To: BERGER SINGERMAN



Parcel ID No.: 02-25-29-00U0-0032-0000

NOTE RE FLORIDA DOCUMENTARY STAMP TAX: PURSUANT TO RULE 12B-4.013(28)(a) MINIMAL DOCUMENTARY STAMP TAXES IN THE AMOUNT OF \$0.70 HAVE BEEN PAID IN CONJUNCTION WITH THE RECORDING OF THIS DEED AS THE TRANSFER OF THE PROPERTY IS NOT MADE IN EXCHANGE FOR ANY CONSIDERATION AND THE BENEFICIARY OF THE GRANTOR TRUST AND THE BENEFICIARY OF THE GRANTEE TRUST ARE IDENTICAL.

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed") is made as of the 4th day of January, 2016 from JAMES P. GRODECKI, PATRICK F. SPEARS and MICHAEL D. SPEARS, as trustees of the WENDELL E. SPEARS MARITAL TRUST, as established under Article VI of that certain REVOCABLE TRUST AGREEMENT OF WENDELL E. SPEARS dated June 26, 2002, with full power and authority either to protect, conserve and to sell, or to lease, or to encumber or otherwise to manage and dispose of the real property described below pursuant to F.S. 689.073, whose address is c/o James P. Grodecki, CPA, Schuman Simon & Grodecki, Ltd., 626 W. Jackson Blvd., Suite 550, Chicago, IL 60661-5615 ("Grantor"), to JAMES P. GRODECKI, as trustee of the RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST dated March 4, 2008, with full power and authority either to protect, conserve and to sell, or to lease, or to encumber or otherwise to manage and dispose of the real property described below pursuant to F.S. 689.073, whose address is c/o James P. Grodecki, CPA, Schuman Simon & Grodecki, Ltd., 626 W. Jackson Blvd., Suite 550, Chicago, IL 60661-5615 ("Grantee").

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration paid to Grantor by Grantee, the receipt of which is hereby acknowledged, by these presents does grant, bargain, sell and convey to Grantee, its successors and assigns forever, all the right, title and interest in and to that certain real property located and situate in Osceola County, Florida described as follows:

SEE EXHIBIT "A" ATTACHED HERETO (THE "PROPERTY").

TOGETHER WITH all tenements, hereditaments, easements and appurtenances belonging to or in any way appertaining to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

SUBJECT TO (a) taxes and assessments accruing subsequent to December 31, 2015, and (b) conditions, restrictions, covenants, limitations, easements, agreements, reservations and other matters of record; provided, however, this instrument shall not operate to reimpose any of the same.

GRANTOR hereby specially warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but none other.

The preparer of this instrument was neither furnished with, nor requested to review an abstract on the described property and therefore expresses no opinion as to condition of title.

IN WITNESS WHEREOF, the Grantor has executed this instrument as of the date first above written.

WITNESSES:

Shirley Bennett
Print Name: SHIRLEY BENNETT

Mary M Reed
Print Name: MARY M. REED

GRANTOR:

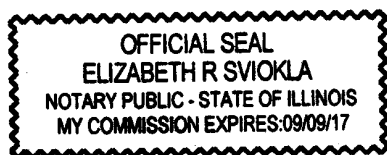
James P. Grodecki
James P. Grodecki

STATE OF Illinois

COUNTY OF Cook

The foregoing instrument was acknowledged before me on May 23, 2016 by James P. Grodecki, as a Co-Trustee of the Wendell E. Spears Marital Trust, as established under Article VI of that certain Revocable Trust Agreement of Wendell E. Spears dated June 26, 2002, on behalf of the trust. He is personally known to me or produced _____ as identification.

SEAL



Elizabeth R. Sviokla
NOTARY PUBLIC,
Printed Notary Name: Elizabeth R. Sviokla
My Commission Expires: 09-09-17

IN WITNESS WHEREOF, Grantor has duly executed this instrument as of the date first written above.

WITNESSES:

Jenette Dimmett
Print Name: Jenette Dimmett

Ken Milliard
Print Name: Ken Milliard

GRANTOR:

Patrick F. Spears
Patrick F. Spears

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me on May 23, 2016 by Patrick F. Spears, as a Co-Trustee of the Wendell E. Spears Marital Trust, as established under Article VI of that certain Revocable Trust Agreement of Wendell E. Spears dated June 26, 2002, on behalf of the trust. He is personally known to me or produced DL Pl. Ex 204 as identification.

SEAL



Sharon L. Mollenhauer
NOTARY PUBLIC,
Printed Notary Name:
My Commission Expires:

IN WITNESS WHEREOF, Grantor has duly executed this instrument as of the date first written above.

WITNESSES:

Antoinella Mesuraca
Print Name: Antoinella Mesuraca

Marina Braccio
Print Name: Marina Braccio

GRANTOR:

Michael D. Spears
Michael D. Spears

STATE OF NEW YORK

COUNTY OF NEW YORK

The foregoing instrument was acknowledged before me on JUNE 15, 2016 by Michael D. Spears, as a Co-Trustee of the Wendell E. Spears Marital Trust, as established under Article VI of that certain Revocable Trust Agreement of Wendell E. Spears dated June 26, 2002, on behalf of the trust. He is personally known to me or produced DRIVER'S LICENSE as identification.

SEAL

Patricia A. Smyth
NOTARY PUBLIC,
Printed Notary Name:
My Commission Expires:

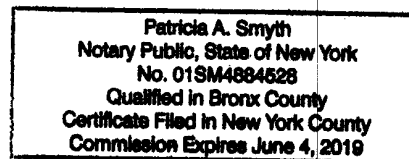


EXHIBIT "A"
(PAGE 1 of 2)

EXHIBIT "A"

That certain land in Osceola County, Florida more particularly described as follows:

PARCEL #1:

The North 1/2 of Section 2, Township 25 South, Range 29 East lying easterly of the SCL Railroad right-of-way and westerly of the Florida Turnpike right-of-way;

AND

PARCEL #2:

The Southeast 1/4 of Section 2, Township 25 South, Range 29 East, lying westerly of the Florida Turnpike right-of-way;

AS TO PARCEL #1 and PARCEL #2

LESS: that certain right-of-way granted to Osceola County in O.R. Book 805, Page 1462, Public Records of Osceola County, Florida;

AND

AS TO PARCEL #1

LESS: the following described real property in the North 1/2 of Section 2, Township 25, South Range 29 E, to-wit:

Begin at a point on the South line of the North 1/2 of Section 2, Township 25 South, Range 29 East at its intersection with the Easterly right-of-way line of the SCL Railroad right-of-way, thence run Easterly along said South line 995 feet; thence run Northerly perpendicular to said South line 827 feet; thence run Westerly parallel to said South line to a point on the Easterly right-of-way of the SCL Railroad right-of-way and thence run Southwesterly along said SCL Railroad right-of-way line to the Point of Beginning.

AND

The following described real property located in Orange County, Florida, more particularly described as:

PARCEL #3:

All that portion of Section 35, Township 24 South, Range 29 East, lying Southwesterly of the Florida Turnpike and Southeasterly of the Seaboard Coastline Railroad, Orange County, Florida.

FILED, RECORDED AND
RECORD VERIFIED
MEL WILLS, JR., CLK CIR. CT.
OSCEOLA COUNTY

BY MS D.C.

OR 4506 PG 4945

RECORDING & RECORD VERIFICATION
Maurice A. Haynes
County Clerk, Orange Co., FL

930008560

93 JUN 29 PM 2:29

EXHIBIT "A"
PAGE 2 of 2

EXHIBIT A

A tract of land being a portion of the Northwest Quarter of Section 2, Township 25 South, Range 23 East, Osceola County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Northwest Quarter of said Section 2; thence South 89 degrees 37 minutes 45 seconds East along the South line of the Northwest Quarter for 2196.00 feet; thence North 00 degrees 16 minutes 07 seconds East, 15.00 feet to the North right of way of Osceola Parkway and the POINT OF BEGINNING; thence continue North 00 degrees 16 minutes 07 seconds East, 304.07 feet; thence South 89 degrees 25 minutes 10 seconds East, 83.29 feet to the point of curvature of a curve concave Northerly having a radius of 300.00 feet; thence along the arc of said curve through a central angle of 26 degrees 16 minutes 35 seconds for 137.58 feet to the point of tangency; thence North 64 degrees 10 minutes 15 seconds East, 61.20 feet to a point lying on a curve concave Westerly having a tangent bearing of South 25 degrees 41 minutes 45 seconds East and a radius of 750.00 feet; thence Southerly along the arc of said curve and along the proposed West right of way of Bill Beck Boulevard through a central angle of 27 degrees 15 minutes 45 seconds for 317.60 feet to the point of tangency; thence South 00 degrees 37 minutes 09 seconds East, 23.10 feet; thence North 89 degrees 37 minutes 45 seconds West along the North right of way of Osceola Parkway, 47.46 feet; thence South 00 degrees 09 minutes 50 seconds West, 33.00 feet; thence North 89 degrees 37 minutes 45 seconds West, 301.42 feet to the POINT OF BEGINNING.

BOOK 1340
PAGE 0608

PROPERTY RECORD CARDS



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
www.property-appraiser.org
Osceola County Government Center
2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-1448-0001-0090



Owner Information

Owner Name WENDELL E SPEARS REVOCABLE TRUST
SPEARS RAMONA ANN TR
GRODECKI JAMES P

Mailing Address PO BOX 1780
WINTER PARK, FL 32790

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT COMMERCIAL

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$1,810,800
AG Benefit	\$0
Extra Features	\$0
Buildings	\$0
Appraised(just)	\$1,810,800
Assessed(estimated)	\$1,810,800
Exemption(estimated)	\$0
Taxable(estimated)	\$1,810,800

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$1,810,800
AG Benefit	\$0
Extra Features	\$0
Buildings	\$0
Appraised(just)	\$1,810,800
Assessed*	\$1,810,800
Exemption	\$0
Taxable	\$1,810,800

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0		\$0	2007-03-05	OR
1		\$0	2007-02-22	OR
2		\$0	2007-01-16	DC

Land Information - Total Acreage: 55.66

Land Description	Units	Depth	Land Type	Land Value
COM AC	29.00	0.00	AC	\$297,300
COM AC	20.43	0.00	AC	\$1,513,000
SUBMERGED LAND	6.23	0.00	AC	\$600

Legal Description

Legal Description GATEWAY COMMONS NORTH PB 13 PG 28-32 LOT 9



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
www.property-appraiser.org
Osceola County Government Center
2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-00U0-0032-0000



Owner Information

Owner Name RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST
GRODECKI JAMES P TR

Mailing Address C/O JAMES P GRODECKI CPA
CHUMAN SIMON & GRODECKI LTD
CHICAGO, IL 60661-5615

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT COMMERCIAL WITH XFOB

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$1,478,700
AG Benefit	\$0
Extra Features	\$6,600
Buildings	\$0
Appraised(just)	\$1,485,300
Assessed(estimated)	\$1,485,300
Exemption(estimated)	\$0
Taxable(estimated)	\$1,485,300

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$1,577,000
AG Benefit	\$0
Extra Features	\$7,100
Buildings	\$0
Appraised(just)	\$1,584,100
Assessed*	\$1,584,100
Exemption	\$0
Taxable	\$1,584,100

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0	5816-2674	\$0	2016-05-23	SW
1		\$0	2012-02-10	AF
2		\$0	2007-03-05	OR
3		\$0	2007-02-22	OR
4		\$0	2007-01-16	DC
5	1175-0106	\$27,500	1994-03-07	QC
6	1107-2135	\$0	1992-12-29	WD
7	0905-0007	\$3,200,000	1988-12-30	WD

Land Information - Total Acreage: 22.63

Land Description	Units	Depth	Land Type	Land Value
COM AC	22.63	0.00	AC	\$1,478,700

Extra Features

Extra Feature	Units	Year Built	Feature Value
COMMERCIAL-CHAIN LINK FENCE-6 FT HIGH AVERAGE	1800	2007	\$6,552

Legal Description

Legal Description	NW 1/4 OF SE 1/4 LYING WLY OF FLA TRNPK LESS RD RW & LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB
--------------------------	--



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
www.property-appraiser.org
Osceola County Government Center
2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-00U0-0025-0000



Owner Information

Owner Name RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST
GRODECKI JAMES P TR

Mailing Address C/O JAMES P GRODECKI CPA
CHUMAN SIMON & GRODECKI LTD
CHICAGO, IL 60661-5615

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT INDUSTRIAL WITH XFOB

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$581,000
AG Benefit	\$0
Extra Features	\$5,100
Buildings	\$0
Appraised(just)	\$586,100
Assessed(estimated)	\$586,100
Exemption(estimated)	\$0
Taxable(estimated)	\$586,100

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$678,800
AG Benefit	\$0
Extra Features	\$5,500
Buildings	\$0
Appraised(just)	\$684,300
Assessed*	\$670,230
Exemption	\$0
Taxable	\$670,230

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0	5816-2674	\$0	2016-05-23	SW
1		\$0	2007-03-05	OR
2		\$0	2007-02-22	OR
3		\$0	2007-01-16	DC
4	1107-2135	\$0	1992-12-29	WD
5	0905-0007	\$3,200,000	1988-12-30	WD

Land Information - Total Acreage: 37.84

Land Description	Units	Depth	Land Type	Land Value
INDUSTRIAL ACREAGE	37.84	0.00	AC	\$581,000

Extra Features

Extra Feature	Units	Year Built	Feature Value
COMMERCIAL-CHAIN LINK FENCE-6 FT HIGH AVERAGE	1400	2007	\$5,096

Legal Description

Legal Description	SW 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE & SE 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB
--------------------------	---

SECTION 2: PROPERTY DATA & EXISTING CONDITIONS

This proposed amendment to the previously-approved Ramona MUPUD, henceforth to be known as the Constellation MUPUD, affects three parcels of land totaling 114.25 acres located adjacent to, and west of, the Florida Turnpike, and north and south of Osceola Parkway (“Property”). The Property Location Map is provided below.

The parcel located north of Osceola Parkway (identified on the PUD Concept Plan in Section 5 as Parcel 1), and identified by the Osceola Property Appraiser as Parcel ID# 02-25-29-1448-0001-0090, is approximately 55.66 acres in size. The northern portion of Parcel 1, approximately 29 acres, is subject to a Conservation Easement in favor of the South Florida Water Management District. The remainder of the parcel has been mass-graded. A stormwater pond was permitted and constructed on the parcel that is sized to accommodate the remaining developable area of the parcel.

Two parcels are located south of Osceola Parkway. The parcel identified on the PUD Concept Plan as Parcel 2, and identified by the Osceola County Property Appraiser as Parcel ID# 02-25-29-00U0- 0032-0000, is approximately 22.63 acres in size. The parcel identified on the PUD Concept Plan as Parcel 3, and identified by the Osceola County Property Appraiser as Parcel ID# 02-25-29-00U0- 0025-0000, is approximately 37.84 acres in size. Parcels 1 and 2 each contain a portion of the environmental area known as Mills Slough.

An extension of Bill Beck Boulevard from the southern boundary of Osceola Parkway south past the PUD boundary is planned by Osceola County. The roadway extension design plans are complete and construction has begun.



SECTION 3: SUMMARY OF REQUEST

The current MUPUD development program was approved in 2019 as the Ramona MUPUD with a mix of uses including Commercial, Hotel, Apartments and Townhomes.

Due to changing market conditions resulting in an increased demand for warehouse uses, the Applicant wishes to develop up to 1,020,000 SF of regional Industrial Warehouse Center uses on the Property and rename the development the Constellation MUPUD. The proximity of the Property to the Osceola Parkway interchange on the Florida Turnpike makes the location ideal for the proposed use. A successful warehouse facility of this size relies on a regional roadway network to facilitate the movement of goods throughout our state and the nation.

The extension of Bill Beck Boulevard includes the construction of a signalized intersection at Bill Beck Boulevard and Osceola Parkway, further enhancing the transportation network serving the Property.

The MUPUD zoning is compatible with the Land Development Code Intent of the Mixed Use Planned Unit Development District *for commercial-light industrial uses with a greater amount of site design flexibility by removing some of the restrictions of conventional zoning.*

Proposed Development Program

Industrial Warehouse Uses	1,020,000 SF
---------------------------	--------------

Concurrent with this PUD Amendment application, the Applicant has submitted a Land Use Plan Amendment Application to change the Future Land Use designation on the developable portion of the Property to Industrial Business (IN).

(PUD Concept Plan Provided in Section 5)

Proposed Development Program Trip Generation

Below is a Trip Generation Comparison Table prepared by Traffic Mobility Consultants, Inc. comparing the Trip Generation of the previously-approved Ramona MUPUD development program to the Trip Generation of the proposed Constellation MUPUD development program. The proposed Constellation MUPUD development program generates significantly fewer trips than the previously-approved development program.

ITE Code	Land Use	Size	Daily		PM Peak Hour			
			Rate	Trips	Rate	Total	Enter	Exit
Allowable Development - Current Ramona PUD								
220	Multi-Family (Low Rise) Townhomes-Apartments	720 DU	6.51	4,691	0.46	330	208	122
310	Hotel	300 RMS	9.43	2,828	0.65	194	99	95
820	Retail/Commercial	182.000 KSF	37.01	6,736	3.40	619	297	322
Total Trip Generation Existing FLU				14,255		1,143	604	539
Retail/Commercial Non-Primary Trips (34%)				2,290		210	101	109
Net Trip Generation				11,965		933	503	430
Proposed PUD								
130	General Light Industrial	1,020.000 KSF	3.37	3,437	0.34	347	76	271
Total Trip Generation				3,437		347	76	271
Net Change in Trips				-8,528		-586	-427	-159

Source: ITE Trip Generation Manual, 11th Edition & Trip Generation Handbook 3rd Edition

The difference in total daily trips between the proposed PUD and the current approved Ramona PUD

SECTION 4: DEVELOPMENT STANDARDS

The Applicant wishes to establish PUD standards that are compatible with the proposed Industrial Warehouse Center use.

The proposed development will generally comply with the development standards in the Industrial Business (IB) Zoning District with minor variations, as reflected below.

Minimum Building Setbacks and Minimum Lot Standards

Building Setback	
Front	25'
Side	10'
Rear	10'

Major Roadway Building Setback	
Front – Osceola Parkway (Principal Arterial)	35'

Lot Standard	
Min. Lot Width	150'
Min. Lot Depth	100'
Min. Lot Area	15,000 square feet
Max. Impervious Area	85%
Max. Height	N/A

Parking Requirement

1 space per 2,000 sf of GFA

Common Open Space Requirement

10% of the gross acreage of the Industrial FLU area of the Property

Permitted Uses

The following Uses are Permitted in the Constellation MUPUD:

Primary Uses⁽¹⁾

- Warehouse and Distribution⁽²⁾
- Light Manufacturing⁽²⁾
- Medium Manufacturing⁽²⁾
- Wholesale Trade Establishments⁽²⁾
- All Permitted Uses in the IB Zoning District as provided in LDC Sec. 14-4-5., Table 4-2: Schedule of Uses for Non-Residential Standard Districts
- Other Similar and Compatible Uses as Approved by the Development Services Director or Designee

⁽¹⁾ All repair and manufacturing activities conducted within 300 feet of a residential district shall be in completely enclosed buildings. Processes located at a greater distance may be located outdoors if approved as a conditional use and shall be enclosed by a solid wall or fence at least six (6) feet high.

⁽²⁾ These Permitted Uses include the loading, unloading and parking of semi-trailer trucks (i.e., a combination of a tractor unit and one or more semi-trailers) for the distribution of goods. The parking of semi-trailer trucks and/or semi-trailers on site associated with these Permitted Uses in the ordinary course of business is not considered to be Outdoor Storage as defined or regulated in the Land Development Code.

Secondary Uses

Office Ancillary to Primary Uses

Site and Building Design Waiver Request – LDC Sec. 14-4-6.D.3

A waiver is requested from the requirements of Land Development Code Section 14-4-6.D.3:

Loading/unloading bay & non-residential garage doors. No loading/unloading bay, non-residential door, or similar opening intended for vehicular access or movement of large materials shall be visible from public rights-of-way or adjacent residential uses or districts.

Wetlands Permitting

Save and except for wetlands which have received to date, or receive in the future, permits for removal and for which mitigation has been provided, the Constellation MUPUD on-site wetlands systems, other conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall have their developmental uses restricted by easement as provided in Section 704.06, Florida Statutes. This condition does not preclude the applicant from including these lands in fulfilling MUPUD open space requirements of the City of Kissimmee.

Exhibit C

Requested Parking Ratio Support Documentation

Osceola County Warehouse Parking Ratios

Osceola County LDC Sec. 4.7.8

Table 4.7.8 REQUIRED OFF-STREET PARKING			
Number Reference	Specific Uses	Parking Spaces per Unit	Unit
21	Wholesaling, Warehousing, Storage and Distribution — Less than 20,000 GSF	1	2,000 GSF
	Wholesaling: Warehousing, Storage and Distribution — 20,000 GSF to 40,000 GSF	1	2,500 GSF
22	Wholesaling, Warehousing, Storage and Distribution — Greater than 40,000 GSF	1	3,000 GSF

Current Warehouse Sites on the Market (marketing brochures attached)

Project Name	Jurisdiction	Parking Ratio
Horizon West Logistics Park	Osceola County	0.7/1,000 sf
Mid FL Logistics Park	City of Apopka	0.6/1,000 sf
University Park at Bridgewater	City of Lakeland	.036-.90/1,000 sf
Topline Logistics Center	City of Ocala	0.6/1,000 sf
Trailhead Logistics Park	Marion County	0.5/1,000 sf

Horizon West Logistics Park Osceola County



HORIZON WEST

LOGISTICS PARK

PREMIER STATE-OF-THE-ART CLASS A WAREHOUSE

831 N OLD LAKE WILSON RD., ORLANDO MSA | HORIZONWESTCFL.COM



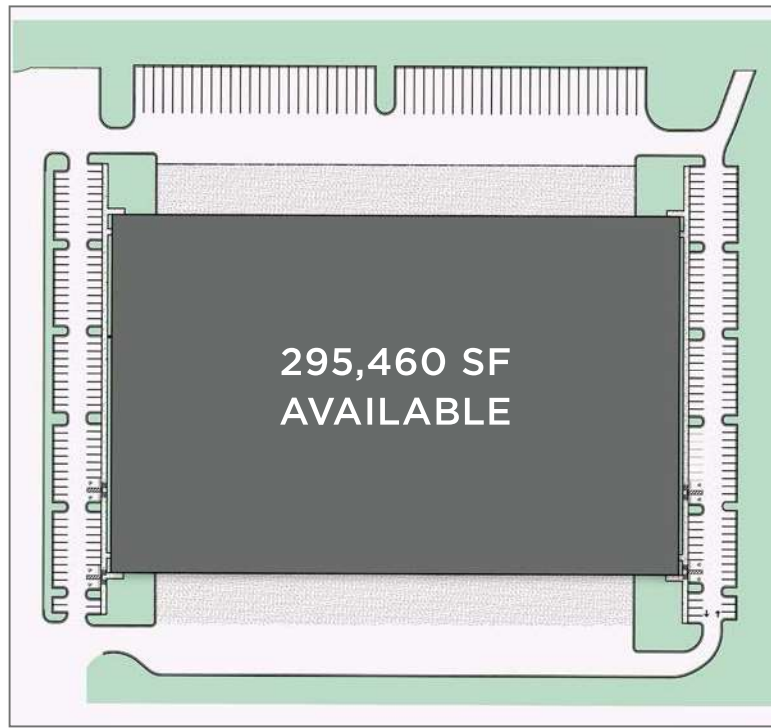
JARED BONSHIRE, SIOR
Executive Director
+1 407 541 4414
jared.bonshire@cushwake.com

DAVID PEREZ
Executive Director
+1 407 541 4435
david.perez@cushwake.com

TAYLOR ZAMBITO
Associate
+1 407 541 4409
taylor.zambito@cushwake.com

PHASE ONE

831 N Old Lake Wilson Rd



BUILDING 4 HIGHLIGHTS:

Rental Rate	\$6.95/SF NNN
OPEX	\$2.10/SF
Tenant Improvements	\$5.00/SF
Total Building SF	295,460 SF
Available SF	295,460 SF
Building Configuration	Cross dock
Clear Height	36'
Column Spacing	54' x 50 with two 60' speed bays
Status	Under Construction
Anticipated Delivery	September 1, 2022

Office Build-Out	To suit
Parking	0.7/1,000
Trailer Parking	51
Electrical	1600 Amps/480v - 3-phase
Roof	60 mil TPO
Fire Protection	ESFR
Dock Doors	75 (9' x 10')
Drive - In Doors	4 (12' x 14')
Concrete Truck Apron	60'
Building Dimensions	420' wide x 705' long

Mid FL Logistics Park City of Apopka



MID FLORIDA
LOGISTICS PARK



For Sale or Lease

Mid Florida Logistics Park, Building 5

Development overview

Mid Florida Logistics Park is a Class A industrial park located in the city of Apopka with immediate access to the Western Beltway (State Road 429) and US Highway 441 (Orange Blossom Trail). Apopka has a number of amenities surrounding Mid Florida Logistics Park, which includes rail access - one of the only locations in Orlando with active rail to the site. Users include Goya Foods, Coca Cola, Universal/Loews Hotels, and Amazon.



Goya Building

Hermit Smith Road Apopka, FL 32703

Matt Sullivan, SIOR, CCIM

Managing Director
matt.sullivan@am.jll.com
+1 407 930 1802

Wilson McDowell, SIOR, CCIM

Managing Director
wilson.mcdowell@am.jll.com
+1 407 930 1801

Bobby Isola, SIOR, CCIM

Managing Director
bobby.isola@am.jll.com
+1 407 930 1804

Jones Lang LaSalle Brokerage, Inc.



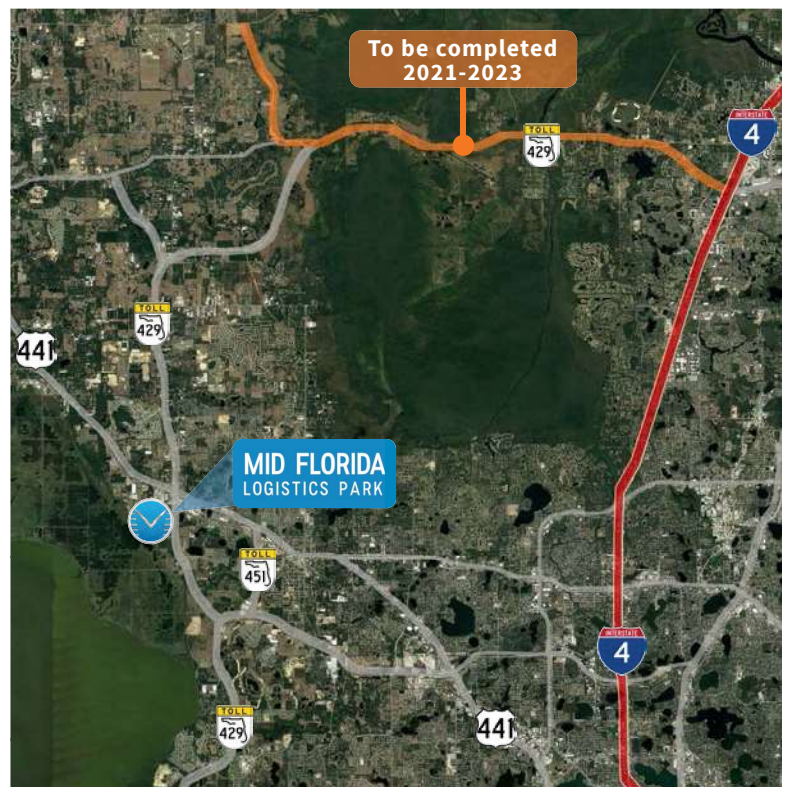
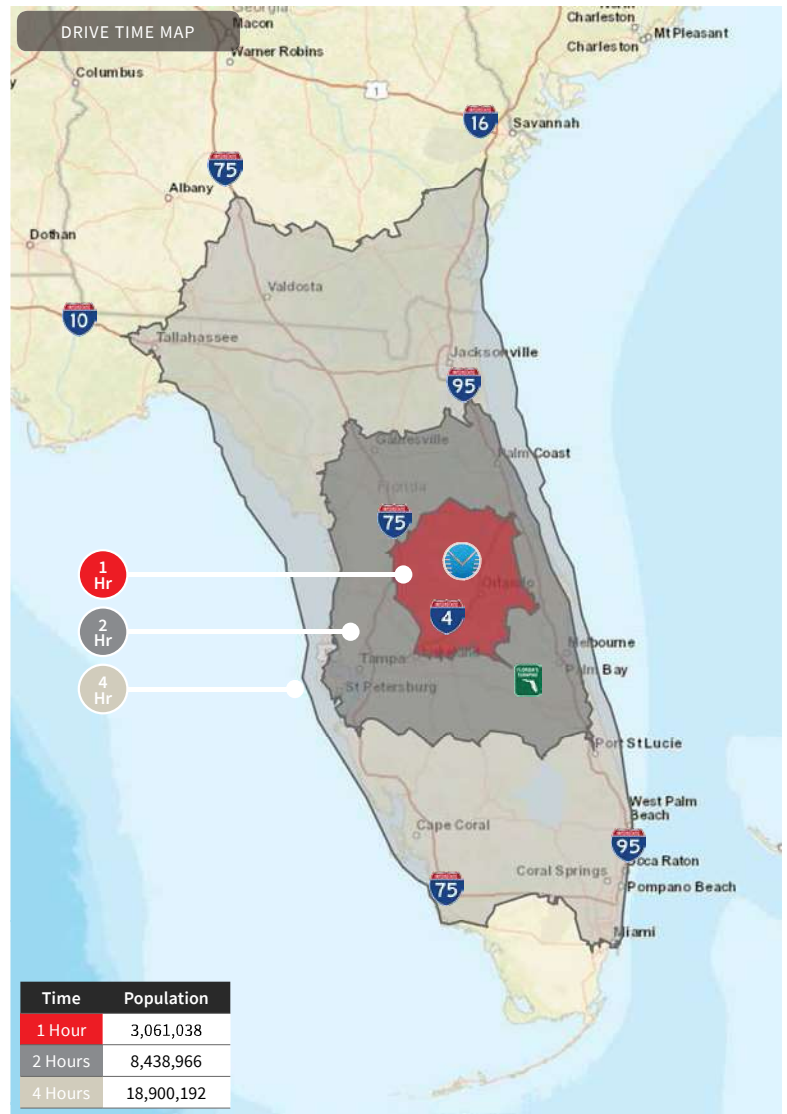
Overall project specifications

- Buildings range from 246,000 to 656,500 s.f.
- Development total of over 2,300,000 s.f.
- Build-to-suit office
- Clear heights of 30'+
- Dock high and grade level access
- Cross dock and rear load
- Tilt wall construction
- Rail served
- 143.51 acres
- 2,425' of frontage on the Western Beltway (SR 429)
- Zoned I-1, Restricted Industrial, City of Apopka

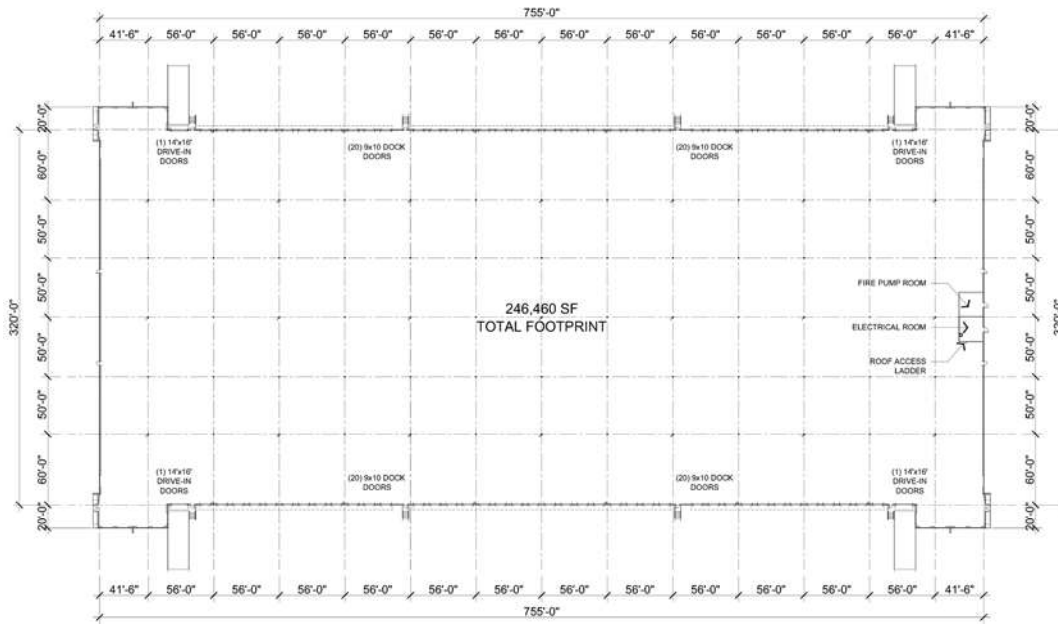
Why Mid Florida Logistics Park?

Mid Florida Logistics Park offers users immediate access to highways, an abundant amount of amenities, an excellent labor force, and higher quality of life for employees. Located in Northwest Orange County, one of the fastest growing, highly desirable submarkets in Orlando, Mid Florida Logistics Park offers users many amenities that other sites cannot offer. Other benefits include:

- Immediate Access to Highways
- Proximity to Labor
- Proximity to Customers
- Proximity to Executive Housing
- Frontage on 429
- Local Amenities
- Flexible Deal Structure



Building floor plan



Building details

- 246,460 s.f.
- Divisible to 123,230s.f.
- BTS office
- 36' clear height
- 80 - 9' x 10' dock doors
- 4 - 14' x 16' ramp doors
- Cross dock
- 50' x 56' column spacing, typ.
- 320' building depth
- 185' truck courts
- 155 car parking spaces
- 0.64/1,000 s.f. parking ratio
- 96 trailer spaces
- Q3 2021 delivery
- \$6.25/s.f. NNN

Site plan



Access to State Road 429



DISCLAIMER
Jones Lang LaSalle Brokerage, Inc., a licensed real estate broker. Although information has been obtained from sources deemed reliable, neither Owner nor JLL makes any guarantees, warranties or representations, express or implied, as to the completeness or accuracy as to the information contained herein. Any projections, opinions, assumptions or estimates used are for example only. There may be differences between projected and actual results, and those differences may be material. The Property may be withdrawn without notice. Neither Owner nor JLL accepts any liability for any loss or damage suffered by any party resulting from reliance on this information. If the recipient of this information has signed a confidentiality agreement regarding this matter, this information is subject to the terms of that agreement. ©2021. Jones Lang LaSalle Brokerage, Inc. All rights reserved.



University Park at Bridgewater City of Lakeland



Building Specs

Site Layout

Lakeland Logistics Hub

Statewide Distribution

Labor Demographics

Contact Info

UNIVERSITY PARK

AT BRIDGEWATER

EXPANSION UNDER CONSTRUCTION



CUSHMAN &
WAKEFIELD



AEW



292,143 SF AVAILABLE

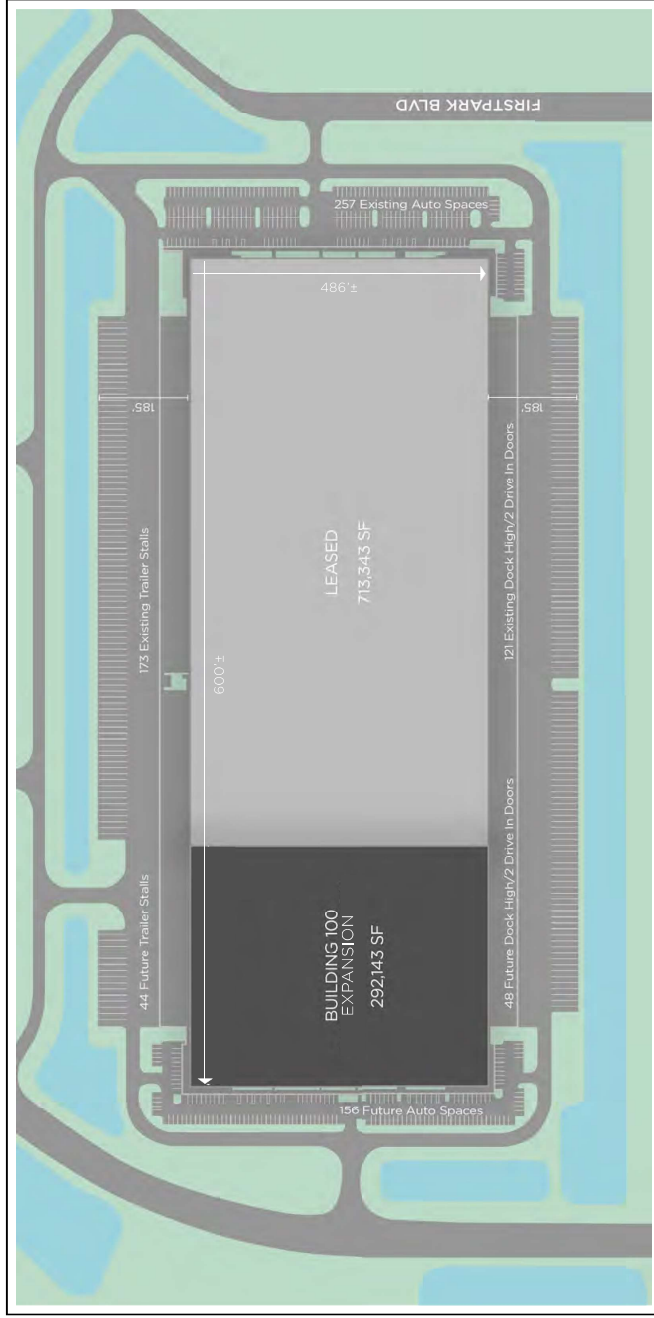
CROSS DOCK

36' CLEAR HEIGHT

HIGHLIGHTS - BUILDING 100B (EXPANSION)

Anticipated Delivery September 2022

Rental Rate	\$6.25/SF NNN
Operating Expenses	\$1.49/SF
Space Available	292,143 SF
Site Size	59.91 acres
Overall Building Dimensions	600'± x 486'±
Ceiling Height	36'
Dock Doors	48
Drive-in doors	2
Column spacing	54'w x 48'd
Sprinklers	ESFR
Construction	Tilt-wall
Electrical Service	3,000 amps
Jurisdiction	Lakeland
Truck court	185'
Parking	156
Trailer Parking	70





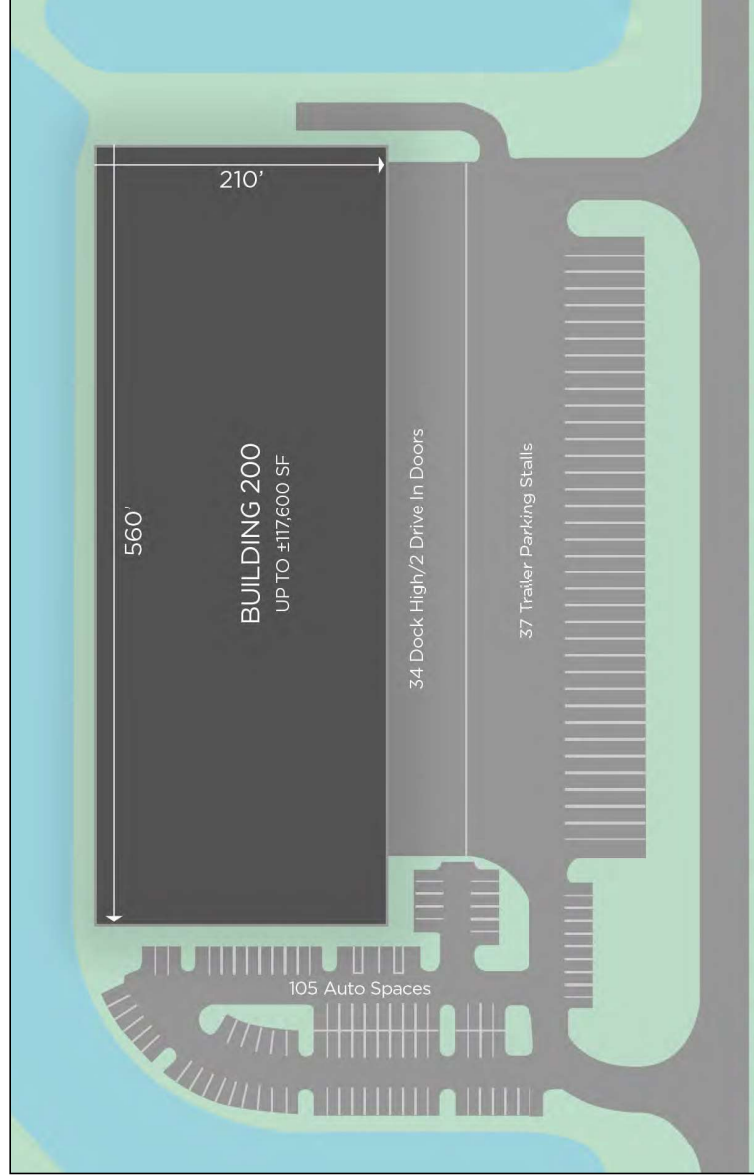
117,600 SF SIDE LOAD

32' CLEAR HEIGHT

BUILD-TO-SUIT

HIGHLIGHTS - BUILDING 200 (BTS)

Rental Rate	Negotiable
Operating Expenses	\$1.55/SF
Space Available	Up to 117,600 SF
Site Size	7.14 acres
Overall Building Dimensions	210'± x 560'±
Ceiling Height	32'
Dock Doors	34
Drive-in Doors	2
Column Spacing	50'w x 50'd
Sprinklers	ESFR
Construction	Tilt-wall
Electrical Service	To-suit
Jurisdiction	Lakeland
Truck Court	185'
Parking	105 including 4 HC
Trailer Parking	37





Building Specs

Site Layout

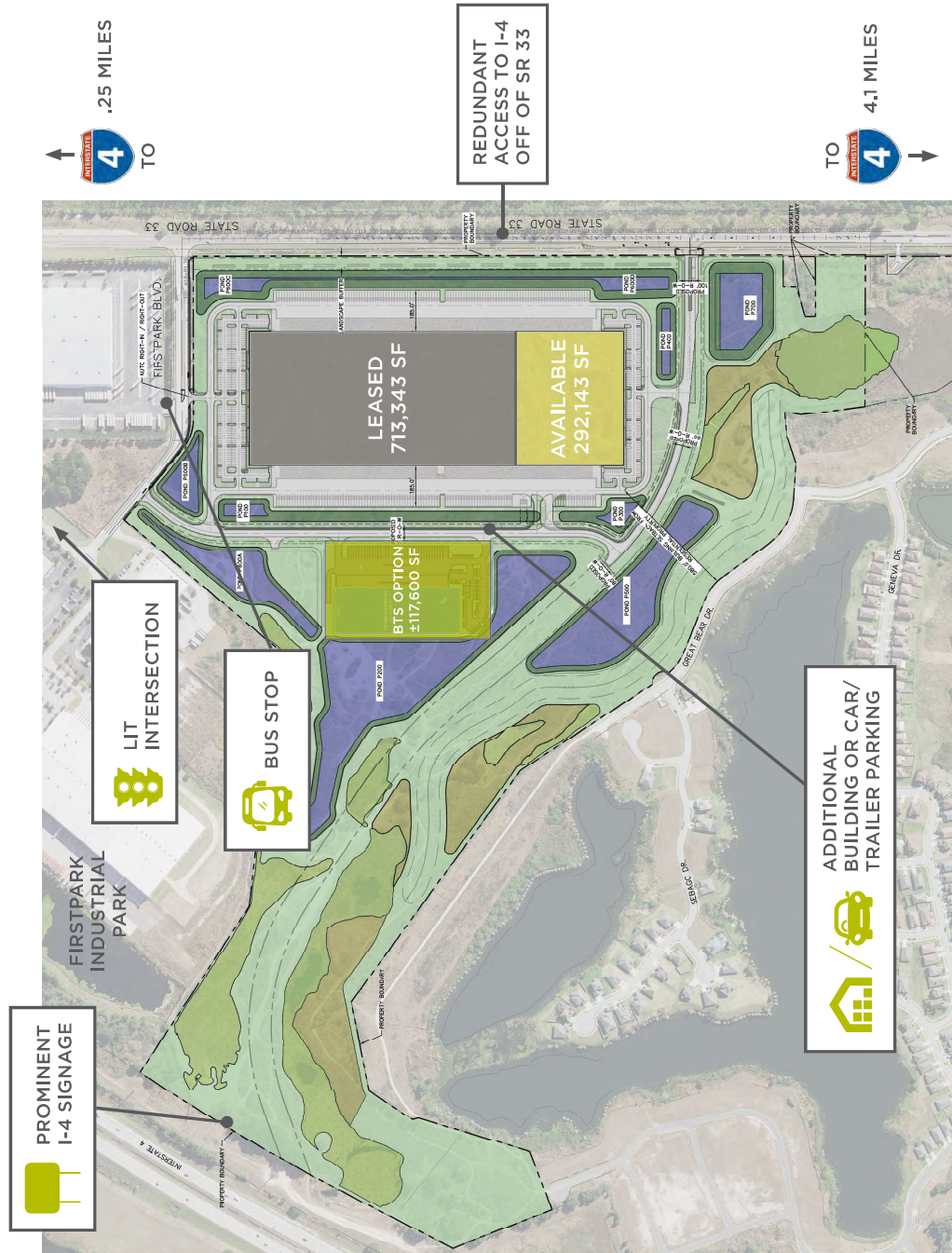
Lakeland Logistics Hub

Statewide Distribution

Labor Demographics

Contact Info

UNIVERSITY PARK AT BRIDGEWATER



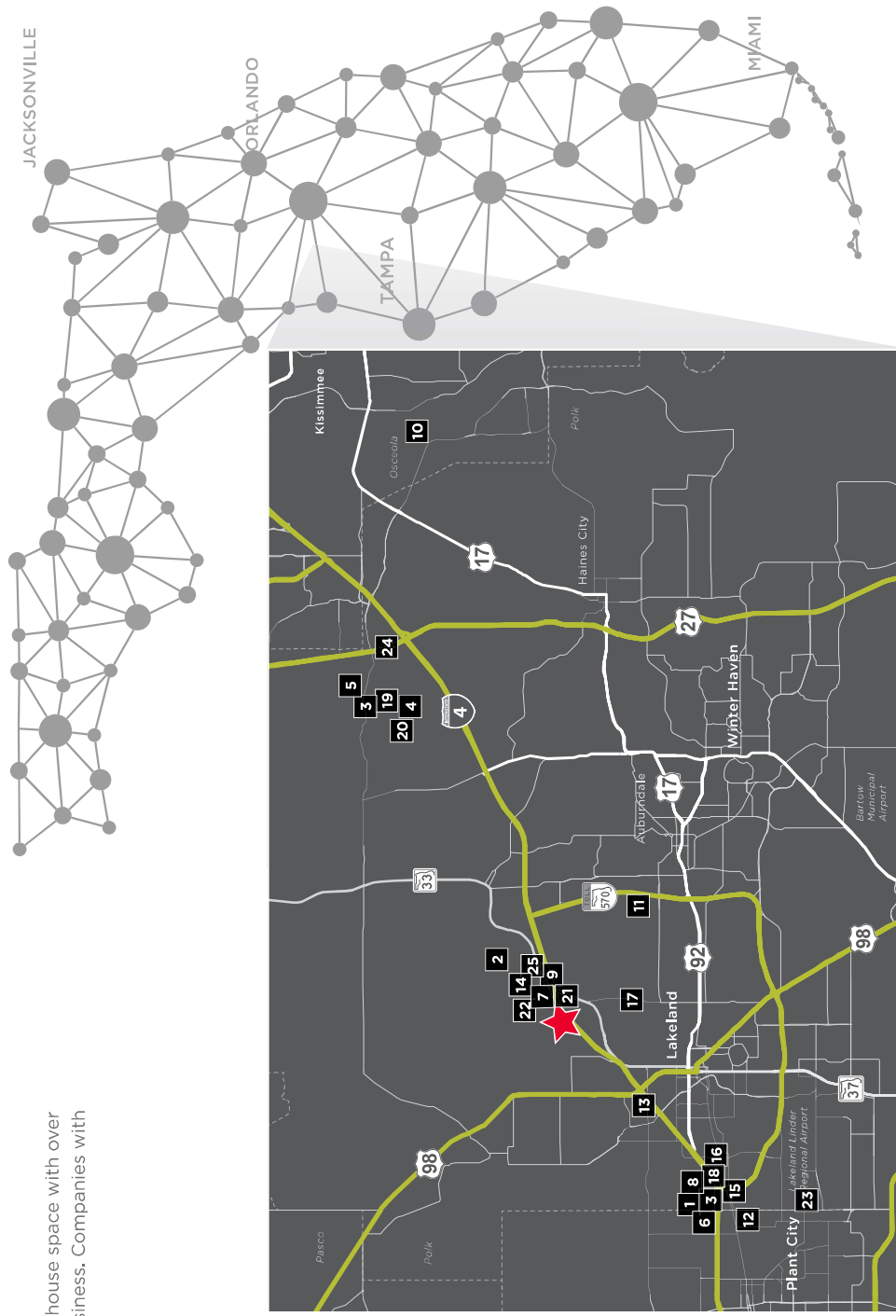
[Building Specs](#)[Site Layout](#)[Lakeland Logistics Hub](#)[Statewide Distribution](#)[Labor Demographics](#)[Contact Info](#)

UNIVERSITY PARK
AT BRIDGEWATER

LAKELAND FOR LOGISTICS

Lakeland is home to over 28 million square feet of industrial/warehouse space with over 12,500 employed in the Distribution, Supply Chain & Logistics Business. Companies with large investments in the Lakeland market include:

- | | |
|--|----------------------|
| 1. Advanced Auto Parts | 20. Walmart |
| 2. Best Buy | 21. HCA |
| 3. E-Commerce Company
(2 locations) | 22. Amazon |
| 4. FedEx | 23. Ace Hardware |
| 5. Ford Motor Company | 24. Amazon |
| 6. Plastipak | 25. Conn's Home Plus |
| 7. HD Supply | |
| 8. IKEA | |
| 9. Haverty's | |
| 10. Lowe's | |
| 11. Medline Industries | |
| 12. O'Reilly Auto Parts | |
| 13. Pepperidge Farm | |
| 14. Pepsi/Gatorade | |
| 15. Publix | |
| 16. Rooms to Go | |
| 17. Saddle Creek Logistics Services | |
| 18. Southern Wine & Spirits | |
| 19. UPS | |

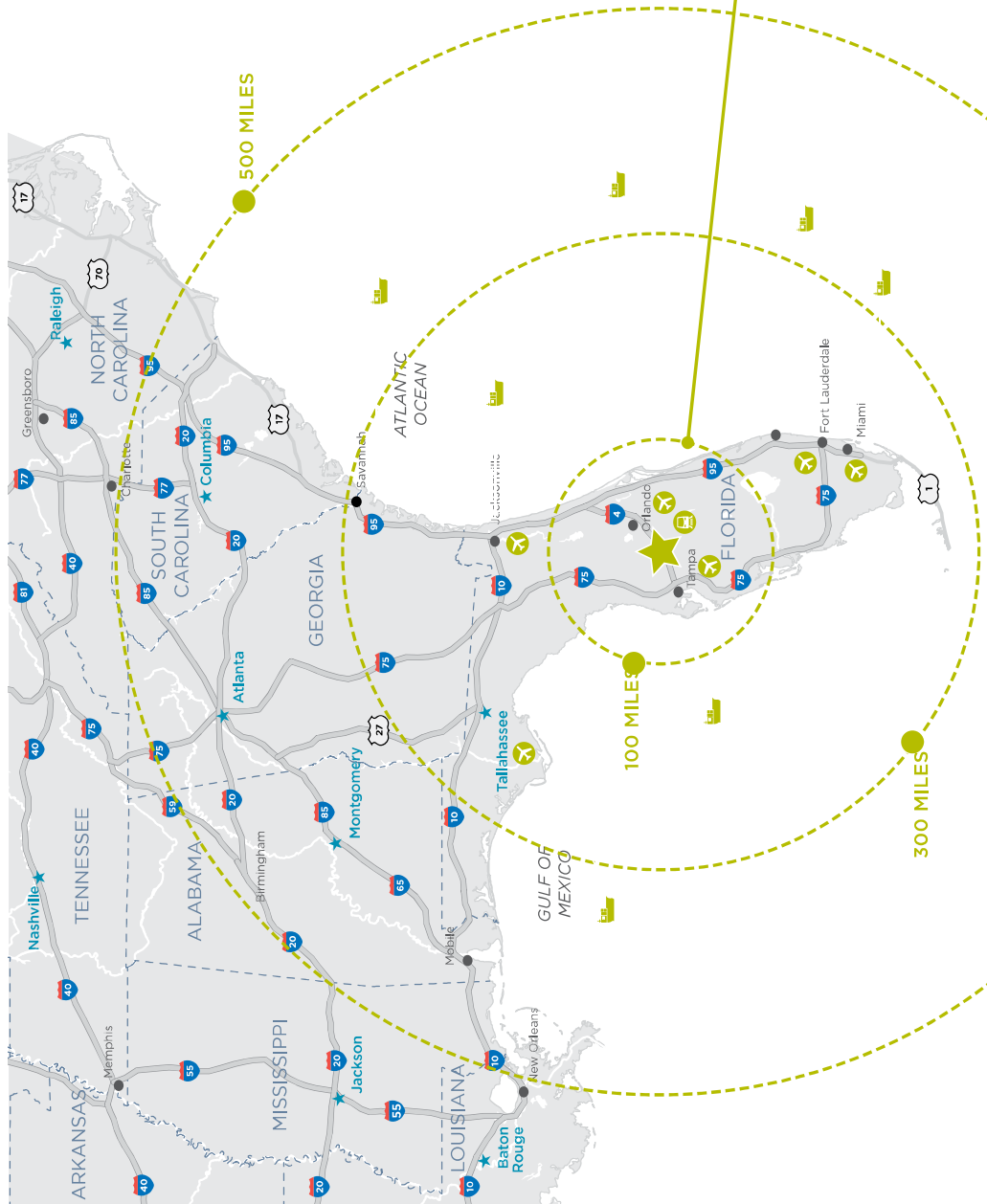


IN THE CENTER OF IT ALL

University Park at Bridgewater is a bulk distribution park that is centrally located in the “Logistical Center” of the State of Florida. The site features access to nearly 9 million consumers within a 100-mile radius, and is situated within four hours’ drive-time of every major city in Florida. The property offers excellent access to Tampa-Orlando via Interstate 4, and offers abundant access to labor. The site is also in close proximity to the new CSX intermodal facility in Winter Haven.

Florida itself has a robust wholesale trade and transportation sector. The State features one of the world's most extensive multi-modal transportation systems, including international airports, deep-water shipping ports, and extensive highway and railway networks—all of which are within easy access of Lakeland.

9 MILLION CONSUMERS
WITHIN A 100-MILE RADIUS



[Building Specs](#)[Site Layout](#)[Lakeland Logistics Hub](#)[Statewide Distribution](#)[Labor Demographics](#)[Contact Info](#)

The Lakeland Metropolitan Statistical Area (MSA) is the 18th largest MSA nationally.

LAKELAND MSA STATISTICS

Population today	721,312	
Population next five years	777,174	
New residents (past five years)	80,142	
New residents expected (next five years)	55,862	National
Unemployment	5.0% (oct 2021)	4.3%
12-month job growth	+5.3% (oct 2020)	+2.3%

LABOR MARKET STATISTICS

Drivetime	Population	Labor Market
30 Minutes	648,780	293,262
60 Minutes	4,119,088	1,965,484
90 Minutes	8,017,672	3,708,227
120 Minutes	9,703,669	4,391,573
240 Minutes	18,695,738	8,694,475 (est)



[Building Specs](#)

[Site Layout](#)

[Lakeland Logistics Hub](#)

[Statewide Distribution](#)

[Labor Demographics](#)

[Contact Info](#)

For more information, contact:

Jared Bonshire

Executive Director

+1 407 541 4414

jared.bonshire@cushwake.com

David Perez

Executive Director

+1 407 541 4435

david.perez@cushwake.com

Taylor Zambito

Associate

+1 407 541 4409

taylor.zambito@cushwake.com



20 N Orange Avenue, Suite 300

Orlando, FL 32801

+1 407 841 8000

cushmanwakefield.com



Topline Logistics Center City of Ocala



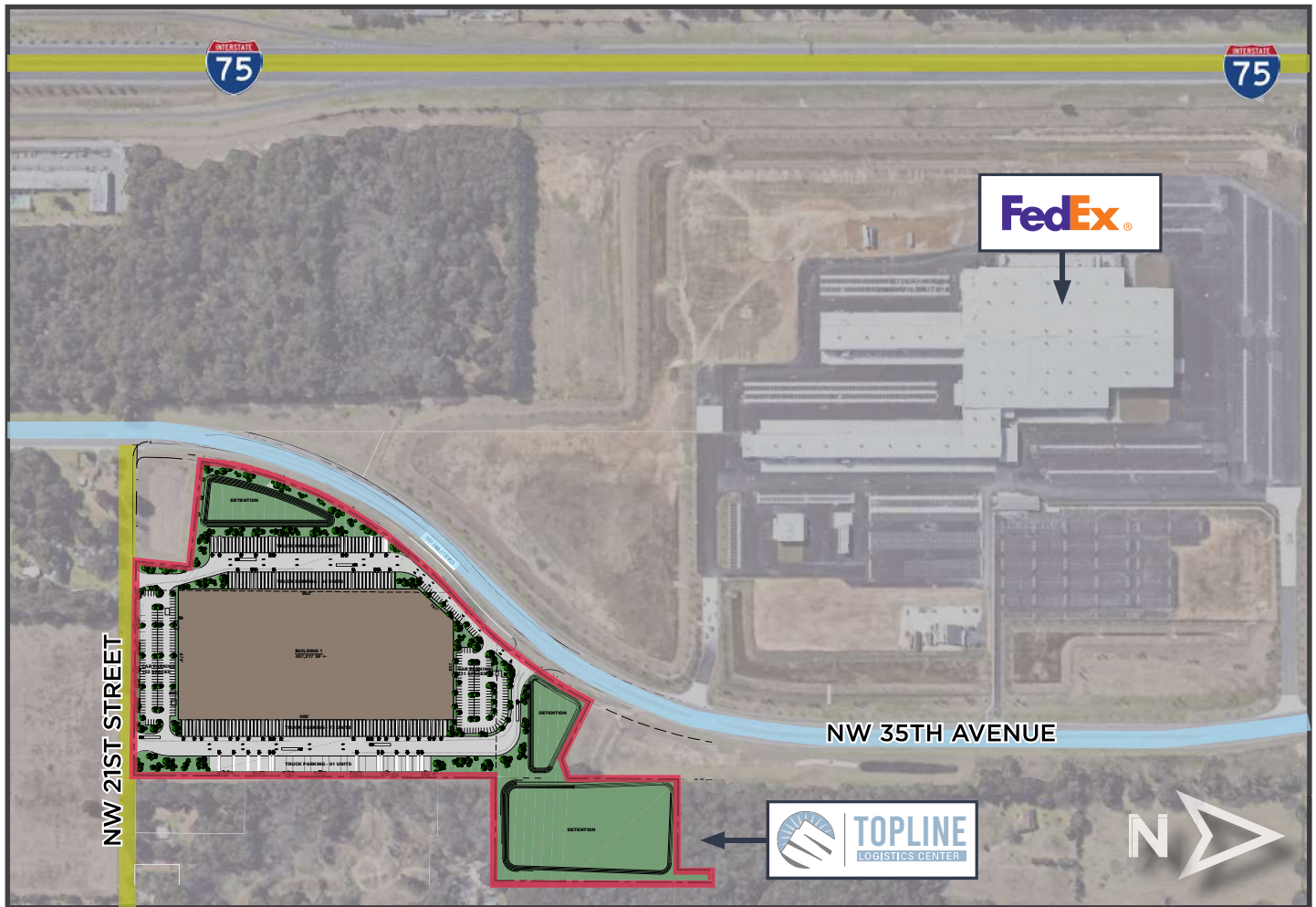
TOPLINE

LOGISTICS CENTER

AVAILABLE FOR LEASE
457,217 SF



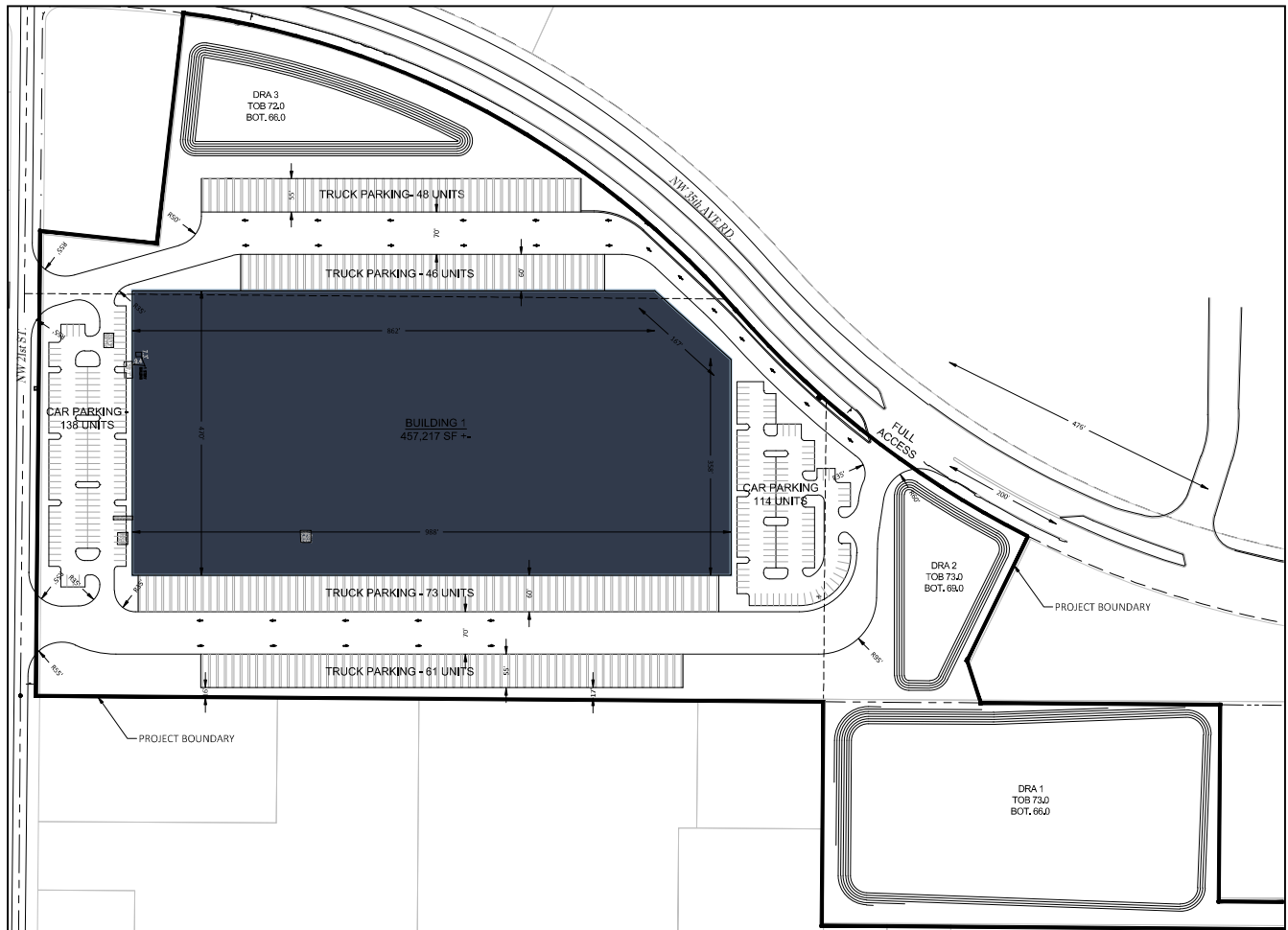
PROPERTY OVERVIEW



TOPLINE LOGISTICS CENTER

Topline Logistics Center is a premier Class A industrial facility with immediate access to Interstate-75. Topline Logistics is located within the heart of a key logistics cluster within the Ocala MSA, and benefits from its proximity to a variety of Fortune 500 companies, as well as unparalleled access to ground transportation.

BUILDING HIGHLIGHTS



Rental Rate	Negotiable
Anticipated Delivery	Q1 2023
Total Building SF	457,217 SF
Site Size	35.13 AC
Building Configuration	Cross Dock
Clear Height	36'
Column Spacing	56' x 50' 60' speed bay
Status	Under Construction

Parking	0.6/1,000
Trailer Storage	110
Electrical	277/480V, 3 Phase 4 wire service
Roof	60mil TPO
Fire Protection	ESFR
Dock Doors	151 (9' x 10')
Drive - In Doors	4 (12' x 14')
Truck Court	185'



LOCATION HIGHLIGHTS

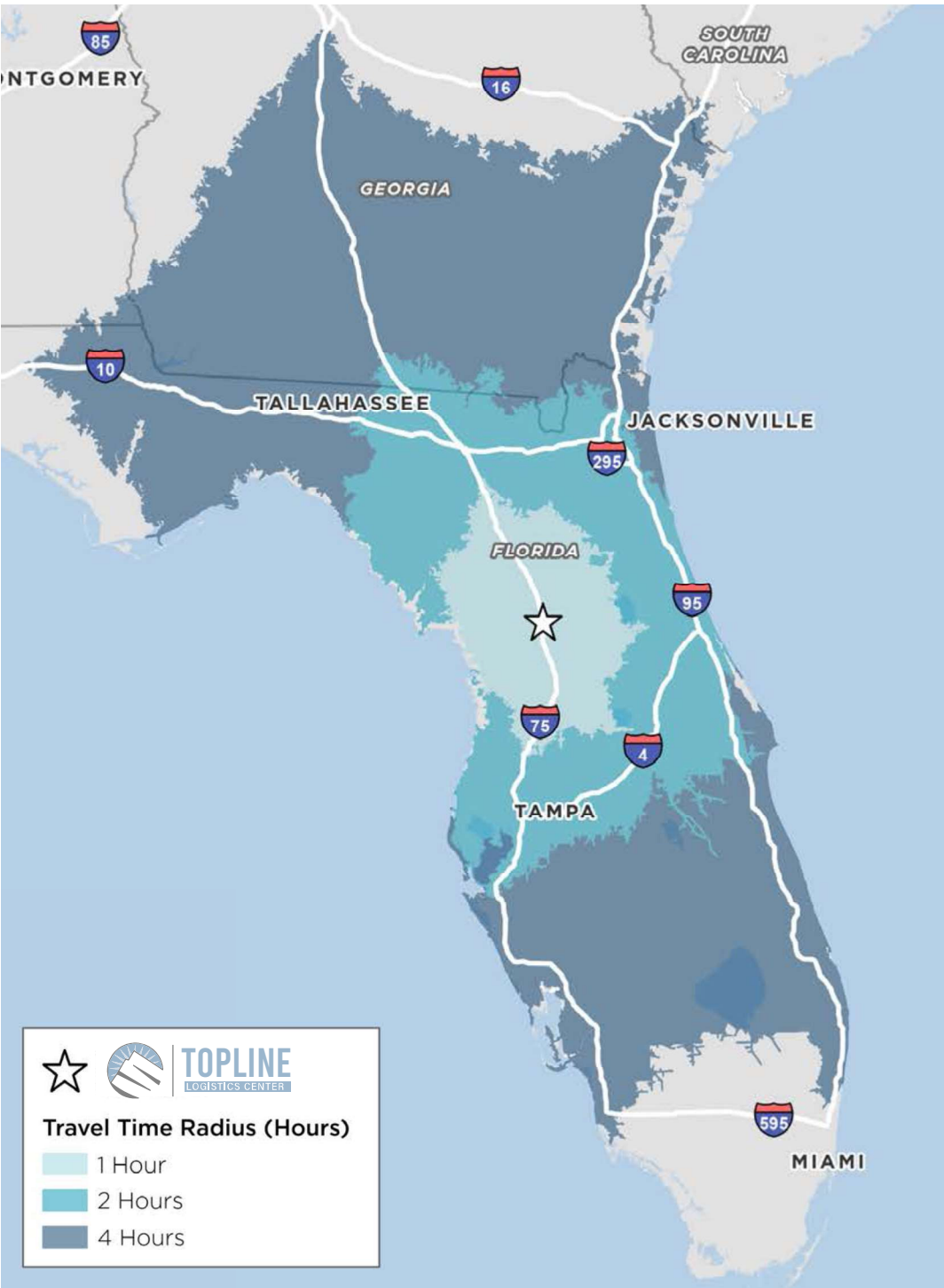
OCALA LOGISTICS HUB

Major companies are continuing to incorporate Ocala into their supply chains, with Amazon and Costco becoming the newest neighbors. Ocala is already home to over 23 million square feet of industrial space, with over 24,700 employed in the Distribution, Supply Chain & Logistics businesses. Companies with large investments in the Ocala market include:

- | | |
|---|---|
| 1. Amazon (3400 NW 35th St) | 8. Custom Window Systems (1900 SW 44th Ave) |
| 2. Velocitel (2530 NE 36th St.) | 9. Chewy (3380 NW 35th Ave) |
| 3. Winco Manufacturing (5516 SW 1st Ln) | 10. AutoZone (3321 NW 35th Ave Rd) |
| 4. Snider Fleet Solutions (443 SW 54th Ct) | 11. FedEx (3100 NW 35th Ave Rd) |
| 5. Signature Brands (1900 SW 38th Ave) | 12. McLane (910 NW 50th Ave) |
| 6. PODS (1501 SW 44th Ave) | 13. Gordon Food Services (910 NW 49th Ter) |
| 7. Dollar Tree Distribution (5700 SW HWY 484) | 14. Costco (655 SW 52nd Ave) |

MARKET STATS

Industrial tenants and users are increasingly attracted to the Ocala Metropolitan Statistical Area (MSA) due to ample developable sites coupled with labor availability. The MSA, with a combined population of 370,000 is a magnet for retirees and famous for thoroughbred horse farms.



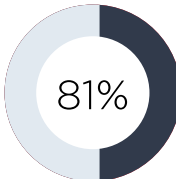
381,860
POPULATION



\$49,779
MEDIAN INCOME



52
MEDIAN AGE



81%
OF FLORIDA POPULATION
(4-HOUR DRIVE TIME)



JARED BONSHIRE

Executive Director

+1 407 541 4414

jared.bonshire@cushwake.com

DAVID PEREZ

Executive Director

+1 407 541 4435

david.perez@cushwake.com

TAYLOR ZAMBITO

Associate

+1 407 541 4409

taylor.zambito@cushwake.com



©2021 Cushman & Wakefield. All rights reserved. The information contained in this communication is strictly confidential. This information has been obtained from sources believed to be reliable but has not been verified. NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, IS MADE AS TO THE CONDITION OF THE PROPERTY (OR PROPERTIES) REFERENCED HEREIN OR AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION CONTAINED HEREIN, AND SAME IS SUBMITTED SUBJECT TO ERRORS, OMISSIONS, CHANGE OF PRICE, RENTAL OR OTHER CONDITIONS, WITHDRAWAL WITHOUT NOTICE, AND TO ANY SPECIAL LISTING CONDITIONS IMPOSED BY THE PROPERTY OWNER(S). ANY PROJECTIONS, OPINIONS OR ESTIMATES ARE SUBJECT TO UNCERTAINTY AND DO NOT SIGNIFY CURRENT OR FUTURE PROPERTY PERFORMANCE.

Trailhead Logistics Park Marion County

TRAILHEAD

LOGISTICS PARK

UNDER CONSTRUCTION

6445

6445

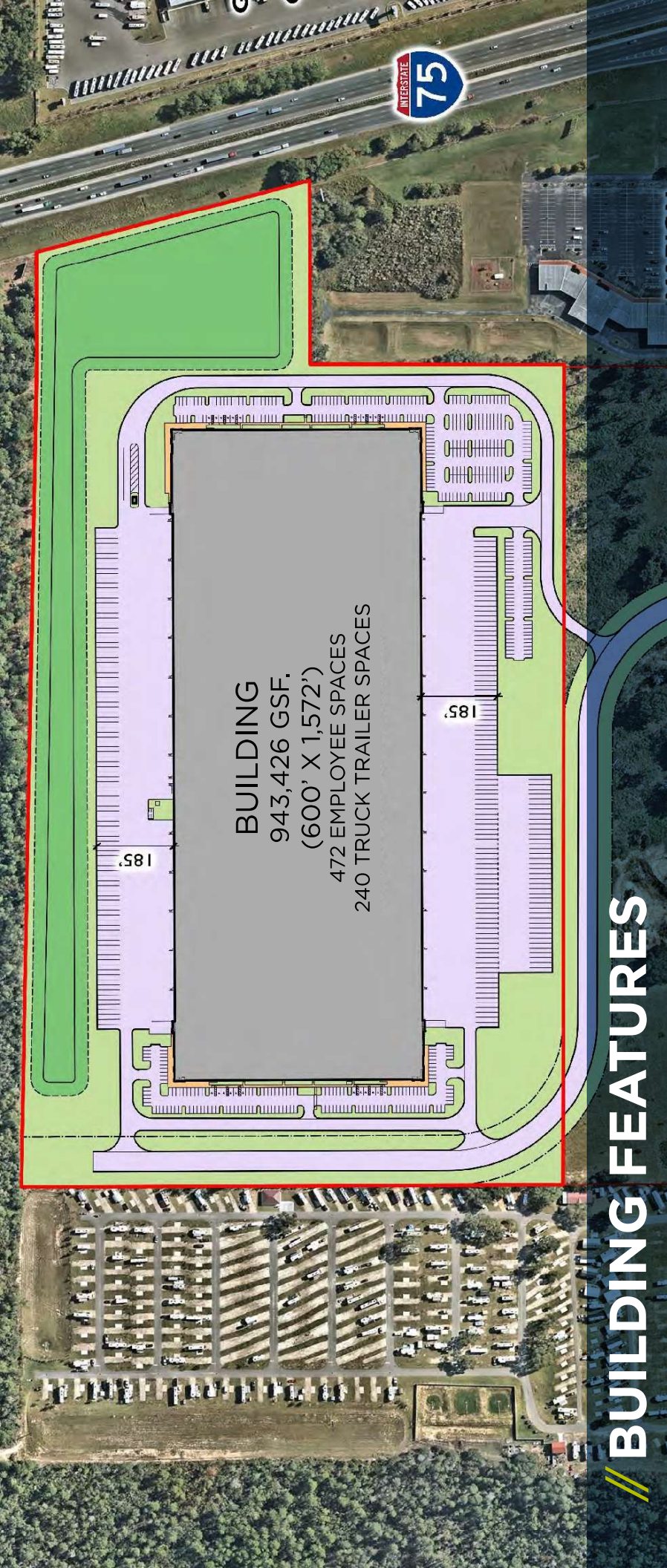


FOR LEASE
943,426 SF

TRANSWESTERN[®]
DEVELOPMENT COMPANY

SVN[®]
FLORIDA COMMERCIAL
REAL ESTATE ADVISORS

CUSHMAN &
WAKEFIELD



BUILDING
943,426 GSF.
(600' X 1,572')
472 EMPLOYEE SPACES
240 TRUCK TRAILER SPACES

// BUILDING FEATURES

BUILDING SIZE UP TO 943,426 SF	DRIVE-IN DOORS 4 - 12' x 14'	TRAILER STALLS 240	COLUMN SPACING 54' x 50' 60' STAGING BAYS	BUILDING DIMENSIONS 1,572' X 600'
AVAILABLE SPACE 680,400 SF TO 943,426 SF	PARKING 0.5/1,000	ROOF 60 mm TPO	TRUCK COURT 185'	LEASE RATE \$5.75/SF NNN
CONFIGURATION CROSS DOCK	SITE SIZE 64.26 ACRES	BUILDING SLAB 8" REINFORCED CONCRETE	SPRINKLERS ESFR	OPERATING EXPENSES \$1.95/PSF
LOADING DOCKS 154	DELIVERY Q4 2022	CLEAR HEIGHT 40'	CONSTRUCTION TILT WALL	 CLICK FOR DETAILED PLANS

// **TRAILHEAD LOGISTICS PARK**
SW HWY 484 Ocala, FL 34473

// SITE CONFIGURATION & ACCESS

TRAILHEAD
LOGISTICS PARK

PROPERTY FEATURES

Trailhead Logistics Park is located at the I-75/Hwy 484 interchange in Ocala, FL. Trailhead features excellent visibility and access to both I-75 and Hwy 484. This strategic location maximizes employee acquisition in this labor rich market and provides unparalleled same-day distribution access to many key submarkets.

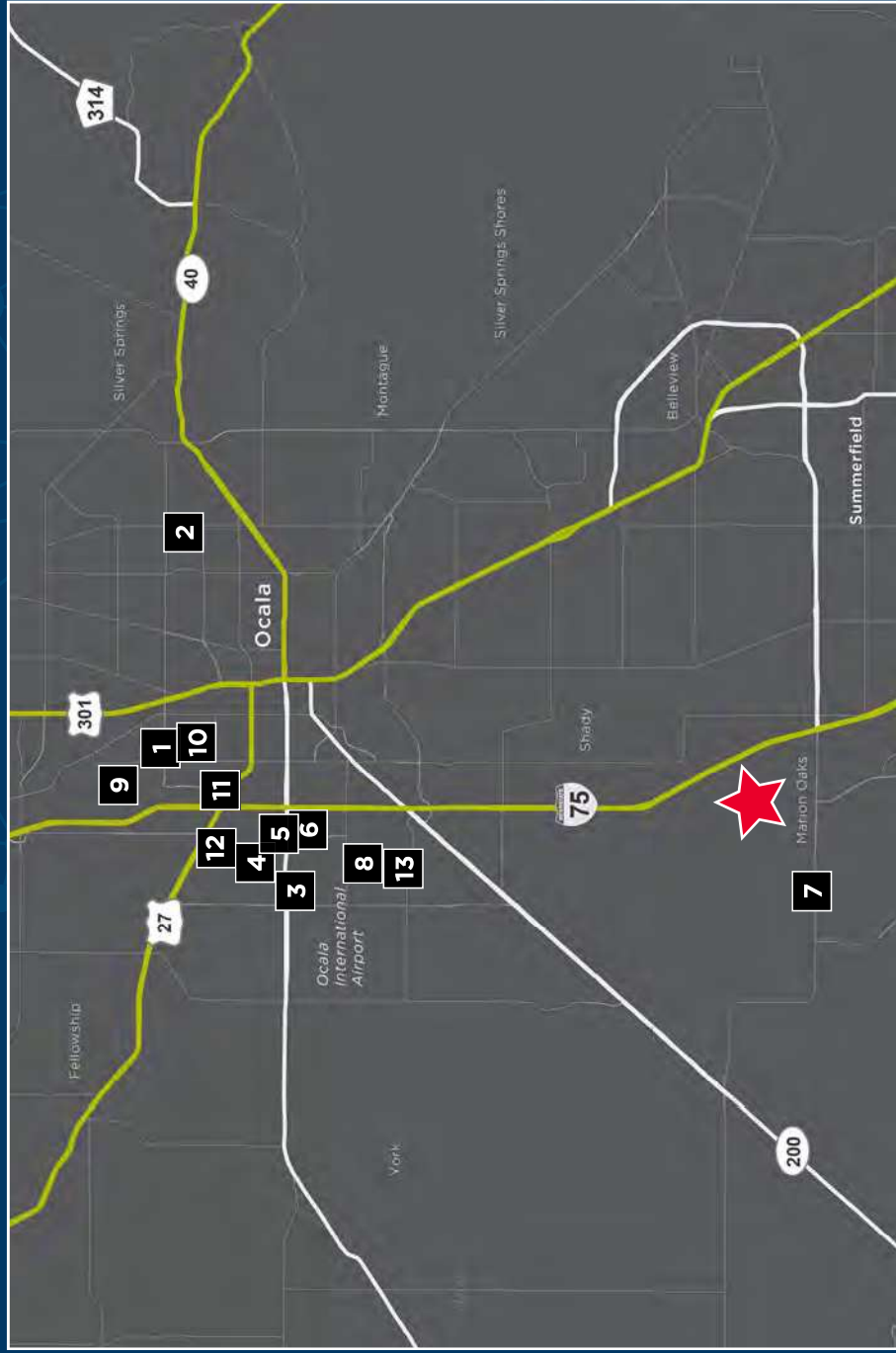


TRAILHEAD LOGISTICS PARK
SW HWY 484 Ocala, FL 34473

OCALA LOGISTICS HUB

Major companies are continuing to incorporate Ocala into their supply chains, with Amazon and Costco becoming the newest neighbors. Ocala is already home to over 23 million square feet of industrial space, with over 24,700 employed in the Distribution, Supply Chain & Logistics businesses. Companies with large investments in the Ocala market include:

1. Amazon (3400 NW 35th St)
2. Velocitel (2530 NE 36th St.)
3. Winco Manufacturing (5516 SW 1st Ln)
4. Snider Fleet Solutions (443 SW 54th Ct)
5. Signature Brands (1900 SW 38th Ave)
6. PODS (1501 SW 44th Ave)
7. Dollar Tree Distribution (5700 SW HWY 484)
8. Custom Window Systems (1900 SW 44th Ave)
9. Chewy (3380 NW 35th Ave)
10. AutoZone (3321 NW 35th Ave Rd)
11. FedEx (3100 NW 35th Ave Rd)
12. McLane (910 NW 50th Ave)
13. Gordon Food Services (910 NW 49th Ter)



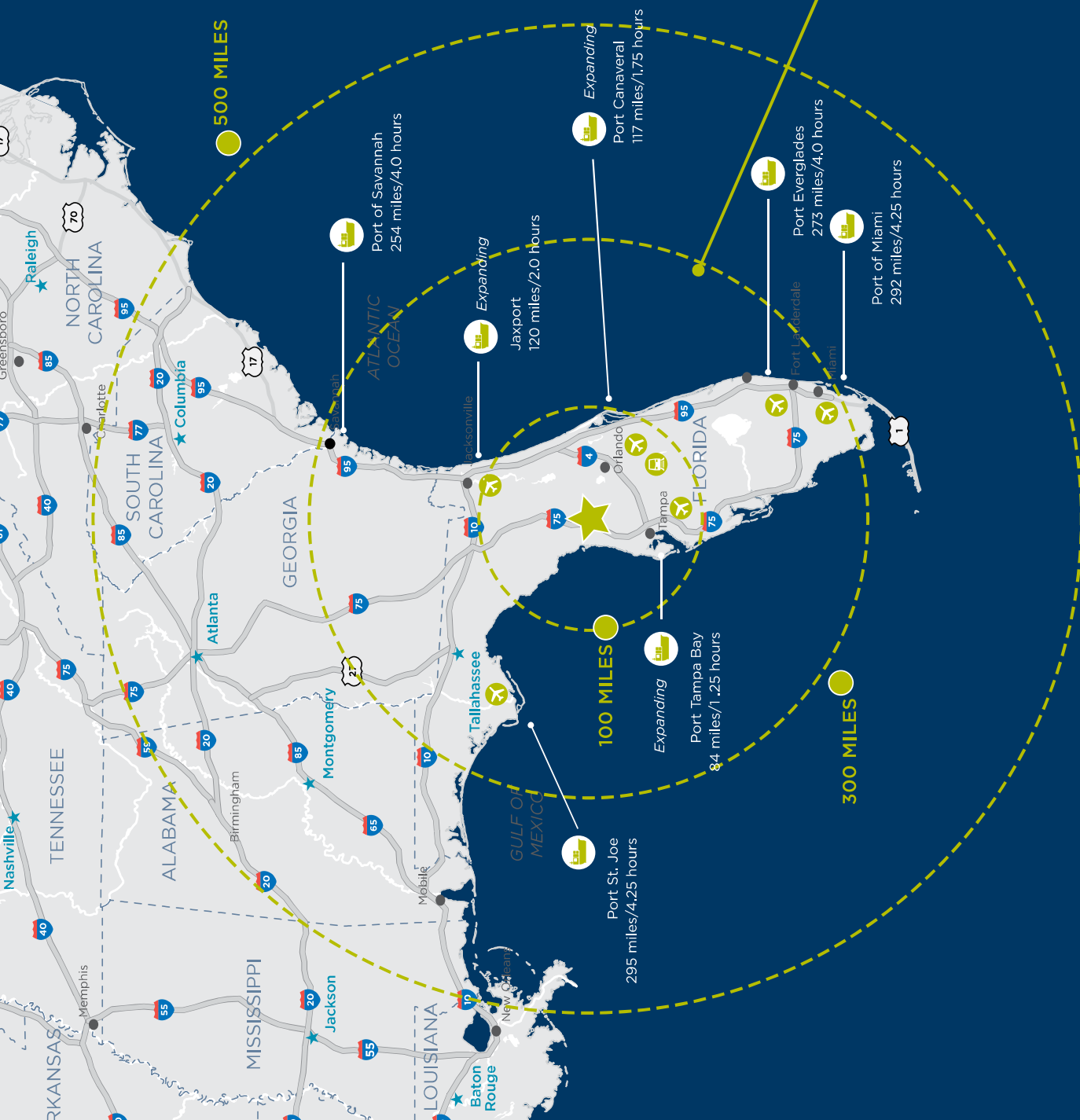
TRAILHEAD

LOGISTICS PARK

EXCELLENT REGIONAL DISTRIBUTION LOCATION

Trailhead Logistics Park is a state-of-the-art bulk industrial development, which is uniquely positioned in Ocala, Florida. Ocala has emerged as a regional distribution hub for a variety of users due to its connectivity with key Florida markets, as well as its proximity to I-75 which is a key thoroughfare servicing majority of the inbound freight consumed within the state of Florida. Trailhead Logistics Park provides immediate access to I-75, highway visibility, and is in close proximity to the Florida Turnpike; providing access to nearly 18 million consumers within a 4-hour drive-time. With the robust population growth throughout the state, Trailhead Logistics Park provides a compelling alternative to the I-4 corridor for users seeking to locate regional distribution, and manufacturing facilities within Central Florida.

**17.9 MILLION CONSUMERS
WITHIN A 4-HOUR DRIVETIME**



TRAILHEAD LOGISTICS PARK
SW HWY 484 Ocala, FL 34473

TRAILHEAD

LOGISTICS PARK



CONTACT

JARED BONSHIRE
Executive Director
+1 407 541 4414
jared.bonshire@cushwake.com

DAVID PEREZ
Executive Director
+1 407 541 4439
david.perez@cushwake.com

BARTOW MCDONALD
Managing Director
+1 352 274 3800
bartow.mcdonald@svn.com

TAYLOR ZAMBITO
Associate
+1 407 541 4409
taylor.zambito@cushwake.com

©2020 Cushman & Wakefield. All rights reserved. The material in this presentation has been prepared solely for information purposes, and is strictly confidential. Any disclosure, use, copying or circulation of this presentation (or the information contained within it) is strictly prohibited, unless you have obtained Cushman & Wakefield's prior written consent. The views expressed in this presentation are the views of the author and do not necessarily reflect the views of Cushman & Wakefield. Neither this presentation nor any part of it shall form the basis of, or be relied upon in connection with any offer, or act as an inducement to enter into any contract or commitment whatsoever. NO REPRESENTATION OR WARRANTY IS GIVEN, EXPRESS OR IMPLIED, AS TO THE ACCURACY OF THE INFORMATION CONTAINED WITHIN THIS PRESENTATION, AND CUSHMAN & WAKEFIELD IS UNDER NO OBLIGATION TO SUBSEQUENTLY CORRECT IT IN THE EVENT OF ERRORS.

SECTION 5: PUD CONCEPT PLAN



Land Use Designation

- Parcel 1 - Industrial Warehouse Center
- Parcel 2 - Industrial Warehouse Center
- Parcel 3 - Industrial Warehouse Center
- Conservation

Development Data

Site Details

Gross PUD Area	114.25 Acres
Parcel 1	30.22 Acres
Parcel 2	21.26 Acres
Parcel 3	28.36 Acres
Conservation	34.41 Acres

Proposed Development

Proposed Industrial	1,000,000 Sq. Ft.
---------------------	-------------------

Map Source: Esri, City of Kissimmee, Osceola County

Subject Property

Municipal Boundary

PUD Concept Plan

CONSTELLATION PUD AMENDMENT

1/6/2021
P & B Job No: 21-167

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

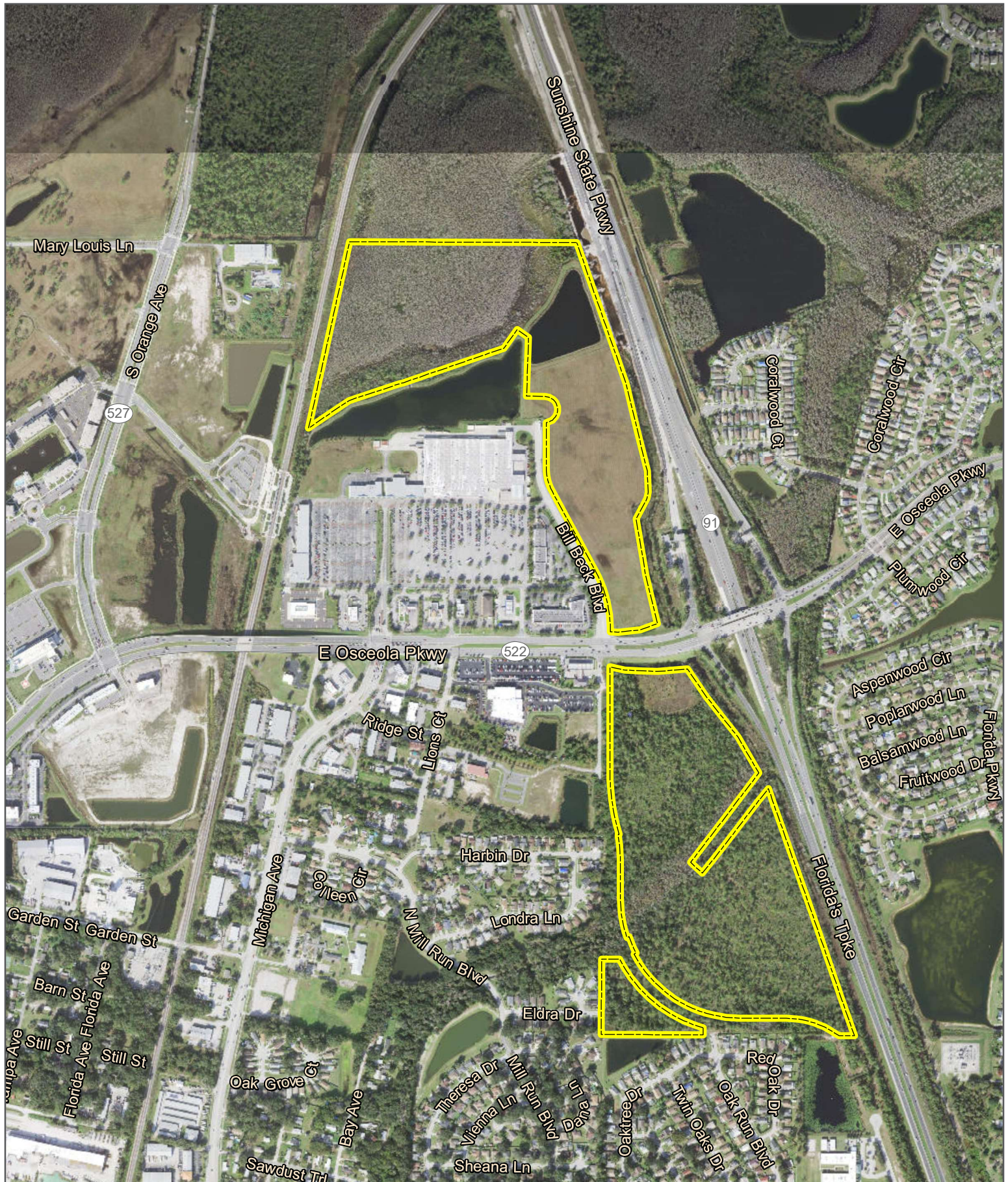
POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567



Planning QA/QC		
Information	Initials	Date
Planner	NM	1/6/2022
Team Leader		

SECTION 6: MAPS



Map Source: Esri, Osceola County

Subject Property

Aerial Map

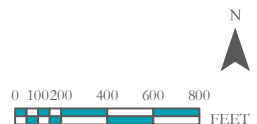
CONSTELLATION PUD AMENDMENT

12/28/2021
P & B Job No: 21-167

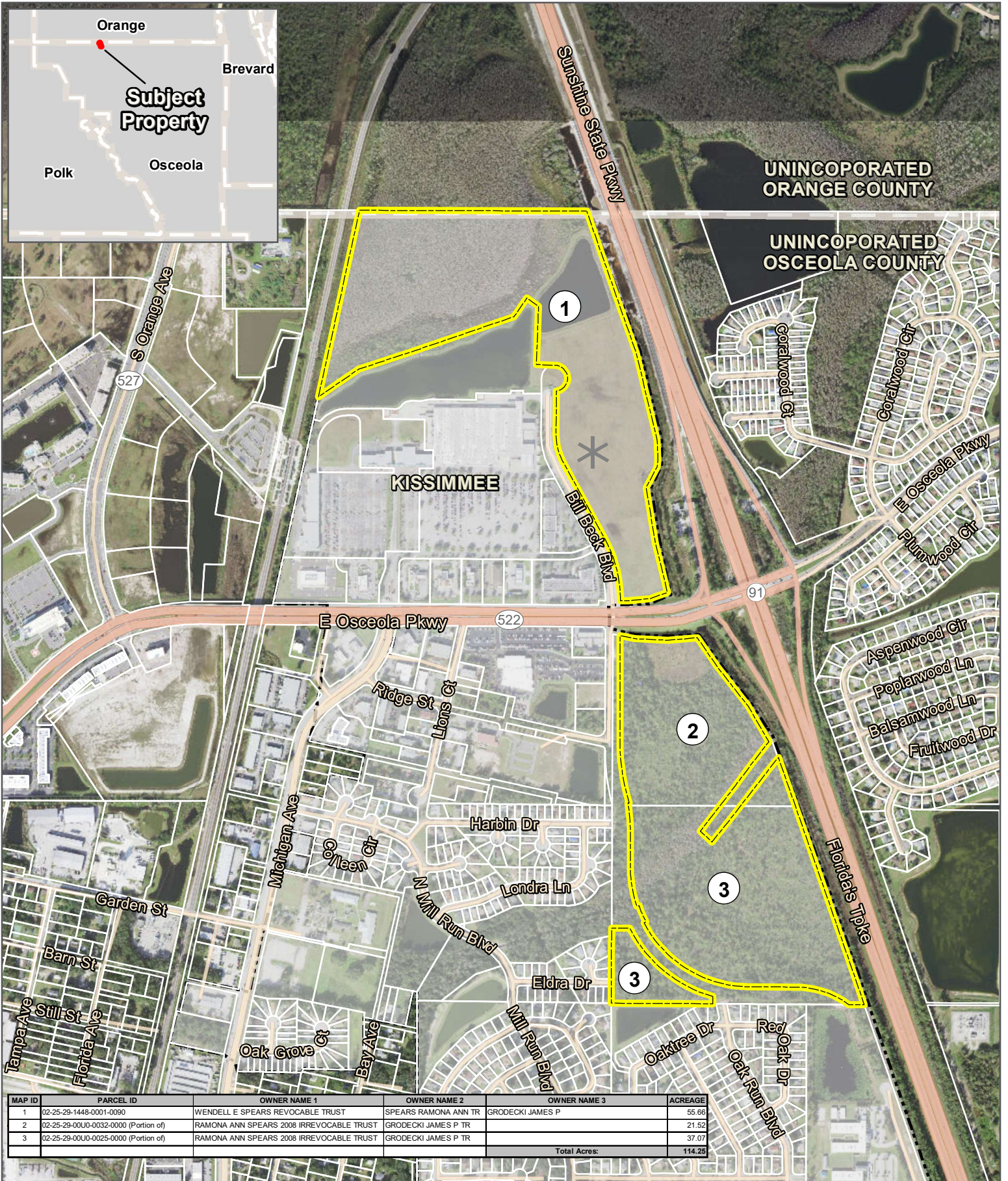
2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567



Planning Q.A/Q.C.		
Information	Initials	Date
Planner	NM	1/4/2022
Project Engineer		



MAP ID	PARCEL ID	OWNER NAME 1	OWNER NAME 2	OWNER NAME 3	ACREAGE
1	02-25-29-1448-0001-0090	WENDELL E SPEARS REVOCABLE TRUST	SPEARS RAMONA ANN TR	GRODECKI JAMES P	55.66
2	02-25-29-00U-0032-0000 (Portion of)	RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST	GRODECKI JAMES P TR		21.52
3	02-25-29-00U-0025-0000 (Portion of)	RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST	GRODECKI JAMES P TR		37.07
Total Acres:					114.25

Map Source: Esri, Osceola County

Subject Property

Municipal Boundary

Location Map

CONSTELLATION PUD AMENDMENT

12/28/2021
P & B Job No: 21-167

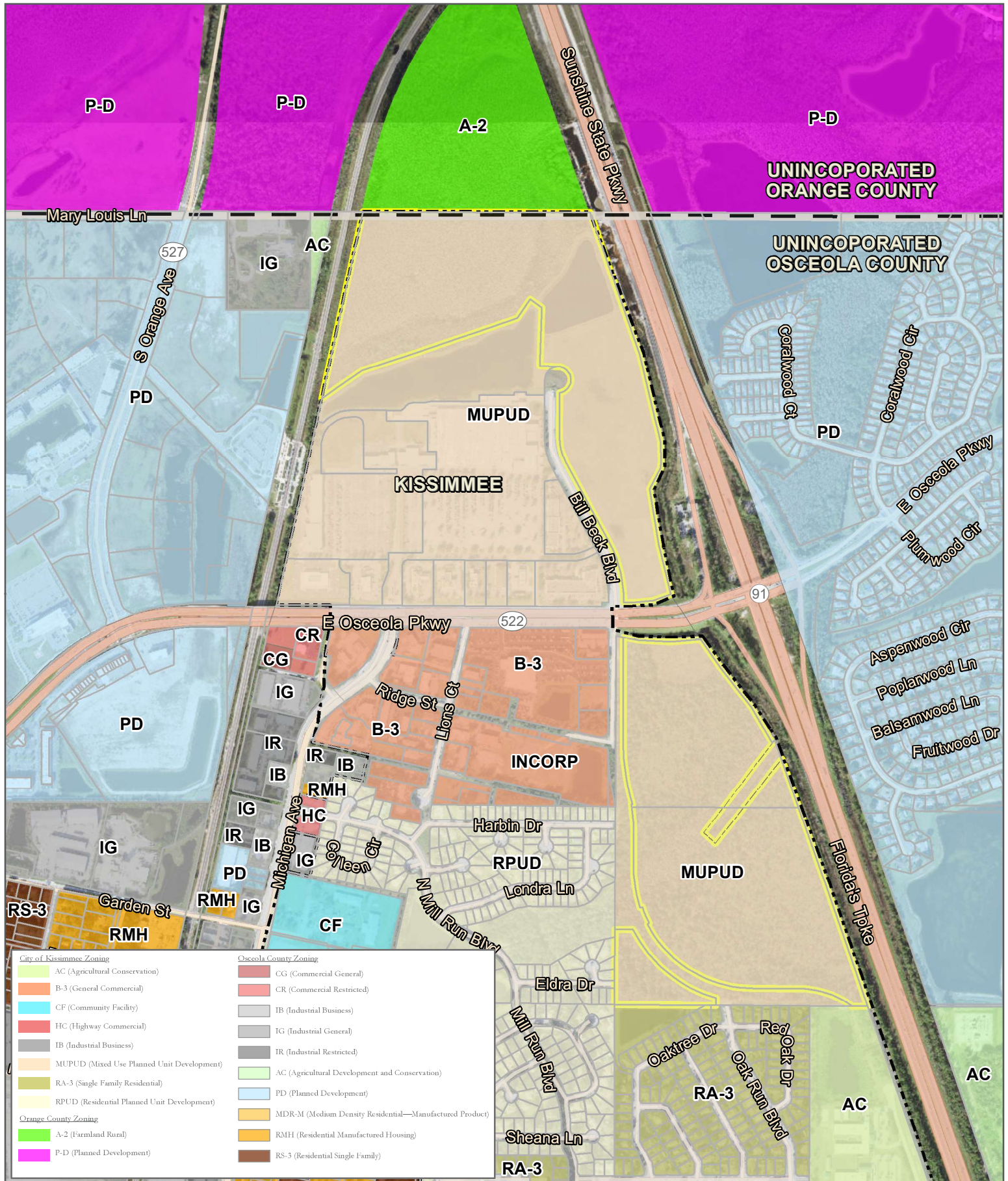
2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

0 100 200 400 600 800
FEET

Planning QA/OC	Information	Initials	Date
Planner	NM		1/4/2022
Team Leader			

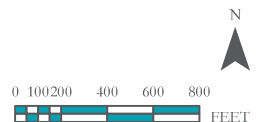


Map Source: Esri, City of Kissimmee, Osceola County, Orange County

- Subject Property
- Municipal Boundary

Zoning

CONSTELLATION PUD AMENDMENT



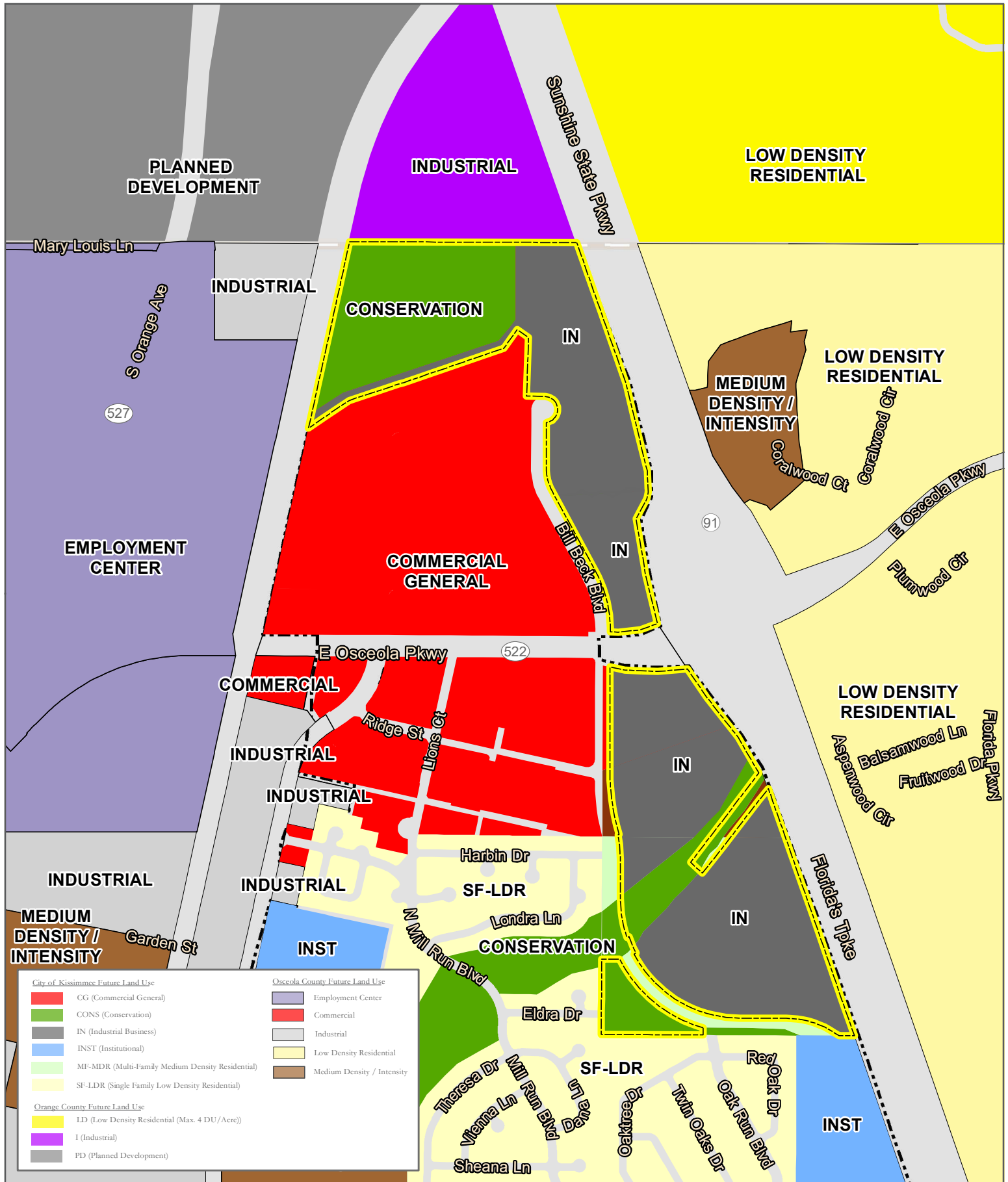
12/28/2021
P & B Job No: 21-167

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

Planning Q/A/QC	Information	Initials	Date
Prepared	RM		1/4/2022
Reviewed			
Approved			



Map Source: Esri, City of Kissimmee, Osceola County, Orange County

Proposed Future Land Use Map

CONSTELLATION PUD AMENDMENT

Subject Property

Municipal Boundary

12/28/2021
P & B Job No: 21-167

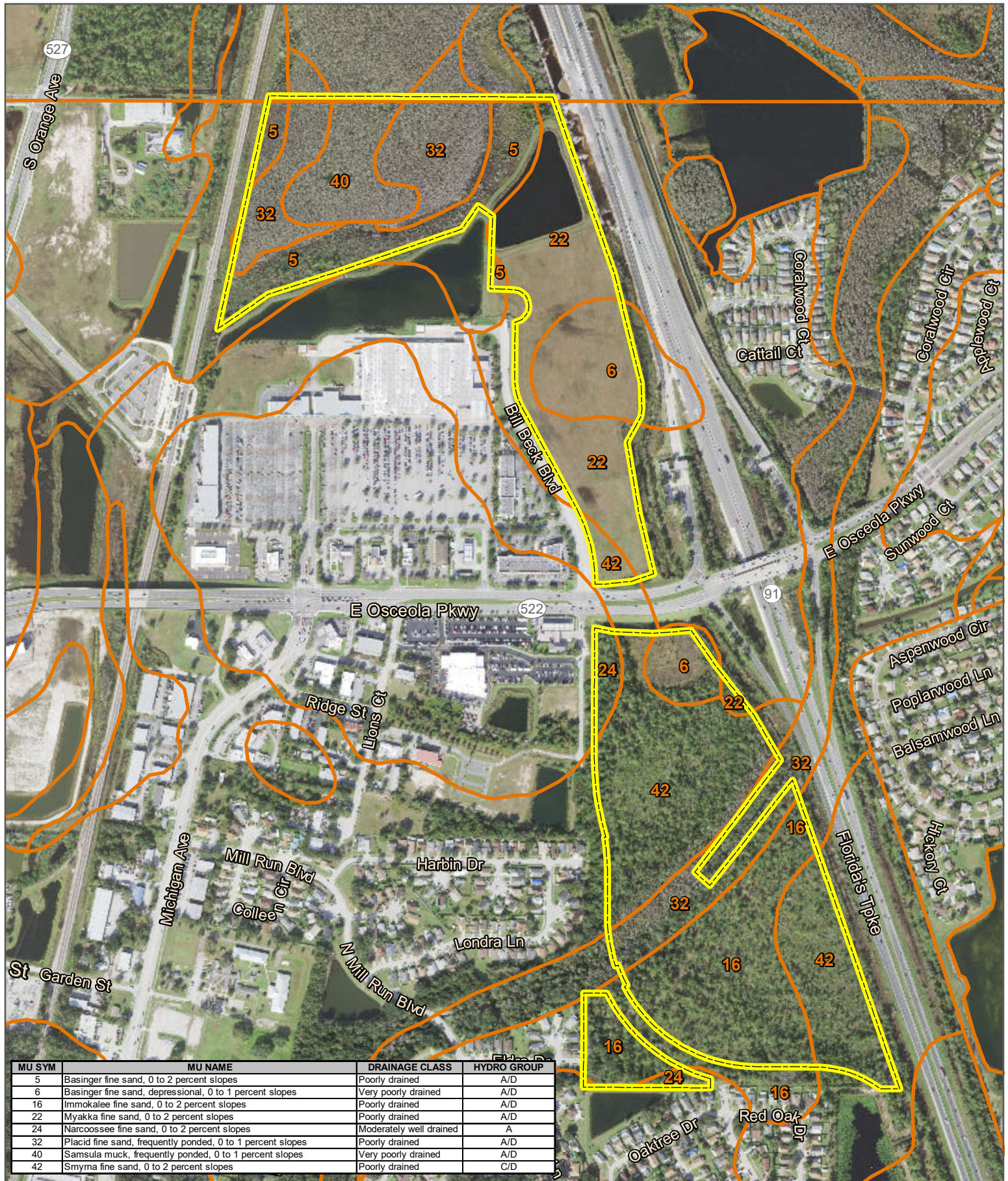
2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

0 100 200 400 600 800
FEET

Planning QA/QC	Information	Initials	Date
Prepared	MM	1/4/2022	
Reviewed			
Approved			



MU SYM	MU NAME	DRAINAGE CLASS	HYDRO GROUP
5	Basinger fine sand, 0 to 2 percent slopes	Poorly drained	A/D
6	Basinger fine sand, depressional, 0 to 1 percent slopes	Very poorly drained	A/D
16	Immokalee fine sand, 0 to 2 percent slopes	Poorly drained	A/D
22	Myakka fine sand, 0 to 2 percent slopes	Poorly drained	A/D
24	Narcoossee fine sand, 0 to 2 percent slopes	Moderately well drained	A
32	Placid fine sand, frequently ponded, 0 to 1 percent slopes	Poorly drained	A/D
40	Samsula muck, frequently ponded, 0 to 1 percent slopes	Very poorly drained	A/D
42	Smyrna fine sand, 0 to 2 percent slopes	Poorly drained	C/D

Map Source: Esri, Osceola County, NRCS

- Subject Property
- Soils Boundary

Soils Map

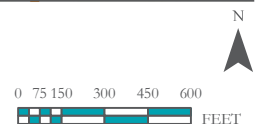
CONSTELLATION PUD AMENDMENT

12/28/2021
P & B Job No: 21-167

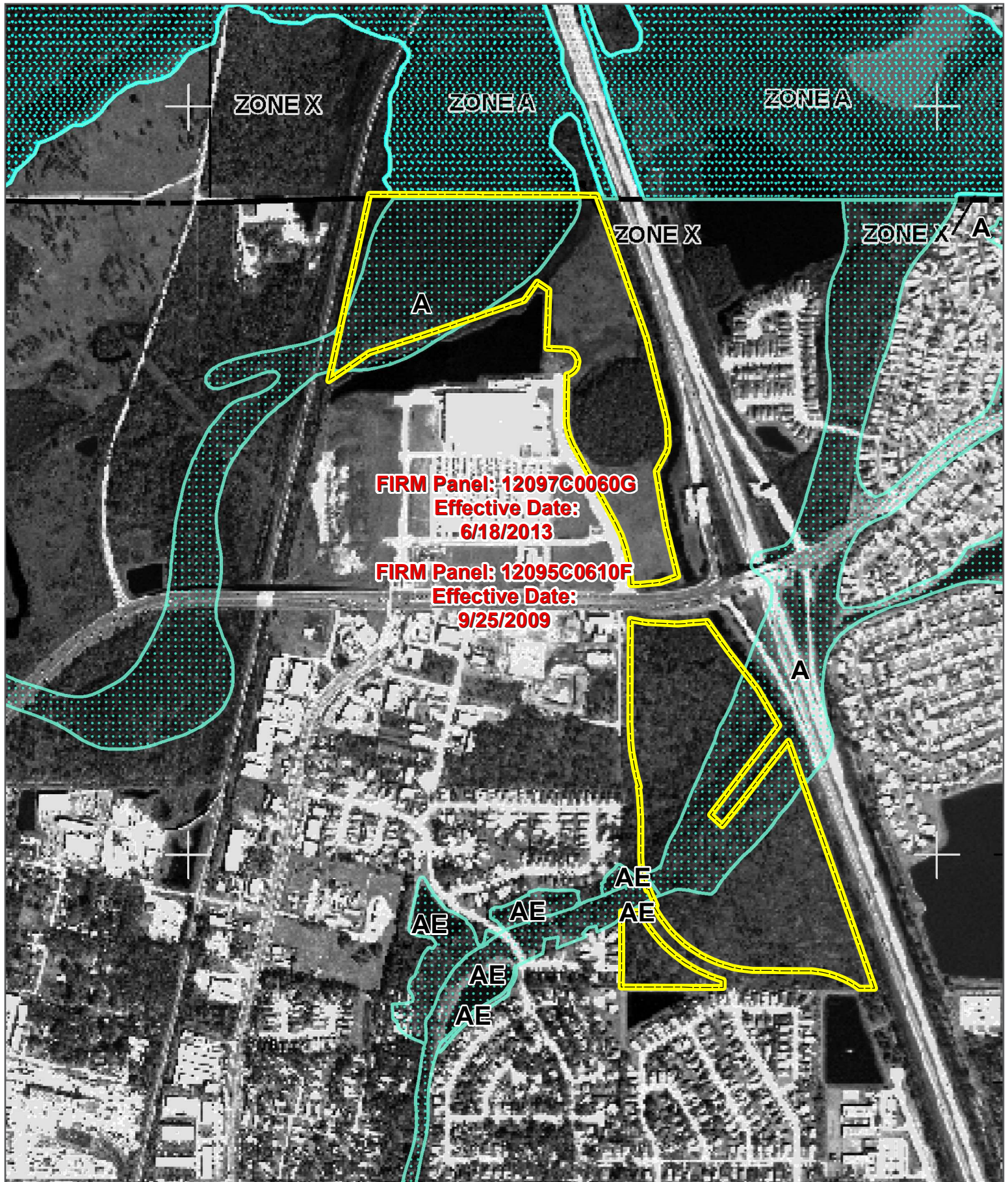
2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567



Planning QA/QC	Initials	Date
Planner	NM	1/4/2022
Team Leader		



Map Source: Esri, Osceola County, FEMA



Subject Property



Special Flood Hazard Areas
Subject to Inundation by the
1% Annual Chance Flood

12/28/2021
P & B Job No: 21-167

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567



Planning QA/QC		
Information	Initials	Date
Planner	NM	1/4/2022
Team Leader		

SECTION 7: BOUNDARY SURVEY

**SIMILAR
PROJECT
EXPERIENCE**



641

SUITE 100































THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGVO & BLUEBEAM

ADDRESS: N. & S. of Osceola Pkwy., w. of FL Turnpike, e. of Bill Beck Blvd.

DATE: 2/28/2022

PLAN NUMBER: PUD-22-0001 Constellation (fka Ramona) PUD Amendment – **REVISED**

**Review Status:
REVISE & RESUBMIT.**

PLANNING - Brenda Ryan - 407.518.2104 - Brenda.Ryan@kissimmee.gov

GENERAL

1. The property ownership of the north parcel (02-25-29-1448-0001-0090) includes Wendell E Spears Revocable Trust which is not part of the ownership of the other 2 parcels to the south (Ramona Ann Spears 2008 Irrevocable Trust & James P. Grodecki TR). The ownership of all of the parcels appears to consists of co-trustees. Please provide additional ownership authorizations for all co-trustees or provide additional trust documents that confirms Michael Spears can act as a sole trustee for all trusts.

USES & DEVELOPMENT STANDARDS

2. Review the definition of manufacturing in the LDC and the different intensities to confirm whether light manufacturing will be the only type of manufacturing considered with this PUD Amendment.
3. Consider including prohibited (e.g., motor vehicle repair) and conditional uses (e.g. outdoor activities and storage).
4. Include that all repair and manufacturing activities conducted within 300 feet of a residential district shall be in completely enclosed buildings. Processes located at a greater distance may be located outdoors if approved as a conditional use and shall be enclosed by a solid wall or fence at least six feet high.
5. Revise the front setback and establish a separate front setback requirement from Bill Beck Blvd. and Osceola Parkway to 35ft. (arterial & collector roadways).
6. Retain Condition 10 pertaining to on-site wetlands from the rescinded Gateway Commons DRI that is included in the existing Ramona PUD with this PUD Amendment.

ARCHITECTUAL/DESIGN STANDARDS

7. There were master sign standards in the Ramona PUD. Include these standards in this PUD amendment or defer sign standards to the LDC in the PUD narrative.
8. A waiver to the loading/unloading bay/garage doors visible from ROWs and adjacent residential uses, is subject to proper mitigation of the bay/loading doors to be addressed at the Site Plan review process. ([LDC 14-3-50](#)).

PARKING & ROADWAYS

9. Include a trip generation table comparing the current uses in the Ramona PUD with the new uses of this PUD Amendment.

10. The parking ratio of 1 space per 2,000 sq. ft. of gross floor area is a deviation from all of the parking standards for the proposed uses in this PUD Amendment. Revise to state parking standards must be consistent with LDC standards. Parking deviations may be considered with a parking study ([LDC 14-7-22A](#)) that can be submitted with subsequent PUD Site Plan reviews as an administrative waiver.
11. The Bill Beck Blvd. roadway improvements shall be consistent with the Osceola County Joint Facilitation of Public Infrastructure for Michigan Ave and Bill Beck Blvd. (OR Book 1859, Page 1676; April 12, 2001).

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forth coming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation. When submitting, please provide a response to comments outlining where and how the comments have been addressed.



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

**ADDRESS: E. Bill Beck Blvd, North & South Osceola Pkwy
PLAN (DRC) NUMBER: PUD-22-0001**

**DATE: 2/23/2022
SDOC#: 2017/18-0020**

**Review Status:
CHOOSE REVIEW STATUS.**

OSCEOLA COUNTY SCHOOL DISTRICT - Jason Lindsey - 407.518.2964 - Jason.Lindsey@osceolaschools.net

Comments/Conditions (if applicable):

This PUD Amendment for a Industrial Warehouse has no impact on public schools.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forth coming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation. When submitting, please provide a response to comments outlining where and how the comments have been addressed.



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

DATE: 2/23/2022
PROJECT: 3151 BILL BECK BLVD PUD Amendment
DRC NUMBER: PUD-22-0001
REVIEW NUMBER: 1

**Review Status:
REVISE & RESUBMIT**

ENGINEERING DEPARTMENT - Ryan Kilman - 407.518.2279 - ryan.kilman@kissimmee.gov

MINIMUM LOT STANDARDS:

1. The Maximum Impervious Area listed in the PUD lot standards is 85%. Will the master stormwater pond(s) be designed for 85% impervious coverage? If not, please revise this number to indicate a percentage no greater than what the master stormwater pond is designed for.

ADVISORY COMMENTS (No Responses Necessary):

- All applicable code requirements of the City of Kissimmee Code of Ordinances shall be adhered to for any proposed use(s) and its processes.
- Please login to the Citizen Self Service portal at <http://www.kissimmee.gov/energov> to upload revisions to plans and/or response to comments.
- If you have any questions regarding the comments/conditions above, please use the contact information provided.

###

Exhibit B

Gateway Commons DRI Rescission Order



CITY OF KISSIMMEE

Office of the City Clerk

101 Church Street . Kissimmee, Florida 34741-5054 . Phone 407-518-2308 . FAX 407-518-2260

July 26, 2019

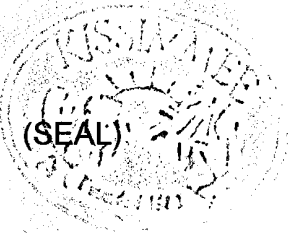


CFN 2019100669
Bk 5568 Pgs 541-644 (105 Pgs)
DATE: 08/05/2019 10:40:48 AM
ARMANDO RAMIREZ, CLERK OF COURT
OSCEOLA COUNTY
RECORDING FEES \$894.00

I HEREBY CERTIFY that the attached is a true and correct copy of the
**RESOLUTION # 09-2019 ORDER APPROVING RESCISSION OF GATEWAY
COMMONS DRI DEVELOPMENT ORDER** as approved by the City of Kissimmee
Commission on May 7, 2019.

By:

Linda S. Hansell
City Clerk



RESOLUTION # 09-2019
REQUEST FOR RESCISSION OF
GATEWAY COMMONS DRI DEVELOPMENT ORDER

THIS REQUEST FOR RESCISSION OF THE GATEWAY COMMONS DRI DEVELOPMENT ORDER (this "Request") is submitted on behalf of WENDELL E. SPEARS REVOCABLE TRUST ("Trust"), whose address is Post Office Box 1780, Winter Park, Florida 32790, by and through its undersigned attorney, Hal Kantor, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., 215 N. Eola Drive, Orlando, Florida 32801.

FACTUAL BACKGROUND

1. Dart Road Limited Partnership, a Florida limited partnership, was the original developer of that certain real property in the City of Kissimmee, Florida (the "City"), commonly known as the Gateway Commons Development of Regional Impact (the "Gateway Commons DRI" or "DRI"), which is more particularly described in the Gateway Commons DRI Development Order (as hereinafter defined). A legal description of the DRI is included as **EXHIBIT A**.
2. The Gateway Commons DRI is approved for 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres. The attached **EXHIBIT B** provides a list of all development, and approved development, to date within the DRI.
3. Wendell E. Spears Revocable Trust, ("Trust"), is the landowner of the undeveloped parcels within the DRI, which are approved for 700 hotel rooms and 200,000 square feet of commercial development and 250,000 square feet of business park. The undeveloped parcels are identified on **EXHIBIT C**.
4. The City issued the Original Development Order for the Gateway Commons DRI on August 6, 1991, which is recorded at Official Records Book 1026, Page 2967, in the Public Records of Osceola County, Florida. The City amended the Gateway Commons Development Order on July 30, 1996, which is recorded at Official Records Book 1349, Page 1479, and, again, on September 30, 1999, which is recorded at Official Records Book 1690, Page 1594. The Original Development Order and the two amendments combined are the Gateway

Commons DRI Development Order (the "DRI Development Order").

5. The DRI Development Order specifies the required mitigation for the development of the Gateway Commons DRI.
6. The City of Kissimmee meets the population and density criteria related to exemptions for dense urban land area pursuant to Section 380.0651(3)(a), Florida Statutes, and is identified on the State of Florida list of qualifying communities as published by the Florida Legislature, Office of Economic and Demographic Research.
7. As a dense urban land area the City of Kissimmee is exempt from Chapter 380.06 (the DRI law) and is authorized to rescind any existing DRI approvals upon request. Pursuant to Section 380.115(2), Florida Statutes, "If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), provided such permit or authorization is subject to enforcement through administrative or judicial remedies."
8. All required mitigation has been completed for the developed, and approved for development, portion of the Gateway Commons DRI as set forth in the Gateway Commons DRI Development Order. The developed, and approved for development, portion is 450,659 square feet of commercial development.
9. Since all required mitigation under the Gateway Commons DRI Development Order has been performed for the amount of development that exists in the Gateway Commons DRI, Trust hereby requests that the City rescind the Gateway Commons DRI.
10. As specified in the DRI Development Order and save and except for wetlands which have received permits for removal and for which mitigation has been provided, the Gateway Commons on-site wetlands systems, other conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall

have their developmental uses restricted by easement as provided in Section 704.06, Florida Statutes. That condition does not preclude the applicant from including these land in fulfilling open space requirements of the City of Kissimmee. This rescission order retains this provision for all of the DRI property as identified in Exhibit A, including the Trust parcels.

REQUEST FOR RESCISSION

1. **FACTUAL BACKGROUND INCORPORATED.** The facts set forth in the Factual Background above are true and correct and are hereby incorporated into this Request by this reference.
2. **GATEWAY COMMONS MITIGATION.** The Gateway Commons DRI Development Order mitigation requirements are included as **ATTACHMENT A** which documents that the Conditions of Approval required for development of **450,659 square feet of commercial development** within the Gateway Commons DRI have been met.
3. **GATEWAY COMMONS TRAFFIC ANALYSIS.** As further confirmation that the mitigation requirements for the development, and development approved to date, have been fulfilled, a traffic analysis was submitted that documents that the amount of development, including that approved to date, is within Phase 1 of the DRI Development Order. The Traffic Analysis is included as **ATTACHMENT B**.
4. **GATEWAY COMMONS DRI RESCISSION.** Based on the information presented herein, Trust hereby requests rescission of the Gateway Commons DRI Development Order.
5. **PROPOSED ORDER APPROVING DRI RESCISSION.** Included as **ATTACHMENT C** is a proposed form of an Order Approving Rescission of the Gateway Commons DRI Development Order that the City may wish to use once it has determined that all of the required mitigation for the amount of existing development has been performed.

Date

6/27/19

Respectfully submitted,

Hal Kantor

Lowndes, Drosdick, Doster, Kantor & Reed
215 North Eola Drive
Orlando, FL 32801
Attorney for Wendell E. Spears Revocable Trust

ATTACHMENT A

**STATUS OF CONDITIONS OF APPROVAL WITHIN
THE GATEWAY COMMONS DRI DEVELOPMENT ORDER**

30022337.1

**Gateway Commons Development of Regional Impact
Development Order - 1991**

Section I. Findings of Fact:

1. Dart Road Limited Partnership, a Florida limited partnership (hereafter "Developer") filed an application for a Development of Regional Impact called Gateway Commons pursuant to Section 380.06, Florida Statutes, relating to real property located in Kissimmee, Florida, more particularly described in Exhibit 1 attached to and incorporated herein by this reference.
2. The developer is the owner of and has the authority to file the Application for Development Approval ("ADA") and obtain a Development Order with respect to the Property in accordance with Section 380.06, Florida Statutes.
3. The Property does not lie within an area of critical state concern.
4. The application has been reviewed by and recommendations for approval have been received from the City of Kissimmee Planning Advisory Board sitting as the Local Planning Agency.
5. All public hearings as required by Section 380.06, Florida Statutes, have been duly noticed and held.
6. The Developer's authorized agent is Mr. Joel Ivey, Ivey Harris & Walls, 122 E. Colonial Dr., Orlando, FL 32801.

Section II. Conclusions of Law:

1. The development of the Gateway Commons is consistent with the achievement of the objectives of the adopted State Land Development Plan.
2. The development of the Gateway Commons is consistent with the City of Kissimmee Growth Management Plan ("GMP") and other City Land Development Regulations.
3. The development of the Gateway Commons is consistent with the report and recommendations of the East Central Florida Regional Planning Council received pursuant to Section 380.06(14), Florida Statutes.
4. ~~The Development Order constitutes final approval of use of the Property for a total of 1,050 hotel rooms, 532,000 square feet of commercial, and 600,000 square feet of business park on 208.3 acres, as more particularly detailed in the Findings of Fact above and as described in the ADA/DRI and incorporated by this reference, and subsequently amended by sufficiency responses and as may be amended by the terms and conditions of this Order.~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

Section III. Development Order:

1. The project shall be developed in accordance with the information, data, plans and commitments contained in the Gateway Commons DRI/ADA and supplemental information unless otherwise directed by the conditions enumerated below. For the purpose of this condition, the Application for Development Approval shall consist of the following items:
 - a. Application for Development Approval dated September 1990;
 - b. First Sufficiency Responses dated December 1990;
 - c. Second Sufficiency Response dated January 1991;
 - d. Commitments made during the review as presented as condition 38.

Status: In compliance.

- ~~2. The project shall consist of a total of 1,050 hotel rooms, 532,000 square feet of commercial, and 600,000 square feet of business park on 208.3 acres.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

- ~~3. If five percent of phase I of the project (26,600 square feet of commercial space or any combination which equals five percent of the development) is not constructed within five years of the effective date of the Development Order, then the Development Order shall expire.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

4. Project construction personnel shall be notified, through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the project manager. In the event of discovery of artifacts of historical or archaeological significance during project construction, the applicant shall stop construction at the site of discovery and notify the City of Kissimmee and the Division of Historic Resources of the Florida Department of State. From the date of notification, construction shall be suspended within a 100 foot radius of the site of discovery for a period of up to 120 days to allow evaluation of the site.

Status: In compliance. No sites discovered to date.

5. To minimize dependence on ground irrigation and to promote retention of wildlife habitat, xeriscape principles using native vegetation (see xeriscape plant guide published by South Florida Water Management District) shall be utilized in landscaping of areas not subject to reclaimed water irrigation. Ecologically viable portions of natural upland plant communities should be preserved and maintained in their original state to the greatest extent practicable.

Status: In compliance. Reclaimed water is used on site.

6. Site development related activities shall not result in the harming, pursuit or harassment of wildlife species classified as endangered, threatened or a species of special concern by either the state or federal government in contravention of applicable state or federal laws. Should such species be determined to be residing on, or be otherwise significantly

dependent upon the project site, the developer shall cease all activities which might negatively affect that individual or population and immediately notify the Florida Game and Fresh Water Fish Commission and the United States Fish and Wildlife Service. Proper protection and habitat management, to the satisfaction of the above agencies, shall be provided by the developer.

"Harming" and "harassment" as used in this condition shall be defined in the same manner as "harm" and "harass" respectively are defined in 50 CFR Section 17.3.

Status: In compliance. All site work has been conducted in compliance with state and federal permits.

7. Prior to development activities the developer shall coordinate with the FGFWFC to determine the potential for relocation of the existing gopher tortoise population present on the Gateway Common site. FGFWFC guidelines for gopher tortoise relocation shall be followed. Progress and status relocation shall be reported by the ECFRPC.

Status: In compliance. All site work has been conducted in compliance with state and federal permits.

8. Losses of viable wetlands shall be mitigated through restoration of wetlands, creation of wetlands or preservation of functional wetlands within the same watershed in accordance with the Master Development Plan (Map H, ADA) and in accordance with adopted rules and policies of Osceola County, Florida Department of Environmental Regulation, South Florida Water Management District, and U.S. Army Corps of Engineers. Wetlands to be created or upland to be retained as mitigation shall be located coterminously with one or more major habitat areas to be preserved so as to provide a continuity or expansion of natural habitat areas. Detention ponds, preservation of viable on-site wetlands, lakes or open water areas shall not be acceptable for wetland mitigation. However, littoral zones created around detention ponds and lakes may qualify as newly created wetlands for mitigation purposes.

Status: In compliance. Three wetlands were removed in compliance with state and federal permits and mitigated through near-site and off-site mitigation. This work was completed in 2001 and 2008.

9. Buffer areas of native upland vegetation averaging 50 feet wide and with a minimum width of 25 feet shall be retained around all regionally significant wetlands. Upland buffers between on-site wetlands/marshes/lakes and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetation or be re-planted with native, transitional zone or upland vegetation. Use of these buffers shall be limited to nature trails and other passive recreation. The only component of the stormwater system within these buffers shall be a dispersion swale discharge system which shall not be permitted within the first 25 feet of buffer from the wetlands and shall be limited to a total length of no greater than ten percent (10%) of the wetland perimeter. The use of pesticides, herbicides or fertilizers shall be prohibited in these buffers and the wetlands they protect.

Status: The buffers are in compliance with water management district permits.

10. The on-site wetlands systems, other conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall have their developmental uses restricted by easement as provided in Section 704.06,

Florida Statutes. This condition does not preclude the applicant from including these lands in fulfilling open space requirements of the City of Kissimmee. This easement shall be conveyed to the South Florida Water Management District, the City of Kissimmee or other state or federal agency or the East Central Florida Regional Planning Council. Lands designated for upland preservation for mitigation purposes only are so designed by the applicant as compensation for losses to wildlife resources of state and regional concern and shall therefore be used exclusively for the purpose of wildlife and habitat preservation and shall be considered to have no value for other than that purpose.

Status: In compliance. Easements have been conveyed as required.

11. Any losses to lands designated as conservation or preservation, whether proposed by the applicant, his successors or other private or public entities shall be the responsibility of the party causing the loss to the extent permitted by law. Any substantial deviation of the development order that might occur pursuant to 380.06(19), Florida Statutes shall be performed by the party causing the deviation. Any such losses to wetland areas shall be resolved according to applicable regulatory programs. Any such losses to all other areas shall be compensated for by preserving habitat of equal or greater value, on an acre for acre basis, at another location judged to be able to remain viable as wildlife habitat. Any alternations to the flow or channel of Mill Slough shall result in a watercourse that resembles natural conditions in terms of bank stabilization, bank vegetation and meandering course.

Status: In compliance. Three wetlands were removed in compliance with state and federal permits and mitigated through near-site and off-site mitigation. This work was completed in 2001 and 2008.

12. For the purpose of potable water conservation, the project shall utilize low water use plumbing fixtures, self-closing and/or metered water faucets, and/or other water conserving devices. The fixtures shall be at a minimum, consistent with the State Water Conservation Act (Florida Statutes, 553.14).

Status: Fixtures uses are in compliance with City requirements.

13. The applicant (or owners/successors) shall establish and implement an inspection and maintenance program for all components of the surface water management system for the project site, to include schedules for the performance of:
 - a. Stormwater facility operating inspections on a regular bases (e.g. quarterly) and following major rainfall events (e.g. 1 inch of rainfall, 1 year/24 hour) for the removal of excessive sediment, debris or other flow obstructions;
 - b. Routine maintenance activities (e.g. moving, trash removal, etc.)
 - c. Ongoing education programs for maintenance staff personnel regarding the correct usage of and application rates for fertilizers and chemicals (e.g. herbicides) near the stormwater management facilities, the removal off noxious weeds and retention of desirable aquatic vegetation, and correct procedures for other maintenance/landscaping related activities which have the potential for adversely affecting water quality conditions on the project site.

Status: In project is in compliance with the conditions of the stormwater management permit. The systems are maintained privately through recorded ECR documents and Association.

14. The applicant (or owner/successors) will incorporate additional water quality treatment and/or water management system to correct or mitigate any degradation if the measures implemented by the applicant/owners are found to be ineffective or to adversely impact water quality/quantity conditions on or downstream of the project site.

Status: In compliance.

15. The applicant (or owners/successors) shall ensure that no direct overland runoff from developed or landscaped areas on the project site will be able to enter Mill Slough, its tributaries or adjacent wetland areas without receiving treatment equivalent to the retention or detention with filtration of the first one-half inch of rainfall runoff in order to prevent the direct, untreated entry of fertilizers, herbicides, pesticides and other pollutants from the project site.

Status: In project is in compliance with the conditions of the stormwater management permit.

16. In order to effectively monitor the project's impacts on surface water quality conditions in Mill Slough, the applicant (or successors) shall establish and operate a surface water quality monitoring program consisting of the following components:

(a) Surface water samples shall be collected at the following locations:

1. At sample location #1, as depicted on page 7 (Map G1) of Applicant's Information Response date January 24, 1991;
2. On Mill Slough at the proposed road alignment adjacent to the site's west property line; and
3. At the outfall from the preserved wetland in Basin 202 into the Florida Turnpike drainage ditch.

Status: In project is in compliance with the conditions of the stormwater management permit.

(b) The water samples shall be collected and analyzed at least four times annually on a seasonal basis. Sample collection at the two locations in Mill Slough shall commence immediately following the issuance of the D.O. for the purpose of obtaining additional background data. Sample collection in the stormwater pond/wetland shall commence upon the completion of the pond/berm and its discharge structure (at the time of initial rainfall runoff). The sampling period shall extend at least four (4) years following project buildout.

Status: In project is in compliance with the conditions of the stormwater management permit.

(c) Water quality parameters to be measure will be determined by the South Florida Water Management District with input from the jurisdictional government, but should include, at a minimum, all of the parameters analyzed by the applicant's consultants, as contained on pages 6 and 9 of the Applicant's Information Response date January 24, 1991. Collected data shall be furnished to the jurisdictional government and the water management district.

Status: In project is in compliance with the conditions of the stormwater management permit.

17. The applicant shall ensure that, if a property owner's association is proposed to assume drainage system operation and maintenance responsibilities, then the proposed property owner's association shall be created with defined duties and responsibilities regarding the operation and maintenance of the surface water management system, and have sufficient legal authority and power to establish the mandatory collection of fees and/or assessments from all property owners for use in financing the operation, replacement and maintenance of the project's surface water management system.

Status: The project stormwater ponds are owned and managed by private entities. Requirements are met through recorded documents. The existing large retention pond is maintained by Wal-Mart per recorded agreement.

18. Any shoreline banks created along on-site stormwater wet detention lakes greater than five acres in area shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation excluding cattails. The applicant shall ensure by replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water for the duration of the project).

Status: In project is in compliance with the conditions of the stormwater management permit.

19. The proposed surface water management system shall be designed, constructed and operated so as to ensure that the natural functions and hydroperiods of the on-site and off-site wetlands will not be adversely impacted or diminished.

Status: In project is in compliance with the conditions of the stormwater management permit.

20. Floodplain impact compensatory storage sites shall be provided for the 100-year flood in order to provide for effective storage volume within the floodplain.

Status: In project is in compliance with the conditions of the stormwater management permit.

21. The following minimum distances to adjacent wetland areas will be adhered to in project design and construction:

Stormwater wet detention ponds/flowways – no closer than 200 feet, and
Roadways with underdrains – no closer than 50 feet; unless one or more of the following conditions are met;

- (a) Adverse impacts on affected wetland vegetative communities from excessive drying out due in part to lateral subsurface seepage from the wetland area(s) into pond(s) during drought or low water periods have been determined not be an applicable issue of concern by the South Florida Water Management District and the jurisdictional government; or
- (b) The South Florida Water Management District and the jurisdictional government accept tests, calculations or other information (e.g. the use of preventative

measures such as clay berms) furnished by the applicant through the permitting and project review processes which demonstrate that deviations from the 50 and 200 foot distances are appropriate; or

- (c) The elevations of the bottoms of the stormwater wet/detention lakes/ponds, flowways or roadway underdrains are higher than the ordinary low water elevation in each potentially impacted wetland area.

Status: In project is in compliance with the conditions of the stormwater management permit.

- 22. The applicant shall design the project's surface water management system to provide for the following use of the historic Mill Slough flowage-way:

- (a) The re-routing of Mill Slough shall be in accordance with the requirements of the City Engineering Department at the time of Development Plan submittal.

Status: No re-routing of Mill Slough has occurred.

- (b) Retention of the channelized flowage-way for the conveyance of flood flows and other flows exceeding the 10 year storm event capacity of the historic flowage-way; and

Status: No permitting affecting the flowage-way of Mill Slough has occurred.

- (c) Discharge of treated stormwater discharges from Basin 302 into the historic flowage-way.

Status: No permitting affecting the flowage-way of Mill Slough has occurred.

- (d) The intention of condition #22 is to enhance the Mill Slough wetlands from the Turnpike to the west property line of the Gateway Commons project. The rerouting of Mill Slough through this area shall not reduce the carrying capacity of Mill Slough for any storm event.

Status: No re-routing of Mill Slough has occurred.

- 23. The applicant shall support, along with other area DRI's and other parties, an ozone modeling study for the Orlando metropolitan area. This study will be directed toward assessing the extent of ozone pollution in the area, the significance of identified problem areas. The study shall be coordinated by the ECFRPC in consultation with local governments and applicable state and federal agencies. The applicant's participation in this effort shall be limited to \$3,511.00 (\$0.10 per average daily external trip generated). Any results of this study applicable to Gateway Commons shall be given formal consideration by the applicant and the City of Kissimmee for implementation.

Payment of the applicant's share of this impact study shall be made to the University of Central Florida, Ozone Modeling Study account at the time that the Gateway Commons development order becomes effective and shall be held in escrow for eventual disbursement to cover study costs. If the ozone study has not begun within 24 months of payment then the developer shall be entitled to a refund of the amount paid.

Status: Status unknown.

24. Toward the achievement of energy conservation, the Gateway Commons project shall perform or require the following actions:
- thermal storage cooling systems for non-residential buildings shall be considered.
 - developers shall consult with the Florida Solar Energy Center and obtain guidelines for site development.
 - construction materials used shall be chosen with consideration of energy savings.
 - landscaping shall be provided which will optimize energy conservation.

Status: Development is in compliance with the Florida Building Code and City of Kissimmee requirements.

25. ~~For the purpose of the transportation conditions, the Gateway Commons DRI project shall be divided into the following phases based upon anticipated external trip generation. These external trip volumes are based upon development level equivalents as calculated from Trip Generation, 4th Edition published by the Institute of Transportation Engineers, with the exclusion of internally capture trips. Monitoring is required when the external trip generation volume for each phase is met.~~

Phase	Per Phase	Cumulative
1a	15,300	15,300
1b	7,700	23,000
2a	7,380	30,380
2b	7,380	37,760

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

26. ~~Prior to the initiation of Phase 1b and subsequent phases as identified in the previous condition, a monitoring and modelling program shall be performed to ascertain the LOS on facilities where the Gateway Commons project is estimated to contribute an amount of traffic greater than or equal to ten percent of the roadway's LOS "C" service volume. The methodology of the monitoring/modelling program shall be agreed upon by the East Central Florida Regional Planning Council, Osceola County, the City of Kissimmee, the Florida Department of Transportation, the Department of Community Affairs and the applicant. A list of facilities (*) may include but shall not be limited to the following:~~

~~Roadway and Roadway Links~~

~~Buenaventura Boulevard~~

- ~~— Boggy Creek Road to Florida Parkway~~
- ~~— Florida Parkway to Dart Boulevard~~
- ~~— Dart Boulevard to the Southern Connector~~

~~Florida Parkway~~

- ~~— Buenaventura Boulevard to Dart Boulevard~~

~~Florida's Turnpike~~

- ~~— Dart Boulevard to Southern Connector~~

~~Osceola Boulevard~~

- ~~— Michigan Avenue to Dart Boulevard~~
- ~~— Dart Boulevard to CR-530~~

Michigan Avenue

- ~~Osceola Boulevard to Dart Boulevard~~
- ~~Dart Boulevard to Carroll Street~~
- ~~Carroll Street to Donegan Avenue~~
- ~~Donegan Avenue to US 192~~

Dart Boulevard

- ~~Buenaventura Boulevard to Florida Parkway~~
- ~~Florida Parkway to Florida's Turnpike~~
- ~~Florida's Turnpike to Osceola Boulevard~~
- ~~Osceola Boulevard to Michigan Avenue~~
- ~~Michigan Avenue to CR 527 north~~
- ~~CR 527 north to CR 527 south~~
- ~~CR 527 south to US 441~~
- ~~US 441 to Bermuda Avenue~~

Donegan Street

- ~~Michigan Avenue to Old Dixie Highway (CR 527)~~
- ~~Old Dixie Highway (CR 527) to US 441~~

- * ~~to include intersections of these roadways and other collector and high classified roadways which intersect these roadways and interchange ramps.~~

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

- 27. ~~The Gateway Commons project shall not commence beyond phase 1a, or beyond and equivalent 15,300 external average daily trips (ADT), into phase 1b when service levels are below service level "D" peak hour (LOS "C" on rurally designated roadways) and the project contributes ten percent or greater to the LOS "C" service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secure and committed to occur on deficient facilities during the next sub phase.~~

- ~~Prior to the commencement of sub phase 1b and all subsequent phases, the applicant must also demonstrate, by means of a monitoring/modeling study which assesses current conditions and satisfaction of the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the Department of Community Affairs that, where the project contributes ten percent or greater to the LOS "C" service volume of a facility, the next applicable suphase of traffic (along with cumulative project traffic) will not adversely affect service levels (below service level "D" peak hour on urban roadways and service level "C" on rural roadways) or demonstrate that the necessary improvements are committed to occur during said applicable phase. Proof of mitigation must include identification of committed funding sources and a reasonable guarantee of scheduling within the required time frame. Otherwise, further building permits shall not be issued by the jurisdictional government.~~

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

- 28. Toward the achievement of the objectives in the two preceding condition, an agreement(s) among Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the applicant shall be entered into within twelve months of the issuance of a development order for this project by the jurisdictional government. Said

agreement(s) shall address and clarify such issues related to equity in the application of fees for roadway improvements. Said fees shall be based on a fair-share basis with respect to the improvements to be constructed and not solely on the basis of impact fees. However, such an agreement would not alter or waive the provisions of the two preceding conditions as a mitigative measure for the aforementioned conditions.

In the event that one of the designated parties to the agreement (other than the applicant) fails to execute said interlocal agreement within the specified time, then the applicant may proceed with the project based upon the monitoring/modeling schedule and all other conditions specified herein as it affects the non-participating party. Separate agreements may be entered with one or more parties and the applicant.

Status: The referenced agreement was not executed during the specified time.

29. The applicant shall construct an on-street, on-site system of bikeways to connect with external on-street bicycle systems as available in conjunction with new project interior roadway construction. Bikeway construction standards shall conform to the latest state criteria and/or City code.

In conjunction with the building development, bicycle support facilities (e.g. parking) shall be made available at commercial centers hotels and employment centers.

Status: The project meets the requirements of the City of Kissimmee for bicycle connectivity and parking provision requirements.

30. Bicycle lookers or bicycle racks, transit passenger shelters and transit parking bays shall be constructed where necessary to augment and facilitate the operations of off-site transit and bicycle facilities. Transit bays and areas for shelters shall be reserved for future transit service and constructed when transit is available. Siting and construction of transit facilities shall be approved by the applicant or successors, jurisdictional government and Tri-County Transit. The applicant shall make known to tenants and residents that the Gateway Commons area is service by an existing ridesharing program. Future transit (when available) and current ridesharing information shall be prominently displayed in all on-site public gathering areas, employment centers and/or commercial center areas. After Phase 1b the Gateway Commons project shall provide for a part-time ridesharing coordinator who will be responsible for coordinating with the area transit provider, conducting ridesharing campaigns within the project, publicity, transit information, etc.

Status: In compliance. The project is still within Phase 1.

31. The plan of development shall provide for the development of a child care center on the site. This requirement shall be implemented prior to Phase 2, unless the Applicant can show that adequate day care facilities in the vicinity are provided off site, or the provision of a day care center will be a hardship on the Applicant.

Status: The project is still within Phase 1.

32. The applicant shall fund the construction of left and right-turn deceleration lanes at all project entrance. These improvements shall be constructed when such project entrances are created. The applicant shall fund, on a pro-rata basis, the cost of future signalization at project entrances and internal site intersections when deemed warranted by the appropriate governmental entity. Access along Dart Boulevard, Michigan Avenue and

Osceola Boulevard shall be limited to the access standards outlined in the project ADA and later information submissions.

Status: Required operational improvements have been constructed at all entrances.

33. The following roadway improvements shall be constructed at the specified project generated ADT level phases. It is understood that these improvements may not be needed or may be insufficient based upon actual areawide development levels. Accordingly, some of these improvements may be delayed or eliminated or alternative improvements may be constructed, so long as adequate levels of service are maintained on significantly impacted facilities. Prior to the time-frame required, the Applicant or successors may demonstrate that the improvement is not necessary as listed within this condition; however, the burden of proof rests with the applicant and the final decision rests with Osceola County and the Department of Transportation on state facilities.

Phase 1

1. Osceola Boulevard from Dart Boulevard to Michigan Avenue; 4 lanes prior to phase 1b. *
2. Michigan Avenue from Dart Boulevard to Carroll Street; 4 lanes prior to phase 1b.
3. Dart Boulevard from Buenaventura Boulevard to Florida Parkway; 4 lanes prior to phase 1b.
4. Dart Boulevard and Florida's Turnpike; new interchange prior to phase 1b.

Phase 2

1. Michigan Avenue from Dart Boulevard to Carroll Street; 6 lanes prior to phase 2a.
2. Michigan Avenue from Carroll Street to Donegan Avenue; 6 lanes prior to phase 2a.
3. Michigan Avenue from Donegan Avenue to US 192; 6 lanes prior to phase 2b.
4. Dart Boulevard from Buenaventura Boulevard to Florida's Turnpike and from Osceola Boulevard to US 441; 6 lanes prior to phase 2b.
5. Dart Boulevard from Florida's Turnpike to Osceola Boulevard; 8 lane capacity improvement prior to phase 2b.

* Alternate interchange design may negate this improvement.

Status: The project is in compliance with all required transportation improvements.

34. All hotels on site shall operate or have access to transit shuttles which will service the Orlando International Airport and local attractions.

Status: There are no hotels on site.

- ~~35. Parcel 1 of the Master Development Plan (Map H) shall be subject to a 50' building setback from the future north right-of-way line of Dart Boulevard (proposed 160' total roadway right-of-way).~~

Status: This condition was deleted with the 1999 2nd Amendment to the DRI DO.

36. The Florida Department of Transportation has initiated plans to construct an interchange at the intersection of Dart Boulevard and Florida's Turnpike. The precise land area required for the interchange shall be designated by FDOT within 45 days of the applicant's signing of the development order, but shall in no event exceed 10.9 acres (6.8 acres in the northwest quadrant and 4.1 acres in the southwest quadrant). The applicant agrees

to refrain from construction activity within the potential interchange area for a period of one (1) year commencing on the date of applicant signing of the development order. With regard to anything contained herein to the contrary notwithstanding, this provision shall not be construed by any third party to diminish the value of the lands covered.

Status: The project met this condition.

37. As it relates to the project' primary traffic impact area, the applicant shall pay a fair share cost to the Florida Department of Transportation for impacts to State maintained facilities consistent with the provisions of ECFRPC Rule 28F-3.11(3)(g), 380.06 (15)(e)(1), Florida Administrative Code. Said impacts and fees may be resolved through development order condition #28, contained herein.

Status: In compliance; see Condition #28.

38. Development is approved to occur in conformance with the following commitments and plan characteristics made by the applicant:

Stormwater Management

- The wet season water levels in the preserved wetlands will be controlled at natural pre-development levels (SFWMD conceptual application, p. 4-2)
- The use of wet detention ponds represents the primary means of stormwater treatment on the project site (ADA P. 22-12)

Floodplains

- Sufficient compensatory storage volume will be provided in the stormwater detention pond system such that project construction will not result in a net loss of basin storage volume for the 100 year/24 hour storm event (ADA, p. 22-5)

Wastewater Management

- The land uses proposed for the project are not anticipated to produce any pollutants that would vary from normal domestic wastewater (ADA, p. 21-1)
- On site wastewater treatment is not planned (ADA, p. 21-1)
- No septic tanks are planned for the project (ADA, p. 21-3)
- If hazardous waste producing tenants locate on-site, the applicant will require that all necessary precautions are taken to comply with CRPP regional issue 50 and all local, state, and federal requirements regarding the disposal of hazardous wastes (First Sufficiency Response, p. 29)

Water Supply

- Irrigation of road right-of-way and open space areas will be met using non-potable water. The xeriscape concept will be used in the landscaping (ADA, p. 23-1)
- If any water wells are observed on the site, they will be capped and abandoned (ADA, p. 23-3)
- The applicant will use treated wastewater effluent for irrigation when such a water source is made available to the site (First Sufficiency Response, p. 25)

Solid Waste

- On site disposal will not occur (ADA, p. 24-3)

Fire Protection

- Property sized pipes and pumping systems will be utilized to ensure adequate water flow and pressure are available for fire protection. An engineering analysis of all pipe sizes and hydraulic properties of the proposed system will be conducted to assure that all requirements are met. Fire protection systems for the project will be provided in accordance with the latest recommendations of the National Fire Protection Association, in conformance with the standard building code and standard plumbing code and the

requirements of utility and governmental agencies exercising jurisdiction over work at the project (ADA, p. 23-5)

Environment

- Average 50 foot, minimum 25 foot upland buffers are proposed along the upland limits of wetland #1 (north cypress swamp) and #2 (march fringe of northern swamp) combined and wetland #6 (Mill Slough). Wetland #4 (cypress dome next to Turnpike) is proposed to be utilized for stormwater detention and only a minimum 15' upland buffer is proposed (1st response – Dec. 7, 1990, page 9)
- All of wetlands #1, #2, and #4, all of wetland #5 (adjacent to Turnpike and south of Dart Blvd.), and most of wetland #6 will be preserved in their existing state or enhanced to improve their wetland function (ADA, page 16-6).

Status: In compliance.

39. The applicant agrees to work with the City to develop guidelines to be incorporated in the new City Development Regulations which will be mutually beneficial to both the Applicant and the City.

Status: In compliance.

40. Development shall occur in accordance with the City of Kissimmee Subdivision Regulations.

Status: In compliance.

41. ~~Period of Effectiveness~~

~~The development order shall take effect after execution by the Mayor and the City Commission of the City of Kissimmee and the appeal period provided in Florida Statutes Section 380.7, Florida Statutes. The development order shall remain in effect for a period of 15 years, with the exception that if development equal to five percent of Phase 1 of the project has not been constructed within five years of issuance of the development order, then the development order shall expire unless extended by the City. The effectiveness of this development order may be extended upon a showing by the Developer that the completed portions and remaining portions of the development comply with the conditions of this development order and the provisions of Chapter 380.06, Florida Statutes.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

42. Annual Report Requirements

The Developer, its successors or assigns, will submit an annual report on or before the anniversary date of this order of each calendar year during the buildout of the development plan. Said annual report will be submitted to the City of Kissimmee, the East Central Florida Regional Planning Council, the Florida Department of Community Affairs, the Florida Department of Environmental Regulation, the Florida Department of Transportation, the South Florida Water Management District and any other affected permit agencies. The report shall include the information required under the conditions of approval and the information enumerated below and in the format specified in Form #BLWM-07-85 of the Florida Department of Community Affairs. The report to the City of Kissimmee shall also include a statement that all persons/agencies listed above have been sent copies of the Annual Report. In accordance with Chapter 380.06(18), Florida Statutes, failure to timely file an Annual Report may result in the temporary suspension of this Development Order. The report shall address the following:

- (a) Changes in the plan of development or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;
- (b) A summary comparison of development activity proposed and actually conducted for the year;
- (c) Undeveloped tracts of land other than individual single-family lots, that have been sold to a separate entity or developer;
- (d) Identification and intended use of lands purchased, leased or optioned by the Development adjacent to the Development site indicated in the Application for Development Order, since this Development Order was issued;
- (e) An assessment of the Development's and local government's compliance with conditions of approval contained in this Development Order and the commitments which are contained in the Application for Development Approval and which have been identified by local government, the Regional Planning Council or the Department of Community Affairs as being significant.
- (f) Any known incremental development of regional impact ("DRI") applications for development approval or requests for a substantial deviation determination that were filed during the reporting year, or to be filed during the next year, relating to the development;
 - 1) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
 - 2) A list of significant local, state, and federal permits which have been obtained or which are pending by agency.
- (g) A statement that all person/entities have been sent copies of the Annual Report in conformance with subsections 380.06(15) (f) and (18), Florida Statutes;
- (i) The final annual report shall include a statement indicating that all development authorized by the Development Order has been completed and all conditions of approval have been satisfied.

Status: This Annual Report is submitted as part of the application for rescission of the DRI Development Order. The last known Annual Report was submitted for the Reporting Period 2007-2008.

43. Monitoring Mechanism

Compliance with the terms and conditions of this Development Order shall be monitored through the provisions of the established review and approval process for development pursuant to City of Kissimmee Monitoring Procedures. The Administrative Official, as set forth in the City of Kissimmee's Land Development Regulations, shall be the official responsible for monitoring compliance by the developer with this Development Order.

Status: Acknowledged.

44. ~~Restrictions on Down Zoning~~

~~This Development of Regional Impact will not be subject to down zoning, unit density reduction or intensity reduction for a period of five years from the effective date of this Development Order unless it is demonstrated that substantial changes in the conditions underlying the approval of this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City of Kissimmee to be essential to the public health, safety or welfare.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

45. Modifications to the Development Order

The Developer shall submit, simultaneously, to the City of Kissimmee, the East Central Florida Regional Planning Council and the Florida Department of Community Affairs (DA) any requests for approval of a proposed change to this Development Order. This submission shall be in a format established by the DCA and shall include as a minimum the precise language which is proposed for deletion or addition to the development order and a statement summarizing all previous changes that have been made to the development order.

Status: Acknowledged.

1st Amendment to Gateway Commons Development of Regional Impact Development Order - 1996

Section I. Findings of Fact:

1. The Developer's authorized agent is Joseph G. Kern, Esquire, Lowndes, Drosdick, Doster, Kantor & Reed, P.A. 215 North Eola Drive, Orlando, FL 32801.

Section III. Development Order:

- ~~2. The project shall consist of a total of 1,050 hotel rooms, 532,000 square feet of retail development, and 600,000 square feet of business park on 208.2 acres. Phase 1 of the project shall consist of 532,000 square feet with a phase buildout of December 30, 2000. Phase 2 shall consist of 1,050 hotel rooms and 600,000 square feet of business park with a phase/project buildout of December 30, 2005. The amended conceptual development program is attached hereto as Exhibit "B".~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

- ~~3. If five percent of Phase 1 of the project (26,600 square feet of commercial space of any combination which equals five percent of development) is not constructed by August 5, 2001, then the Development Order shall expire.~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

41. This Development Order shall take effect after execution by the Mayor and the City Commission of the City of Kissimmee and the appeal period provided in Section 380.07, Florida Statutes. The Development Order shall remain in effect until August 5, 2012, with the exception that if development equal to five percent of Phase I of the project has not been constructed by August 5, 2001, then the development order shall expire unless extended by the City. The effectiveness of this development order may be extended upon a showing by the Developer that the completed portions and remaining portions of this development order comply with the conditions of this development order and the provisions of Chapter 380.06, Florida Statutes.

Status: In compliance.

44. Restrictions on Down Zoning This Development of Regional Impact will not be subject to down zoning, unit intensity reduction or intensity reduction until August 5, 2001 unless it is demonstrated that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City of Kissimmee to be essential to the public health, safety and welfare.

Status: In compliance.

2nd Amendment to Gateway Commons Development of Regional Impact Development Order - 1999

1. The legal description to the Project attached to the Development Order as Exhibit "1" is hereby deleted in its entirety and the legal description attached hereto as Exhibit "A" is inserted in lieu, in place and instead thereof.
2. Paragraph 4 of Section II, Conclusions of Law, of the Development Order is hereby deleted in its entirety and the following new Paragraph 4 of Section II, is hereby inserted in lieu, in place and instead therefore to wit:

"This Development Order constitutes final approval of use of the Property for a total of 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres, as more particularly detained in the Findings of Fact above and as described in the ADA/DRI and incorporated by the reference, and subsequently amended by sufficiency responses, and the NOPC filed with the City and as may be amended by the terms and conditions of this Development Order."

3. Paragraphs 2 and 3 of Section III, of the Development Order are hereby deleted in their entirety and the following Paragraphs 2 and 3 are hereby inserted in lieu, in place and instead thereof, to-wit:

"2. The project shall consist of a total of 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres. Phase 1 of the project shall consist of 585,000 square feet of commercial and 15,000 square feet of business park and 300 hotel rooms with a phase buildout of December 30, 2000. Phase 2 shall consist of 110,000 square feet of commercial, 400 hotel rooms and 250,000 square feet of business park with a phase/project buildout of December 30, 2005.

3. If five percent of Phase 1 of the project (34,750 square feet of commercial space or any combination which equals five percent of development) is not constructed by August 5, 2001 then the Development Order shall expire."

Status: In compliance.

4. Paragraph 8 of the Development Order shall be amended by adding the following sentence at the end of said paragraph:

"Off-site mitigation shall be included as an acceptable method of mitigating on-site losses of viable wetlands, subject to meeting all applicable governmental rules and regulations."

Status: In compliance.

5. Paragraph 25 of Section III of the Development Order is hereby deleted in its entirety and the following Paragraph 25 is hereby inserted in lieu, in place and instead thereof, to wit:

"25. For the purpose of the transportation conditions, the Gateway Commons DRI project shall be divided into the following phases based upon anticipated daily

Poulos & Bennett, LLC • 2602 E. Livingston Street • Orlando, Florida 32803 • (407) 487-2594 • www.poulosandbennett.com

Z:\2017\17-106 Spears - Gateway Commons\PLANNING\Applications\DRI Rescission\DRI DO\2017-12-12 Development Order
Status document.docx

external trip generation. These daily external trip volumes are based upon development level equivalents as calculated from Trip Generation, 6th Edition published by the Institute of Transportation Engineers. Monitoring is required when the external trip generation volume for each phase is met.

Phase	Per Phase	Cumulative
1	28,774	28,774
2	12,807	41,581

* Note: No certificate of occupancy shall be issued for any development of the project unless (i) construction has commenced on the widening of Michigan Avenue to four (4) lanes between Osceola Parkway and Carroll Street or (ii) the agreement referenced in the last paragraph or Condition #28 of Section III is fully executed.

Status: In compliance.

6. Paragraph 26 of Section III, is hereby deleted in its entirety, and the following Paragraph 26 is hereby inserted, in lieu, in place and instead thereof, to wit:

"26. Prior to the initiation of Phase 2, a monitoring and modeling program shall be performed to ascertain the LOS on facilities where the Gateway Commons project is estimated to contribute an amount of traffic greater than or equal to ten percent of the roadway's LOS "C" service volume. The methodology of the monitoring modeling program shall be agreed upon by the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation, the Department of Community Affairs and the applicant. A list of facilities (*) may include but shall not be limited to the following:

Roadway and Roadway Links

US 441
US 192 to Donegan Avenue
Donegan Avenue to Carroll Street
Carroll Street to Osceola Parkway

John Young Parkway

Osceola Parkway to Hunter's Creek Boulevard
Buenaventura Boulevard
Boggy Creek Road to Florida Parkway
Florida Parkway to the SR 417

Florida Parkway

Buenaventura Boulevard to Osceola Parkway
Florida's Turnpike
US 17/92 to Osceola Parkway to Southern Connector
Osceola Parkway to US 192

CR 527 (Old Dixie Highway)

Carroll Street to Osceola Parkway
Osceola Parkway to Town Center Boulevard
Town Center Boulevard to SR 417

Michigan Avenue

Osceola Parkway to Carroll Street
Carroll Street to Donegan Avenue
Donegan Avenue to US 192

Osceola Parkway

Boggy Creek Road to Buenaventura Boulevard
Buenaventura Boulevard to Florida Parkway
Florida Parkway to Florida's Turnpike
Florida's Turnpike to Michigan Avenue
Michigan Avenue to CR 527 north
CR 527 north to CR 527 south
CR 527 south to US 441
US 441 to Bermuda Avenue

Donegan Street

Michigan Avenue to Old Dixie Highway (CR 527)
Old Dixie Highway (CR 527) to US 441

Bill Beck Boulevard (the constructed portion)

Woodcrest to Osceola Parkway

* to include intersections of these roadways and other collector and high classified roadways which intersect these roadways and interchange ramps."

Status: The project is in Phase 1.

7. Paragraph 27 of Section III of the Development Order is hereby deleted in its entirety and inserted in lieu, in place and instead thereof is the following new Paragraph 27, to wit:

"27. The Gateway Commons project shall not commence beyond Phase 1, or beyond and equivalent 28,774 external average daily trips (ADT), into Phase 2 when service levels are below service level "D" peak hour (LOS "C" on rurally designated roadways) and the project contributes ten percent or greater to the LOS "C" service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secured and committed to occur on deficient facilities during the next phase.

Prior to the commencement of Phase 2, the applicant must also demonstrate, by means of a monitoring/modeling study which assesses current conditions and projects the impacts of the next phase of traffic, to the satisfaction of the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the Department of Community Affairs that where the project contributes ten percent or greater to the LOS "C" service volume of a facility, the next applicable phase of traffic (along with cumulative project traffic) will not adversely affect service levels (below service level "D" peak hour on urban roadways and service level "C" on rural roadways) or demonstrate that the necessary improvements are committed to occur during said phase. Proof of mitigation must include identification of committed funding sources, and a reasonable guarantee of scheduling within the required time frame.

Otherwise, further building permits shall not be issued by the jurisdictional government."

Status: The project is in Phase 1.

8. Paragraph 28 of Section III of the Development Order is hereby modified by adding the following paragraph at the end of the existing Paragraph 28 to wit:

In addition to the agreement set forth hereinabove, the applicant shall use his best efforts to enter into an agreement with the City of Kissimmee and Osceola County, said agreement to be entered into within three months of the issuance of this Development Order for this project. Said agreement shall address the funding mechanisms (to include transportation impact fee credits), for improvements to widen Michigan Avenue to a four lane urban section from Carroll Street to Osceola Parkway. Said agreement shall also address the construction of Bill Beck Blvd. from Osceola Parkway to Woodcrest in a two lane rural configuration.

Status: A Joint Facilitation of Public Infrastructure Agreement was executed in 2001, and subsequently amended in 2002.

9. Paragraph 33 of Section III of the Development Order is hereby deleted in tis entirely in lieu, in place and instead thereof is hereby substituted the following Paragraph 33, to wit:

"33. The following roadway improvements shall be constructed at the specified project generated ADT levels or phases. It is understood that these improvements may not be needed or may be insufficient based upon the actual area wide development levels. Accordingly, some of these improvements may be delayed or eliminated or alternative improvements may be constructed, so long as adequate levels of service are maintained on significantly impacted facilities. Prior to the time-frame or intensity of development which requires construction of the improvements, the Applicant or successors may demonstrate that the improvement is not necessary as listed within this condition; however, the burden of proof rests with the applicant and the final decision rest with Osceola County and the Department of Transportation on state facilities.

Phase 1

Michigan Avenue from Osceola Parkway to Carroll Street; this shall be completed as a 4 lane urban roadway section prior development which results in an anticipated external trip generation exceeding 15,300 ADT. No building permits shall be issued for development which results in an anticipated net new external trip generation exceeding 10,000 ADT until contracts have been let for the commencement of the construction of Michigan Avenue as a four lane urban section from Carroll Street to Osceola Parkway. Certificates of occupancy for use anticipated to generate greater than 15,300 ADT shall not be issued until the substantial completion of Michigan Avenue as provided herein. For the purposed of this development order condition, "substantial completion of Michigan Avenue" shall mean the opening up for traffic of Michigan Avenue as a four lane urban section from Osceola Parkway to Carroll Street.

Phase 2

1. Bill Beck Boulevard for Osceola Parkway to Woodcrest; 2 lanes with right-of-way reserved for 4 lanes, two lanes prior to Phase 2.

2. Osceola Parkway from Buenaventura Boulevard to Florida's Turnpike and from Bill Beck Boulevard to US 441; 6 lanes prior to Phase 2.
3. Osceola Parkway from Florida's Turnpike to Bill Beck Boulevard; 8 lane capacity improvement prior to Phase 2.
4. Michigan Avenue from Carroll Street to US 192, 6 lanes prior to Phase 2.

It is acknowledged that the City of Kissimmee's Comprehensive Plan is in compliance with Chapter 163, Part II, F.S., and the plan includes a transportation concurrency management system that recognizes improvements scheduled within the first three years of the capital improvements schedule (pursuant to Rule 9J-5.0055(2)(c), FAC). Therefore, those scheduled improvements and those improvements identified as scheduled for construction within the first three years of the current Florida Department of Transportation improvement program may be counted as committed for the purposes of this Development Order. Committed improvements may also include (i) a binding financially secured and irrevocable commitment by the Developer or other applicable persons or entities for the design engineering and actual construction of the necessary improvements (with the posting of cash bond, surety bond, irrevocable letter of credit or other security in a form satisfactory to the City of Kissimmee (or the applicable government of jurisdiction)), which requires construction to occur during the applicable phase and must be in accordance with the requirements of the City of Kissimmee (or the applicable government of jurisdiction) Comprehensive Plan, or (ii) any alternative agreed upon by the City of Kissimmee (and any other applicable government jurisdiction), the ECFRPC, the DCA and the Developer and incorporated into the Development Order by amendment.

Status: In compliance.

10. The Gateway Commons Master Development Plan (Map H) of the Project dated April 12, 1999, attached hereto as Exhibit "B" is hereby incorporated into the Development Order.

Status: In compliance.

11. The Gateway Commons Conceptual Development Program for the Project attached to the Development Order is hereby deleted in its entirety and lieu, in place and instead thereof is substituted the Conceptual Development Program as shown on the Master Development Plan (Map H) attached hereto as Exhibit "B".

Status: In compliance.

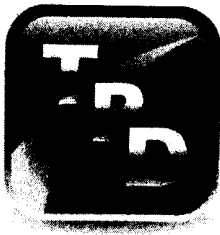
12. Paragraph 35, of Section III of the Development Order is hereby deleted in its entirety.

Status: Acknowledged.

13. With the exception of the forgoing modifications, all other conditions of the Development Order shall remain in full force and effect and shall be binding upon the Developer's heirs, assigns, transferees, devisees and successors in interest, by whatever means, and shall run with, burden and be a servitude upon the Project.

Status: Acknowledged.

ATTACHMENT B
TRAFFIC ANALYSIS



Gateway Commons DRI Trip Generation Counts and Analysis

As per the "Proposed Transportation Methodology" outline by Kimley-Horn, copy attached, daily trip generation counts were made at the four entrances serving Gateway Commons. **Figure 1** depicts the existing Gateway Commons development and site entrances. The counts were made with the use of mechanical traffic counters which recorded entering and exiting traffic by 15-minute intervals. The counts were made on two weekdays, October 25 (Wednesday) and October 26 (Thursday) 2017. From these counts which are appended to this document, the daily and PM peak hour counts of entering and exiting traffic were determined as summarized in **Table 1**. The two weekday counts resulted the following average daily and PM peak hour trip generation for Gateway Commons:

- Daily Generation37,071 vph
- PM Peak Hour Generation2,664 vph

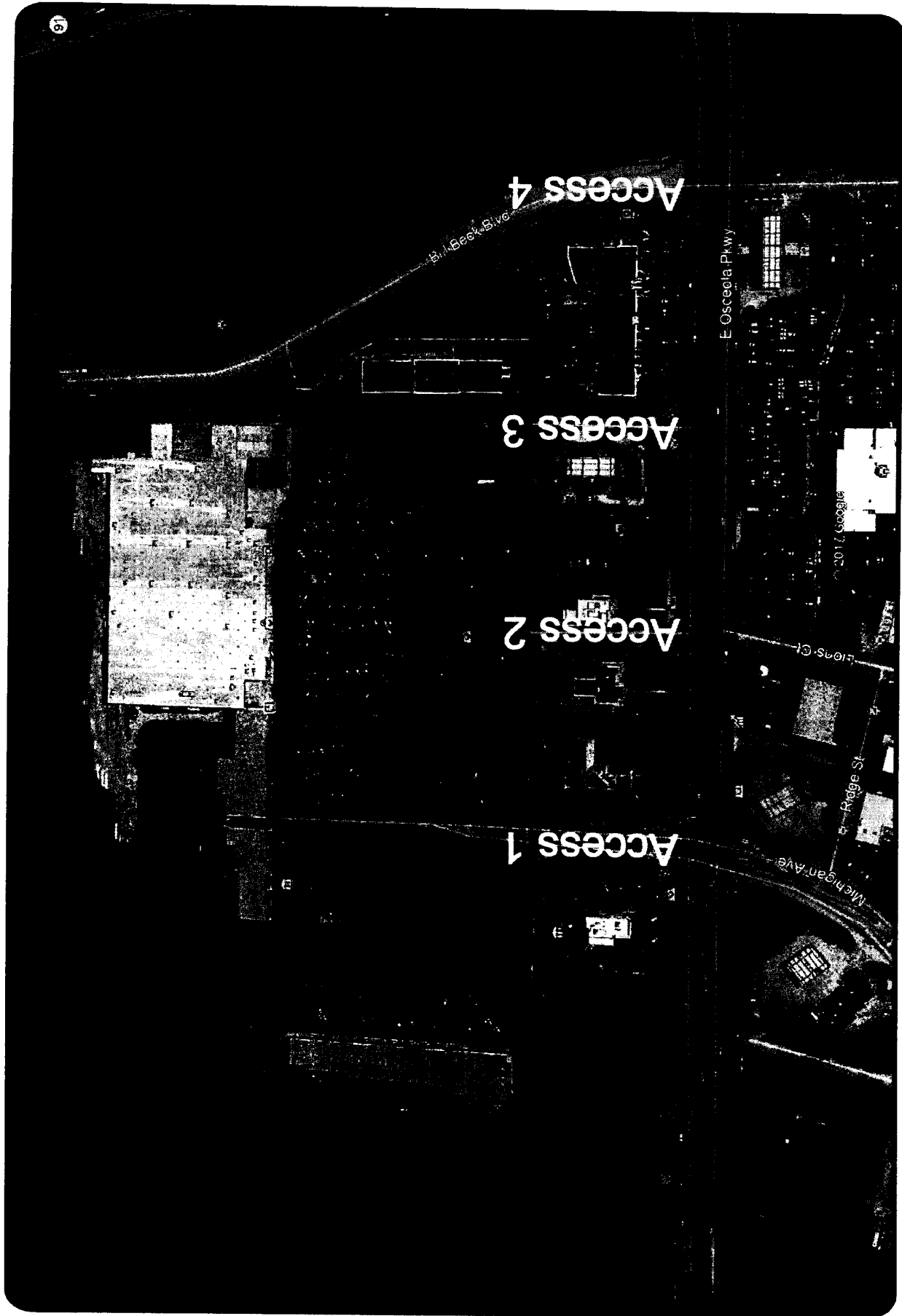
As per ITE, 34% of the generated trips are pass-by trips attracted from the existing traffic stream on Osceola parkway. This very same percentage is used by the City in its Mobility Fee Calculator in the assessment of impact fees. Kimley-Horn proposed the use of the ITE equation, $\ln(T) = (-) 0.29 \ln(x) + 5$ in determining the pass by trip capture from the 2nd Edition of the ITE Trip Generation Handbook (June 2004). Due to the low coefficient of determination ($R^2 = 0.37$), the 3rd Edition of the ITE Trip Generation Handbook no longer includes this equation.

Applying a pass-by trip capture of 34% results in 24,467 new net daily trips generated by the existing Gateway Commons development. The Phase 1 of the Gateway Commons DRI has a new net trip threshold of 28,774 vehicles. This volume threshold is greater than the actual trips of 24,467 vehicles measured in the field at the site entrances. Since the actual trips are less than 28,774, all required mitigation has been completed for Phase 1 of the DRI.

**TPD# 4886
November 13, 2017**

Traffic Planning and Design, Inc.

535 Versailles Drive, Maitland, Florida 32751 ■ Phone (407) 628-9955 ■ Fax (407) 628-8850 ■ www.tpdtraffic.com



Gateway Commons
Project No 4886

Figure 1



Existing Gateway Commons & Site Entrances

Table 1
Gateways Commons Traffic Counts Summary

Address Location			October 25, 2017		October 26, 2017		Two-Day Average	
			ADT	P.M.	ADT	P.M.	ADT	P.M.
1	McDonald's	Enter	10,006	696	9,959	762	9,983	729
		Exit	11,777	879	11,854	863	11,816	871
2	Chase Bank	Enter	1,890	150	1,881	181	1,886	166
		Exit	1,702	128	1,945	155	1,824	142
3	Panera	Enter	3,523	210	3,884	217	3,704	214
		Exit	2,571	154	2,672	170	2,622	162
4	Plaza Entrance	Enter	2,729	207	2,910	223	2,824	215
		Exit	2,432	175	2,391	154	2,412	165
	Driveways	Enter	18,157	1,263	18,634	1,383	18,397	1,324
		Exit	18,482	1,336	18,862	1,342	18,674	1,340
	Total	-----	36,639	2,599	37,496	2,725	37,071	2,664

Kimley»Horn

October 4, 2017

Mr. Bob Wright
Project Coordinator
Development Services Department
City of Kissimmee
101 Church Street
Kissimmee, Florida 34741

RE: Gateway DRI – Proposed Transportation Methodology

Dear Mr. Wright:

This proposed methodology outline was developed in response to the 9/25/17 meeting on the DRI.

DRI Status:

- Based on the original DRI Regional Report prepared by the ECFRPC (1991), Phase 1 was to be complete by 1995 and Phase 2 by 2000.
- The 1st amendment changed the Phase 1 buildout date to 2000, the Phase 2 buildout date to 2005, and the development order expiration date to August 5, 2011.
- The 2nd amendment changed the Phase 1 mitigation requirements to only include Michigan Avenue, from Osceola Parkway to Carroll Street as a 4-lane roadway.
- The Joint Facilitation of Public Infrastructure for Michigan Avenue and Bill Beck Boulevard from 2001 was an agreement for the developer to construct improvements to Michigan Avenue (as a 5-lane roadway) in exchange for impact fee credits. The developer agreed to provide additional right-of-way for the Bill Beck Boulevard extension, and the City agreed to donate a short portion of Bill Beck Boulevard (from Woodcrest Boulevard to the southern property line of Gateway DRI). The County agreed to construct Bill Beck Boulevard from Woodcrest Boulevard to Osceola Parkway.

Traffic Analysis and Process:

- Count daily trips accessing the DRI, summarizing by daily and peak-hour. Provide raw count data in the appendix with information summarized for hourly and 15-minute intervals.
- Apply ITE pass-by percentage based on the equation: $\ln(T) = -0.29 \ln(X) + 5$. Assuming that 407,609 square feet of retail has been built, this results in a pass-by percentage of 26%.
- Calculate daily trip generation (not including pass-by trips).
- Compare to Phase 1 trip threshold of 28,774.
- If actual trips are less than 28,774, all required mitigation has been completed.
- If actual trips are more than 28,774, document the history of payments (by year) of impact fees and other payments, including the recipient of the payments. The City will review this information to determine if this provides sufficient mitigation or if additional steps need to be taken.

K:\ORL_TPT\149689103_Kissimmee DRI Review\04_Review\Gateway DRI_Methodology_Transportation.docx

kimley-horn.com

3600 Maguire Blvd. Suite 200, Orlando, FL 32803

407-898-1511

Appendix
Raw Traffic Count Data

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025005.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 4 MCDONALDS ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	31	10	13	8	12	14	56	79	99	153	163	170
30	20	3	10	7	8	20	42	77	119	169	168	170
45	16	11	9	10	12	25	48	68	141	145	186	188
00	13	13	14	8	8	40	80	90	148	158	154	217

Hr Total	80	37	46	33	40	99	226	314	507	625	671	745
----------	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	214	186	158	222	171	162	118	179	141	86	58	37
30	185	198	192	181	178	186	135	147	98	111	61	38
45	232	155	153	189	173	173	176	132	97	62	30	44
00	196	180	152	208	174	132	133	120	96	69	33	32

Hr Total	827	719	655	800	696	653	562	578	432	328	182	151
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

24 Hour Total : 10006

AM peak hour begins : 11:30 AM peak volume : 804 Peak hour factor : 0.87

PM peak hour begins : 12:00 PM peak volume : 827 Peak hour factor : 0.89

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	37	18	8	10	14	19	39	82	97	133	126	149
30	13	14	6	7	6	17	35	57	100	175	140	188
45	22	8	7	2	7	26	52	80	119	133	139	179
00	18	12	10	16	19	35	82	76	125	162	180	191

Hr Total	90	52	31	35	46	97	208	295	441	603	585	707
----------	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	202	193	178	169	229	186	150	135	134	72	60	39
30	175	232	201	164	186	164	155	152	102	81	34	44
45	189	198	149	172	175	171	174	132	127	91	60	39
00	221	185	195	122	172	187	183	128	92	89	39	42

Hr Total	787	808	723	627	762	708	662	547	455	333	193	164
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

24 Hour Total : 9959

AM peak hour begins : 11:15 AM peak volume : 760 Peak hour factor : 0.94

PM peak hour begins : 12:45 PM peak volume : 844 Peak hour factor : 0.91

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025006.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 4 MCDONALDS ENTRANCE OUT
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25

Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	60	24	22	18	10	6	30	93	65	118	141	177
30	31	13	18	14	10	18	31	112	107	141	155	220
45	38	9	8	12	11	20	41	84	127	157	221	189
00	23	9	12	8	14	25	48	83	124	132	209	237
Hr Total	152	55	60	52	45	69	150	372	423	548	726	823
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	196	225	207	194	232	199	194	191	161	134	81	81
30	248	226	230	201	220	213	186	194	168	108	95	45
45	238	234	187	236	205	200	189	203	159	130	74	49
00	224	239	201	210	222	178	186	185	127	108	52	37
Hr Total	906	924	825	841	879	790	755	773	615	480	302	212

24 Hour Total : 11777

AM peak hour begins : 11:30 AM peak volume : 870 Peak hour factor : 0.88

PM peak hour begins : 12:15 PM peak volume : 935 Peak hour factor : 0.94

Oct 26

Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	25	26	17	12	10	21	19	81	74	145	145	188
30	33	24	11	9	10	11	39	114	109	130	169	184
45	26	10	7	6	4	14	52	76	110	118	169	190
00	23	14	5	11	13	22	49	83	117	134	166	194
Hr Total	107	74	40	38	37	68	159	354	410	527	649	756
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	205	224	216	214	184	201	208	175	189	132	157	84
30	251	217	257	213	239	206	192	190	145	114	268	78
45	189	225	230	221	222	198	214	191	169	116	99	47
00	197	224	221	195	218	191	184	154	152	102	81	36
Hr Total	842	890	924	843	863	796	798	710	655	464	605	245

24 Hour Total : 11854

AM peak hour begins : 11:30 AM peak volume : 840 Peak hour factor : 0.84

PM peak hour begins : 13:45 PM peak volume : 927 Peak hour factor : 0.90

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025004.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 3 CHACE BANK ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25

Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	11	0	6	4	6	3	7	19	16	29	27	27
30	5	0	0	4	2	4	12	12	27	36	54	28
45	6	0	2	2	4	8	3	11	21	39	29	41
00	5	0	3	2	10	3	17	13	33	47	24	53

Hr Total	27	0	11	12	22	18	39	55	97	151	134	149
----------	----	---	----	----	----	----	----	----	----	-----	-----	-----

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	39	26	32	30	36	30	37	34	24	24	10	4
30	35	30	30	47	48	36	37	19	29	10	12	3
45	18	31	25	47	32	29	36	29	23	11	6	3
00	25	31	22	26	34	34	10	20	12	5	0	4

Hr Total	117	118	109	150	150	129	120	102	88	50	28	14
----------	-----	-----	-----	-----	-----	-----	-----	-----	----	----	----	----

24 Hour Total : 1890

AM peak hour begins : 11:30 AM peak volume : 168 Peak hour factor : 0.79

PM peak hour begins : 15:30 PM peak volume : 157 Peak hour factor : 0.82

Oct 26

Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	4	0	3	4	0	2	5	14	23	31	30	31
30	0	0	2	0	0	4	13	15	23	34	28	29
45	4	4	2	3	0	5	12	29	26	45	46	35
00	12	0	0	3	2	4	11	17	42	27	55	29

Hr Total	20	4	7	10	2	15	41	75	114	137	159	124
----------	----	---	---	----	---	----	----	----	-----	-----	-----	-----

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	27	35	25	24	41	26	35	29	23	10	5	4
30	25	27	15	34	61	38	33	39	17	12	4	9
45	27	29	29	19	38	17	29	15	30	21	11	5
00	28	30	26	32	41	33	21	32	16	24	18	4

Hr Total	107	121	95	109	181	114	118	115	86	67	38	22
----------	-----	-----	----	-----	-----	-----	-----	-----	----	----	----	----

24 Hour Total : 1881

AM peak hour begins : 10:30 AM peak volume : 161 Peak hour factor : 0.73

PM peak hour begins : 16:00 PM peak volume : 181 Peak hour factor : 0.74

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025001.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 3 CHACE BANK ENTRANCE OUT
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25

Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	3	0	0	3	0	6	8	14	4	37	34
30	0	3	0	5	0	0	8	3	20	33	39	34
45	4	0	0	3	0	9	9	13	11	20	28	44
00	6	3	0	0	6	3	8	11	15	34	17	51
Hr Total	10	9	0	8	9	12	31	35	60	91	121	163

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	23	67	27	23	28	21	15	15	22	11	10	12
30	34	27	32	32	43	55	14	13	19	13	6	0
45	35	50	20	43	27	18	32	36	10	12	5	5
00	117	29	16	17	27	34	16	9	21	0	2	10
Hr Total	209	173	95	115	125	128	77	73	72	36	23	27

24 Hour Total : 1702

AM peak hour begins : 11:00

AM peak volume : 163

Peak hour factor : 0.80

PM peak hour begins : 12:45

PM peak volume : 261

Peak hour factor : 0.56

Oct 26

Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	3	6	3	0	0	2	3	3	1	25	23	22
30	4	2	3	2	0	4	9	1	9	32	11	44
45	6	0	0	0	3	0	6	21	14	32	16	27
00	3	6	0	1	0	0	0	3	26	20	32	45
Hr Total	16	14	6	3	3	6	18	28	50	109	82	138

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	33	29	54	33	25	31	46	19	26	19	20	7
30	47	38	28	43	41	24	12	17	15	17	163	6
45	32	68	39	39	54	26	27	19	25	15	30	5
00	35	34	25	35	35	33	35	26	8	13	5	16
Hr Total	147	169	146	150	155	114	120	81	74	64	218	34

24 Hour Total : 1945

AM peak hour begins : 11:30

AM peak volume : 152

Peak hour factor : 0.81

PM peak hour begins : 21:45

PM peak volume : 226

Peak hour factor : 0.35

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025002.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 2 PANERA ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	10	1	3	0	2	4	18	50	55	48	80	77
30	6	3	0	9	3	6	21	38	56	80	44	82
45	4	7	2	2	7	7	18	53	33	47	68	69
00	4	1	4	0	2	7	33	40	52	86	60	63

Hr Total	24	12	9	11	14	24	90	181	196	261	252	291
----------	----	----	---	----	----	----	----	-----	-----	-----	-----	-----

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	72	44	64	55	57	70	49	64	25	21	17	9
30	78	46	47	80	46	55	65	47	39	29	7	7
45	67	60	53	77	63	34	56	62	46	29	23	9
00	51	90	49	39	44	47	47	54	31	12	11	11

Hr Total	268	240	213	251	210	206	217	227	141	91	58	36
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	----	----	----

24 Hour Total : 3523

AM peak hour begins : 09:15 AM peak volume : 293 Peak hour factor : 0.85

PM peak hour begins : 12:00 PM peak volume : 268 Peak hour factor : 0.86

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	4	3	0	0	6	12	49	45	48	57	43
30	7	1	2	3	5	4	42	25	54	62	55	71
45	1	4	2	0	2	5	30	28	54	45	60	82
00	4	2	2	5	3	10	43	64	68	68	52	60

Hr Total	12	11	9	8	10	25	127	166	221	223	224	256
----------	----	----	---	---	----	----	-----	-----	-----	-----	-----	-----

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	64	42	64	52	27	61	52	78	46	31	121	9
30	64	66	58	48	43	44	41	55	37	27	323	13
45	93	62	59	49	61	52	64	59	25	36	27	6
00	90	72	49	64	43	60	53	45	22	17	12	6

Hr Total	311	242	230	213	174	217	210	237	130	111	483	34
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	----

24 Hour Total : 3884

AM peak hour begins : 11:15 AM peak volume : 277 Peak hour factor : 0.84

PM peak hour begins : 21:30 PM peak volume : 497 Peak hour factor : 0.38

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025003.PRN

Station : 000000000005

Identification : 000000000005

Start date : Oct 25, 17

Stop date : Oct 27, 17

City/Town :

Location : 2 PANERA ENTRANCE OUT

Interval : 15 minutes

Start time : 10:15

Stop time : 10:15

County :

Oct 25/Oct 26

Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	5	0	5	0	0	3	11	19	45	30	45	32
30	0	3	2	4	0	2	10	18	30	36	48	49
45	0	0	0	0	0	4	15	26	24	35	52	51
00	0	3	4	2	0	1	15	31	30	34	38	49
Hr Total	5	6	11	6	0	10	51	94	129	135	183	181

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	66	57	50	23	46	36	30	28	37	26	19	16
30	36	67	75	45	43	45	49	34	36	14	3	5
45	56	78	42	42	28	35	43	39	29	14	22	10
00	91	54	52	49	37	33	32	38	30	11	8	1
Hr Total	249	256	219	159	154	149	154	139	132	65	52	32

24 Hour Total : 2571

AM peak hour begins : 11:15

AM peak volume : 215

Peak hour factor : 0.81

PM peak hour begins : 12:45

PM peak volume : 293

Peak hour factor : 0.80

Oct 26/Oct 27

Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	0	0	0	0	0	15	28	33	37	38	24
30	0	6	0	3	2	3	16	16	22	36	55	42
45	3	0	2	0	0	3	20	17	25	32	37	57
00	0	3	0	4	2	0	19	42	33	44	42	72
Hr Total	3	9	2	7	4	6	70	103	113	149	172	195

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	66	53	42	28	51	45	71	39	49	30	19	7
30	53	66	66	40	30	46	36	35	24	14	2	15
45	50	65	41	41	67	34	45	23	28	29	5	7
00	73	53	49	79	22	39	46	35	34	26	17	4
Hr Total	242	237	198	188	170	164	198	132	135	99	43	33

24 Hour Total : 2672

AM peak hour begins : 11:30

AM peak volume : 248

Peak hour factor : 0.86

PM peak hour begins : 12:45

PM peak volume : 257

Peak hour factor : 0.88

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025007.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 1 PLAZA ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25

Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	5	4	6	3	4	4	12	24	30	39	45	43
30	9	4	4	1	9	2	7	17	28	34	36	38
45	3	3	1	2	4	8	14	20	19	30	35	48
00	4	6	6	5	3	9	11	36	36	53	44	60
Hr Total	21	17	17	11	20	23	44	97	113	156	160	189

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	62	54	52	42	53	41	47	52	29	21	15	13
30	60	40	49	48	56	43	53	46	39	26	13	9
45	43	34	39	43	47	38	46	58	27	32	16	8
00	54	50	38	52	51	55	55	37	27	35	16	6
Hr Total	219	178	178	185	207	177	201	193	122	114	60	36

24 Hour Total : 2738

AM peak hour begins : 11:30 AM peak volume : 230 Peak hour factor : 0.93

PM peak hour begins : 12:00 PM peak volume : 219 Peak hour factor : 0.88

Oct 26

Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	7	8	1	6	3	2	7	22	18	39	54	36
30	9	8	5	3	0	7	16	12	21	44	57	54
45	5	3	2	2	3	11	10	22	56	33	58	47
00	4	0	3	10	3	12	19	22	37	50	50	52
Hr Total	25	19	11	21	9	32	52	78	132	166	219	189

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	37	54	40	46	51	42	42	40	32	31	32	12
30	50	50	43	43	54	42	53	36	37	26	68	14
45	47	50	53	51	49	38	48	39	30	18	36	15
00	52	58	61	48	69	53	49	34	36	22	10	16
Hr Total	186	212	197	188	223	175	192	149	135	97	146	57

24 Hour Total : 2910

AM peak hour begins : 09:45 AM peak volume : 219 Peak hour factor : 0.94

PM peak hour begins : 16:00 PM peak volume : 223 Peak hour factor : 0.81

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025008.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 1 PLAZA ENTRANCE OUT
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	17	8	4	0	1	6	11	11	14	14	27	35
30	12	3	9	3	1	6	14	12	17	25	25	36
45	11	8	2	3	4	8	4	13	15	20	23	31
00	15	10	4	4	5	4	7	13	11	19	29	40
Hr Total	55	29	19	10	11	24	36	49	57	78	104	142
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	49	45	48	40	49	39	54	41	46	35	25	28
30	42	47	40	39	46	37	33	43	37	37	41	18
45	39	32	29	34	41	38	29	37	48	40	31	11
00	54	38	47	38	39	37	37	44	45	38	20	13
Hr Total	184	162	164	151	175	151	153	165	176	150	117	70

24 Hour Total : 2432
 AM peak hour begins : 11:30 AM peak volume : 162 Peak hour factor : 0.83
 PM peak hour begins : 12:30 PM peak volume : 185 Peak hour factor : 0.86

Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	8	6	7	0	2	1	11	26	6	32	31	38
30	17	8	6	2	2	1	4	10	12	17	34	41
45	13	6	2	6	2	4	11	5	9	17	18	33
00	8	4	2	6	3	12	9	8	15	20	35	46
Hr Total	46	24	17	14	9	18	35	49	42	86	118	158
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	29	43	42	38	45	40	42	37	36	28	38	26
30	46	49	53	36	37	38	44	56	51	33	32	18
45	36	45	44	41	35	39	36	32	60	19	31	10
00	40	47	38	34	23	37	39	39	39	30	26	18
Hr Total	151	184	177	149	140	154	161	164	186	110	127	72

24 Hour Total : 2391
 AM peak hour begins : 11:00 AM peak volume : 158 Peak hour factor : 0.86
 PM peak hour begins : 13:30 PM peak volume : 187 Peak hour factor : 0.88

ATTACHMENT C

PROPOSED FORM ORDER APPROVING RESCISSION OF GATEWAY COMMONS DRI DEVELOPMENT ORDER

THIS ORDER APPROVING RESCISSION OF GATEWAY COMMONS DRI DEVELOPMENT ORDER is issued by the City of Kissimmee, a political subdivision of the State of Florida, whose address is 101 N. Church Street, Kissimmee, FL 34741-5054.

FACTUAL BACKGROUND

Dart Road Limited Partnership, a Florida limited partnership, was the original developer of that certain real property in the City of Kissimmee, Florida (the "City"), commonly known as the Gateway Commons Development of Regional Impact (the "Gateway Commons DRI" or "DRI"), which is more particularly described in the Gateway Commons DRI Development Order (as hereinafter defined). A legal description of the DRI is included as **EXHIBIT A**.

The Gateway Commons DRI is approved for 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres. The attached **EXHIBIT B** provides a list of all development to date within the DRI.

Wendell E. Spears Revocable Trust, ("Trust"), is the landowner of the undeveloped parcels within the DRI, which are approved for 700 hotel rooms and 200,000 square feet of commercial development and 250,000 square feet of business park. The undeveloped parcels are identified on **EXHIBIT C**.

The City issued the Original Development Order for the Gateway Commons DRI on August 6, 1991, which is recorded at Official Records Book 1026, Page 2967, in the Public Records of Osceola County, Florida. The City amended the Gateway Commons Development Order on July 30, 1996, which is recorded at Official Records Book 1349, Page 1479, and, again, on September 30, 1999, which is recorded at Official Records Book 1690, Page 1594. The Original Development Order and the two amendments combined are the Gateway Commons DRI Development Order (the "DRI Development Order").

The City of Kissimmee meets the criteria of a “dense urban land area” pursuant to s.380.06(29) and is identified on the State of Florida list of qualifying communities as published by the Department of Economic Opportunity.

As a dense urban land area the City of Kissimmee is exempt from Chapter 380.06 (the DRI law) and is authorized to rescind any existing DRI approvals. Pursuant to Section 380.115(b), Florida Statutes, "If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), provided such permit or authorization is subject to enforcement through administrative or judicial remedies."

A Request for Rescission of the Gateway Commons DRI Development Order (the "Request") dated February 8, 2018, was submitted to the City on behalf of Trust, which provided documentation that all required mitigation has been completed for 450,659 square feet of commercial development, all of which comprise the developed, and approved for development, portion of the DRI. A copy of the Request is attached hereto as **EXHIBIT D**.

Based on the information contained in the Request, the City has verified the completion of required mitigation for the amount of development existing in the Gateway Commons DRI.

Based on the information presented herein, the City hereby rescinds the Gateway Commons DRI Development Order as identified on Exhibit A. The property is no longer considered a DRI pursuant to Chapter 380.06 and the City acknowledges that the terms "Gateway Commons Development of Regional Impact" or "Gateway Commons DRI" as used in any applicable approval, agreement, development order, document or permit shall mean and refer to the Gateway Commons PUD.

As specified in the DRI Development Order and save and except for wetlands which have received permits for removal and for which mitigation has been provided , the Gateway Commons on-site wetlands systems, other conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall have their

developmental uses restricted by easement as provided in Section 704.06, Florida Statutes. That condition does not preclude the applicant from including these land in fulfilling open space requirements of the City of Kissimmee. This rescission order retains this provision for all of the DRI property as identified in Exhibit A, including the Trust parcels.

CITY OF KISSIMMEE, FLORIDA

By: _____

Jose Alvarez, Mayor

DATE: _____

5.7.2019

ATTEST:

Linda Shansel

City Clerk

FOR THE USE AND RELIANCE OF THE CITY OF KISSIMMEE
ONLY. APPROVED AS TO FORM AND LEGAL SUFFICIENCY

DATE: _____

May 7, 2019

Olga Sanchez de Fuentes

City Attorney

Olga Sanchez de Fuentes

Print Name

CERTIFICATE OF SERVICE

A certified copy of this Order Approving Rescission of the Gateway Commons DRI Development Order has been sent by U.S. Mail to the Florida Department of Economic Opportunity, Division of Community Development, 107 East Madison Street, Caldwell Building, MSC 160, Tallahassee, FL 32399 and to the East Central Florida Regional Planning Council at 455 North Garland Avenue, Fourth Floor, Orlando, FL 32801 this 26th day of

July, 2018.
2019

Linda Shansel

City Clerk

CERTIFICATE OF SERVICE

A certified copy of this Order Approving Rescission of the Gateway Commons DRI Development Order has been sent by U.S. Mail to the Florida Department of Economic Opportunity, Division of Community Development, 107 East Madison Street, Caldwell Building, MSC 160, Tallahassee, FL 32399 and to the East Central Florida Regional Planning Council at 455 North Garland Avenue, Fourth Floor, Orlando, FL 32801 this 26th day of

July, ~~2018~~.
2019

Linda Hansell
City Clerk

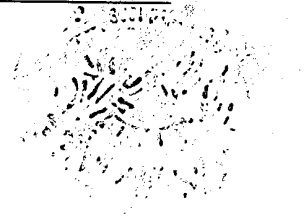


EXHIBIT A

DRI LEGAL DESCRIPTION

N 1/2 OF SEC LYING EASTERLY OF RR AND WESTERLY OF FLA TURNPIKE AND NW 1/4 OF SE 1/4 LYING WESTERLY OF FLA TURNPIKE

LESS RD R/W ORD# 1759, AND

LESS BEGINNING AT THE SOUTH LINE OF N 1/2 OF SEC W/ EASTERLY R/W OF RR, EASTERLY 995 FT, NORTHERLY 827 FT, WESTERLY TO EASTERLY R/W OF RR, SOUTHWESTERLY ALONG R/W TO POB, AND

LESS BEGINNING AT THE SW CORNER OF NW 1/4 OF SEC, SOUTH 89 DEGREES, EAST 2196.08 FT, NORTH 15 FT TO POB; N 304.07 FT, S 89 DEGREES EAST 83.29 FT TO POINT OF COMMENCEMENT, COMMENCE NORTHERLY, RAD 300 FT, CENT ANG 26 DEGREES, ALONG CURVE 137.58 FT, N 64 DEGREES E 63.20 FT TO POINT OF COMMENCEMENT, COMMENCE WESTERLY, RAD 750 FT, CENT ANG 27 DEGREES, ALONG CURVE 371.60 FT, S 23.10 FT, N 89 DEGREES W 47.46 FT, S 33 FT, N 89 DEGREES W 301.42 FT TO POB AND LESS THE FOLLOWING LYING WITHIN ABOVE DESCRIBED LEGAL:

COM AT W 1/4 CORNER 2-25-29, E 1032.60 FT, N 15 FT TO NORTHERLY R/W OF OSCEOLA PKWY & POB; N 125.88 FT, N 20 DEGREES E 117.05 FT, N 114.01 FT, E 225.83 FT, N 554.85 FT, E 91.04 FT, N 121.38 FT, W 60 FT, N 207.31 FT, W 275.54 FT, N 68.55 FT, W 237.26 FT TO POINT OF COMMENCEMENT, COMMENCE SOUTHEASTERLY, RAD 242.50 FT, (RADIUS BEARS S 0 DEGREES W), CENT ANG 49 DEGREES, SOUTHWESTERLY ALONG CURVE 209.23 FT, N 77 DEGREES W 47.88 FT TO PT ON ELY R/W CSX RAILROAD, N 12 DEGREES E 155.33 FT, N 55 DEGREES E 327.47 FT, N 71 DEGREES E 1092.94 FT, N 34 DEGREES E 151.69 FT, S 55 DEGREES E 93.97 FT, S 01 DEGREES W 389.91 FT, S 88 DEGREES E 123.99 FT TO PT OF CUSP, NON-TAN CURVE, COMMENCE SOUTHEASTERLY, RAD 87 FT, (RAD BEARS S 01 DEGREES W), CENT ANG 91 DEGREES, SOUTHWESTERLY ALONG CURVE 139.04 FT, S 379.52 FT TO POINT OF COMMENCEMENT, COMMENCE NORTHEASTERLY, RAD 450 FT, (RAD BEARS S 89 DEGREES E) CENT ANG 28 DEGREES, SOUTHEASTERLY ALONG CURVE 226.86 FT, S 28 DEGREES E 83.91 FT TO POINT OF COMMENCEMENT, NON-TANG CURVE, COMMENCE SOUTHEASTERLY, RAD 441.41 FT, (RAD BEARS S 00 DEGREES E), CENT ANG 12 DEGREES, SOUTHWESTERLY ALONG CURVE 92.99 FT, S 484.10 FT, E 168.06 FT TO POINT OF COMMENCEMENT, COMMENCE NORTHWESTERLY, RAD 254 FT, (RAD BEARS N 00 DEGREES E), CENT ANG 26 DEGREES, NORTHEASTERLY ALONG CURVE 116.49 FT, N 64 DEGREES E 61.84 FT, S 28 DEGREES E 9.16 FT TO POINT OF COMMENCEMENT, COMMENCE SOUTHWESTERLY, RAD 750 FT, (RAD BEARS S 61 DEGREES W), CENT ANG 02 DEGREES, SOUTHEASTERLY ALONG CURVE 36.87 FT, S 64 DEGREES W 63.20 FT TO POINT OF COMMENCEMENT, COMMENCE NORTHWESTERLY, RAD 300 FT, (RAD BEARS N 25 DEGREES W), CENT ANG 26 DEGREES, SOUTHWESTERLY ALONG CURVE 137.58 FT, W 226.55 FT, S 304.07 FT TO PT ON R/W OSCEOLA PKWY, W ALONG R/W 188.03 FT, N 304.07 FT, W 659.82 FT, TO POINT OF COMMENCEMENT, COMMENCE SOUTHEASTERLY, RAD 39.50 FT, (RAD BEARS S 00 DEGREES W), CENT ANG 90 DEGREES, SLY ALONG CURVE 62.05 FT, S 264.57 FT TO NORTHERLY R/W OSCEOLA PKWY, W 132.85 FT TO POB AND LESS GATEWAY COMMONS NORTH PB 13 PG 28-32.

TOGETHER WITH

SW 1/4 OF SE 1/4 LYING WESTERLY OF FLA TURNPIKE & SE 1/4 OF SE 1/4 LYING
WESTERLY OF FLA TURNPIKE ORD# 1759

SECTION 2: FINAL ANNUAL REPORT

Gateway Commons DRI

Final DRI Annual Report

Kissimmee, Florida

Prepared For

Wendell E. Spears Revocable Trust
Michael D. Spears
Post Office Box 1780
Winter Park, FL 32789

February 9, 2018

POULOS & BENNETT

2602 E. Livingston Street | Orlando, Florida 32803 | Tel: 407.487.2594 | www.poulosandbennett.com
FBPE Certificate of Authorization No. 2856

ANNUAL REPORT FORM

FORM DEO-BCP-BIENNIAL REPORT-1
Rule 73C-40.010, FAC. Effective 6-01-03
(Renumbered 10-01-11)

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF COMMUNITY PLANNING & DEVELOPMENT
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399

**DEVELOPMENT OF REGIONAL IMPACT
BIENNIAL REPORT**

Subsection 380.06(18), Florida Statutes, (F.S.) places the responsibility on the developer of an approved development of regional impact (DRI) for submitting an biennial report to the local government, the regional planning agency, the Department of Economic Opportunity, and to all affected permit agencies, on the date specified in the development order. The failure of a developer to submit the report on the date specified in the development order may result in the temporary suspension of the development order by the local government until the biennial report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. If you have any questions about this required report, call the DRI Planner at (850) 717-8475.

Send the original completed annual report to the designated local government official stated in the development order with one copy to each of the following:

- a) The regional planning agency of jurisdiction;
- b) All affected permitting agencies;
- c) Division of Community Development
Bureau of Comprehensive Planning
107 East Madison
Caldwell Building, MSC 160
Tallahassee, Florida 32399

BIENNIAL STATUS REPORT

Reporting Period: Final Annual Report through December 2017
Month/Day/Year Month/Day/Year

Development: Gateway Commons
Name of DRI

Location: Kissimmee, Osceola
City County

Developer: Name: Ramona Ann Spears and James P. Grodecki, as Trustees of the Wendell E. Spears Revocable Trust, dated June 26, 2002, successors in interest to Wendell E. Spears, deceased

Address: P.O. Box 1780
Street Location

Winter Park, FL 32790
City, State, Zip

1. Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.

Note: If a response is to be more than one sentence, attach as Exhibit A a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items if applicable:

- a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;
Response: There were no changes to the plan of development for the reporting year. The plan of development is proposed for change through the Planned Development zoning process concurrent with the DRI Rescission.
- b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
Response: No DRI applications were filed during 2017.

- c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S.

Response: No Development Order modifications were recorded during 2017.

2. Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new DRI development order for the project? Provide a copy of the order adopted by the annexing local government.

Response: There has been no change in local government jurisdiction.

3. Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.

Response: Please see Exhibit B for the incremental site plan approved in 2017.

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

4. Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Response: Please see Exhibit C.

Note: If a response is to be more than one sentence, attach as Exhibit C.

5. Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps which show the tracts involved.

Response: No undeveloped tracts were sold by the developer in 2017.

Note: If a response is to be more than one sentence, attach as Exhibit D.

6. Describe any lands purchased or optioned adjacent to the original DRI site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

Response: No lands were purchased or optioned adjacent to the DRI.

Note: If a response is to be more than one sentence, attach as Exhibit E.

Tract

7. List any substantial local, state and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

Response: Please see Exhibit F for a summary of SFWMD Permits.

Note: If a response is to be more than one sentence, attach as Exhibit F.

8. Provide a list specifying each development order conditions and each developer commitment as contained in the ADA. State how and when each condition or commitment has been complied with during the annual report reporting period.

Response: Please see Exhibit G.

Note: Attach as Exhibit G.

9. Provide any information that is specifically required by the development order to be included in the annual report.

Response: No additional information if required by the Development Order.

10. Provide a statement certifying that all persons have sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), F.S.

Response: Not applicable, as this Final Annual Report is submitted to the City of Kissimmee as part of the DRI Development Order Rescission request.

Person completing the questionnaire: Kathy Hattaway, AICP, Poulos & Bennett, LLC

Title: Planning Group Leader _____

Representing: Developer _____

EXHIBIT B
INCREMENTAL SITE PLAN
2017

PUD/DRC SITE PLAN FOR

COMMERCIAL CENTER

JULY 2017

PI: 02-25-29-1448-0001-0020
SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29

INDEX SHEET
01 COVER SHEET
02 BOUNDARY & TOPOGRAPHIC SURVEY
03 BOUNDARY & TOPOGRAPHIC SURVEY
04 SITE PLAN



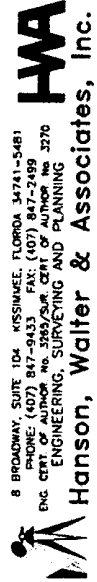
1. HANSON	1. HANSON
2. HANSON	2. HANSON
3. HANSON	3. HANSON
4. HANSON	4. HANSON
5. HANSON	5. HANSON
6. HANSON	6. HANSON
7. HANSON	7. HANSON
8. HANSON	8. HANSON
9. HANSON	9. HANSON
10. HANSON	10. HANSON
11. HANSON	11. HANSON
12. HANSON	12. HANSON
13. HANSON	13. HANSON
14. HANSON	14. HANSON
15. HANSON	15. HANSON
16. HANSON	16. HANSON
17. HANSON	17. HANSON
18. HANSON	18. HANSON
19. HANSON	19. HANSON
20. HANSON	20. HANSON
21. HANSON	21. HANSON
22. HANSON	22. HANSON
23. HANSON	23. HANSON
24. HANSON	24. HANSON
25. HANSON	25. HANSON
26. HANSON	26. HANSON
27. HANSON	27. HANSON
28. HANSON	28. HANSON
29. HANSON	29. HANSON
30. HANSON	30. HANSON
31. HANSON	31. HANSON
32. HANSON	32. HANSON
33. HANSON	33. HANSON
34. HANSON	34. HANSON
35. HANSON	35. HANSON
36. HANSON	36. HANSON
37. HANSON	37. HANSON
38. HANSON	38. HANSON
39. HANSON	39. HANSON
40. HANSON	40. HANSON
41. HANSON	41. HANSON
42. HANSON	42. HANSON
43. HANSON	43. HANSON
44. HANSON	44. HANSON
45. HANSON	45. HANSON
46. HANSON	46. HANSON
47. HANSON	47. HANSON
48. HANSON	48. HANSON
49. HANSON	49. HANSON
50. HANSON	50. HANSON
51. HANSON	51. HANSON
52. HANSON	52. HANSON
53. HANSON	53. HANSON
54. HANSON	54. HANSON
55. HANSON	55. HANSON
56. HANSON	56. HANSON
57. HANSON	57. HANSON
58. HANSON	58. HANSON
59. HANSON	59. HANSON
60. HANSON	60. HANSON
61. HANSON	61. HANSON
62. HANSON	62. HANSON
63. HANSON	63. HANSON
64. HANSON	64. HANSON
65. HANSON	65. HANSON
66. HANSON	66. HANSON
67. HANSON	67. HANSON
68. HANSON	68. HANSON
69. HANSON	69. HANSON
70. HANSON	70. HANSON
71. HANSON	71. HANSON
72. HANSON	72. HANSON
73. HANSON	73. HANSON
74. HANSON	74. HANSON
75. HANSON	75. HANSON
76. HANSON	76. HANSON
77. HANSON	77. HANSON
78. HANSON	78. HANSON
79. HANSON	79. HANSON
80. HANSON	80. HANSON
81. HANSON	81. HANSON
82. HANSON	82. HANSON
83. HANSON	83. HANSON
84. HANSON	84. HANSON
85. HANSON	85. HANSON
86. HANSON	86. HANSON
87. HANSON	87. HANSON
88. HANSON	88. HANSON
89. HANSON	89. HANSON
90. HANSON	90. HANSON
91. HANSON	91. HANSON
92. HANSON	92. HANSON
93. HANSON	93. HANSON
94. HANSON	94. HANSON
95. HANSON	95. HANSON
96. HANSON	96. HANSON
97. HANSON	97. HANSON
98. HANSON	98. HANSON
99. HANSON	99. HANSON
100. HANSON	100. HANSON

LOCATION MAP



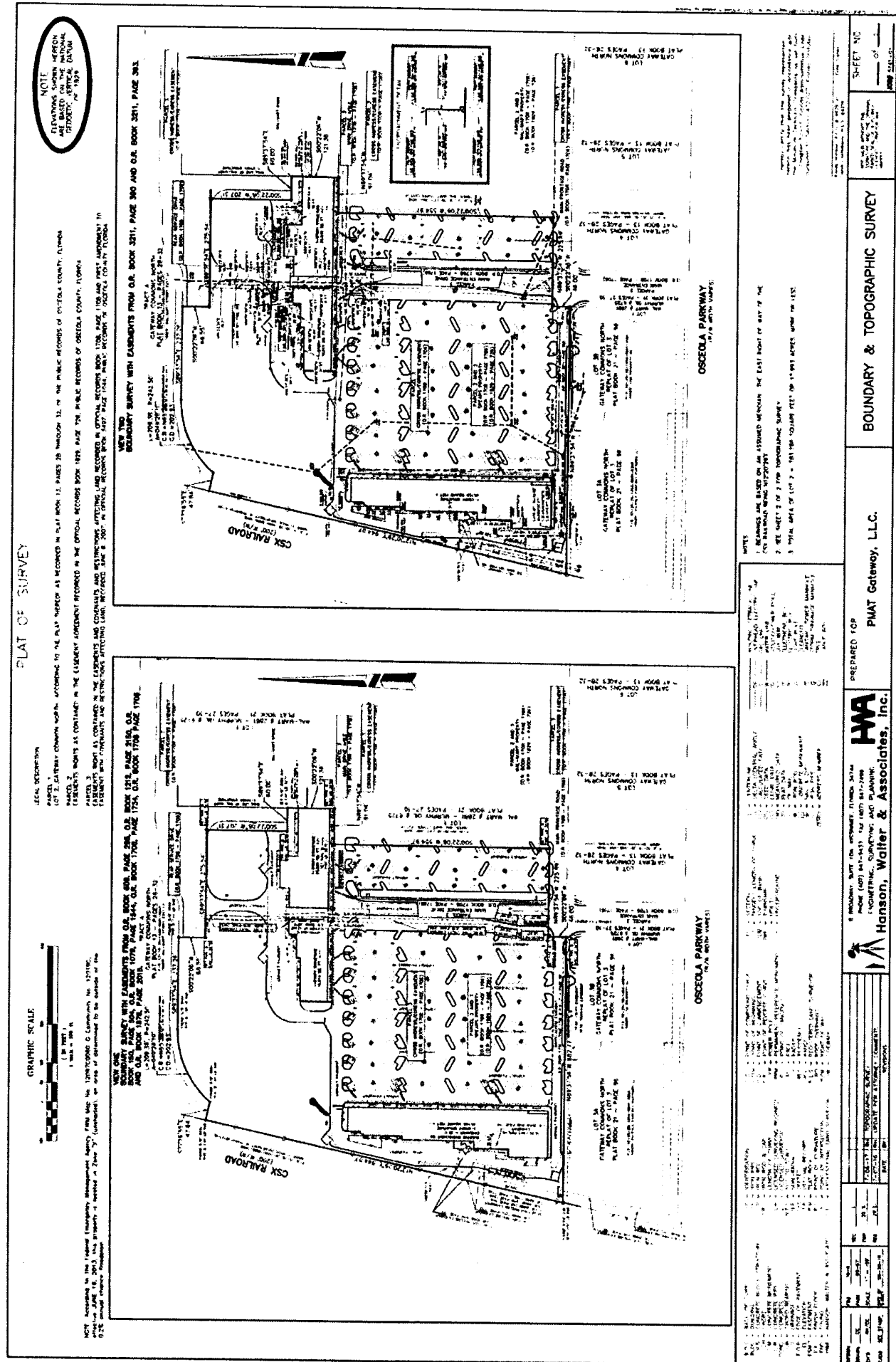
THE FOLLOWING LIST OF CONTACTS IS BASED UPON INFORMATION FROM SURROUNDING STATE ONE CALL OF FLORIDA, INC. AND THE BEST AVAILABLE INFORMATION AT THE TIME THE CONTRACTOR SHALL COMPLETE THEIR OWN DUE DILIGENCE TO ENSURE THERE ARE NO ADDITIONAL UTILITIES WITHIN THE LIMITS OF CONSTRUCTION. IF ADDITIONAL UTILITIES ARE DISCOVERED, CONTACT THE ENGINEER PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CONTACT THE FOLLOWING AGENCIES AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.

1. KIMBER MORGAN/CENTRAL FLORIDA PIPELINE
MARK CLARK
1200 N. GULF BLVD.
TAMPA, FLORIDA 33605
PH: (813) 368-8344 EXT: 2
2. CHARITTE/STRUCTURE COMMUNICATIONS
MARVIN LUSKY JR.
1700 N. GULF BLVD.
TAMPA, FLORIDA 33605
PH: (813) 332-8509
3. FLORIDA GAS TRANSMISSION-CUNY
JOSEPH E. SANCHEZ
2405 LUDEN WAY, SUITE 200
MAYLAND, FLORIDA 32751
PH: (407) 838-7171
4. LEVEL 9 COMMUNICATIONS
ONE CALL CENTER
ONE CALL CENTER
ONE CALL CENTER
TAMPA, FLORIDA 33603
PH: (813) 547-9894
5. LEVEL 9 COMMUNICATIONS LLC
NETWORK RELATIONS
1200 N. GULF BLVD.
BROOKFIELD, COLO. 80021
PH: (877) 368-8344 EXT: 2
6. MOO
DEAN BOYERS
2400 N. GLENVIEW DRIVE
ROCHARDSON, TX 75082
PH: (972) 728-6322
7. CENTURYTELE
TY LESLIE
33 N. MAIN ST. ROOM 144
WHITE GARDEN, FLORIDA 34787
PH: (407) 814-5255

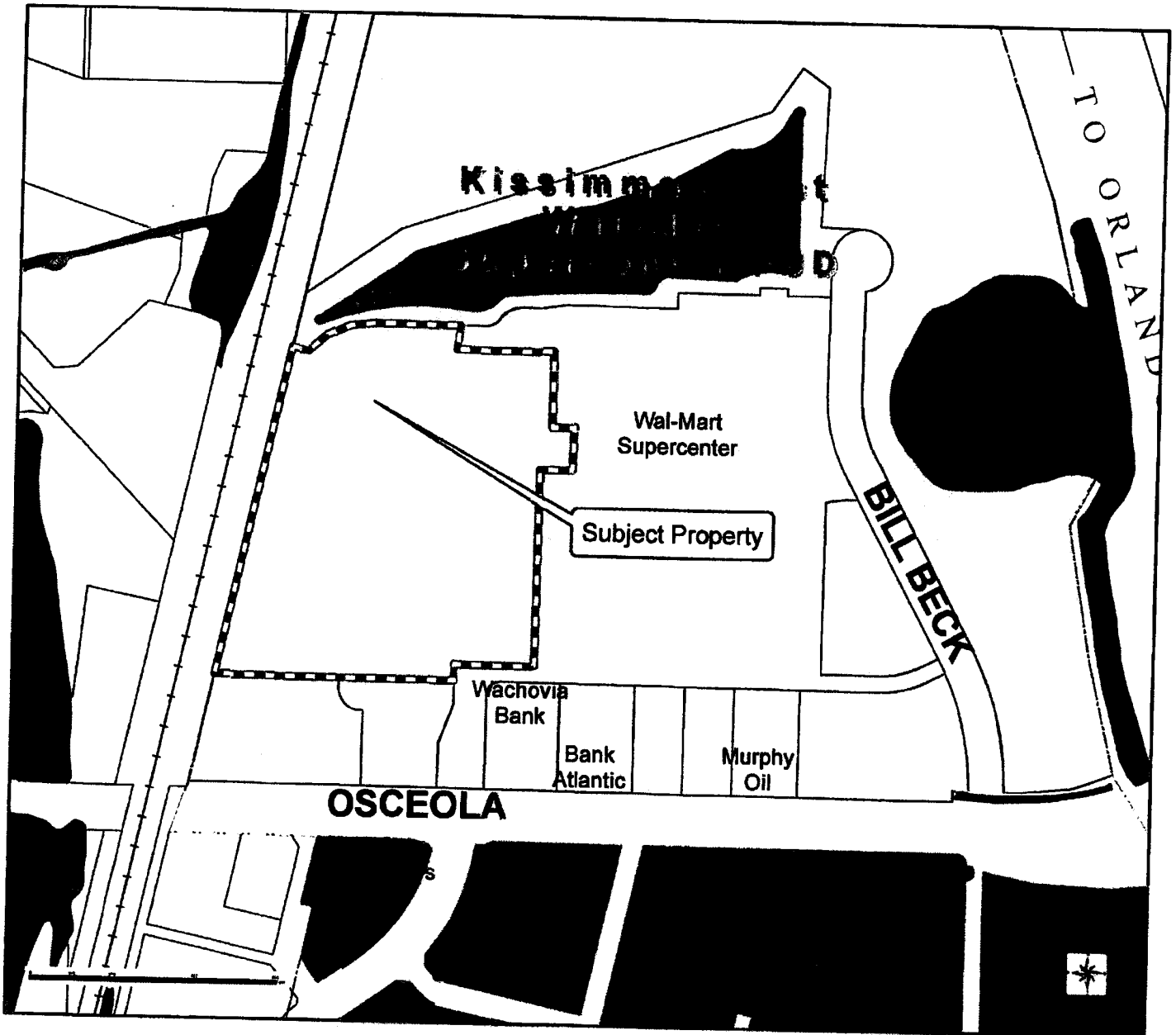


8 BROADWAY, SUITE 104 KISSIMEE, FLORIDA 34741-5481
PHONE: (407) 847-9433 FAX: (407) 847-2499
P.O. BOX 3700 KISSIMEE, FLORIDA 34741-3700
ENGINEERING, SURVEYING AND PLANNING

HWA JOB #5141-02
SHEET 01 OF 04



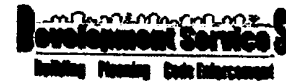
Page 58 of 105 Page 309 of 356



Subject Property	RA-4 (Single Family Residential 6,000 sqft)	HC (Highway Commercial)
CRA District Boundary	RB-1 (Medium Density Residential)	B-5 (Office Commercial)
Railroad	RB-2 (Medium Density Residential - Office)	BP (Business Park)
City Limit Boundary	RC-1 (Multiple Family Medium Density Residential)	IB (Industrial Business)
Kissimmee Gateway Airport	RC-2 (Multiple Family High Density Residential)	AO (Airport Operations)
Lake Surfaces	MH-1 (Mobile Home 9,000 sqft)	AI (Airport Industrial)
Zoning Districts	MH-2 (Mobile Home 8,000 sqft)	CF (Community Facility)
Zoning District Designations	MHP (Mobile Home Park)	HF (Hospital Facility)
AC (Agricultural Conservation)	RPB (Residential Professional Business)	UT (Utilities)
RE (Residential Estate)	B-1 (Downtown Commercial)	OS (Open Space)
RA-1 (Single Family Residential 12,000 sqft)	B-2 (Neighborhood Commercial)	RPUD (Residential Planned Unit Development)
RA-2 (Single Family Residential 9,000 sqft)	B-3 (General Commercial)	SRPUD (Short Term Rental Planned Unit Development)
RA-3 (Single Family Residential 7,000 sqft)	B-4 (Main Street Commercial)	MUPUD (Mixed Use Planned Unit Development)



**CITY OF KISSIMMEE
APPLICATION FOR DEVELOPMENT REVIEW**



PROJECT

Name of Project: gateway commons phased expansion

Location (Address if possible): 1307 E. Osceola Parkway Kiss. Fl. 34744

Parcel ID#: 02-25-29-1448-0001-0020

APPLICANT

Name: Mr Jason Reibert

Firm: Gulf States Construction Services, Inc.

Address: 109 New Camellia Blvd. Suite 100 Covington, LA 70433

Phone: (985) 792 4389

E-Mail: jreibert@gsres.com

AGENT (Contact Person)

Name: Craig Zetwo

Firm: Hanson Walter & Associates, Inc.

Address: 8 Broadway Kissimmee, fl. 34741

Phone: (407) 847 9433

E-Mail: czetwo@hansonwalter.com

OWNER

Name: Mr. Bob Whelan

Firm: PMAT Gateway LLC

Address: 2215 Lakeshore Dr. Mandeville LA 70448

Phone: (504) 228 2800

E-Mail: bob@pmat.net

LEGAL DESCRIPTION/LOCATION

Please refer to included survey

Note: Dates are contingent upon previous meeting approval and dependent upon the project type may not require various meetings. For specific processes, please see the project type. Scheduled dates for Public Hearings are subject to notification requirements and may be altered due to advertising requirements.

All requests must be accompanied by a completed application, checklist, fee, folded plan(s), a PDF of any exhibits and/or plans and any other supporting materials. A sufficiency review will be conducted within 24 hours of submittal. If submittal is insufficient, the request will not be scheduled/distributed for review. Unless specifically noted, deadlines for submittals are Friday at 4:00 p.m. on the above listed dates. No late or incomplete submittal will be accepted.

REQUEST <u>PUD w/ Site Plan</u>		FOR OFFICE USE ONLY		FEE COLLECTED <u>Check</u>	
DATE <u>7/16/17</u>		REC'D BY <u>Derrick Harris</u>		DRC # <u>17-00094</u>	
SUFFICIENCY REVIEW (Y/N) <u>Yes</u>		PROJECT MANAGER <u>D. HARRIS</u>		DRC DATE <u>07/25/17</u>	



**CITY OF KISSIMMEE DEVELOPMENT SERVICES
SITE PLAN AND SITE SPECIFIC REDEVELOPMENT PLAN
REVIEW CRITERIA CHECKLIST**

Project Name: gateway commons phased expansion

Subject Property Address: 1307 E. Osceola Parkway Kiss. Fl. 34744

Subject Property Parcel ID #: 02-25-29-1448-0001-0020

Site Plan review requires 15 – 24"x36" black or blue line prints to include the following criteria below to be shown on submitted site plans and accompanying maps, drawn to a scale no smaller than 1-inch = 100-feet, and prepared by the appropriate combination of qualified professionals. (NOTE: Site Development Construction plans shall be prepared by a civil engineer licensed by the State of Florida). Please include this site plan review checklist in addition to other required submittals to the Development Services Department Planning Division. Indicate (NA) for items that are not applicable to the review. 2 copies of conceptual building elevations will need to accompany this checklist if Site Specific Redevelopment Plan is requested.

Note: All paper plans shall be accompanied by a PDF of the drawings, submitted via email or CD-ROM

General Information

- ☒ **Owner and Professional Agent:** The name, address, and phone number of the owner and the professional agent.
- ☒ **Location Map:** Map indicating the location of the proposed development in relation to surrounding streets, and existing zoning and land use on adjacent land.
- ☒ **Traffic:** For larger projects, any data or analysis the City may require to supplement concurrency review.
- ☒ **Intent of use or development:** Statement of objectives, general proposed, and the proposed use(s) to be accommodated within the proposed project.
- ☒ **Land Use and Zoning Designations:** Comprehensive Plan Future Land Use and Zoning Map Designations for the subject site and adjacent properties.
- ☒ **Density and/or Intensity:** Project acreage, density by dwelling unit type; types of non-residential uses and their gross floor areas.
- ☒ **Legal Description:** The subject site's legal description.
- ☒ **Topo and Boundary Survey:** A signed and sealed topography and boundary survey of the subject site.
- ☒ **Phasing:** If any, including the time, rationale, density and other impacts on public facilities, by phase.

Existing and Proposed Site Improvements

- ☒ **Structures:** Location of existing and proposed structures (including structures located within 25-feet of the property line) plus approximate building dimensions, building height, setbacks, square footage, finish floor elevations, proposed uses and whether sprinkler systems are proposed.
- ☐ **Dedications Rights-of-Way and Easements:** On-site and adjacent dedications, rights-of-way and easements.
- ☒ **Streets, Circulation, & Parking:** Existing and proposed streets, pedestrian and bike path, parking areas and driveways, including any connections to off-site facilities within 25-feet; location and dimensions of access points; location and number of required and provided parking spaces and loading spaces, including parking requirement data and dimensions, handicapped parking, access aisle, ramps, signage; curbing; and existing and proposed turn lanes.
- ☐ **Walls:** Location of existing and proposed walls, fences, and entrance features, and their height, type and size.

- ☒ **Utilities:** Existing and conceptual utility layout, including water, sewer, gas and on-site lighting; connections to off-site facilities within 25-feet.
- ☒ **Signs:** Conceptual type, size, height and locations of all site identification signage.
- ☒ **Conceptual Landscape and Irrigation Plan:** Plan showing type and location of natural vegetation to be preserved and to be removed, location of proposed landscape and buffer areas in accordance with the City Code and City Plant List, sight triangles, and proposed landscaping and buffering concept (including approximate location of proposed walls, berms, hedges, and trees), drawn to the same scale as the site plan.
- ☒ **Open Space:** Location, percentages, and purpose of open space and impervious areas, including any proposed recreation area and amenities.
- ☒ **Slopes:** Unusual grading affecting relationship of building shall be shown on a preliminary grading plan.
- ☒ **Drainage:** Direction of stormwater flow and method of disposition of surface drainage (including retention/detention areas), including location of any existing stormwater facilities within 25-feet of the property.
- ☒ **Fire Protection:** Existing and conceptual location of fire hydrants, fire lanes and fire engine accessibility.
- ☒ **Solid Waste:** Garbage storage provisions, including full enclosure, a minimum of 6-feet in height and constructed in like manner of the building.
- ☒ **Soils:** Soil conditions and muck depths (where applicable) based upon the Soil Survey of Osceola County.
- ☒ **Flooding, Wetlands and Other Environmentally Sensitive Lands:** 100-year floodplain and floodway boundaries; location of any wetlands, wellfield protection areas and other environmentally sensitive areas, including the soil and vegetation basis for such a determination.

I certify that all of the information listed above has been provided if applicable on the site plan and/or accompanying documents. Lack of information provided may constitute as an incomplete submittal, thus delaying the review process.

Signed: [Signature]

Date: 6-30-17

Please Note: The list is provided to ensure that all site plans submitted are uniform and contained the minimum information required for review under Section 14-2-191 of the City of Kissimmee Land Development Code. It is not intended to be an inclusive list of all ordinance requirements. Please direct questions concerning site plan review to the City of Kissimmee Development Services Department at (407)518-2140.

Approximate Review Time for a Site Plan Request:

Review Type	Approximate Review Time
- Submittal of Application and necessary documents (see DRC schedule for submittal dates. DRC meets every other Tuesday.)	
- Development Review Committee meeting with the applicant - 2 weeks	2 Weeks
- Submittal Site Development Plans**	
- Preliminary Site Development Review (Construction Plans) - 3 weeks	5 Weeks
- Resubmittal of Site Development Plans	
- Final Site Development Review (Construction Plans) *** - 3 weeks	8 Weeks
- Development Order Issued	
Approximate Time of Review Total:	8 - 10 Weeks

Estimation does not include review time for PUD Site Plan, and Minor Site Plan requests. Estimations may vary. Dependent upon necessary revisions, resubmittals, permits and any other required documentation. ** Process does not include building construction plan. See Building Division for submittal requirements. *** Dependent upon if all preliminary site development comments have been addressed and revised.



DISCLAIMER FOR ALL CITY OF KISSIMMEE DEVELOPMENT REVIEW APPLICATIONS

Important note: The Development Review process associated with this request (as outlined in the attached application) is intended to ensure that the request meets the requirements established in the City of Kissimmee Land Development Code and site development criteria for the City of Kissimmee, and other local, regional and state agencies. It is not intended to constitute approval of building construction or permits as required by external agencies.

Other processes, permits, authorizations, and/or fees may be required prior to construction of requested improvements. These may include, but are not limited to:

- ❖ Mobility/Impact Fees (Transportation, Water & Sewer, Recreation, School)
- ❖ Building permits and review fees
- ❖ Right-of-Way Utilization permits
- ❖ South Florida Water Management District (SFWMD) permits
- ❖ Utility permits and/or fees
- ❖ Federal Aviation Administration (FAA) authorizations
- ❖ Business Tax Receipts (BTRs)
- ❖ State Permits and/or Licenses
- ❖ Development Service Agreements (Toho Water Authority)
- ❖ Florida Department of Environmental Protection (FDEP) Permits
- ❖ NPDES Permits (Stormwater permitting)

RECEIVED

JUL 06 2017

DEVELOPMENT SERVICES

DH

The Agent of record and/or property owner for the attached request is responsible for coordinating with applicable agencies to ensure all requirements for the requested improvements have been met prior to construction.

Please read all information above and complete the lower portion of this disclaimer. This document must be signed by both agent and property owner and shall be included with the attached application. Failure to submit this form with the completed application will result in Staff finding the application to be insufficient for review and will delay your request.

Project Name: gateway commons phased expansion DRC# 17-094

I Certify that I have read the above and understand/acknowledge the information contained therein.

Agent Signature: Jim A. Wick Date: _____

Agent Name (Print): Jim Wick

Property Owner Signature: Robert Whelan Date: 6-30-17

Property Owner Name (Print): Robert Whelan

EXHIBIT C
DEVELOPMENT SUMMARY TABLE

Gateway Commons DRI Development Status

DRI Phase and Planned Use	DRI Tract #	DRI Entitlements	PUD Lot #	Acreage	Parcel ID #	Owner	Property Appraiser SF	Use	Comments
Commercial (SF)	1	436,000	1	34.7	02-25-29-2311-0001-001C	Wal-Mart Stores East LP	225,714	Wal-Mart Retail	
			2	18.0	02-25-29-1448-0001-002C	PMAT Gateway LLC	17,580	Retail	
							26,040	Retail	
							21,344	Retail	
							25,970	Retail	
							43,050	Retail	
			3a	4.8	02-25-29-1454-0001-03AC	Osceola Parkway Partners LLC		Vacant	
			3b		02-25-29-1454-0001-03BC	LSM Property Inc.	5,003	McDonald's	
			8	2.5	02-25-29-1448-0001-008C	Osceola Gateway LLC	23,309	Multi-Tenant Retail	
Commercial (SF)	2	27,000	4	1.4	02-25-29-1448-0001-004C	Wachovia Bank Nat'l Assoc.	6,477	Bank	
			5	1.5	02-25-29-1448-0001-005C	TD Bank NA	5,911	Bank	
						UCSF Coussan Charitable			
Commercial (SF)	3	27,000	6a	2.0	02-25-29-1453-0001-064D	Remainder Trust 12 etc.	4,373	Bank	
			6b		02-25-29-1453-0001-068C	SMBC Leasing & Finance Inc.	7,585	Firestone	
			?	1.3	02-25-29-2311-0001-010C	Murphy Oil USA Inc.	5,586		
Commercial (SF)	4	5,000	7	1.0	02-25-29-1448-0001-007C	The Gateway LLC	32,717	Multi-Tenant Retail	
Business Park (SF)	5	15,000		2.4	02-25-29-1448-0001-007C	The Gateway LLC			
						Wendell E. Spears Revocable Trust		Pond	
Hotel (Rooms)	6	300	9	5.2	02-25-29-1448-0001-009D	etc.			
						Wendell E. Spears Revocable Trust			
Commercial (SF)	8	65,000	9	7.1	02-25-29-1448-0001-009D	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
Commercial (SF)	9a	25,000	n/a	5.4	02-25-29-0010-0032-0000	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
Commercial (SF)	7	75,000	9	7.0	02-25-29-1448-0001-009D	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
Commercial (SF)	9b	35,000	n/a	3.2	02-25-29-0010-0032-0000	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
Hotel (Rooms)	10	400	n/a	11.0	02-25-29-0010-0032-0000	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
Business Park (SF)	11	250,000	n/a	28.0	02-25-29-0010-0025-0000	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
							450,659		Total Built/Planned

Commercial (SF)	585,000
Business Park (SF)	15,000
Hotel (Rooms)	300
Commercial (SF)	110,000
Business Park (SF)	250,000
Hotel (Rooms)	400

EXHIBIT F
SUMMARY OF SFWMD PERMITS

APPLICATION NO	PERMIT NO	APPROVED DATE	RECEIVED DATE	ISSUING OFFICE	STATUS	PERMIT TYPE	PERMIT STATUS	EXPIRATION DATE	PROJECT ACRES	PROJECT NAME
1710722	49-00614-5-04	29-Nov-17	7-Nov-17	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		1.47	Td Bank At Gateway Commons Lot 5
170705-20	49-00614-5-03	25-Jul-17	5-Jul-17	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		6.67	Gateway Station At Gateway Commons
160727-20	49-00614-5-07	17-Feb-16	27-Jan-16	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		1.76	Kissimmee Midlands
150925-10	49-00614-5-02	28-Oct-15	25-Sep-15	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		1.43	Wachovia At Gateway Commons
141009-4	49-00614-5-11	21-Nov-14	19-Oct-14	ORL	Complete	Environmental Resource (Minor Mod W/Transfer)	ACTIVE		33.84	Wal-Mart Store No 2881-220- Kissimmee
140417-2	49-00614-5-10	19-May-14	17-Apr-14	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		0.98	Frostone Gateway Commons
140225-21	49-00614-5-06	17-Mar-14	25-Feb-14	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		3.4	Gateway Commons - Lot 7 & Osceola County Tourism Parcel
140225-20	49-00614-5-09	17-Mar-14	21-Feb-14	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		2.5	Gateway Commons Lot 8 (Fla - Lot 9)
140221-17	49-00614-5-05	17-Mar-14	17-Mar-14	ORL	Complete	Environmental Resource (Standard General Permit Extension)	ACTIVE	13-Feb-15	96.58	Gateway Commons
130114-14	49-00614-5	11-Apr-12	25-Jan-12	ORL	Complete	Environmental Resource (General Permit Modification)	ACTIVE	11-Apr-17	96.58	Gateway Commons
120125-5	49-00614-5-07	30-Jan-12	28-Dec-11	ORL	Complete	Environmental Resource (Standard General Permit Extension H67207)	ACTIVE	13-Jun-14	1.76	McDonalds Gateway Commons
110610-13	49-00614-5-10	9-Aug-11	10-Jun-11	ORL	Complete	Environmental Resource (General Permit Modification)	ACTIVE	9-Aug-16	0.98	Frostone - Gateway Commons
091123-14	49-00614-5	23-Dec-09	23-Nov-09	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		96.58	Gateway Commons
080422-15	49-00614-5-08	13-Jun-08	22-Apr-08	ORL	Complete	Surface Water Management (Compliance Minor Mod)	ACTIVE		0.11	Uia Auto Wash @ Murphy Use (#6725) Osceola Parkway
070422-15	49-00614-5-07	21-Mar-08	24-Mar-08	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		1.76	Regions Bank At Gateway Commons
070608-12	49-00614-5-07	30-Oct-07	8-Oct-07	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		3.4	Gateway Commons - Lot 7 & Osceola County Tourism Parcel
070419-6	49-00614-5-06	1-Oct-07	19-Sep-07	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		2.5	Gateway Commons Lot 8 (Fla - Lot 9)
070212-7	49-00614-5-05	23-Mar-07	12-Feb-07	ORL	Complete	Environmental Resource (General Permit Extension)	ACTIVE	14-Mar-09	96.58	Gateway Commons Mass Grading
061115-34	49-00614-5-09	11-Jan-07	15-Nov-06	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		2.17	Gateway Station At Gateway Commons
060724-10	49-00614-5-03	24-Aug-06	24-Jul-06	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		1.47	Td Bank (7/K/A Bank Atlantic) At Gateway Commons Lot 5
051208-12	49-00614-5-04	10-Oct-05	8-Dec-05	ORL	Complete	Surface Water Management (Compliance Minor Mod)	ACTIVE		0.11	Uia Auto Wash At Osceola Parkway Walmart Supercenter
050914-18	49-00614-5	6-Sep-05	14-Sep-05	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		6.67	Gateway Commons Retail Addition
050712-11	49-00614-5-03	9-May-05	12-Jul-05	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		1.43	Wachovia Bank
050207-20	49-00614-5-03	24-Feb-04	3-Dec-03	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		96.58	Gateway Commons Mass Grading
031201-31	49-00614-5-02	10-Jun-02	8-Apr-02	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		79.63	Wal-Mart Supercenter Store Number 2883
020408-32	49-00614-5-09	14-Mar-02	19-Sep-01	ORL	Complete	Surface Water Management (Nrm Minor Mod)	ACTIVE		1.31	Murphy Oil At Wal-Mart Supercenter Kissimmee
010824-12	49-00614-5-09	14-Mar-02	24-Aug-01	ORL	Complete	Surface Water Management (Operation Modification)	ACTIVE		73.63	Wal-Mart Supercenter Store No 2881 Kissimmee East
010814-13	49-00614-5	27-Apr-01	16-Mar-01	ORL	Complete	Surface Water Management (Compliance Minor Mod)	ACTIVE		0.97	Bill Back Boulevard Extension
010306-25	49-00614-5	29-Feb-00	17-Dec-99	ORL	Complete	Environmental Resource (Early Work)	ACTIVE		166.4	Gateway Commons
990503-3	49-00614-5	13-Apr-00	3-May-99	ORL	Complete	Surface Water Management (Conceptual Approval And New Construction/Operation)	ACTIVE		166.4	Gateway Commons
990720-5	49-00614-5	22-Jan-99	20-Jul-98	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		209.2	Gateway Commons
961204-5	49-00614-5	13-Feb-97	8-Dec-96	ORL	Complete	Surface Water Management (Individual Extension)	ACTIVE		166.4	Gateway Commons
951108-4	49-00614-5	11-Jan-96	18-Nov-95	ORL	Complete	Surface Water Management (Individual Extension)	ACTIVE		166.4	Gateway Commons
941118-2	49-00614-5	9-Feb-95	24-Sep-94	ORL	Complete	Surface Water Management (Individual Extension)	ACTIVE		209.2	Gateway Commons
930924-2	49-00614-5	9-Dec-93	28-Dec-90	ORL	Complete	Surface Water Management (Conceptual Approval)	ACTIVE		166.4	Gateway Commons
901228-5	49-00614-5	12-Dec-91			Complete	Surface Water Management (Conceptual Approval)	ACTIVE		166.4	Gateway Commons

THIS APP ONLY EXPIRED/CANCELLED

EXHIBIT G
DEVELOPMENT ORDER CONDITIONS
COMPLIANCE

**Gateway Commons Development of Regional Impact
Development Order - 1991**

Section I. Findings of Fact:

1. Dart Road Limited Partnership, a Florida limited partnership (hereafter "Developer") filed an application for a Development of Regional Impact called Gateway Commons pursuant to Section 380.06, Florida Statutes, relating to real property located in Kissimmee, Florida, more particularly described in Exhibit 1 attached to and incorporated herein by this reference.
2. The developer is the owner of and has the authority to file the Application for Development Approval ("ADA") and obtain a Development Order with respect to the Property in accordance with Section 380.06, Florida Statutes.
3. The Property does not lie within an area of critical state concern.
4. The application has been reviewed by and recommendations for approval have been received from the City of Kissimmee Planning Advisory Board sitting as the Local Planning Agency.
5. All public hearings as required by Section 380.06, Florida Statutes, have been duly noticed and held.
6. The Developer's authorized agent is Mr. Joel Ivey, Ivey Harris & Walls, 122 E. Colonial Dr., Orlando, FL 32801.

Section II. Conclusions of Law:

1. The development of the Gateway Commons is consistent with the achievement of the objectives of the adopted State Land Development Plan.
2. The development of the Gateway Commons is consistent with the City of Kissimmee Growth Management Plan ("GMP") and other City Land Development Regulations.
3. The development of the Gateway Commons is consistent with the report and recommendations of the East Central Florida Regional Planning Council received pursuant to Section 380.06(14), Florida Statutes.
4. ~~The Development Order constitutes final approval of use of the Property for a total of 1,050 hotel rooms, 532,000 square feet of commercial, and 600,000 square feet of business park on 208.3 acres, as more particularly detailed in the Findings of Fact above and as described in the ADA/DRI and incorporated by this reference, and subsequently amended by sufficiency responses and as may be amended by the terms and conditions of this Order.~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

Section III. Development Order:

1. The project shall be developed in accordance with the information, data, plans and commitments contained in the Gateway Commons DRI/ADA and supplemental information unless otherwise directed by the conditions enumerated below. For the purpose of this condition, the Application for Development Approval shall consist of the following items:
 - a. Application for Development Approval dated September 1990;
 - b. First Sufficiency Responses dated December 1990;
 - c. Second Sufficiency Response dated January 1991;
 - d. Commitments made during the review as presented as condition 38.

Status: In compliance.

- ~~2. The project shall consist of a total of 1,050 hotel rooms, 532,000 square feet of commercial, and 600,000 square feet of business park on 208.3 acres.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

- ~~3. If five percent of phase I of the project (26,600 square feet of commercial space or any combination which equals five percent of the development) is not constructed within five years of the effective date of the Development Order, then the Development Order shall expire.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

4. Project construction personnel shall be notified, through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the project manager. In the event of discovery of artifacts of historical or archaeological significance during project construction, the applicant shall stop construction at the site of discovery and notify the City of Kissimmee and the Division of Historic Resources of the Florida Department of State. From the date of notification, construction shall be suspended within a 100 foot radius of the site of discovery for a period of up to 120 days to allow evaluation of the site.

Status: In compliance. No sites discovered to date.

5. To minimize dependence on ground irrigation and to promote retention of wildlife habitat, xeriscape principles using native vegetation (see xeriscape plant guide published by South Florida Water Management District) shall be utilized in landscaping of areas not subject to reclaimed water irrigation. Ecologically viable portions of natural upland plant communities should be preserved and maintained in their original state to the greatest extent practicable.

Status: In compliance. Reclaimed water is used on site.

6. Site development related activities shall not result in the harming, pursuit or harassment of wildlife species classified as endangered, threatened or a species of special concern by either the state or federal government in contravention of applicable state or federal laws. Should such species be determined to be residing on, or be otherwise significantly

dependent upon the project site, the developer shall cease all activities which might negatively affect that individual or population and immediately notify the Florida Game and Fresh Water Fish Commission and the United States Fish and Wildlife Service. Proper protection and habitat management, to the satisfaction of the above agencies, shall be provided by the developer.

"Harming" and "harassment" as used in this condition shall be defined in the same manner as "harm" and "harass" respectively are defined in 50 CFR Section 17.3.

Status: In compliance. All site work has been conducted in compliance with state and federal permits.

7. Prior to development activities the developer shall coordinate with the FGFWFC to determine the potential for relocation of the existing gopher tortoise population present on the Gateway Common site. FGFWFC guidelines for gopher tortoise relocation shall be followed. Progress and status relocation shall be reported by the ECFRPC.

Status: In compliance. All site work has been conducted in compliance with state and federal permits.

8. Losses of viable wetlands shall be mitigated through restoration of wetlands, creation of wetlands or preservation of functional wetlands within the same watershed in accordance with the Master Development Plan (Map H, ADA) and in accordance with adopted rules and policies of Osceola County, Florida Department of Environmental Regulation, South Florida Water Management District, and U.S. Army Corps of Engineers. Wetlands to be created or upland to be retained as mitigation shall be located coterminously with one or more major habitat areas to be preserved so as to provide a continuity or expansion of natural habitat areas. Detention ponds, preservation of viable on-site wetlands, lakes or open water areas shall not be acceptable for wetland mitigation. However, littoral zones created around detention ponds and lakes may qualify as newly created wetlands for mitigation purposes.

Status: In compliance. Three wetlands were removed in compliance with state and federal permits and mitigated through near-site and off-site mitigation. This work was completed in 2001 and 2008.

9. Buffer areas of native upland vegetation averaging 50 feet wide and with a minimum width of 25 feet shall be retained around all regionally significant wetlands. Upland buffers between on-site wetlands/marshes/lakes and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetative or be re-planted with native, transitional zone or upland vegetation. Use of these buffers shall be limited to nature trails and other passive recreation. The only component of the stormwater system within these buffers shall be a dispersion swale discharge system which shall not be permitted within the first 25 feet of buffer from the wetlands and shall be limited to a total length of no greater than ten percent (10%) of the wetland perimeter. The use of pesticides, herbicides or fertilizers shall be prohibited in these buffers and the wetlands they protect.

Status: The buffers are in compliance with water management district permits.

10. The on-site wetlands systems, other conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall have their developmental uses restricted by easement as provided in Section 704.06,

Florida Statutes. This condition does not preclude the applicant from including these lands in fulfilling open space requirements of the City of Kissimmee. This easement shall be conveyed to the South Florida Water Management District, the City of Kissimmee or other state or federal agency or the East Central Florida Regional Planning Council. Lands designated for upland preservation for mitigation purposes only are so designed by the applicant as compensation for losses to wildlife resources of state and regional concern and shall therefore be used exclusively for the purpose of wildlife and habitat preservation and shall be considered to have no value for other than that purpose.

Status: In compliance. Easements have been conveyed as required.

11. Any losses to lands designated as conservation or preservation, whether proposed by the applicant, his successors or other private or public entities shall be the responsibility of the party causing the loss to the extent permitted by law. Any substantial deviation of the development order that might occur pursuant to 380.06(19), Florida Statutes shall be performed by the party causing the deviation. Any such losses to wetland areas shall be resolved according to applicable regulatory programs. Any such losses to all other areas shall be compensated for by preserving habitat of equal or greater value, on an acre for acre basis, at another location judged to be able to remain viable as wildlife habitat. Any alternations to the flow or channel of Mill Slough shall result in a watercourse that resembles natural conditions in terms of bank stabilization, bank vegetation and meandering course.

Status: In compliance. Three wetlands were removed in compliance with state and federal permits and mitigated through near-site and off-site mitigation. This work was completed in 2001 and 2008.

12. For the purpose of potable water conservation, the project shall utilize low water use plumbing fixtures, self-closing and/or metered water faucets, and/or other water conserving devices. The fixtures shall be at a minimum, consistent with the State Water Conservation Act (Florida Statutes, 553.14).

Status: Fixtures uses are in compliance with City requirements.

13. The applicant (or owners/successors) shall establish and implement an inspection and maintenance program for all components of the surface water management system for the project site, to include schedules for the performance of:
 - a. Stormwater facility operating inspections on a regular bases (e.g. quarterly) and following major rainfall events (e.g. 1 inch of rainfall, 1 year/24 hour) for the removal of excessive sediment, debris or other flow obstructions;
 - b. Routine maintenance activities (e.g. moving, trash removal, etc.)
 - c. Ongoing education programs for maintenance staff personnel regarding the correct usage of and application rates for fertilizers and chemicals (e.g. herbicides) near the stormwater management facilities, the removal off noxious weeds and retention of desirable aquatic vegetation, and correct procedures for other maintenance/landscaping related activities which have the potential for adversely affecting water quality conditions on the project site.

Status: In project is in compliance with the conditions of the stormwater management permit. The systems are maintained privately through recorded ECR documents and Association.

14. The applicant (or owner/successors) will incorporate additional water quality treatment and/or water management system to correct or mitigate any degradation if the measures implemented by the applicant/owners are found to be ineffective or to adversely impact water quality/quantity conditions on or downstream of the project site.

Status: In compliance.

15. The applicant (or owners/successors) shall ensure that no direct overland runoff from developed or landscaped areas on the project site will be able to enter Mill Slough, its tributaries or adjacent wetland areas without receiving treatment equivalent to the retention or detention with filtration of the first one-half inch of rainfall runoff in order to prevent the direct, untreated entry of fertilizers, herbicides, pesticides and other pollutants from the project site.

Status: In project is in compliance with the conditions of the stormwater management permit.

16. In order to effectively monitor the project's impacts on surface water quality conditions in Mill Slough, the applicant (or successors) shall establish and operate a surface water quality monitoring program consisting of the following components:

(a) Surface water samples shall be collected at the following locations:

1. At sample location #1, as depicted on page 7 (Map G1) of Applicant's Information Response date January 24, 1991;
2. On Mill Slough at the proposed road alignment adjacent to the site's west property line; and
3. At the outfall from the preserved wetland in Basin 202 into the Florida Turnpike drainage ditch.

Status: In project is in compliance with the conditions of the stormwater management permit.

(b) The water samples shall be collected and analyzed at least four times annually on a seasonal basis. Sample collection at the two locations in Mill Slough shall commence immediately following the issuance of the D.O. for the purpose of obtaining additional background data. Sample collection in the stormwater pond/wetland shall commence upon the completion of the pond/berm and its discharge structure (at the time of initial rainfall runoff). The sampling period shall extend at least four (4) years following project buildout.

Status: In project is in compliance with the conditions of the stormwater management permit.

(c) Water quality parameters to be measure will be determined by the South Florida Water Management District with input from the jurisdictional government, but should include, at a minimum, all of the parameters analyzed by the applicant's consultants, as contained on pages 6 and 9 of the Applicant's Information Response date January 24, 1991. Collected data shall be furnished to the jurisdictional government and the water management district.

Status: In project is in compliance with the conditions of the stormwater management permit.

17. The applicant shall ensure that, if a property owner's association is proposed to assume drainage system operation and maintenance responsibilities, then the proposed property owner's association shall be created with defined duties and responsibilities regarding the operation and maintenance of the surface water management system, and have sufficient legal authority and power to establish the mandatory collection of fees and/or assessments from all property owners for use in financing the operation, replacement and maintenance of the project's surface water management system.

Status: The project stormwater ponds are owned and managed by private entities. Requirements are met through recorded documents. The existing large retention pond is maintained by Wal-Mart per recorded agreement.

18. Any shoreline banks created along on-site stormwater wet detention lakes greater than five acres in area shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation excluding cattails. The applicant shall ensure by replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water for the duration of the project).

Status: In project is in compliance with the conditions of the stormwater management permit.

19. The proposed surface water management system shall be designed, constructed and operated so as to ensure that the natural functions and hydroperiods of the on-site and off-site wetlands will not be adversely impacted or diminished.

Status: In project is in compliance with the conditions of the stormwater management permit.

20. Floodplain impact compensatory storage sites shall be provided for the 100-year flood in order to provide for effective storage volume within the floodplain.

Status: In project is in compliance with the conditions of the stormwater management permit.

21. The following minimum distances to adjacent wetland areas will be adhered to in project design and construction:

Stormwater wet detention ponds/flowways – no closer than 200 feet, and
Roadways with underdrains – no closer than 50 feet; unless one or more of the following conditions are met;

- (a) Adverse impacts on affected wetland vegetative communities from excessive drying out due in part to lateral subsurface seepage from the wetland area(s) into pond(s) during drought or low water periods have been determined not be an applicable issue of concern by the South Florida Water Management District and the jurisdictional government; or
- (b) The South Florida Water Management District and the jurisdictional government accept tests, calculations or other information (e.g. the use of preventative

measures such as clay berms) furnished by the applicant through the permitting and project review processes which demonstrate that deviations from the 50 and 200 foot distances are appropriate; or

- (c) The elevations of the bottoms of the stormwater wet/detention lakes/ponds, flowways or roadway underdrains are higher than the ordinary low water elevation in each potentially impacted wetland area.

Status: In project is in compliance with the conditions of the stormwater management permit.

22. The applicant shall design the project's surface water management system to provide for the following use of the historic Mill Slough flowage-way:

- (a) The re-routing of Mill Slough shall be in accordance with the requirements of the City Engineering Department at the time of Development Plan submittal.

Status: No re-routing of Mill Slough has occurred.

- (b) Retention of the channelized flowage-way for the conveyance of flood flows and other flows exceeding the 10 year storm event capacity of the historic flowage-way; and

Status: No permitting affecting the flowage-way of Mill Slough has occurred.

- (c) Discharge of treated stormwater discharges from Basin 302 into the historic flowage-way.

Status: No permitting affecting the flowage-way of Mill Slough has occurred.

- (d) The intention of condition #22 is to enhance the Mill Slough wetlands from the Turnpike to the west property line of the Gateway Commons project. The rerouting of Mill Slough through this area shall not reduce the carrying capacity of Mill Slough for any storm event.

Status: No re-routing of Mill Slough has occurred.

23. The applicant shall support, along with other area DRI's and other parties, an ozone modeling study for the Orlando metropolitan area. This study will be directed toward assessing the extent of ozone pollution in the area, the significance of identified problem areas. The study shall be coordinated by the ECFRPC in consultation with local governments and applicable state and federal agencies. The applicant's participation in this effort shall be limited to \$3,511.00 (\$0.10 per average daily external trip generated). Any results of this study applicable to Gateway Commons shall be given formal consideration by the applicant and the City of Kissimmee for implementation.

Payment of the applicant's share of this impact study shall be made to the University of Central Florida, Ozone Modeling Study account at the time that the Gateway Commons development order becomes effective and shall be held in escrow for eventual disbursement to cover study costs. If the ozone study has not begun within 24 months of payment then the developer shall be entitled to a refund of the amount paid.

Status: Status unknown.

24. Toward the achievement of energy conservation, the Gateway Commons project shall perform or require the following actions:
- thermal storage cooling systems for non-residential buildings shall be considered.
 - developers shall consult with the Florida Solar Energy Center and obtain guidelines for site development.
 - construction materials used shall be chosen with consideration of energy savings.
 - landscaping shall be provided which will optimize energy conservation.

Status: Development is in compliance with the Florida Building Code and City of Kissimmee requirements.

25. ~~For the purpose of the transportation conditions, the Gateway Commons DRI project shall be divided into the following phases based upon anticipated external trip generation. These external trip volumes are based upon development level equivalents as calculated from Trip Generation, 4th Edition published by the Institute of Transportation Engineers, with the exclusion of internally capture trips. Monitoring is required when the external trip generation volume for each phase is met.~~

Phase	Per Phase	Cumulative
1a	15,300	15,300
1b	7,700	23,000
2a	7,380	30,380
2b	7,380	37,760

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

26. ~~Prior to the initiation of Phase 1b and subsequent phases as identified in the previous condition, a monitoring and modelling program shall be performed to ascertain the LOS on facilities where the Gateway Commons project is estimated to contribute an amount of traffic greater than or equal to ten percent of the roadway's LOS "C" service volume. The methodology of the monitoring/modelling program shall be agreed upon by the East Central Florida Regional Planning Council, Osceola County, the City of Kissimmee, the Florida Department of Transportation, the Department of Community Affairs and the applicant. A list of facilities (*) may include but shall not be limited to the following:~~

~~Roadway and Roadway Links~~

~~Buena Ventura Boulevard~~

- ~~— Boggy Creek Road to Florida Parkway~~
- ~~— Florida Parkway to Dart Boulevard~~
- ~~— Dart Boulevard to the Southern Connector~~

~~Florida Parkway~~

- ~~— Buena Ventura Boulevard to Dart Boulevard~~

~~Florida's Turnpike~~

- ~~— Dart Boulevard to Southern Connector~~

~~Osceola Boulevard~~

- ~~— Michigan Avenue to Dart Boulevard~~
- ~~— Dart Boulevard to CR 530~~

Michigan Avenue

- ~~Osceola Boulevard to Dart Boulevard~~
- ~~Dart Boulevard to Carroll Street~~
- ~~Carroll Street to Donegan Avenue~~
- ~~Donegan Avenue to US 192~~

Dart Boulevard

- ~~Buena Ventura Boulevard to Florida Parkway~~
- ~~Florida Parkway to Florida's Turnpike~~
- ~~Florida's Turnpike to Osceola Boulevard~~
- ~~Osceola Boulevard to Michigan Avenue~~
- ~~Michigan Avenue to CR 527 north~~
- ~~CR 527 north to CR 527 south~~
- ~~CR 527 south to US 441~~
- ~~US 441 to Bermuda Avenue~~

Donegan Street

- ~~Michigan Avenue to Old Dixie Highway (CR 527)~~
- ~~Old Dixie Highway (CR 527) to US 441~~

- ~~* to include intersections of these roadways and other collector and high classified roadways which intersect these roadways and interchange ramps.~~

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

- 27. ~~The Gateway Commons project shall not commence beyond phase 1a, or beyond and equivalent 15,300 external average daily trips (ADT), into phase 1b when service levels are below service level "D" peak hour (LOS "C" on rural designated roadways) and the project contributes ten percent or greater to the LOS "C" service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secure and committed to occur on deficient facilities during the next sub-phase.~~

- ~~Prior to the commencement of sub-phase 1b and all subsequent phases, the applicant must also demonstrate, by means of a monitoring/modeling study which assesses current conditions and satisfaction of the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the Department of Community Affairs that, where the project contributes ten percent or greater to the LOS "C" service volume of a facility, the next applicable subphase of traffic (along with cumulative project traffic) will not adversely affect service levels (below service level "D" peak hour on urban roadways and service level "C" on rural roadways) or demonstrate that the necessary improvements are committed to occur during said applicable phase. Proof of mitigation must include identification of committed funding sources and a reasonable guarantee of scheduling within the required time frame. Otherwise, further building permits shall not be issued by the jurisdictional government.~~

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

- 28. Toward the achievement of the objectives in the two preceding condition, an agreement(s) among Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the applicant shall be entered into within twelve months of the issuance of a development order for this project by the jurisdictional government. Said

agreement(s) shall address and clarify such issues related to equity in the application of fees for roadway improvements. Said fees shall be based on a fair-share basis with respect to the improvements to be constructed and not solely on the basis of impact fees. However, such an agreement would not alter or waive the provisions of the two preceding conditions as a mitigative measure for the aforementioned conditions.

In the event that one of the designated parties to the agreement (other than the applicant) fails to execute said interlocal agreement within the specified time, then the applicant may proceed with the project based upon the monitoring/modeling schedule and all other conditions specified herein as it affects the non-participating party. Separate agreements may be entered with one or more parties and the applicant.

Status: The referenced agreement was not executed during the specified time.

29. The applicant shall construct an on-street, on-site system of bikeways to connect with external on-street bicycle systems as available in conjunction with new project interior roadway construction. Bikeway construction standards shall conform to the latest state criteria and/or City code.

In conjunction with the building development, bicycle support facilities (e.g. parking) shall be made available at commercial centers hotels and employment centers.

Status: The project meets the requirements of the City of Kissimmee for bicycle connectivity and parking provision requirements.

30. Bicycle lockers or bicycle racks, transit passenger shelters and transit parking bays shall be constructed where necessary to augment and facilitate the operations of off-site transit and bicycle facilities. Transit bays and areas for shelters shall be reserved for future transit service and constructed when transit is available. Siting and construction of transit facilities shall be approved by the applicant or successors, jurisdictional government and Tri-County Transit. The applicant shall make known to tenants and residents that the Gateway Commons area is service by an existing ridesharing program. Future transit (when available) and current ridesharing information shall be prominently displayed in all on-site public gathering areas, employment centers and/or commercial center areas. After Phase 1b the Gateway Commons project shall provide for a part-time ridesharing coordinator who will be responsible for coordinating with the area transit provider, conducting ridesharing campaigns within the project, publicity, transit information, etc.

Status: In compliance. The project is still within Phase 1.

31. The plan of development shall provide for the development of a child care center on the site. This requirement shall be implemented prior to Phase 2, unless the Applicant can show that adequate day care facilities in the vicinity are provided off site, or the provision of a day care center will be a hardship on the Applicant.

Status: The project is still within Phase 1.

32. The applicant shall fund the construction of left and right-turn deceleration lanes at all project entrance. These improvements shall be constructed when such project entrances are created. The applicant shall fund, on a pro-rata basis, the cost of future signalization at project entrances and internal site intersections when deemed warranted by the appropriate governmental entity. Access along Dart Boulevard, Michigan Avenue and

Osceola Boulevard shall be limited to the access standards outlined in the project ADA and later information submissions.

Status: Required operational improvements have been constructed at all entrances.

33. The following roadway improvements shall be constructed at the specified project generated ADT level phases. It is understood that these improvements may not be needed or may be insufficient based upon actual areawide development levels. Accordingly, some of these improvements may be delayed or eliminated or alternative improvements may be constructed, so long as adequate levels of service are maintained on significantly impacted facilities. Prior to the time-frame required, the Applicant or successors may demonstrate that the improvement is not necessary as listed within this condition; however, the burden of proof rests with the applicant and the final decision rests with Osceola County and the Department of Transportation on state facilities.

Phase 1

1. Osceola Boulevard from Dart Boulevard to Michigan Avenue; 4 lanes prior to phase 1b. *
2. Michigan Avenue from Dart Boulevard to Carroll Street; 4 lanes prior to phase 1b.
3. Dart Boulevard from Buenaventura Boulevard to Florida Parkway; 4 lanes prior to phase 1b.
4. Dart Boulevard and Florida's Turnpike; new interchange prior to phase 1b.

Phase 2

1. Michigan Avenue from Dart Boulevard to Carroll Street; 6 lanes prior to phase 2a.
2. Michigan Avenue from Carroll Street to Donegan Avenue; 6 lanes prior to phase 2a.
3. Michigan Avenue from Donegan Avenue to US 192; 6 lanes prior to phase 2b.
4. Dart Boulevard from Buenaventura Boulevard to Florida's Turnpike and from Osceola Boulevard to US 441; 6 lanes prior to phase 2b.
5. Dart Boulevard from Florida's Turnpike to Osceola Boulevard; 8 lane capacity improvement prior to phase 2b.

* Alternate interchange design may negate this improvement.

Status: The project is in compliance with all required transportation improvements.

34. All hotels on site shall operate or have access to transit shuttles which will service the Orlando International Airport and local attractions.

Status: There are no hotels on site.

- ~~35. Parcel 1 of the Master Development Plan (Map H) shall be subject to a 50' building setback from the future north right-of-way line of Dart Boulevard (proposed 160' total roadway right-of-way).~~

Status: This condition was deleted with the 1999 2nd Amendment to the DRI DO.

36. The Florida Department of Transportation has initiated plans to construct an interchange at the intersection of Dart Boulevard and Florida's Turnpike. The precise land area required for the interchange shall be designated by FDOT within 45 days of the applicant's signing of the development order, but shall in no event exceed 10.9 acres (6.8 acres in the northwest quadrant and 4.1 acres in the southwest quadrant). The applicant agrees

to refrain from construction activity within the potential interchange area for a period of one (1) year commencing on the date of applicant signing of the development order. With regard to anything contained herein to the contrary notwithstanding, this provision shall not be construed by any third party to diminish the value of the lands covered.

Status: The project met this condition.

37. As it relates to the project' primary traffic impact area, the applicant shall pay a fair share cost to the Florida Department of Transportation for impacts to State maintained facilities consistent with the provisions of ECFRPC Rule 28F-3.11(3)(g), 380.06 (15)(e)(1), Florida Administrative Code. Said impacts and fees may be resolved through development order condition #28, contained herein.

Status: In compliance; see Condition #28.

38. Development is approved to occur in conformance with the following commitments and plan characteristics made by the applicant:

Stormwater Management

- The wet season water levels in the preserved wetlands will be controlled at natural pre-development levels (SFWMD conceptual application, p. 4-2)
- The use of wet detention ponds represents the primary means of stormwater treatment on the project site (ADA P. 22-12)

Floodplains

- Sufficient compensatory storage volume will be provided in the stormwater detention pond system such that project construction will not result in a net loss of basin storage volume for the 100 year/24 hour storm event (ADA, p. 22-5)

Wastewater Management

- The land uses proposed for the project are not anticipated to produce any pollutants that would vary from normal domestic wastewater (ADA, p. 21-1)
- On site wastewater treatment is not planned (ADA, p. 21-1)
- No septic tanks are planned for the project (ADA, p. 21-3)
- If hazardous waste producing tenants locate on-site, the applicant will require that all necessary precautions are taken to comply with CRPP regional issue 50 and all local, state, and federal requirements regarding the disposal of hazardous wastes (First Sufficiency Response, p. 29)

Water Supply

- Irrigation of road right-of-way and open space areas will be met using non-potable water. The xeriscape concept will be used in the landscaping (ADA, p. 23-1)
- If any water wells are observed on the site, they will be capped and abandoned (ADA, p. 23-3)
- The applicant will use treated wastewater effluent for irrigation when such a water source is made available to the site (First Sufficiency Response, p. 25)

Solid Waste

- On site disposal will not occur (ADA, p. 24-3)

Fire Protection

- Property sized pipes and pumping systems will be utilized to ensure adequate water flow and pressure are available for fire protection. An engineering analysis of all pipe sizes and hydraulic properties of the proposed system will be conducted to assure that all requirements are met. Fire protection systems for the project will be provided in accordance with the latest recommendations of the National Fire Protection Association, in conformance with the standard building code and standard plumbing code and the

requirements of utility and governmental agencies exercising jurisdiction over work at the project (ADA, p. 23-5)

Environment

- Average 50 foot, minimum 25 foot upland buffers are proposed along the upland limits of wetland #1 (north cypress swamp) and #2 (march fringe of northern swamp) combined and wetland #6 (Mill Slough). Wetland #4 (cypress dome next to Turnpike) is proposed to be utilized for stormwater detention and only a minimum 15' upland buffer is proposed (1st response – Dec. 7, 1990, page 9)
- All of wetlands #1, #2, and #4, all of wetland #5 (adjacent to Turnpike and south of Dart Blvd.), and most of wetland #6 will be preserved in their existing state or enhanced to improve their wetland function (ADA, page 16-6).

Status: In compliance.

39. The applicant agrees to work with the City to develop guidelines to be incorporated in the new City Development Regulations which will be mutually beneficial to both the Applicant and the City.

Status: In compliance.

40. Development shall occur in accordance with the City of Kissimmee Subdivision Regulations.

Status: In compliance.

~~41. Period of Effectiveness~~

~~The development order shall take effect after execution by the Mayor and the City Commission of the City of Kissimmee and the appeal period provided in Florida Statutes Section 380.7, Florida Statutes. The development order shall remain in effect for a period of 15 years, with the exception that if development equal to five percent of Phase 1 of the project has not been constructed within five years of issuance of the development order, then the development order shall expire unless extended by the City. The effectiveness of this development order may be extended upon a showing by the Developer that the completed portions and remaining portions of the development comply with the conditions of this development order and the provisions of Chapter 380.06, Florida Statutes.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

42. Annual Report Requirements

The Developer, its successors or assigns, will submit an annual report on or before the anniversary date of this order of each calendar year during the buildout of the development plan. Said annual report will be submitted to the City of Kissimmee, the East Central Florida Regional Planning Council, the Florida Department of Community Affairs, the Florida Department of Environmental Regulation, the Florida Department of Transportation, the South Florida Water Management District and any other affected permit agencies. The report shall include the information required under the conditions of approval and the information enumerated below and in the format specified in Form #BLWM-07-85 of the Florida Department of Community Affairs. The report to the City of Kissimmee shall also include a statement that all persons/agencies listed above have been sent copies of the Annual Report. In accordance with Chapter 380.06(18), Florida Statutes, failure to timely file an Annual Report may result in the temporary suspension of this Development Order. The report shall address the following:

- (a) Changes in the plan of development or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;
- (b) A summary comparison of development activity proposed and actually conducted for the year;
- (c) Undeveloped tracts of land other than individual single-family lots, that have been sold to a separate entity or developer;
- (d) Identification and intended use of lands purchased, leased or optioned by the Development adjacent to the Development site indicated in the Application for Development Order, since this Development Order was issued;
- (e) An assessment of the Development's and local government's compliance with conditions of approval contained in this Development Order and the commitments which are contained in the Application for Development Approval and which have been identified by local government, the Regional Planning Council or the Department of Community Affairs as being significant.
- (f) Any known incremental development of regional impact ("DRI") applications for development approval or requests for a substantial deviation determination that were filed during the reporting year, or to be filed during the next year, relating to the development;
 - 1) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
 - 2) A list of significant local, state, and federal permits which have been obtained or which are pending by agency.
- (g) A statement that all person/entities have been sent copies of the Annual Report in conformance with subsections 380.06(15) (f) and (18), Florida Statutes;
- (i) The final annual report shall include a statement indicating that all development authorized by the Development Order has been completed and all conditions of approval have been satisfied.

Status: This Annual Report is submitted as part of the application for rescission of the DRI Development Order. The last known Annual Report was submitted for the Reporting Period 2007-2008.

43. Monitoring Mechanism

Compliance with the terms and conditions of this Development Order shall be monitored through the provisions of the established review and approval process for development pursuant to City of Kissimmee Monitoring Procedures. The Administrative Official, as set forth in the City of Kissimmee's Land Development Regulations, shall be the official responsible for monitoring compliance by the developer with this Development Order.

Status: Acknowledged.

44. ~~Restrictions on Down Zoning~~

~~This Development of Regional Impact will not be subject to down zoning, unit density reduction or intensity reduction for a period of five years from the effective date of this Development Order unless it is demonstrated that substantial changes in the conditions underlying the approval of this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City of Kissimmee to be essential to the public health, safety or welfare.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

45. **Modifications to the Development Order**

The Developer shall submit, simultaneously, to the City of Kissimmee, the East Central Florida Regional Planning Council and the Florida Department of Community Affairs (DA) any requests for approval of a proposed change to this Development Order. This submission shall be in a format established by the DCA and shall include as a minimum the precise language which is proposed for deletion or addition to the development order and a statement summarizing all previous changes that have been made to the development order.

Status: Acknowledged.

1st Amendment to Gateway Commons Development of Regional Impact Development Order - 1996

Section I. Findings of Fact:

1. The Developer's authorized agent is Joseph G. Kern, Esquire, Lowndes, Drosdick, Doster, Kantor & Reed, P.A. 215 North Eola Drive, Orlando, FL 32801.

Section III. Development Order:

- ~~2. The project shall consist of a total of 1,050 hotel rooms, 532,000 square feet of retail development, and 600,000 square feet of business park on 208.2 acres. Phase 1 of the project shall consist of 532,000 square feet with a phase buildout of December 30, 2000. Phase 2 shall consist of 1,050 hotel rooms and 600,000 square feet of business park with a phase/project buildout of December 30, 2005. The amended conceptual development program is attached hereto as Exhibit "B".~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

- ~~3. If five percent of Phase 1 of the project (26,600 square feet of commercial space of any combination which equals five percent of development) is not constructed by August 5, 2001, then the Development Order shall expire.~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

41. This Development Order shall take effect after execution by the Mayor and the City Commission of the City of Kissimmee and the appeal period provided in Section 380.07, Florida Statutes. The Development Order shall remain in effect until August 5, 2012, with the exception that if development equal to five percent of Phase I of the project has not been constructed by August 5, 2001, then the development order shall expire unless extended by the City. The effectiveness of this development order may be extended upon a showing by the Developer that the completed portions and remaining portions of this development order comply with the conditions of this development order and the provisions of Chapter 380.06, Florida Statutes.

Status: In compliance.

44. Restrictions on Down Zoning This Development of Regional Impact will not be subject to down zoning, unit intensity reduction or intensity reduction until August 5, 2001 unless it is demonstrated that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City of Kissimmee to be essential to the public health, safety and welfare.

Status: In compliance.

2nd Amendment to Gateway Commons Development of Regional Impact Development Order - 1999

1. The legal description to the Project attached to the Development Order as Exhibit "1" is hereby deleted in its entirety and the legal description attached hereto as Exhibit "A" is inserted in lieu, in place and instead thereof.
2. Paragraph 4 of Section II, Conclusions of Law, of the Development Order is hereby deleted in its entirety and the following new Paragraph 4 of Section II, is hereby inserted in lieu, in place and instead therefore to wit:

"This Development Order constitutes final approval of use of the Property for a total of 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres, as more particularly detained in the Findings of Fact above and as described in the ADA/DRI and incorporated by the reference, and subsequently amended by sufficiency responses, and the NOPC filed with the City and as may be amended by the terms and conditions of this Development Order."

3. Paragraphs 2 and 3 of Section III, of the Development Order are hereby deleted in their entirety and the following Paragraphs 2 and 3 are hereby inserted in lieu, in place and instead thereof, to-wit:

"2. The project shall consist of a total of 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres. Phase 1 of the project shall consist of 585,000 square feet of commercial and 15,000 square feet of business park and 300 hotel rooms with a phase buildout of December 30, 2000. Phase 2 shall consist of 110,000 square feet of commercial, 400 hotel rooms and 250,000 square feet of business park with a phase/project buildout of December 30, 2005.

3. If five percent of Phase 1 of the project (34,750 square feet of commercial space or any combination which equals five percent of development) is not constructed by August 5, 2001 then the Development Order shall expire."

Status: In compliance.

4. Paragraph 8 of the Development Order shall be amended by adding the following sentence at the end of said paragraph:

"Off-site mitigation shall be included as an acceptable method of mitigating on-site losses of viable wetlands, subject to meeting all applicable governmental rules and regulations."

Status: In compliance.

5. Paragraph 25 of Section III of the Development Order is hereby deleted in its entirety and the following Paragraph 25 is hereby inserted in lieu, in place and instead thereof, to wit:

"25. For the purpose of the transportation conditions, the Gateway Commons DRI project shall be divided into the following phases based upon anticipated daily

Poulos & Bennett, LLC • 2602 E. Livingston Street • Orlando, Florida 32803 • (407) 487-2594 • www.poulosandbennett.com

Z:\2017\17-106 Spears - Gateway Commons\PLANNING\Applications\DRI Rescission\DRI DO\2017-12-12 Development Order
Status document.docx

external trip generation. These daily external trip volumes are based upon development level equivalents as calculated from Trip Generation, 6th Edition published by the Institute of Transportation Engineers. Monitoring is required when the external trip generation volume for each phase is met.

Phase	Per Phase	Cumulative
1	28,774	28,774
2	12,807	41,581

* Note: No certificate of occupancy shall be issued for any development of the project unless (i) construction has commenced on the widening of Michigan Avenue to four (4) lanes between Osceola Parkway and Carroll Street or (ii) the agreement referenced in the last paragraph or Condition #28 of Section III is fully executed.

Status: In compliance.

6. Paragraph 26 of Section III, is hereby deleted in its entirety, and the following Paragraph 26 is hereby inserted, in lieu, in place and instead thereof, to wit:

"26. Prior to the initiation of Phase 2, a monitoring and modeling program shall be performed to ascertain the LOS on facilities where the Gateway Commons project is estimated to contribute an amount of traffic greater than or equal to ten percent of the roadway's LOS "C" service volume. The methodology of the monitoring modeling program shall be agreed upon by the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation, the Department of Community Affairs and the applicant. A list of facilities (*) may include but shall not be limited to the following:

Roadway and Roadway Links

US 441
US 192 to Donegan Avenue
Donegan Avenue to Carroll Street
Carroll Street to Osceola Parkway

John Young Parkway

Osceola Parkway to Hunter's Creek Boulevard
Buenaventura Boulevard
Boggy Creek Road to Florida Parkway
Florida Parkway to the SR 417

Florida Parkway

Buenaventura Boulevard to Osceola Parkway
Florida's Turnpike
US 17/92 to Osceola Parkway to Southern Connector
Osceola Parkway to US 192

CR 527 (Old Dixie Highway)

Carroll Street to Osceola Parkway
Osceola Parkway to Town Center Boulevard
Town Center Boulevard to SR 417

Michigan Avenue

Osceola Parkway to Carroll Street
Carroll Street to Donegan Avenue
Donegan Avenue to US 192

Osceola Parkway

Boggy Creek Road to Buenaventura Boulevard
Buenaventura Boulevard to Florida Parkway
Florida Parkway to Florida's Turnpike
Florida's Turnpike to Michigan Avenue
Michigan Avenue to CR 527 north
CR 527 north to CR 527 south
CR 527 south to US 441
US 441 to Bermuda Avenue

Donegan Street

Michigan Avenue to Old Dixie Highway (CR 527)
Old Dixie Highway (CR 527) to US 441

Bill Beck Boulevard (the constructed portion)

Woodcrest to Osceola Parkway

* to include intersections of these roadways and other collector and high classified roadways which intersect these roadways and interchange ramps."

Status: The project is in Phase 1.

7. Paragraph 27 of Section III of the Development Order is hereby deleted in its entirety and inserted in lieu, in place and instead thereof is the following new Paragraph 27, to wit:

"27. The Gateway Commons project shall not commence beyond Phase 1, or beyond and equivalent 28,774 external average daily trips (ADT), into Phase 2 when service levels are below service level "D" peak hour (LOS "C" on rural designated roadways) and the project contributes ten percent or greater to the LOS "C" service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secured and committed to occur on deficient facilities during the next phase.

Prior to the commencement of Phase 2, the applicant must also demonstrate, by means of a monitoring/modeling study which assesses current conditions and projects the impacts of the next phase of traffic, to the satisfaction of the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the Department of Community Affairs that where the project contributes ten percent or greater to the LOS "C" service volume of a facility, the next applicable phase of traffic (along with cumulative project traffic) will not adversely affect service levels (below service level "D" peak hour on urban roadways and service level "C" on rural roadways) or demonstrate that the necessary improvements are committed to occur during said phase. Proof of mitigation must include identification of committed funding sources, and a reasonable guarantee of scheduling within the required time frame.

Otherwise, further building permits shall not be issued by the jurisdictional government.”

Status: The project is in Phase 1.

8. Paragraph 28 of Section III of the Development Order is hereby modified by adding the following paragraph at the end of the existing Paragraph 28 to wit:

In addition to the agreement set forth hereinabove, the applicant shall use his best efforts to enter into an agreement with the City of Kissimmee and Osceola County, said agreement to be entered into within three months of the issuance of this Development Order for this project. Said agreement shall address the funding mechanisms (to include transportation impact fee credits), for improvements to widen Michigan Avenue to a four lane urban section from Carroll Street to Osceola Parkway. Said agreement shall also address the construction of Bill Beck Blvd. from Osceola Parkway to Woodcrest in a two lane rural configuration.

Status: A Joint Facilitation of Public Infrastructure Agreement was executed in 2001, and subsequently amended in 2002.

9. Paragraph 33 of Section III of the Development Order is hereby deleted in tis entirely in lieu, in place and instead thereof is hereby substituted the following Paragraph 33, to wit:

“33. The following roadway improvements shall be constructed at the specified project generated ADT levels or phases. It is understood that these improvements may not be needed or may be insufficient based upon the actual area wide development levels. Accordingly, some of these improvements may be delayed or eliminated or alternative improvements may be constructed, so long as adequate levels of service are maintained on significantly impacted facilities. Prior to the time-frame or intensity of development which requires construction of the improvements, the Applicant or successors may demonstrate that the improvement is not necessary as listed within this condition; however, the burden of proof rests with the applicant and the final decision rest with Osceola County and the Department of Transportation on state facilities.

Phase 1

Michigan Avenue from Osceola Parkway to Carroll Street; this shall be completed as a 4 lane urban roadway section prior development which results in an anticipated external trip generation exceeding 15,300 ADT. No building permits shall be issued for development which results in an anticipated net new external trip generation exceeding 10,000 ADT until contracts have been let for the commencement of the construction of Michigan Avenue as a four lane urban section from Carroll Street to Osceola Parkway. Certificates of occupancy for use anticipated to generate greater than 15,300 ADT shall not be issued until the substantial completion of Michigan Avenue as provided herein. For the purposed of this development order condition, “substantial completion of Michigan Avenue” shall mean the opening up for traffic of Michigan Avenue as a four lane urban section from Osceola Parkway to Carroll Street.

Phase 2

1. Bill Beck Boulevard for Osceola Parkway to Woodcrest; 2 lanes with right-of-way reserved for 4 lanes, two lanes prior to Phase 2.

2. Osceola Parkway from Buenaventura Boulevard to Florida's Turnpike and from Bill Beck Boulevard to US 441; 6 lanes prior to Phase 2.
3. Osceola Parkway from Florida's Turnpike to Bill Beck Boulevard; 8 lane capacity improvement prior to Phase 2.
4. Michigan Avenue from Carroll Street to US 192, 6 lanes prior to Phase 2.

It is acknowledged that the City of Kissimmee's Comprehensive Plan is in compliance with Chapter 163, Part II, F.S., and the plan includes a transportation concurrency management system that recognizes improvements scheduled within the first three years of the capital improvements schedule (pursuant to Rule 9J-5.0055(2)(c), FAC). Therefore, those scheduled improvements and those improvements identified as scheduled for construction within the first three years of the current Florida Department of Transportation improvement program may be counted as committed for the purposes of this Development Order. Committed improvements may also include (i) a binding financially secured and irrevocable commitment by the Developer or other applicable persons or entities for the design engineering and actual construction of the necessary improvements (with the posting of cash bond, surety bond, irrevocable letter of credit or other security in a form satisfactory to the City of Kissimmee (or the applicable government of jurisdiction)), which requires construction to occur during the applicable phase and must be in accordance with the requirements of the City of Kissimmee (or the applicable government of jurisdiction) Comprehensive Plan, or (ii) any alternative agreed upon by the City of Kissimmee (and any other applicable government jurisdiction), the ECFRPC, the DCA and the Developer and incorporated into the Development Order by amendment.

Status: In compliance.

10. The Gateway Commons Master Development Plan (Map H) of the Project dated April 12, 1999, attached hereto as Exhibit "B" is hereby incorporated into the Development Order.

Status: In compliance.

11. The Gateway Commons Conceptual Development Program for the Project attached to the Development Order is hereby deleted in its entirety and lieu, in place and instead thereof is substituted the Conceptual Development Program as shown on the Master Development Plan (Map H) attached hereto as Exhibit "B".

Status: In compliance.

12. Paragraph 35, of Section III of the Development Order is hereby deleted in its entirety.

Status: Acknowledged.

13. With the exception of the forgoing modifications, all other conditions of the Development Order shall remain in full force and effect and shall be binding upon the Developer's heirs, assigns, transferees, devisees and successors in interest, by whatever means, and shall run with, burden and be a servitude upon the Project.

Status: Acknowledged.

SECTION 3: DRI TRANSPORTATION ANALYSIS



Gateway Commons DRI Trip Generation Counts and Analysis

As per the "Proposed Transportation Methodology" outline by Kimley-Horn, copy attached, daily trip generation counts were made at the four entrances serving Gateway Commons. **Figure 1** depicts the existing Gateway Commons development and site entrances. The counts were made with the use of mechanical traffic counters which recorded entering and exiting traffic by 15-minute intervals. The counts were made on two weekdays, October 25 (Wednesday) and October 26 (Thursday) 2017. From these counts which are appended to this document, the daily and PM peak hour counts of entering and exiting traffic were determined as summarized in **Table 1**. The two weekday counts resulted the following average daily and PM peak hour trip generation for Gateway Commons:

- Daily Generation37,071 vph
- PM Peak Hour Generation2,664 vph

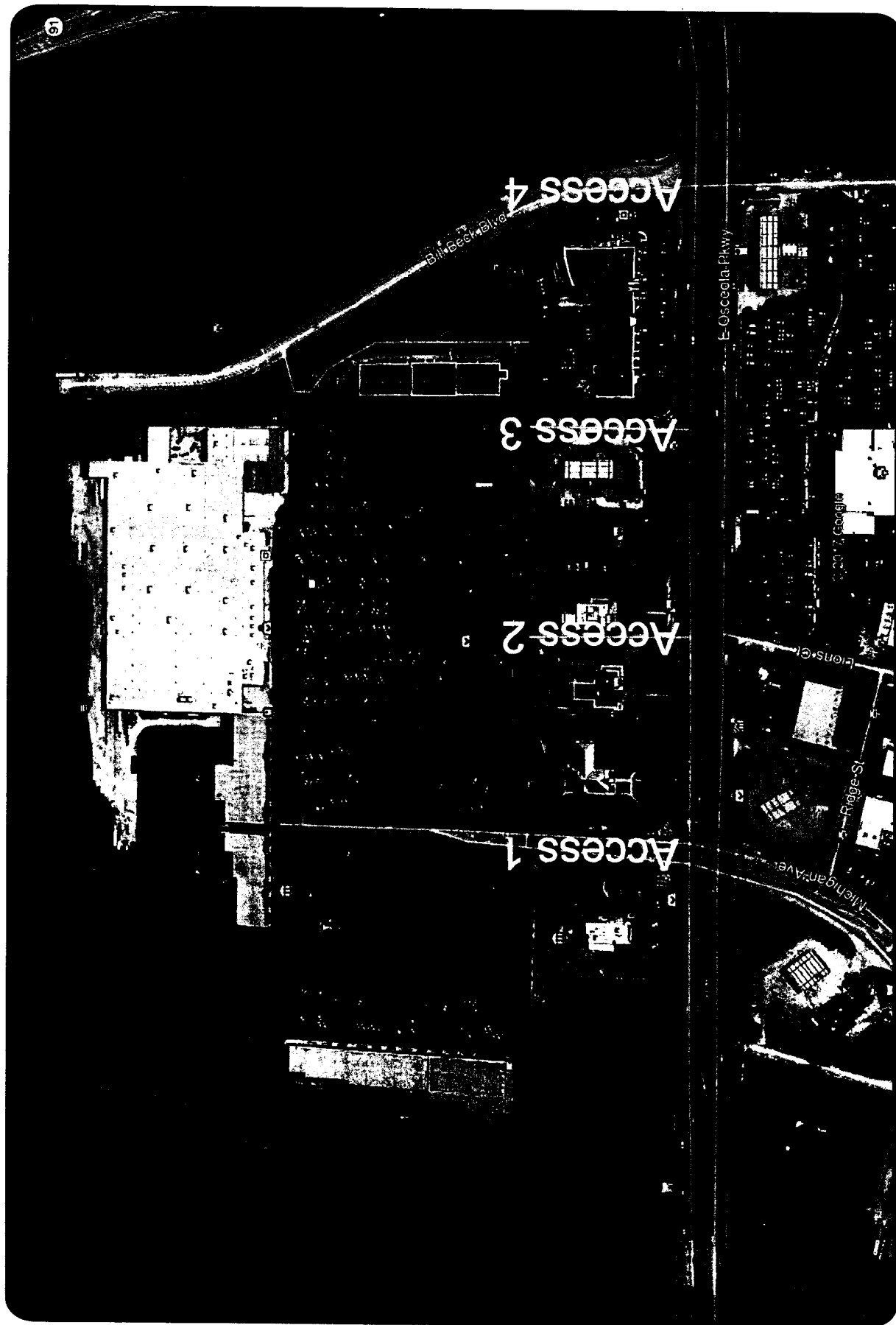
As per ITE, 34% of the generated trips are pass-by trips attracted from the existing traffic stream on Osceola parkway. This very same percentage is used by the City in its Mobility Fee Calculator in the assessment of impact fees. Kimley-Horn proposed the use of the ITE equation, $\ln(T) = (-) 0.29 \ln(x) + 5$ in determining the pass by trip capture from the 2nd Edition of the ITE Trip Generation Handbook (June 2004). Due to the low coefficient of determination ($R^2 = 0.37$), the 3rd Edition of the ITE Trip Generation Handbook no longer includes this equation.

Applying a pass-by trip capture of 34% results in 24,467 new net daily trips generated by the existing Gateway Commons development. The Phase 1 of the Gateway Commons DRI has a new net trip threshold of 28,774 vehicles. This volume threshold is greater than the actual trips of 24,467 vehicles measured in the field at the site entrances. Since the actual trips are less than 28,774, all required mitigation has been completed for Phase 1 of the DRI.

**TPD# 4886
November 13, 2017**

Traffic Planning and Design, Inc.

535 Versailles Drive, Maitland, Florida 32751 ■ Phone (407) 628-9955 ■ Fax (407) 628-8850 ■ www.tpdtraffic.com



Existing Gateway Commons & Site Entrances

Gateway Commons
Project No 4886
Figure 1



Table 1
Gateways Commons Traffic Counts Summary

1	McDonald's	Enter	10,006	696	9,959	762	9,983	729
		Exit	11,777	879	11,854	863	11,816	871
2	Chase Bank	Enter	1,890	150	1,881	181	1,886	166
		Exit	1,702	128	1,945	155	1,824	142
3	Panera	Enter	3,523	210	3,884	217	3,704	214
		Exit	2,571	154	2,672	170	2,622	162
4	Plaza Entrance	Enter	2,729	207	2,910	223	2,824	215
		Exit	2,432	175	2,391	154	2,412	165
	Driveways	Enter	18,157	1,263	18,634	1,383	18,397	1,324
		Exit	18,482	1,336	18,862	1,342	18,674	1,340
	Total	-----	36,639	2,599	37,496	2,725	37,071	2,664

Kimley»Horn

October 4, 2017

Mr. Bob Wright
Project Coordinator
Development Services Department
City of Kissimmee
101 Church Street
Kissimmee, Florida 34741

RE: Gateway DRI – Proposed Transportation Methodology

Dear Mr. Wright:

This proposed methodology outline was developed in response to the 9/25/17 meeting on the DRI.

DRI Status:

- Based on the original DRI Regional Report prepared by the ECFRPC (1991), Phase 1 was to be complete by 1995 and Phase 2 by 2000.
- The 1st amendment changed the Phase 1 buildout date to 2000, the Phase 2 buildout date to 2005, and the development order expiration date to August 5, 2011.
- The 2nd amendment changed the Phase 1 mitigation requirements to only include Michigan Avenue, from Osceola Parkway to Carroll Street as a 4-lane roadway.
- The Joint Facilitation of Public Infrastructure for Michigan Avenue and Bill Beck Boulevard from 2001 was an agreement for the developer to construct improvements to Michigan Avenue (as a 5-lane roadway) in exchange for impact fee credits. The developer agreed to provide additional right-of-way for the Bill Beck Boulevard extension, and the City agreed to donate a short portion of Bill Beck Boulevard (from Woodcrest Boulevard to the southern property line of Gateway DRI). The County agreed to construct Bill Beck Boulevard from Woodcrest Boulevard to Osceola Parkway.

Traffic Analysis and Process:

- Count daily trips accessing the DRI, summarizing by daily and peak-hour. Provide raw count data in the appendix with information summarized for hourly and 15-minute intervals.
- Apply ITE pass-by percentage based on the equation: $\text{Ln}(T) = -0.29 \text{Ln}(X) + 5$. Assuming that 407,609 square feet of retail has been built, this results in a pass-by percentage of 26%.
- Calculate daily trip generation (not including pass-by trips).
- Compare to Phase 1 trip threshold of 28,774.
- If actual trips are less than 28,774, all required mitigation has been completed.
- If actual trips are more than 28,774, document the history of payments (by year) of impact fees and other payments, including the recipient of the payments. The City will review this information to determine if this provides sufficient mitigation or if additional steps need to be taken.

K:\ORL_TPTON\49689103_Kissimmee DRI Review\04_Review\Gateway DRI_Methodology_Transportation.docx

kimley-horn.com

3600 Maguire Blvd, Suite 200, Orlando, FL 32803

407-898-1511

Appendix
Raw Traffic Count Data

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025005.PRN

Station : 000000000001

Identification : 000000000001

Interval : 15 minutes

Start date : Oct 25, 17

Start time : 00:00

Stop date : Oct 26, 17

Stop time : 24:00

City/Town :

County :

Location : 4 MCDONALDS ENTRANCE IN

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	31	10	13	8	12	14	56	79	99	153	163	170
30	20	3	10	7	8	20	42	77	119	169	168	170
45	16	11	9	10	12	25	48	68	141	145	186	188
00	13	13	14	8	8	40	80	90	148	158	154	217

Hr Total 80 37 46 33 40 99 226 314 507 625 671 745

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	214	186	158	222	171	162	118	179	141	86	58	37
30	185	198	192	181	178	186	135	147	98	111	61	38
45	232	155	153	189	173	173	176	132	97	62	30	44
00	196	180	152	208	174	132	133	120	96	69	33	32

Hr Total 827 719 655 800 696 653 562 578 432 328 182 151

24 Hour Total : 10006

AM peak hour begins : 11:30

AM peak volume : 804

Peak hour factor : 0.87

PM peak hour begins : 12:00

PM peak volume : 827

Peak hour factor : 0.89

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	37	18	8	10	14	19	39	82	97	133	126	149
30	13	14	6	7	6	17	35	57	100	175	140	188
45	22	8	7	2	7	26	52	80	119	133	139	179
00	18	12	10	16	19	35	82	76	125	162	180	191

Hr Total 90 52 31 35 46 97 208 295 441 603 585 707

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	202	193	178	169	229	186	150	135	134	72	60	39
30	175	232	201	164	186	164	155	152	102	81	34	44
45	189	198	149	172	175	171	174	132	127	91	60	39
00	221	185	195	122	172	187	183	128	92	89	39	42

Hr Total 787 808 723 627 762 708 662 547 455 333 193 164

24 Hour Total : 9959

AM peak hour begins : 11:15

AM peak volume : 760

Peak hour factor : 0.94

PM peak hour begins : 12:45

PM peak volume : 844

Peak hour factor : 0.91

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025006.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 4 MCDONALDS ENTRANCE OUT
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	60	24	22	18	10	6	30	93	65	118	141	177
30	31	13	18	14	10	18	31	112	107	141	155	220
45	38	9	8	12	11	20	41	84	127	157	221	189
00	23	9	12	8	14	25	48	83	124	132	209	237

Hr Total	152	55	60	52	45	69	150	372	423	548	726	823
----------	-----	----	----	----	----	----	-----	-----	-----	-----	-----	-----

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	196	225	207	194	232	199	194	191	161	134	81	81
30	248	226	230	201	220	213	186	194	168	108	95	45
45	238	234	187	236	205	200	189	203	159	130	74	49
00	224	239	201	210	222	178	186	185	127	108	52	37

Hr Total	906	924	825	841	879	790	755	773	615	480	302	212
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

24 Hour Total : 11777

AM peak hour begins : 11:30 AM peak volume : 870 Peak hour factor : 0.88

PM peak hour begins : 12:15 PM peak volume : 935 Peak hour factor : 0.94

Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	25	26	17	12	10	21	19	81	74	145	145	188
30	33	24	11	9	10	11	39	114	109	130	169	184
45	26	10	7	6	4	14	52	76	110	118	169	190
00	23	14	5	11	13	22	49	83	117	134	166	194

Hr Total	107	74	40	38	37	68	159	354	410	527	649	756
----------	-----	----	----	----	----	----	-----	-----	-----	-----	-----	-----

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	205	224	216	214	184	201	208	175	189	132	157	84
30	251	217	257	213	239	206	192	190	145	114	268	78
45	189	225	230	221	222	198	214	191	169	116	99	47
00	197	224	221	195	218	191	184	154	152	102	81	36

Hr Total	842	890	924	843	863	796	798	710	655	464	605	245
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

24 Hour Total : 11854

AM peak hour begins : 11:30 AM peak volume : 840 Peak hour factor : 0.84

PM peak hour begins : 13:45 PM peak volume : 927 Peak hour factor : 0.90

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025004.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 3 CHACE BANK ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	11	0	6	4	6	3	7	19	16	29	27	27
30	5	0	0	4	2	4	12	12	27	36	54	28
45	6	0	2	2	4	8	3	11	21	39	29	41
00	5	0	3	2	10	3	17	13	33	47	24	53
Hr Total	27	0	11	12	22	18	39	55	97	151	134	149

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	39	26	32	30	36	30	37	34	24	24	10	4
30	35	30	30	47	48	36	37	19	29	10	12	3
45	18	31	25	47	32	29	36	29	23	11	6	3
00	25	31	22	26	34	34	10	20	12	5	0	4
Hr Total	117	118	109	150	150	129	120	102	88	50	28	14

24 Hour Total : 1890

AM peak hour begins : 11:30

AM peak volume : 168

Peak hour factor : 0.79

PM peak hour begins : 15:30

PM peak volume : 157

Peak hour factor : 0.82

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	4	0	3	4	0	2	5	14	23	31	30	31
30	0	0	2	0	0	4	13	15	23	34	28	29
45	4	4	2	3	0	5	12	29	26	45	46	35
00	12	0	0	3	2	4	11	17	42	27	55	29
Hr Total	20	4	7	10	2	15	41	75	114	137	159	124

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	27	35	25	24	41	26	35	29	23	10	5	4
30	25	27	15	34	61	38	33	39	17	12	4	9
45	27	29	29	19	38	17	29	15	30	21	11	5
00	28	30	26	32	41	33	21	32	16	24	18	4
Hr Total	107	121	95	109	181	114	118	115	86	67	38	22

24 Hour Total : 1881

AM peak hour begins : 10:30

AM peak volume : 161

Peak hour factor : 0.73

PM peak hour begins : 16:00

PM peak volume : 181

Peak hour factor : 0.74

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025001.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 3 CHACE BANK ENTRANCE OUT
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	3	0	0	3	0	6	8	14	4	37	34
30	0	3	0	5	0	0	8	3	20	33	39	34
45	4	0	0	3	0	9	9	13	11	20	28	44
00	6	3	0	0	6	3	8	11	15	34	17	51
Hr Total	10	9	0	8	9	12	31	35	60	91	121	163
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	23	67	27	23	28	21	15	15	22	11	10	12
30	34	27	32	32	43	55	14	13	19	13	6	0
45	35	50	20	43	27	18	32	36	10	12	5	5
00	117	29	16	17	27	34	16	9	21	0	2	10
Hr Total	209	173	95	115	125	128	77	73	72	36	23	27

24 Hour Total : 1702

AM peak hour begins : 11:00 AM peak volume : 163 Peak hour factor : 0.80

PM peak hour begins : 12:45 PM peak volume : 261 Peak hour factor : 0.56

Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	3	6	3	0	0	2	3	3	1	25	23	22
30	4	2	3	2	0	4	9	1	9	32	11	44
45	6	0	0	0	3	0	6	21	14	32	16	27
00	3	6	0	1	0	0	0	3	26	20	32	45
Hr Total	16	14	6	3	3	6	18	28	50	109	82	138
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	33	29	54	33	25	31	46	19	26	19	20	7
30	47	38	28	43	41	24	12	17	15	17	163	6
45	32	68	39	39	54	26	27	19	25	15	30	5
00	35	34	25	35	35	33	35	26	8	13	5	16
Hr Total	147	169	146	150	155	114	120	81	74	64	218	34

24 Hour Total : 1945

AM peak hour begins : 11:30 AM peak volume : 152 Peak hour factor : 0.81

PM peak hour begins : 21:45 PM peak volume : 226 Peak hour factor : 0.35

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025002.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 2 PANERA ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	10	1	3	0	2	4	18	50	55	48	80	77
30	6	3	0	9	3	6	21	38	56	80	44	82
45	4	7	2	2	7	7	18	53	33	47	68	69
00	4	1	4	0	2	7	33	40	52	86	60	63
Hr Total	24	12	9	11	14	24	90	181	196	261	252	291

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	72	44	64	55	57	70	49	64	25	21	17	9
30	78	46	47	80	46	55	65	47	39	29	7	7
45	67	60	53	77	63	34	56	62	46	29	23	9
00	51	90	49	39	44	47	47	54	31	12	11	11
Hr Total	268	240	213	251	210	206	217	227	141	91	58	36

24 Hour Total : 3523

AM peak hour begins : 09:15 AM peak volume : 293 Peak hour factor : 0.85

PM peak hour begins : 12:00 PM peak volume : 268 Peak hour factor : 0.86

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	4	3	0	0	6	12	49	45	48	57	43
30	7	1	2	3	5	4	42	25	54	62	55	71
45	1	4	2	0	2	5	30	28	54	45	60	82
00	4	2	2	5	3	10	43	64	68	68	52	60
Hr Total	12	11	9	8	10	25	127	166	221	223	224	256

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	64	42	64	52	27	61	52	78	46	31	121	9
30	64	66	58	48	43	44	41	55	37	27	323	13
45	93	62	59	49	61	52	64	59	25	36	27	6
00	90	72	49	64	43	60	53	45	22	17	12	6
Hr Total	311	242	230	213	174	217	210	237	130	111	483	34

24 Hour Total : 3884

AM peak hour begins : 11:15 AM peak volume : 277 Peak hour factor : 0.84

PM peak hour begins : 21:30 PM peak volume : 497 Peak hour factor : 0.38

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025003.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 27, 17
 City/Town :
 Location : 2 PANERA ENTRANCE OUT
 Interval : 15 minutes
 Start time : 10:15
 Stop time : 10:15
 County :

Oct 25/Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	5	0	5	0	0	3	11	19	45	30	45	32
30	0	3	2	4	0	2	10	18	30	36	48	49
45	0	0	0	0	0	4	15	26	24	35	52	51
00	0	3	4	2	0	1	15	31	30	34	38	49
Hr Total	5	6	11	6	0	10	51	94	129	135	183	181
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	66	57	50	23	46	36	30	28	37	26	19	16
30	36	67	75	45	43	45	49	34	36	14	3	5
45	56	78	42	42	28	35	43	39	29	14	22	10
00	91	54	52	49	37	33	32	38	30	11	8	1
Hr Total	249	256	219	159	154	149	154	139	132	65	52	32

24 Hour Total : 2571

AM peak hour begins : 11:15 AM peak volume : 215 Peak hour factor : 0.81

PM peak hour begins : 12:45 PM peak volume : 293 Peak hour factor : 0.80

Oct 26/Oct 27 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	0	0	0	0	0	15	28	33	37	38	24
30	0	6	0	3	2	3	16	16	22	36	55	42
45	3	0	2	0	0	3	20	17	25	32	37	57
00	0	3	0	4	2	0	19	42	33	44	42	72
Hr Total	3	9	2	7	4	6	70	103	113	149	172	195
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	66	53	42	28	51	45	71	39	49	30	19	7
30	53	66	66	40	30	46	36	35	24	14	2	15
45	50	65	41	41	67	34	45	23	28	29	5	7
00	73	53	49	79	22	39	46	35	34	26	17	4
Hr Total	242	237	198	188	170	164	198	132	135	99	43	33

24 Hour Total : 2672

AM peak hour begins : 11:30 AM peak volume : 248 Peak hour factor : 0.86

PM peak hour begins : 12:45 PM peak volume : 257 Peak hour factor : 0.88

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025007.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 1 PLAZA ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	5	4	6	3	4	4	12	24	30	39	45	43
30	9	4	4	1	9	2	7	17	28	34	36	38
45	3	3	1	2	4	8	14	20	19	30	35	48
00	4	6	6	5	3	9	11	36	36	53	44	60
Hr Total	21	17	17	11	20	23	44	97	113	156	160	189

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	62	54	52	42	53	41	47	52	29	21	15	13
30	60	40	49	48	56	43	53	46	39	26	13	9
45	43	34	39	43	47	38	46	58	27	32	16	8
00	54	50	38	52	51	55	55	37	27	35	16	6
Hr Total	219	178	178	185	207	177	201	193	122	114	60	36

24 Hour Total : 2738

AM peak hour begins : 11:30 AM peak volume : 230 Peak hour factor : 0.93

PM peak hour begins : 12:00 PM peak volume : 219 Peak hour factor : 0.88

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	7	8	1	6	3	2	7	22	18	39	54	36
30	9	8	5	3	0	7	16	12	21	44	57	54
45	5	3	2	2	3	11	10	22	56	33	58	47
00	4	0	3	10	3	12	19	22	37	50	50	52
Hr Total	25	19	11	21	9	32	52	78	132	166	219	189

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	37	54	40	46	51	42	42	40	32	31	32	12
30	50	50	43	43	54	42	53	36	37	26	68	14
45	47	50	53	51	49	38	48	39	30	18	36	15
00	52	58	61	48	69	53	49	34	36	22	10	16
Hr Total	186	212	197	188	223	175	192	149	135	97	146	57

24 Hour Total : 2910

AM peak hour begins : 09:45 AM peak volume : 219 Peak hour factor : 0.94

PM peak hour begins : 16:00 PM peak volume : 223 Peak hour factor : 0.81

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025008.PRN

Station : 000000000005

Identification : 000000000005

Start date : Oct 25, 17

Stop date : Oct 26, 17

City/Town :

Location : 1 PLAZA ENTRANCE OUT

Interval : 15 minutes

Start time : 00:00

Stop time : 24:00

County :

Oct 25 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	17	8	4	0	1	6	11	11	14	14	27	35
30	12	3	9	3	1	6	14	12	17	25	25	36
45	11	8	2	3	4	8	4	13	15	20	23	31
00	15	10	4	4	5	4	7	13	11	19	29	40
Hr Total	55	29	19	10	11	24	36	49	57	78	104	142

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	49	45	48	40	49	39	54	41	46	35	25	28
30	42	47	40	39	46	37	33	43	37	37	41	18
45	39	32	29	34	41	38	29	37	48	40	31	11
00	54	38	47	38	39	37	37	44	45	38	20	13
Hr Total	184	162	164	151	175	151	153	165	176	150	117	70

24 Hour Total : 2432

AM peak hour begins : 11:30

AM peak volume : 162

Peak hour factor : 0.83

PM peak hour begins : 12:30

PM peak volume : 185

Peak hour factor : 0.86

Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	8	6	7	0	2	1	11	26	6	32	31	38
30	17	8	6	2	2	1	4	10	12	17	34	41
45	13	6	2	6	2	4	11	5	9	17	18	33
00	8	4	2	6	3	12	9	8	15	20	35	46
Hr Total	46	24	17	14	9	18	35	49	42	86	118	158

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	29	43	42	38	45	40	42	37	36	28	38	26
30	46	49	53	36	37	38	44	56	51	33	32	18
45	36	45	44	41	35	39	36	32	60	19	31	10
00	40	47	38	34	23	37	39	39	39	30	26	18
Hr Total	151	184	177	149	140	154	161	164	186	110	127	72

24 Hour Total : 2391

AM peak hour begins : 11:00

AM peak volume : 158

Peak hour factor : 0.86

PM peak hour begins : 13:30

PM peak volume : 187

Peak hour factor : 0.88
