



# **ORANGE COUNTY**

**PLANNING DIVISION**

## **2021-1 REGULAR CYCLE AMENDMENTS**

**2021-1-A-4-1**

**2021-1-B-FLUE-4**

**2021-1-B-FLUE-5**

## **REZONING**

**LUP-21-01-006**

2010 - 2030 COMPREHENSIVE PLAN

## **BOARD OF COUNTY COMMISSIONERS**

**OCTOBER 25, 2022  
ADOPTION PUBLIC HEARING**

**PREPARED BY:**  
ORANGE COUNTY PLANNING, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION





## Interoffice Memorandum

October 25, 2022

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners (BCC)

FROM: Alberto A. Vargas, MArch., Manager, Planning Division 

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

SUBJECT: 2021-1 Regular Cycle Comprehensive Plan  
Amendments 2021-1-A-4-1 and 2021-1-B-FLUE-4 and 2021-1-B-FLUE-5 and  
Concurrent Rezoning Request LUP-21-01-006 (Bennett Place PD/LUP)  
Board of County Commissioners (BCC) Adoption Public Hearings

The 2021-1 Regular Cycle Comprehensive Plan Amendments 2021-1-A-4-1 and 2021-1-B-FLUE-4 and 2021-1-B-FLUE-5 are scheduled for a BCC adoption public hearing on October 25, 2022. These amendments were continued by the BCC at the October 11, 2022 public hearing. The amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on September 15, 2022.

The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See: <http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

The 2021-1 Regular Cycle State-Expedited Amendments scheduled for consideration on October 25 include one privately-initiated Future Land Use Map Amendment located in District 4 with a concurrent rezoning request and two associated staff-initiated map and text amendments. The proposed Future Land Use Map amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendments involve changes to the Goals, Objectives and/or Policies of the Comprehensive Plan.

In summary, the action items addressed by this memo for October 25 are:

- Amendment 2021-1-A-4-1 (Bennett Place)
- Amendment 2021-1-B-FLUE-4 (Policy FLU8.1.4)
- Amendment 2021-1-B-FLUE-5 (Policy FLU1.2.4)
- Rezoning Request LUP (Bennett Place PD/LUP).

In conjunction with these four action items, the BCC will also consider an adopting Ordinance for Amendment 2021-1-A-4-1 and Amendment 2021-1-B-FLUE-4 and Amendment 2021-1-B-FLUE-5.

The 2021-1 Regular Cycle State-Expedited Review Amendments were heard by the PZC/LPA at transmittal public hearings on January 21, 2021, and by the BCC at transmittal public hearings on October 12, 2021. These amendments were reviewed by the Florida Department of Economic Opportunity (DEO), as well as other state and regional agencies. On December 3, 2021, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. On June 10, 2022, an extension to this deadline was given until December 16, 2022. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. Therefore, these amendments are expected to become effective in November 2022, provided no challenges are brought forth for any of the amendments.

2021-1 Regular Cycle Amendments 2021-1-A-4-1 and 2021-1-B-FLUE-4 and  
2021-1-B-FLUE-5 and Concurrent Rezoning Request LUP-21-01-006  
BCC Adoption Public Hearings  
October 25, 2022  
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Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net) or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

AAV/sw

Enc: 2021-1 Regular Cycle Amendments 2021-1-A-4-1 and 2021-1-B-FLUE-4 and 2021-1-B-FLUE-5  
BCC Adoption Staff Report and Concurrent Rezoning Request LUP-21-01-006

c: Christopher R. Testerman, AICP, Deputy County Administrator  
Joel Prinsell, Deputy County Attorney  
Whitney Evers, Assistant County Attorney  
Roberta Alfonso, Assistant County Attorney  
Gregory Golgowski, AICP, Chief Planner, Planning Division  
Olan D. Hill, AICP, Assistant Manager, Planning Division  
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division  
Read File

# **2021 FIRST REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN ADOPTION PUBLIC HEARINGS**

## **INTRODUCTION**

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the First Regular Cycle Amendments 2021-1-A-4-1 and 2021-1-B-FLUE-4 and 2021-1-B-FLUE-5 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP) continued by the BCC from October 11, 2022 to October 25, 2022. The Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) adoption public hearings were held on September 15, 2022.

The 2021-1 Regular Cycle Amendments scheduled for BCC consideration on October 25 were heard by the PZC/LPA at transmittal public hearings on January 21, 2021, and by the BCC at transmittal public hearings on October 12, 2021.

The 2021-1 Regular Cycle – State-Expedited Review Amendments scheduled for consideration on October 25 include one privately-initiated Future Land Use Map Amendment located in District 4 with a concurrent rezoning request and two associated staff-initiated map and text amendments. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendments involve changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The Regular Cycle State-Expedited Review Amendments were reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On December 3, 2021, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. On June 10, 2022, an extension to this deadline was given until December 16, 2022. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in November 2022, provided no challenges are brought forth for any of the amendments.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net), or Gregory Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).

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**REGULAR CYCLE AMENDMENTS..... Tab 2**

***Privately-Initiated Regular Cycle Future Land Use Map (FLUM) Amendment, Associated Staff-Initiated Map and Text Amendments, and Concurrent Rezoning Request***

Amendment	Page
1. 2021-1-A-4-1 Bennett Place	1
-and-	
2021-1-B-FLUE-4 PD Density and Intensity	
-and-	
2021-1-B-FLUE-5 USA Expansion	
-and-	
Rezoning LUP-21-01-006	

Rural/Agricultural (R) to Planned Development-Commercial/  
Medium Density Residential (PD-C/MDR) and Urban Service Area  
(USA) Expansion

Text amendment to Future Land Use Element Policy FLU8.1.4  
establishing the maximum densities and intensities for proposed  
Planned Developments within Orange County, associated with  
Amendment 2021-1-A-4-1

Text amendment to Future Land Use Element Policy FLU1.2.4  
regarding allocation of additional lands to the Urban Service Area  
(USA), associated with Amendment 2021-1-A-4-1

A-2 (Farmland Rural District) to PD (Planned Development District)  
(Bennett Place PD)

Also requested are fifteen (15) waivers from Orange County Code.

Waivers 1-5 are requested within Transition Zone 5, as shown on  
the Land Use Plan:

- 1) A waiver from Section 38-1254, to allow a 25'  
minimum building setback from an arterial street, in lieu  
of a 50' setback for multifamily;
- 2) A waiver from Section 38-1272, to allow a 25'  
minimum building setback from an arterial street, in lieu  
of a 40' setback for commercial;
- 3) A waiver from Section 38-1258(a), to allow five  
(5) story multi-family buildings eighty (80) feet  
from single-family zoned property, in lieu of multi-  
family buildings located within one hundred (100)  
feet of single-family zoned property being  
restricted to a single story in height;

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	<p>4) A waiver from Section 38-1258(b), to allow multi-family buildings located eighty (80) feet from single-family zoned property with a maximum of one hundred (100) percent of the buildings being five (5) stories (not to exceed eighty (80) feet) in height in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height;</p> <p>5) A waiver from Section 38-1258(c), to allow five (5) story, eighty (80) feet in height multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories forty (40) feet in height;</p> <p><u>Waivers 6-8 are requested within Transition Zone 4, as shown on the Land Use Plan:</u></p> <p>6) A waiver from Section 38-1258(a), to allow four (4) story multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single story in height;</p> <p>7) A waiver from Section 38-1258(b), to allow multi-family buildings located eighty (80) feet from single-family zoned property with a maximum of one hundred (100) percent of the buildings being four (4) stories (not to exceed sixty-five (65) feet) in height in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height;</p>	
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	<p>8) A waiver from Section 38-1258(c), to allow four (4) story, sixty-five (65) feet in height multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories forty (40) feet in height;</p> <p><u>Waivers 9-10 are requested within Transition Zone 4 and 5, as shown on the Land Use Plan:</u></p> <p>9) A waiver from Section 38-1258(d), to allow a maximum building height of five (5) stories, eighty (80) feet for multi-family buildings, in lieu of three (3) stories, forty (40) feet;</p> <p>10) A waiver from Section 38-1234(3), in Transition Zone 5 to allow a 15% minimum open space requirement for multifamily development in lieu of a 25% minimum, as well as a 15% minimum open space requirement for commercial development, in lieu of a 20% minimum. In Transition Zone 4 a request is made to allow a 20% minimum open space requirement for multifamily development, in lieu of a 25% minimum;</p> <p><u>Waivers 11-13 are requested within Transition Zone 3 and 4, as shown on the Land Use Plan:</u></p> <p>11) A waiver from Section 38-1258(a), to allow four (4) story, sixty-five (65) feet in height multi-family buildings ten (10) feet from single-family zoned property along the southern and southwestern property lines, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single story in height;</p> <p>12) A waiver from Section 38-1258(b), to allow four (4) story, sixty-five (65) feet in height multi-family buildings ten (10) feet from single-family zoned property along the southern and southwestern property lines with a maximum of one hundred (100) percent of the buildings being four (4) stories (not to exceed sixty-five (65) feet) in height, in lieu of multi-family buildings located between one hundred plus</p>	
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		<p>(100+) feet to one hundred and fifty(150) feet of single-family zoned property to vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height;</p> <p>13) A waiver from Section 38-1258(c), to allow four (4) story, sixty-five (65) feet in height multi-family buildings ten (10) feet from single-family zoned property along the southern and southwestern property lines, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories forty (40) feet in height;</p> <p><u>Waivers 14-15 are requested within Transition Zone 3, 4 and 5 as shown on the Land Use Plan:</u></p> <p>14) A waiver from Section 38-1258(e), to allow parking and other paved areas for multi-family developments to be located a minimum of fifteen (15) feet from any single-family zoned property, in lieu of twenty-five (25) feet; and</p> <p>15) A waiver is requested from Section 38-1476(a), to allow for a 5% parking reduction, in lieu of parking being required at a rate of one and a half (1.5) spaces per one (1) bedroom dwelling unit and two (2) spaces for two (2) and three (3) bedroom dwelling units.</p>	
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**Ordinance.....Tab 3**

**State Agencies Comments/ORC ..... Tab 4**

**Facilities Analyses.....Tab 5**

**Transportation Analysis.....Tab 6**

**2021-1 Regular Cycle State Expedited Review Comprehensive Plan Amendments  
Privately-Initiated Future Land Use Map Amendment**

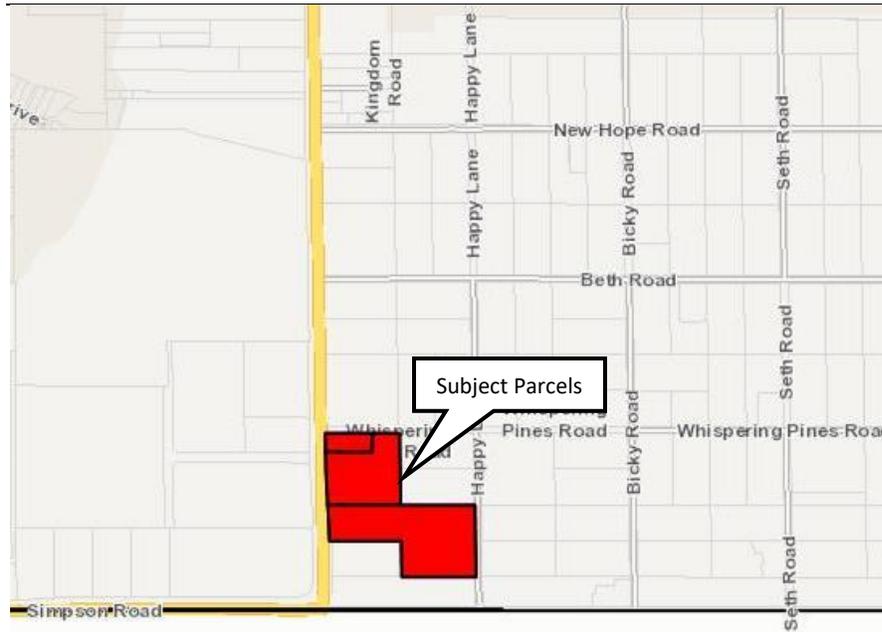
Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 1													
2021-1-A-4-1 (Bennett Place)	LUP-21-01-006	Bennett Place Land Trust	Matthew Gillespie, P.E. Kimley-Horn and Associates, Inc.	34-24-30-6368-00-560/561/571	14727 and 14831 Boggy Creek Rd.; Generally located on the east side of Boggy Creek Rd., south of Whispering Pines Rd., north of Simpson Rd., and west of Happy Ln.	Rural/Agricultural (R)	Planned Development-Commercial/Medium Density Residential (PD-C/MDR) and Urban Service Area (USA) Expansion	A-2 (Farmland Rural District)	PD (Planned Development District) (Bennett Place PD)	22.66 gross ac./21.02 net developable ac.	Misty Mills	Adopt & Approve, subject to twenty-two (22) conditions	Adopt & Approve, subject to twenty-two (22) conditions (6-0)

**2021-1 Regular Cycle Comprehensive Plan Amendments  
Staff-Initiated Comprehensive Plan Text Amendments**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2021-1-B-FLUE-4 (FLU8.1.4)	Planning Division	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2021-1-A-4-1	Misty Mills	Adopt	Adopt (6-0)
2021-1-B-FLUE-5 (USA Expansion)	Planning Division	Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA), associated with Amendment 2021-1-A-4-1	Misty Mills	Adopt	Adopt (6-0)

**ABBREVIATIONS INDEX:**

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; V-Village; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; GB-Greenbelt; SPA-Special Planning Area; R-Rural/Agricultural; TS-Timeshare; RS-Rural Settlement; ACMU-Activity Center Mixed Use; ACR-Activity Center Residential; GC-Growth Center; R-Resort; PD-Planned Development; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; LUP-Land Use Plan; LUPA-Land Use Plan Amendment; CDR- Change Determination Request; PD-Planned Development District; A-2- Farmland Rural District; A-1-Citrus Rural District; SR-State Road; AC-Acres



**Applicant/Owner:**

Matthew S. Gillespie, P.E.,  
 Kimley-Horn and Associates, Inc.  
 on behalf of the Bennett Place  
 Land Trust

**Location:** 14727 and 14831  
 Boggy Creek Road

Generally bounded by Boggy  
 Creek Road to the west, Beth  
 Road to the north, Happy Lane to  
 the east, and the Osceola County  
 line to the south

**Existing Use:** Single-family and  
 grazing

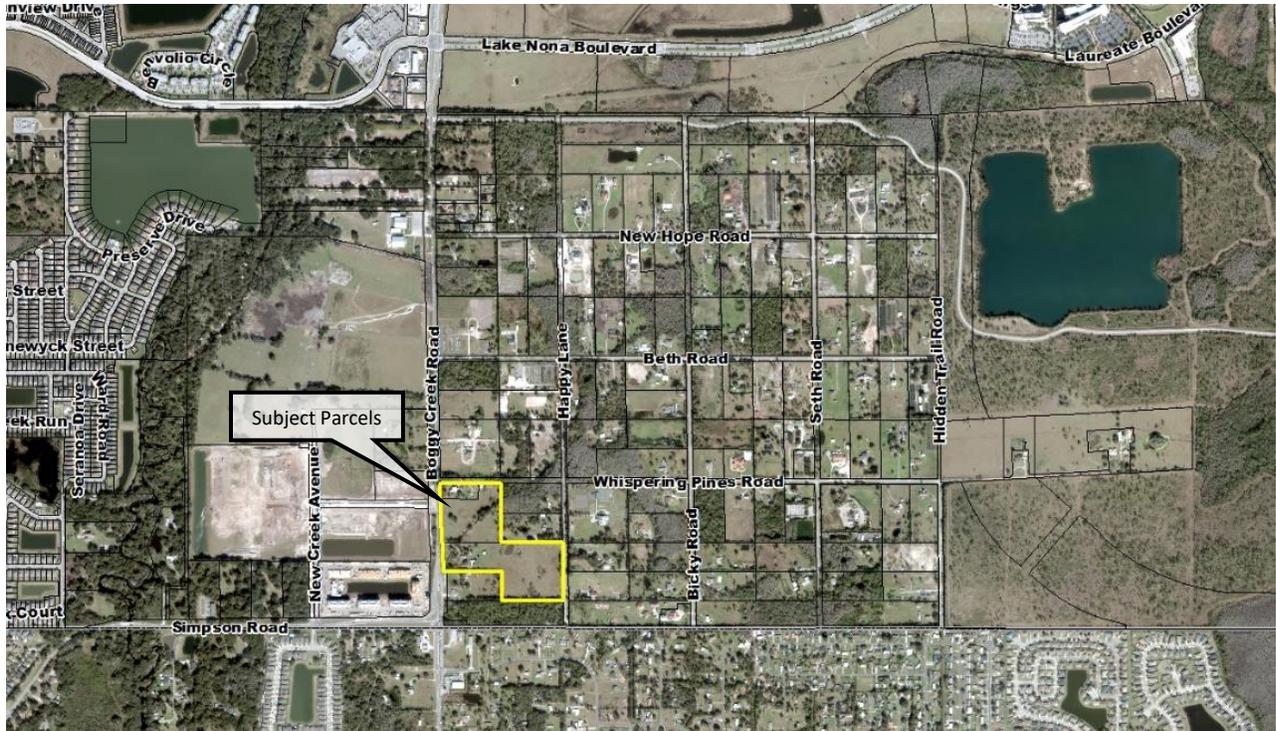
**Parcel ID Numbers:**

34-24-30-6368-00-560/561/571

**Tract Size:** 22.66 gross/21.02 net  
 acres

The following meetings and hearings have been held:		Project Information
<b>Report/Public Hearing</b>	<b>Outcome</b>	<b>Request:</b> Rural/Agricultural (R) to Planned Development – Commercial/Medium Density Residential (PD-C/MDR) and Urban Service Area (USA) expansion
✓ Community Meeting	October 28, 2020 Concerns with traffic	<b>Proposed Development Program:</b> Up to 350 multi-family dwelling units and 15,000 sq. ft. of commercial uses
✓ Staff Report	Recommend Transmittal	<b>Division Comments:</b> <b>Environmental, Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.
✓ LPA Transmittal January 21, 2021	Motion to transmit failed 3-3, resulting in a de facto denial	<b>Environmental:</b> Conservation Area Determination CAD-20-08-141 was issued December 7, 2020, and expires December 7, 2025. A Conservation Area Impact Permit, CAI-21-01-002, was issued July 19, 2022, and expires July 19, 2027.
✓ BCC Transmittal May 11, 2021 (Continued from February 9, 2021 and March 23, 2021)	Continued to an unspecified date	<b>Transportation:</b> The proposed use will generate 582 pm peak hour trips, resulting in a net increase of 578 pm peak hour trips. The subject property is located adjacent to Boggy Creek Road. Based on the Concurrency Management System (CMS) database dated August 12, 2020, this roadway currently operates at Level of Service F, and capacity is not available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service.
✓ BCC Transmittal October 12, 2021	Transmit (7-0)	<b>Schools:</b> Per Formal School Capacity Determination OC-21-051, capacity is presently not available at the elementary, middle, or high schools that would serve the project.
✓ State Agency Comments December 3, 2021	Comments, but no objections, were received from FWC and FDOT. (See the State Agencies Comments Appendix.)	<b>Concurrent Rezoning:</b> Rezoning Case LUP-21-01-006 A proposed rezoning from A-2 (Farmland Rural District) to PD (Planned Development District) (Bennett Place PD/LUP), will be considered in conjunction with the requested FLUM Amendment.
✓ LPA/PZC Adoption September 15, 2022	Recommend Adoption and Approval, subject to 22 conditions (6-0)	
BCC Adoption	October 25, 2022 (Continued from October 11, 2022)	

### AERIAL



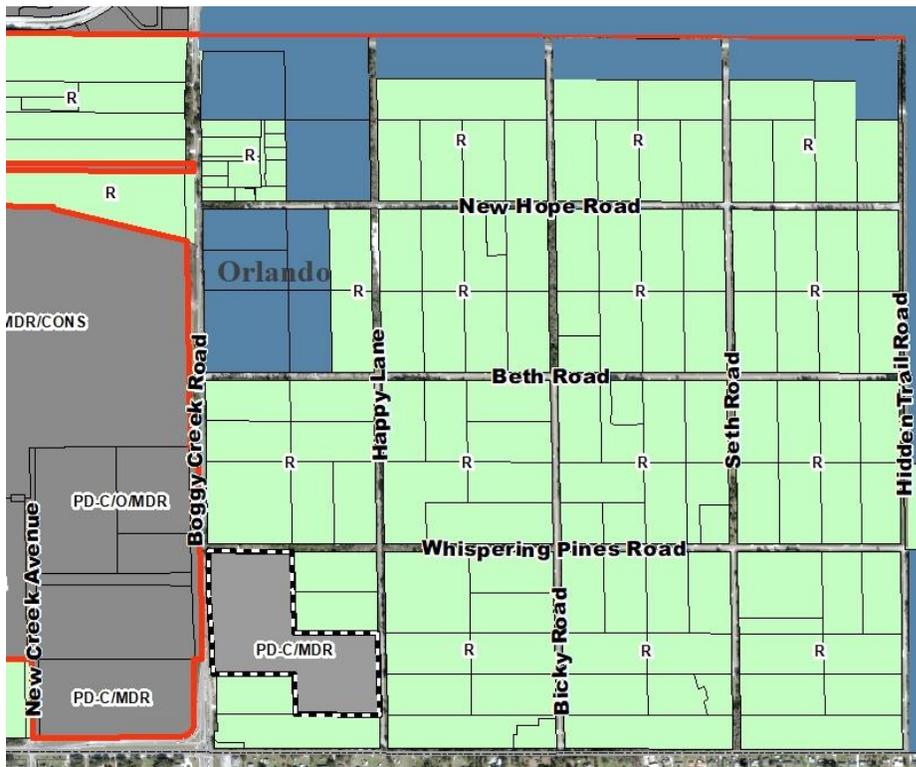
### FUTURE LAND USE - CURRENT



Current Future Land Use Designation:

Rural/Agricultural (R)

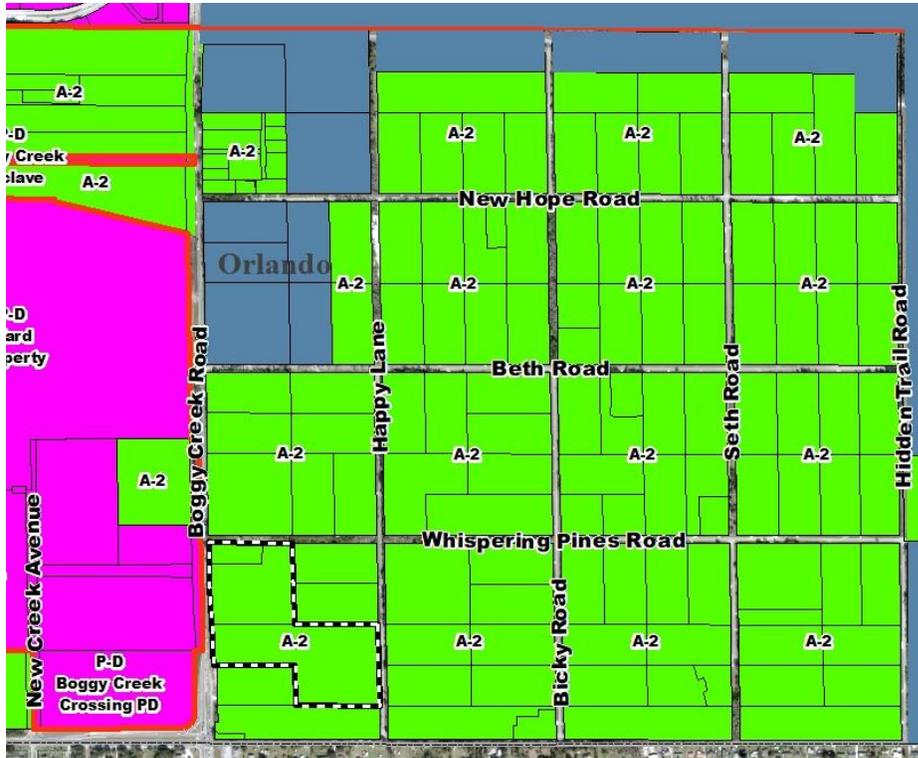
### FUTURE LAND USE - PROPOSED



Proposed Future Land Use Designation:

Planned Development –  
Commercial/Medium  
Density Residential (PD-  
C/MDR)

**ZONING - CURRENT**

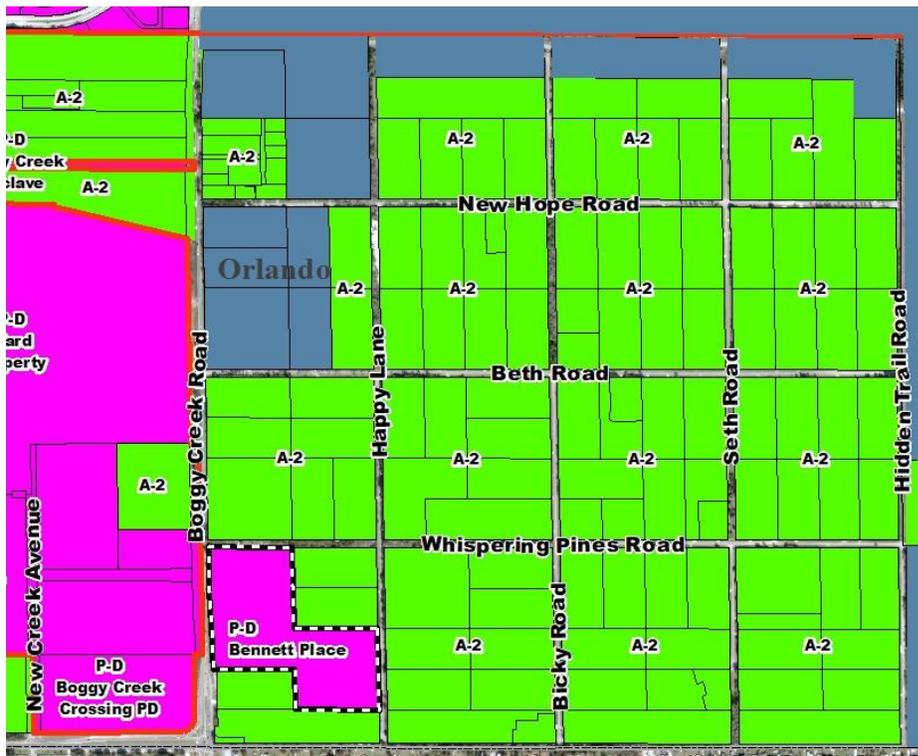


**Current Zoning District:**

A-2 (Farmland Rural District)

**Existing Uses**

- North: Landscaping
- South: Single-family residential and undeveloped
- East: Single-family residences
- West: Under construction (Tyson Ranch PD/LUP)



**Proposed Zoning District:**

P-D (Planned Development District)  
 (Bennett Place PD/LUP)

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## Staff Recommendations

1. **Future Land Use Map Amendment 2021-1-A-4-1:** Make a finding of consistency with the Comprehensive Plan (see Goal FLU1, OBJ, FLU1.1, Policy FLU1.1.1, FLU1.1.2A, FLU1.1.2B, FLU1.1.4, OBJ FLU1.2, FLU1.2.4, OBJ FLU1.3, FLU1.3.1, FLU1.3.2, FLU1.3.3, OBJ FLU1.4, FLU1.4.1, FLU1.4.2, FLU2.3.7, FLU6.1.3, FLU6.1.5, FLU8.1.1(a), FLU8.1.2, FLU8.1.4, FLU8.2.1, FLU8.8.2), determine that the amendment is in compliance, and **ADOPT** Amendment 2021-1-A-4-1, Rural/Agricultural (R) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR).
2. **FUTURE LAND USE TEXT AMENDMENT 2021-1-B-FLUE-4:** Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and **ADOPT** Amendment 2021-1-B-FLUE-4, to include the development program for Amendment 2021-1-A-4-1 in Future Land Use Element Policy FLU8.1.4.
3. **FUTURE LAND USE TEXT AMENDMENT 2021-1-B-FLUE-5:** Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and **ADOPT** Amendment 2021-1-B-FLUE-5, to include in the Urban Service Area (USA) the subject property of Amendment 2021-1-A-4-1, expanding the USA boundary by 22.66 acres.
4. **REZONING: LUP-21-01-006 (September 15, 2022 PZC Recommendation):** Make a finding of consistency with the Comprehensive Plan and **APPROVE** the Bennett Place Planned Development/Land Use Plan (PD/LUP), dated "August 26, 2022", subject to the following twenty-two (22) conditions:
  1. Development shall conform to the Bennett Place Land Use Plan (LUP) dated "Received August 26, 2022," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received August 26, 2022," the condition of approval shall control to the extent of such conflict or inconsistency.
  2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to

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

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

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6. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
  7. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
  8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
  9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
  10. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
  11. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
  12. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
  13. Outside sales, storage, and display shall be prohibited.
  14. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.

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15. For the residential portion of the planned development, short term/transient rental is prohibited; length of stay shall be for 180 consecutive days or greater.
  16. For the commercial portion of the planned development, length of stay shall not exceed 179 consecutive days.
  17. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
  18. The following waivers from Orange County Code are granted within Transition Zone 5 as shown on the Land Use Plan:
    - a. A waiver from Section 38-1254, to allow a 25' minimum building setback from an arterial street, in lieu of a 50' setback for multifamily.
    - b. A waiver from Section 38-1272, to allow a 25' minimum building setback from an arterial street, in lieu of a 40' setback for commercial.
    - c. A waiver from Section 38-1258(a), to allow five (5) story multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to a single story in height.
    - d. A waiver from Section 38-1258(b), to allow multi-family buildings located eighty (80) feet from single-family zoned property with a maximum of one hundred (100) percent of the buildings being five (5) stories (not to exceed eighty (80) feet) in height in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
    - e. A waiver from Section 38-1258(c), to allow five (5) story, eighty (80) feet in height multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories forty (40) feet in height.
  19. The following waivers from Orange County Code are granted within Transition Zone 4 as shown on the Land Use Plan:
    - a. A waiver from Section 38-1258(a), to allow four (4) story multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family building located within one hundred (100) feet of single-family zoned property being restricted to single story in height.
    - b. A waiver from Section 38-1258(b), to allow multi-family buildings located eighty (80) feet from single-family zoned property with a maximum of one hundred

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- (100) percent of the buildings being four (4) stories (not to exceed sixty-five (65) feet) in height in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
- c. A waiver from Section 38-1258(c), to allow four (4) story, sixty-five (65) feet in height multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories forty (40) feet in height.
20. The following waivers from Orange County Code are granted within Transition Zone 4 and 5 as shown on the Land Use Plan:
- a. A waiver from Section 38-1258(d), to allow a maximum building height of five (5) stories, eighty (80) feet for multi-family buildings, in lieu of three (3) stories, forty (40) feet.
- b. A waiver from Section 38-1234(3), in transition zone 5 to allow a 15% minimum open space requirement for multifamily development in lieu of a 25% minimum as well as a 15% minimum open space requirement for commercial development, in lieu of a 20% minimum. In transition zone 4 a request is made to allow a 20% minimum open space requirement for multifamily development, in lieu of a 25% minimum.
21. The following waivers from Orange County Code are granted within Transition Zone 3 and 4 as shown on the Land Use Plan:
- a. A waiver from Section 38-1258(a), to allow four (4) story, sixty-five (65) feet in height multi-family buildings ten (10) feet from single-family zoned property along the southern and southwestern property lines, in lieu of multi-family building located within one hundred (100) feet of single-family zoned property being restricted to single story in height.
- b. A waiver from Section 38-1258(b), to allow four (4) story, sixty-five (65) feet in height multi-family buildings ten (10) feet from single-family zoned property along the southern and southwestern property lines with a maximum of one hundred (100) percent of the buildings being four (4) stories (not to exceed sixty-five (65) feet) in height, in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty(150) feet of single-family zoned property to vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

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- c. A waiver from Section 38-1258(c), to allow four (4) story, sixty-five (65) feet in height multi-family buildings ten (10) feet from single-family zoned property along the southern and southwestern property lines, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories forty (40) feet in height.
22. The following waivers from Orange County Code are granted within Transition Zone 3, 4 and 5 as shown on the Land Use Plan:
- a. A waiver from Section 38-1258(e), to allow parking and other paved areas for multi-family developments to be located a minimum of fifteen (15) feet from any single-family zoned property, in lieu of twenty-five (25) feet.
- b. A waiver is requested from Section 38-1476(a), to allow for a 5% parking reduction, in lieu of parking being required at a rate of one and a half (1.5) spaces per one (1) bedroom dwelling unit and two (2) spaces for two (2) and three (3) bedroom dwelling units.

### January 21, 2021 - LPA Meeting

The commissioners discussed the proposed amendment. One commissioner noted concerns with the requested amendment from Rural to and has consistently opposed USA expansion except in cases of infill. In this instance expanding it into an existing Rural Community meets the definition of sprawl.

Staff explained that the USA is split along Boggy Creek Road and that on the west side it is urban development and on the east it is rural. Typically, you would not want to see urban on one side and rural on the other.

Another commissioner noted that the urban/rural character of this area is similar to the Narcoossee Road Corridor. The City of Orlando is building urban development on one side of Narcoossee and on the other the City and County are cooperating to protect the rural nature. The City and County worked together to develop standards that allow commercial development along the roadway and retain the rural nature along the lake. He noted that he hopes staff finds a way to preserve the rural nature for the residents while supporting commercial development along Boggy Creek Road. He noted that he supports the request.

Another commissioner noted that the USA boundary is established and that if it is an established boundary it should be kept that way.

The applicant's agent noted that the request reflects the approved Planned Development on the west of Boggy Creek and that this is in keeping with the development patterns on the west of Boggy Creek.

A motion was made that the Local Planning Agency recommend transmittal of the amendment and the motion was seconded. The motion failed 3-3, which resulted in a de facto denial of the recommendation to transmit.

## February 9, 2021 - BCC Meeting

The Comprehensive Plan Amendment was continued at the February 9, 2021 Board of County Commissioners meeting to the March 23, 2021 meeting to allow staff an opportunity to conduct a study of the area to determine how this area should develop in the future.

The Town Hall Meeting for the South Market Area was held March 22, 2021.

## March 23, 2021 - BCC Meeting

The Comprehensive Plan Amendment was continued at the March 23, 2021 Board of County Commissioners meeting to the May 11, 2021 meeting. The reason for this request is to allow staff an opportunity to conduct a study of the area to determine how this area should develop in the future.

A charette-style community meeting for this area has held June 9 and 10, 2021.

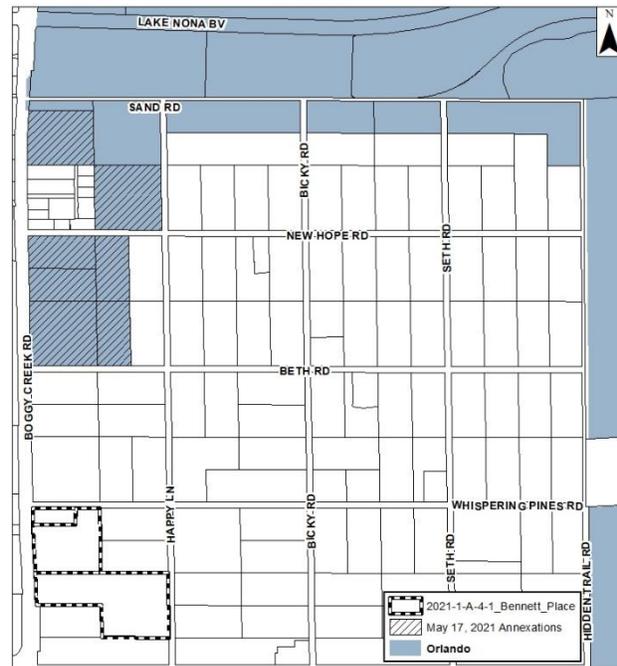
## May 11, 2021 - BCC Meeting

The Comprehensive Plan Amendment was withdrawn from consideration at the May 11, 2021 Board of County Commissioners meeting, to be rescheduled for a later date.

## Annexations into the City of Orlando

The City of Orlando approved the annexation on May 17, 2021, of approximately 36.5 acres of property located at 6301 and 6347 Beth Road, 6350 and 6351 New Hope Road, and 14221 and 14262 Boggy Creek Road. Included with the annexation request was the request to change the future land use from Orange County's Rural to the City of Orlando's Urban Village designation and to rezone from A-2 to the City of Orlando's Planned Development with Aircraft Noise Overlay for development of 78,700 square feet of non-residential uses, 380 multi-family units, and 92 townhomes.

Also, on May 17, 2021, the City of Orlando approved the annexation<sup>1</sup> of approximately 7.54 acres of property located at 14041 Boggy Creek Road. Included with the annexation request, was the request to change the future land use from Orange County's Rural to the City of Orlando's Urban Village designation. As of the date of the approval, there were no specific plans for the site. The property will be incorporated in the Lake Nona PD at a later time.



<sup>1</sup> City of Orlando Ordinance No. 2021-30

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## October 12, 2021 - BCC Meeting

Following the staff presentation of the request, the applicant team spoke to the request and members of the Orlando-Kissimmee Farms neighborhood also spoke.

Commissioner Wilson asked about the status of the Conservation Area Impact Permit (CAI-21-01-002). As of the date of the hearing the permit was not issued. On July 26, 2021 EPD staff sent an email to the applicant requesting an update on the application. A response was provided on August 11, 2021 explaining they would have responses in the coming weeks. On October 13, 2021, EPD staff noted that a letter was sent to the applicant advising that they have 30 days to submit a complete response to the RAI sent on February 19, 2021 or the application will be closed. It is important to note that the future land use map amendment request will not be scheduled for the adoption hearing before the Local Planning Agency until the outstanding items are addressed. Additionally, this will not be scheduled for BCC until the CAI has been approved, if approval may be given at staff level, or it is ready for presentation before the BCC, if BCC approval is required.

Commissioner Siplin spoke about the concern of increased traffic on internal roads and asked if the access would be from Boggy Creek Road and not roads that lead to the properties within Orlando-Kissimmee Farms. The applicant explained that the vast majority of traffic would access the site from Boggy Creek Road. He noted that there is access to Happy Lane which could provide secondary access to the site. Use transition along Happy Lane from high density to something that mirrors or is compatible with the existing development was discussed. Will work with staff to maintain the transition.

Commissioner Gomez-Cordero noted the importance to take into consideration the drainage issues in the area. She then explained, the influence of the airport and Lake Nona and Boggy Creek Road are putting pressure on this area to develop. It is not realistic to expect that the east side of Boggy Creek Road will stay rural as Boggy Creek Road is four-laned and the west side develops as urban. Orlando has already annexed property as Lake Nona expands and will continue to do so parcel by parcel. Land use front on Boggy Creek Lane is expected to change either within the county or as part of the City of Orlando from one unit per acre to make for good corridor planning. The county staff will continue to look at ways the Boggy Creek Corridor can plan for it to stay rural but the reality is that parcel will change to urban one-by-one over time. We looked at preservation districts and will be pursuing the creation of a preservation district in the Orlando-Kissimmee Farms neighborhood or an interlocal agreement with the City of Orlando to ensure that if annexed the character will remain consistent.

Commissioner Gomez-Cordero made a motion for transmittal with the understanding that staff will continue to look at ways that the BCC can see development with compatible land uses framing it on both sides and that the rural character of the balance of Orlando-Kissimmee Farms neighborhood can be protected.

## Proposed Development Program Revision

The applicant revised the proposed development program following the January 21, 2021, Local Planning Agency meeting. The original proposal included a mix of uses that could be included on the site. It was not the intent of the applicant to include all of the proposed uses on the site. The reason for the request is that at the Comprehensive Plan Amendment stage it is often too early to know exactly what will develop on the property. If an amendment is requesting a Planned Development Future Land Use Designation, this requires that a development program be adopted into the text of the Comprehensive Plan. Any changes to this development program requires an amendment that could take up to one year to process. Staff advised the applicant that their request include any likely potential uses on the site to avoid having to amend the request later. The request was to allow for an option of a mix of uses and was used as the basis for the transportation and utility availability analyses. The table below compares the original request to the revised request. The staff report has been updated to reflect the change in the development program. The staff recommendation to transmit the request remained the same.

Future Land Use	Original Request	Revised Request
<b>Medium Density Residential (MDR) up to 20 du/acre</b>	350 multi-family units	350 multi-family units
<b>Commercial (C) 1.5 FAR</b>	25,000 sq. ft. commercial	15,000 sq. ft. of commercial space
	25,000 sq. ft. medical office	
	200 room hotel	
	150 bed hospital	

The applicant provided letters of no objection from three property owners in the area. The applicant also provided a map, on the following page, showing the place where the owners live and the map also shows the development occurring in the area.



Map 1 Created and Provided by Kimley-Horn and Associates, Inc. - Location of Bennett Place Amendment, letters of no objection for the proposed amendment (shown in green) and development along Bogy Creek Road.

## Analysis

### 1. Background and Development Program

The applicant, Matthew Gillespie, P.E., representing Bennett Place Land Trust, is seeking to change the Future Land Use Map (FLUM) designation of a 22.66-acre site located at 14727 and 14831 Boggy Creek Road and is requesting a corresponding 22.66-acre expansion of the County’s Urban Service Area (USA) boundary. The subject property, comprised of three individual parcels, is part of the Orlando-Kissimmee Farms subdivision, created in 1926. The site’s existing FLUM designation is Rural/Agricultural (R). The requested FLUM designation is Planned Development-Commercial/Medium Density Residential (PD-C/MDR), with an Urban Service Area (USA) expansion (associated staff-initiated **Amendment 2021-1-B-FLUE-5**).

Future Land Use Map amendments requesting the Planned Development future land use designation must establish maximum densities and intensities for the proposed development scenario. If the requested amendment is adopted, this will be accomplished by incorporating the development program into **Future Land Use Element Policy FLU8.1.4** of the Comprehensive Plan, addressed in related staff-initiated **Amendment 2021-1-B-FLUE-4**. If approved, the development program would allow up to 350 multi-family residential units, 15,000 square feet of commercial retail uses.

The subject property is currently developed with four-single-family residences, three barns, and open pastureland. The petitioned site is located within the Rural Service Area (RSA) and has a future land use designation of Rural/Agricultural (R). Per **Future Land Use Element Policy FLU6.1.3**, this designation permits a density of one (1) dwelling unit per ten (10) acres. The site has a zoning classification of A-2 (Farmland Rural District). The applicant has submitted an application to rezone the property to PD (Planned Development District) and create the mixed-use Bennett Place PD. This petition, Case LUP-21-01-006, is currently proceeding through DRC review. The table below provides a comparison of the existing and proposed development of the petitioned site.

*Table 1 Existing and Proposed Development*

	Existing	Proposed
Service Area	Rural Service Area (RSA)	Urban Service Area (USA)
Future Land Use	Rural/Agricultural	Planned Development-Commercial/Medium Density Residential (PD-C/MDR)
Zoning	A-2 (Farmland Rural District)	PD (Planned Development District) (Bennett Place PD/LUP)
Density	1 dwelling unit per 10 acres	Up to 20 dwelling units per acre 350 units on 17.5 acres
Intensity	Rural - Not applicable	1.5 FAR 15,000 sq. ft. on 3.52 acres

The subject property is located on the east side of Boggy Creek Road, adjacent to the Osceola County line. Boggy Creek Road is proposed to be widened from the existing two lanes to four lanes, with construction commenced in 2022 and anticipated to be completed by 2025.

Development in the area is rural in character but is transitioning to suburban. Properties immediately to the north, south, and east of the petitioned site have a future land use designation of

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Rural/Agricultural (R). These parcels are typically improved with single-family residences on lots that range from 4.2 to 13 acres in size. The site to the north of the petitioned property is a nursery. Uses to the west of the petitioned site are approved with the Planned Development future land use designation, and each site has an approved development program. These uses include single-family residences, townhomes, multi-family, office, commercial, and an assisted living facility. These uses are separated from the subject site by Boggy Creek Road. About two miles north of the petitioned site is the edge of the Orlando International Airport (OIA), and northeast is Lake Nona's Medical City.

The County is divided into two major service areas, the *Urban Service Area (USA)* and the *Rural Service Area (RSA)*. The Urban Service Area (USA) boundary is used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. The original Urban Service Area (USA) boundary was established in 1980; it included 113,976 acres with planned services until the year 2000. The Rural Service Area is that area which is excluded from the Urban Service Area and contains agricultural and rural residential developments which do not require urban levels of service. **Future Land Use Element Policy FLU6.1.1** establishes the future land use designation for the Rural Service Area as Rural/Agricultural (R).

A virtual community meeting was held Wednesday, October 28, 2020. There were approximately fifteen (15) residents in attendance. The primary concerns of those in attendance were the increase in traffic along Boggy Creek Road, additional development in the area, and the potential for suburban-style development to further encroach into the Orlando-Kissimmee Farms subdivision.

#### ***Boggy Creek Area Amendment History and Proposed Development***

The petitioned site is located in an area known as the Boggy Creek Area. In 2005, an application was submitted with a request to amend the Comprehensive Plan and the Future Land Use Map to create the 1,272-acre Boggy Creek Enclave. However, the eastern 622 acres was proposed to remain a large-lot single-family community, while the western portion was of a different character with relatively large land holdings. The western portion was considered compatible for urban development. The application request included expanding the Urban Service Area boundary to include the entire enclave and changing the future land use designation from Rural/Agricultural to Boggy Creek Neighborhood District, with guiding policies placed in the Comprehensive Plan. Along with the policies, a conceptual master plan identifying land uses, densities, roadways, and parks was proposed. The overall goal was to ensure consistent development and interior pedestrian and vehicular circulation. It was noted that the eastern portion of the Boggy Creek Enclave was to remain in its current development framework and "limit future attempts at urban scale development applications in the eastern portion of the BCE." This proposal was not adopted. Since that time, development has occurred piecemeal as individual applications for Future Land Use Map amendments and Urban Service Area boundary expansions have been submitted.

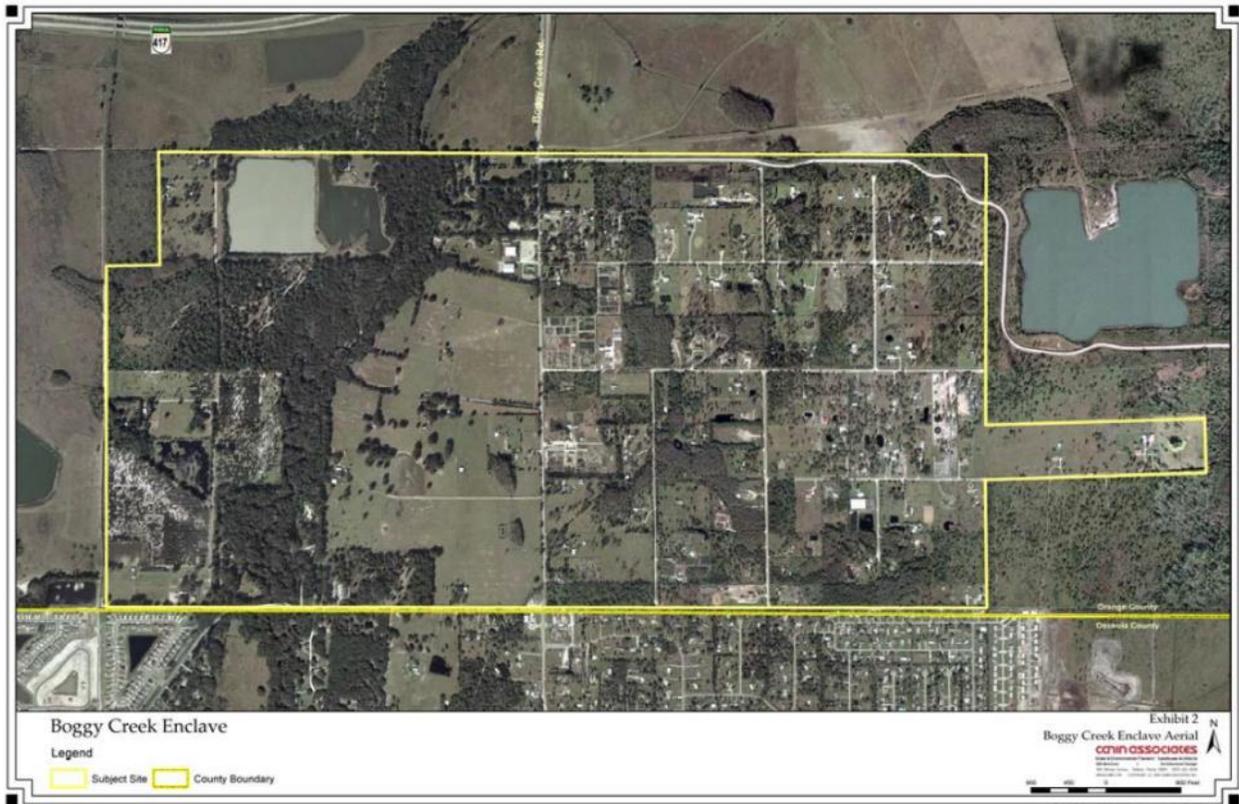


Figure 1 Boggy Creek Enclave. Source: Canin Associates Justification Statement, 2005

The map and table below depict recent Future Land Use Map amendments within Orange County, along with proposed annexations into the City of Orlando and development in the City of Orlando near the subject site. As shown on the map, development is occurring in the area surrounding the subject property, changing the landscape of the area from rural to suburban. Until recently, proposed development was along the west side of Boggy Creek Road. Two annexation requests are pending with the City of Orlando for two properties along Boggy Creek Road and New Hope Road. Additionally, the Poitras development within Orlando was approved in 2008 for an approximately 1,807-acre site.

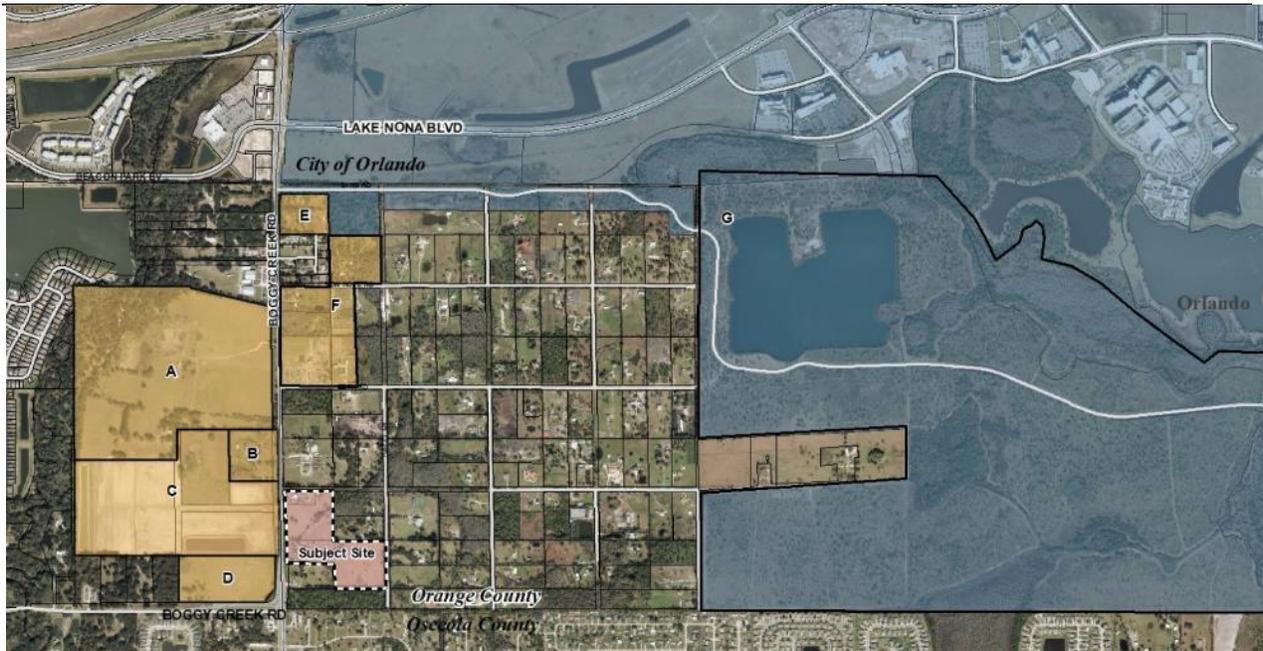


Table 2 Previous and Proposed Amendments in the Boggy Creek Area

Map Letter	Name	Proposed	Development Program
A	Nona West	Planned Development-Commercial/Office/Medium Density Residential/Conservation (PD-C/O/MDR/CONS)	150,000 sq. ft. of retail commercial uses, 150,000 sq. ft. of office uses, 762 multi-family residential units, 188 townhome units, 29-unit (58-bed) ALF, and 22.8 acres of conservation land
B	Bonnemaison	Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR)	50,000 sq. ft. of retail commercial, 100,000 sq. ft. office space, and 170 multi-family residences
C	Tyson Ranch	Planned Development-Industrial/Commercial/Office/Medium Density Residential (PD-IND/C/O/MDR)	100,000 sq. ft. commercial, 275,000 sq. ft. of office, 250 hotel rooms, 450 multi-family dwelling units, and 300 single-family dwelling units
D	Boggy Creek Crossing	Planned Development-Medium Density Residential (PD-MDR)	310 multi-family dwelling units
E	Boggy Creek Properties	Proposed Annexation Urban Village Land Use	Not provided
F	Beth Road Annexation	Proposed Annexation Urban Village Land Use	78,700 sq. ft. of non-residential uses, 380 multi-family units, and 92 townhomes
G	Postras City of Orlando (entire site not shown on map)	Urban Village Conservation	2,400,000 sq. ft. of non-residential uses, 4,192 residential units, fire station, and airport support district including a vertiport

## 2. Amendment Analysis

The following Comprehensive Plan Goals, Objectives, and Policies appear to be most pertinent to the review of this amendment and are specifically discussed in the paragraphs below.

**Future Land Use Element Goal FLU1, Objective FLU1.1, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), and FLU1.1.4(B)** describe Orange County’s urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area. The **Medium Density Residential (MDR)** future land use designation is intended for urban-style multi-family residential development within the Urban Service Area with a density of up to twenty (20) dwelling units per net acre. The **Commercial (C)** future land use designation includes neighborhood- and community-scale commercial and office development that serves the surrounding population, with a maximum floor area ratio (FAR) of 1.50. The Planned Development (PD) future land use designation promotes adjacent land use compatibility and physical integration and design. Adoption of the proposed PD-C/MDR future land use designation and approval of the associated rezoning petition to create the Bennett Place PD will allow for a mix of residential, commercial, hotel, medical office, and hospital uses on the petitioned site, with specific design and development standards established to help ensure compatibility with neighboring development.

Staff finds the proposed amendment consistent with **Future Land Use Element Policies FLU8.1.2, FLU8.1.3, and FLU8.1.4**, which address Planned Developments (PDs). PDs are intended to incorporate a broad mix of uses under specific design standards, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map. Additionally, these policies require showing the designation on the Future Land Use Map and adopting the site-specific development plan into Policy FLU8.1.4.

**Future Land Use Element Objective FLU1.4 and Polices FLU1.4.1 and FLU1.4.2** contain location and development criteria that must be used to guide the distribution, extent, and location of urban land uses and encourage compatibility with existing neighborhoods. **Policy FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities to achieve a stable and diversified population and community. **Policy FLU1.4.2** ensures that land use changes are compatible with and serve existing neighborhoods. The requested mixed-use development program meets the intent of the aforementioned policies by promoting a range of “living environment and employment opportunities”. The proposal entails the development of up to 350 multi-family residential uses to balance and support the requested medical, commercial, and hotel uses that will create additional employment opportunities in Orange County.

**Future Land Use Element Policy FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trends in the area. The development trend in this area is showing a change from rural uses to urban uses, as reflected in the previously-approved Future Land Use Map amendments along the west side of Boggy Creek Road, as proposed by the Boggy Creek Enclave study, which—while not adopted—serves as a guiding document for this area of the County. The recent proposed annexations into the City of Orlando along the east side of Boggy Creek Road, along with the Poitras development approved by Orlando in 2008, suggest increased development pressure from Orlando in the Orlando-Kissimmee Farms subdivision.

In a larger context, the property is near the south access to the Orlando International Airport (OIA) and approximately two miles from Lake Nona/Medical City. Lake Nona/Medical City has created a significant employment center for this area of the County, home to Nemours Children’s Hospital, Veterans Administration Hospital, UCF Medical School, and other medical-related businesses. Boggy

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Creek Road itself serves as a functional extension of SR 436 through OIA and provides direct access to the Kissimmee/St. Cloud area of Osceola County, giving it the potential to become an important urban corridor.

**Future Land Use Element Policy FLU8.2.10** ensures land use compatibility with residential-zoned areas and protection of the residential character of those areas through performance standards. These standards may be incorporated as conditions of approval as part of the Planned Development rezoning request.

**Future Land Use Element Policy FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project, and its function in the broader community. The subject site is located in an area that is transitioning from rural to suburban. The request would provide increased housing and minor non-residential uses in an area with development that is primarily rural single-family residential to the east and urban to the west.

**Future Land Use Element Policies FLU1.3.1 and FLU1.3.2** ensure the efficient provision of infrastructure, protection of the environment, land use compatibility with adjacent land development, consistency with the Comprehensive Plan and compliance with procedural steps, and additional criteria for the expansion of the Urban Service Area boundary, which is provided in greater detail below.

**Policy FLU2.3.7** states that access management controls, including joint driveways, frontage roads, and cross-access agreements shall be applied to all development proposals. The applicant states he will work with the County to establish cross access agreements and required roadway improvements along Boggy Creek Road.

In summary, the proposed amendment allows for the transition of a rural land use to suburban land uses, consistent with previous amendments in the surrounding area.

**Future Land Use Element Objective OBJ FLU1.3** and its associated policies outline the process by which proposed expansions of the Urban Service Area shall be evaluated. **Future Land Use Element Policy FLU1.3.1** calls for a comprehensive review to ensure that proposed amendments would allow for the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent land development. **Future Land Use Element Policy FLU1.3.2** provides additional procedural steps and criteria required for consideration of proposed Urban Service Area expansions.

**Policies FLU1.3.1 and FLU1.3.2** provide criteria for expanding the Urban Service Area. The recently-completed Boggy Creek Road Area Study recommended that based on current development patterns and pressures for growth, an area plan that would allow for appropriate levels of rural land protection and allowances for new areas of urban growth and urban services would be a proper response. The recommendations of that study included the subject properties of this current amendment as an expansion of the Urban Service Area. If the recommended amendments presented by the Boggy Creek Road Area Study are approved for transmittal by the Board, it would indicate that the requirements of FLU1.3.1 and FLU1.3.2 for USA expansion for this site will have been met.

Additionally, the sprawl indicators outlined in **FLU1.3.1(A)** include criteria to determine whether a proposed amendment will impact the efficient use, availability, and cost of providing infrastructure and services. Staff has determined that the location and proposed intensity of development coincide with the availability of infrastructure and services and do not constitute an inefficient extension.

**Future Land Use Element Policy FLU1.3.1(C)** requires the County to consider additional factors when evaluating development proposals for inclusion within the Urban Service Area. Consistent with the components of this policy, staff has previously discussed how the proposed development program would contribute to the urban goals and strategies of the Comprehensive Plan.

**Amendment 2021-1-B-FLUE-4 (Policy FLU8.1.4 Amendment)**

**Future Land Use Element Policy FLU8.1.4** lists the development program for Planned Development (PD) and Lake Pickett (LP) Future Land Use Map designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** via a staff-initiated text amendment (Amendment 2021-1-B-FLUE-4). The maximum development program for Amendment 2021-1-A-4-1, if adopted, would be up to 350 multi-family residential units and 15,000 square feet of commercial uses.

<b>Amendment Number</b>	<b>Adopted FLUM Designation</b>	<b>Maximum Density/Intensity</b>	<b>Ordinance Number</b>
<u>2021-1-A-4-1</u> (Bennett Place)	<u>Planned Development- Commercial/Medium Density Residential</u> (PD-C/MDR)	<u>Up to 350 multi-family residential units and 15,000 sq. ft. of commercial uses</u>	<u>2022-</u>

**Amendment 2021-1-B-FLUE-5 (Urban Service Area Expansion)**

Section 163.3177(6)(a).9, Florida Statutes, requires that the future land use element shall discourage the proliferation of urban sprawl. This section contains indicators to evaluate a request for the expansion of an Urban Service Area, contained in Section 163.3177(6)(a).9.a(I)-(XIII). These requirements are reflected in **Future Land Use Element Objective FLU1.3**. This objective states that no new expansions to the Urban Service Area boundary shall be permitted unless supported by data and analysis demonstrating consistency with the Objectives FLU1.2 and FLU1.3 and associated policies.

The Urban Service Area (USA) expansion request for Parcels 34-24-30-6368-00-560, 34-24-30-6368-00-561, and 34-24-6368-00-571 appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

Amendment Number	Name	Size (Acres)	Ordinance Number
***			
<u>2021-1-A-4-1</u>	<u>Bennett Place</u>	<u>22.66</u>	<u>2021-</u>

**Compatibility**

The petitioned site is part of what is currently a rural enclave surrounded by existing and planned suburban development. As detailed above, previous Future Land Use Map Amendments and Planned Developments have been approved for a variety of urban uses to the west of the site. The development trend within the portion of the area within the County’s Urban Service Area and the portion controlled by the City of Orlando is to allow for a transition from rural to suburban land uses. The current mixed-use proposal is consistent with this trend.

The requested amendment would allow land uses that are compatible with the permitted uses along the west side of Boggy Creek Road. The proposal is to construct up to 350 multi-family residential units and 15,000 square feet of commercial retail uses. The requested development program is consistent with the current trend along the west side of Boggy Creek Road and is compatible with activity in the larger context of Lake Nona and Poitras in the City of Orlando.

Staff recognizes, though, that the proposed project site is part of an existing rural area that continues to the east of the petitioned site with typical lots sizes of 4 acres developed with single-family residences. The site’s approved land use plan will provide for a transition of development intensity from west to east, with the densest development fronting Boggy Creek Road and calling for development fronting Happy Lane to be of a similar density to what is found on the east side of Happy Lane and the area that will remain rural. The proposed development program is consistent with the development occurring along the west of Boggy Creek Road, the proposed development on parcels recently annexed into the City of Orlando along the east of Boggy Creek Road, in an area that was part of the County’s Rural Service Area until annexation. The development trend in the area is for mixed-use development along the western side of Boggy Creek Road. The request is consistent with this trend and the development to the north that was recently annexed into the City of Orlando. With this in consideration, staff is concerned with ensuring that the residents in the Orlando-Kissimmee Farms subdivision retain their rural lifestyle.

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***Division Comments: Environmental, Public Facilities, and Services***

**Environmental:**

**Note:** Following the receipt of the Environmental Protection Division's (EPD's) comments, Conservation Area Determination CAD-20-08-141 was issued December 7, 2020, delineating 1.64 acres of wetlands and surface water and 21.02 acres of uplands. This determination expires December 7, 2025.

A Conservation Area Impact Permit application, CAI-21-01-002, entailing proposed impacts to the 1.64 acres of wetlands and surface water, was submitted January 14, 2021. Permit No. CAI-21-01-002 was issued July 19, 2022. This permit expires July 19, 2027.

**EPD Comments:**

Wetlands and surface waters are located onsite that extend offsite and are hydrologically connected to Boggy Creek. Conservation Area Determination CAD-20-08-141 application was submitted for these properties, and it is in progress. Prior to approval of this amendment request, the CAD needs to be completed, with a certified wetland boundary survey approved by the Environmental Protection Division (EPD), in accordance with Orange County Code Chapter 15, Article X, Wetland Conservation Areas.

Until wetland permitting is complete, the net developable acreage is an approximation. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas required to prevent adverse secondary impacts. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II, and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) Permit from the Orange County EPD. Please refer to Comprehensive Plan Policy FLU1.1.2 C. Approval of this request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

The removal, alteration, or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners (BCC).

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (endangered, threatened, or species of special concern). The applicant is responsible for determining the presence of imperiled species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC). Bald eagle nest OR078 is located north of this site within the 660-foot protection zone.

This project site has a prior agricultural land use (grazing) that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide, or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or

construction plans, the applicant shall provide documentation to ensure compliance with the Florida Department of Environmental Protection (FDEP) Regulation 62-777, Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions. An environmental site assessment (ESA) to address potential contamination is not required at this time, but if an ESA has been completed for this site, please submit a copy with the application.

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County EPD. For more information contact the EPD Air Quality Management staff at 407-836-1400.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Please refer to Orange County Code Sections 30-277 and 30-278.

**Schools:**

The applicant was issued a formal capacity determination by Orange County Public Schools, OC-21-051 Bennett Place, which expires November 7, 2022. This determination states that there is no available capacity at the supporting elementary, middle, or high schools.

**Transportation:**

**Note:** The transportation analysis below was based on the initially-proposed maximum development program of 350 multi-family units (17.5 acres), 229,996 square feet of commercial (3.52 acres), 25,000 square feet of commercial, 25,000 square feet of medical office, 200 hotel rooms, and 150 hospital beds, with 1.64 acres of onsite wetlands. The requested maximum development program has been reduced to 350 multi-family dwelling units and 15,000 square feet of commercial uses. However, an updated transportation analysis was not submitted.

**PROJECT SPECIFICS**

Parcel ID:	34-24-30-6368-00-560/561/571
Location:	14727 and 14831 Boggy Creek Road
Acreage:	22.66 acres/21.02 net acres
Request FLUM:	From: Rural/Agricultural (R) To: Planned Development-Commercial/Medium Density Residential (PD-C/MDR)
Request Zoning:	From: A-2 (Farmland Rural District) To: PD (Planned Development District)
Existing Development:	Undeveloped
Development Permitted Under Current FLUM:	Up to two single-family dwelling units or agricultural-related activities (1 du/10 acres)
Proposed Density/Intensity:	Up to 350 multi-family units (17.5 acres), 229,996 sq. ft. commercial (3.52 acres), 25,000 square feet of commercial, 25,000 square feet of medical office, 200 hotel rooms, and 150 hospital beds and 1.64 acres wetlands

**Trip Generation (ITE 10<sup>th</sup> Edition)**

Land Use Scenario	PM Hr. Trips	Pk. Trips	% Trips	New	New PM Hr. Trips	PM	Pk.
Existing Use: Undeveloped	4		100%		4		

Proposed Use: Up to: 350 multi-family units (17.5 acres), 229,996 sq. ft. commercial (3.52 acres), 25,000 sq. ft. commercial, 25,000 sq. ft. medical office, 200 hotel rooms and 150 hospital beds and 1.64 acres wetlands	765	76%	582
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Net New Trips (Proposed Development less Allowable Development):			578
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**Future Roadway Network**

Road Agreements: None

Planned and Programmed Roadway Improvements: Boggy Creek Road – South, Boggy Creek Road - Osceola County line to SR 417, Boggy Creek Road South will be widened from a two-lane roadway to a four-lane roadway from the Orange/Osceola County line to SR 417. The widening will include sidewalks, bicycle lanes, roadway lighting, and median landscaping. It is estimated to be approximately 39% complete. Construction is estimated to begin May 2021. This information is dated and may be subject to change.

Right of Way Requirements: None

**Summary**

The applicant is requesting to change 22.66 acres from Rural to PD-C/MDR and request approval to develop 350 multi-family units (17.5 acres), 25,000 square feet of commercial, 25,000 square feet of medical office, 200 hotel rooms, and 150 hospital beds. Analysis of the project trips from the currently-approved future land use designation versus the proposed designation indicates that the proposed development will result in an **increase** in the number of pm peak trips and, therefore, impact the area roadways. However, based on the Concurrency Management System Database, several roadways within the project impact area do not operate at acceptable levels of service, and capacity is not available to be encumbered.

- The subject property is not located within the County’s Alternative Mobility Area.
- The subject property is not located along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 4 pm peak hour trips.
- The proposed use will generate 582 pm peak hour trips, resulting in a net increase of 578 pm peak hour trips.
- The subject property is located adjacent to Boggy Creek Road, a four-lane divided road. Based on the Concurrency Management System (CMS) database dated August 12, 2020, this roadway currently operates at Level of Service F and capacity is not available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.
- Based on the concurrency management system database dated August 12, 2020, the following roadway segments are operating below the adopted level of service standard within the project impact area:

1. Boggy Creek Road from Central Florida GreeneWay to Osceola County Line.

This information is dated and subject to change.

- Background traffic was developed based on the 3% and 5% annual growth rate associated with historical AADT within the project’s impact area. Committed trips were used if they exceed background traffic volumes developed with annual growth rates to account for growth in the area.

- Analysis of short-term 2025 (5-year) conditions indicate that all roadway segments within the project impact area will continue to operate at acceptable levels of service, with the exception of the following roadway segment:
  - Boggy Creek Road – from Central Florida GreeneWay to Osceola County Line (Daily and PM).
- Analysis of the long-term analysis year (2040) indicated that the same deficiencies will continue on the current deficient roadway segments, and the proposed project will impact the failing segments. Additionally, the following roadway segments are projected to operate below the adopted Level of Service standards:
  - Boggy Creek Road – from S Access Road to Central Florida GreeneWay (Daily and PM)
  - Boggy Creek Road – from Central Florida GreeneWay to Osceola County Line (Daily and PM)
  - Central Florida GreeneWay – from Landstar Boulevard to Boggy Creek Road (Daily and PM)
  - Central Florida GreeneWay – from Boggy Creek Road to Narcoossee Road (PM).
- The deficiencies on these roadway segments will occur with and without the addition of the proposed project trips due to background traffic. However, project traffic is significant on the failing roadways and will be subject to proportionate share contribution.
- Final permitting of any development on this site will be subject to review and approval under the capacity constraints of the County’s Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies. Finally, to ensure there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County’s Future Land Use Map or as a text amendment to the Comprehensive Plan.

### 3. Policy References

- GOAL FLU1** URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County
- OBJ FLU1.1** Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.
- Policy FLU1.1.1** Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.
- Policy FLU1.1.2A.** The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.

**Policy FLU1.1.2B.** The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
<b>Urban Residential – Urban Service Area</b>		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single-family development.	0 to 4 du/ac
Low-Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single-family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multi-family residential densities within the USA.	0 to 20 du/ac
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood-serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac

**Policy FLU1.1.4** In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

**B. URBAN MIXED USE OPTIONS** – The following Future Land Use designations allow for a mix of uses. Per a settlement agreement with the State Department of Community Affairs, Orange County’s Planned Development Future Land Use designation now requires an adopted text amendment to specify the maximum intensity and density of a project. See Policy FLU8.1.4. Mixed-Use Corridors are a staff initiated option intended to complement the Activity Center policies.

FLUM Designation	General Description	Density/ Intensity
<b>Urban Mixed Use– Urban Service Area</b>		
Planned Development (PD)	The PD designation ensures that adjacent land use compatibility and physical integration and design. Development program established at Future Land Use approval may be single or multiple use. See FLU8.1.4. Innovation Way is another large planning area similar in some respects to the planning process for Horizon West. Developments within the Innovation Way Overlay (Scenario 5) are processed as Planned Developments. Innovation Way is being implemented through the policies found in Chapter 4.	Must establish development program at Future Land Use amendment stage per FLU8.1.4.

**OBJ FLU1.2** URBAN SERVICE AREA (USA) CONCEPT; USA SIZE AND MONITORING. Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The Urban Service Area shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development.

**Policy FLU1.2.4** The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

**OBJ FLU1.3** APPLICATION FOR URBAN SERVICE AREA EXPANSION. No new expansions to the Urban Service Area boundary, except for those planned for Horizon West and the Innovation Way Overlay (Scenario 5), shall be permitted unless supported by data and analysis demonstrating consistency with Objectives FLU1.2 and FLU1.3 and associated policies. Orange County shall use the following process to evaluate Urban Service Area expansions, and as a means for achieving its goals with respect to accommodating growth within the USA and implementing the Comprehensive Plan.

**Policy FLU1.3.1** All amendments to the Urban Service Area shall include a comprehensive review to ensure the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent development.

**Policy FLU1.3.2** An application to expand the Urban Service Area shall be approved only when the application is found to be consistent with the Comprehensive Plan and complies with the following procedural steps and additional criteria, with the exception of those planned for Horizon West and the Innovation Way Overlay (Scenario 5).

**Policy FLU1.3.3** All applications must be accepted as complete by the County for the application to be processed pursuant to Objective FLU1.3. The determination of completeness shall include the use of data that meets generally acceptable professional standards as well as addressing all issues required by this process. An accepted application does not bind staff or the LPA to an affirmative recommendation, or the BCC in its final decision on the Future Land Use Amendment request. An application request can be denied based on inadequate or inconsistent data with respect to the County’s commitment to the 2030 vision.

- OBJ FLU1.4** The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP.
- Policy FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- Policy FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- Policy FLU2.3.7** Access management controls, including but not limited to joint driveways, frontage roads and cross-access agreements along collector and arterial roadways, shall be applied to all development and redevelopment proposals consistent with the Land Development code.
- Policy FLU6.1.3** Residential uses in areas designated Rural shall be limited to a maximum density of 1 DU/10 acres. Density shall refer to the total number of units divided by developable land area, excluding natural water bodies and conservation areas (wetlands areas). Agriculturally zoned areas that do not have active agricultural use may be the subject of amendments to the comprehensive plan in order that such areas may be rezoned to an appropriate residential category. Cluster zoning shall not be permitted in the Rural Service Area except where required for protection of significant environmental features, such as Wekiva Study Area, Class I conservation areas or rare upland habitat.
- Policy FLU6.1.5** Agriculturally zoned land shall be rezoned to an appropriate residential district prior to subdivision for residential purposes.
- Policy FLU8.1.1(a)** The following zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities; market demand and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). Orange County’s **Zoning and Future Land Use Correlation** is referenced herein as follows:

<b>Zoning and Future Land Use Correlation</b>		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
<b>Urban Residential</b>		
Medium Density Residential (MDR)	(0 to 20 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V

- Policy FLU8.1.2** Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future

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Land Use Map. (Policy 3.1.19)

- Policy FLU8.1.4** The following table details the maximum densities and intensities for the Planned Development (PD) Future Land Use designations that have been adopted subsequent to January 1, 2007.
- Policy FLU8.2.1** Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.
- Policy FLU8.8.2** Requests for Future Land Use Map amendments and text amendments to the Comprehensive Plan shall be considered only upon the submittal of an application meeting the County's requirements. Proposed map and text amendments must be reviewed prior to submittal as part of a pre-application meeting with staff. Staff shall have the authority to request additional information and documentation related to amendment applications.

**Site Photos -**

**Subject Site**



**North**



**East**



**South**



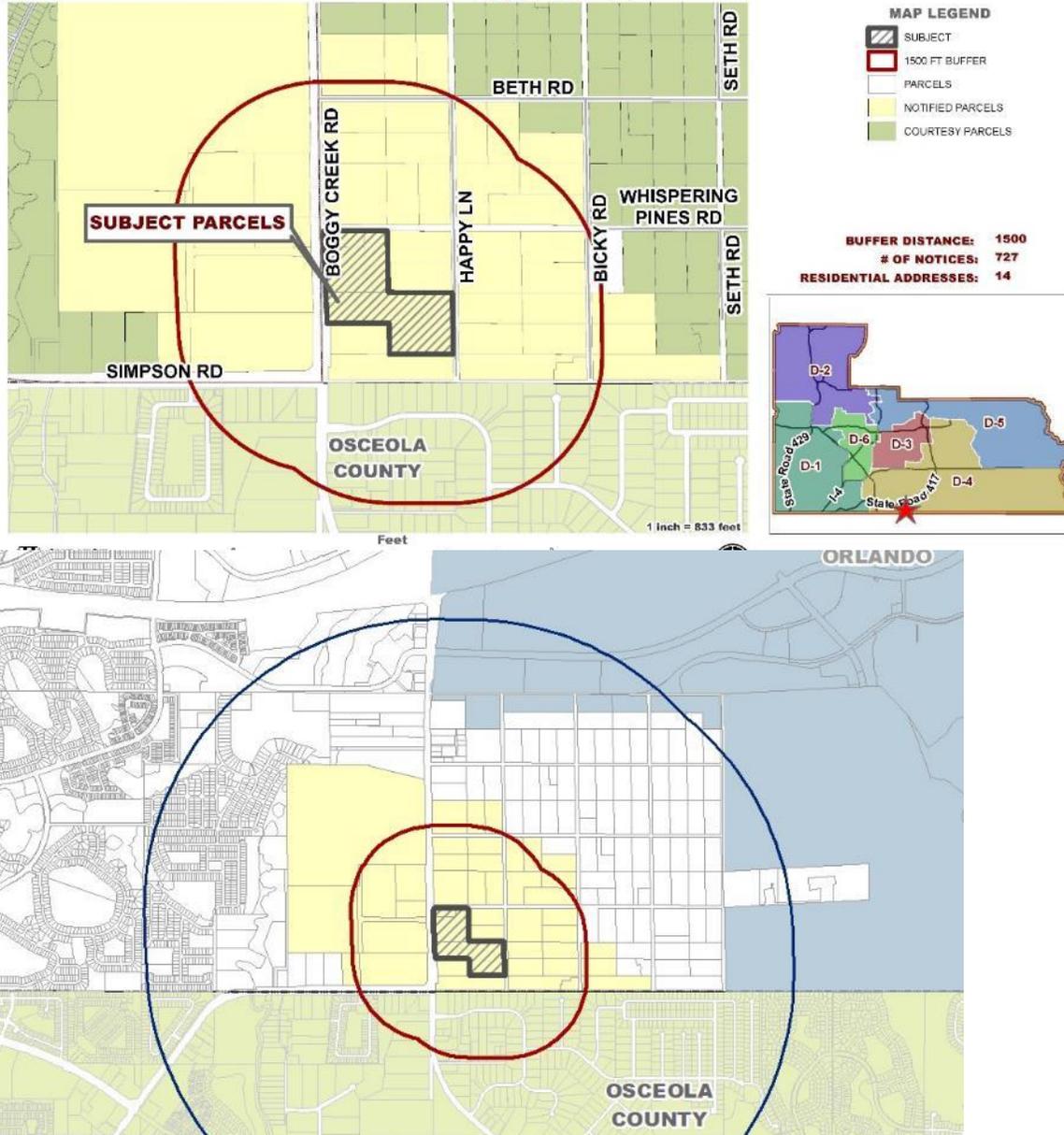
**West**





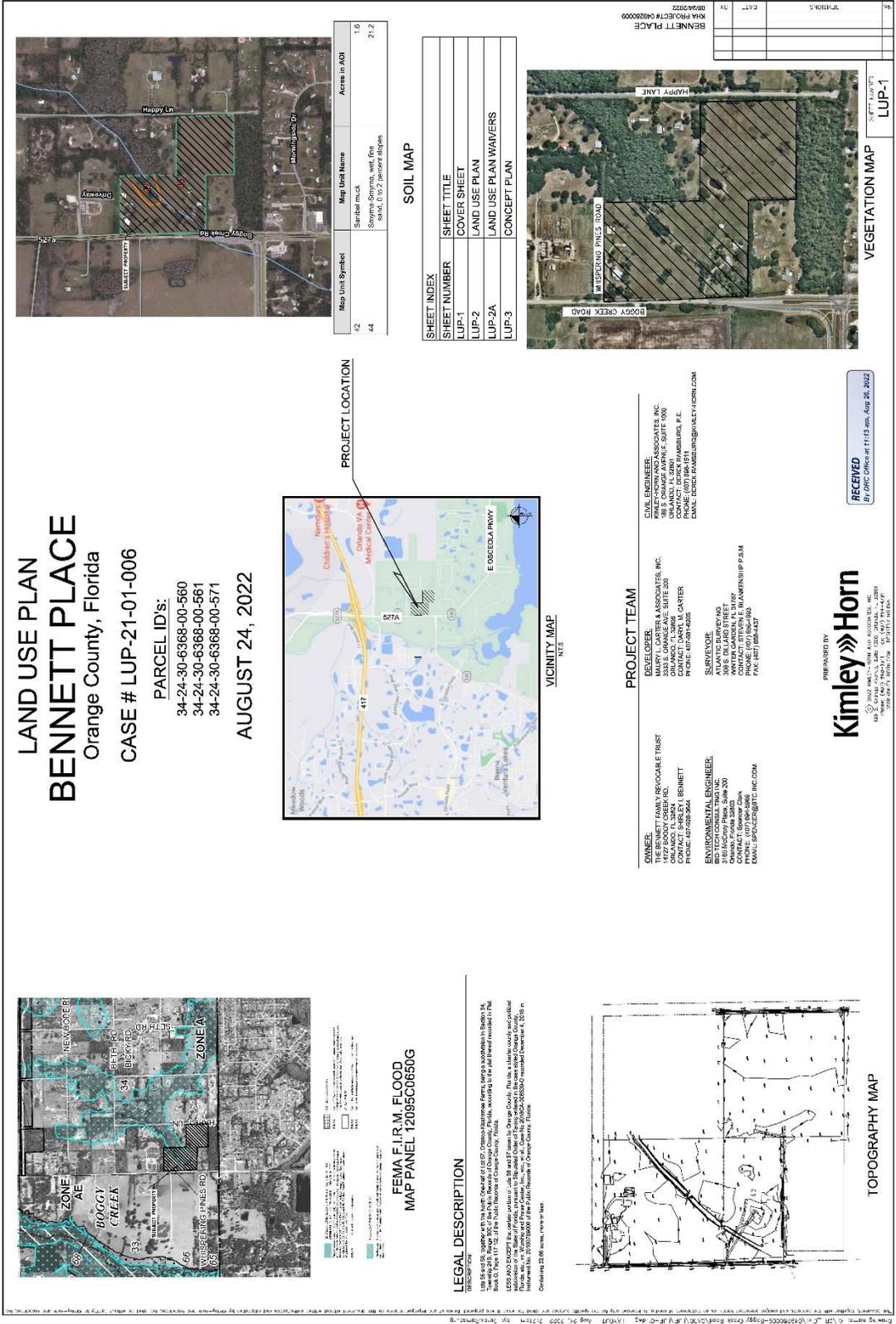
## Public Notification Map

2021-1-A-4-1



S:\Business Systems\Board Administration\3\_FLUA\2021\2021-1-A-4-1\2021-1-A-4-1.mxd

Figure 2 Map of the entire notice area for Amendment 2021-1-A-4-1. All properties within the red circle were provided notice of the community meeting and the public hearings. Courtesy notices were sent to properties within Orange County that are inside the blue circle of the community meeting and the Local Planning Agency hearing.

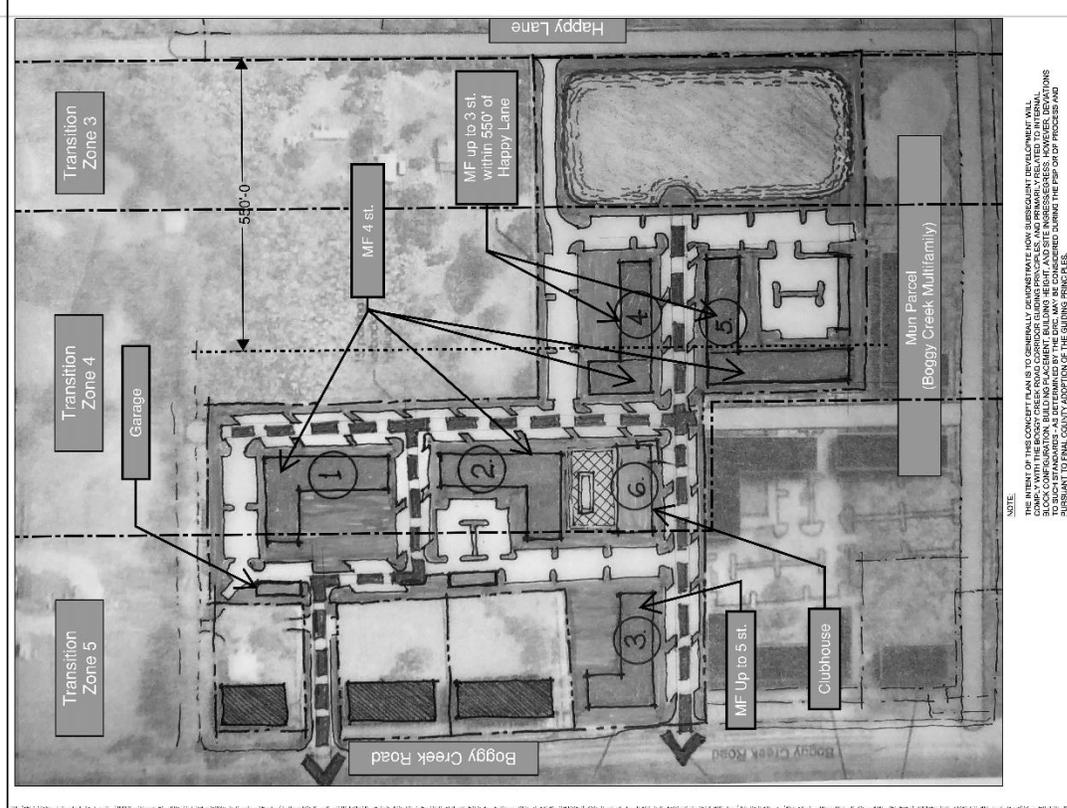






PROJECT NUMBER	LUP-3
PROJECT NAME	BENNETT PLACE
CONCEPT PLAN	
DATE	04/25/2020
PROJECT ADDRESS	10425-10435 S. 17th Ave., Suite 100, Aurora, CO 80013
PROJECT CONTACT	Kimley-Horn
PROJECT PHONE	303.441.1100
PROJECT FAX	303.441.1101
PROJECT EMAIL	info@kimley-horn.com
PROJECT WEBSITE	www.kimley-horn.com
PROJECT MAP	
PROJECT PLAN	
PROJECT SHEET	

Standards	Urban Corridor (Transition Zone 5)	Traditional Neighborhood (Transition Zone 4)	Suburban Neighborhood (Transition Zone 3)
<b>Land Use</b> Development shall include a mixture of integrated urban land uses that support a broad range of mobility options along the corridor.	Medium to high density residential, retail, office, and limited light industrial uses within multi-story buildings with a vertical mix encouraged.	Low to medium density residential, retail, and neighborhood-serving retail and services.	Low Density Single Family Residential (detached and attached)
<b>Block Configuration</b> A combination of square and elongated blocks shall be formed by an interconnected street network.	Smaller blocks formed between interconnected main-use corridors and primary streets.	Blocks formed between interconnected primary and secondary streets.	Larger blocks formed between primary and secondary streets.
<b>Density / Intensity</b> A transition from higher to lower densities and intensities shall occur from the corridor outward.	Max. 35 du/ac & 3.0 FAR	Max. 20 du/ac & 1.5 FAR	Max. 6 du/ac*
<b>Open &amp; Civic Space</b> Functional public open space sized in the context of its surroundings (including civic uses and structures) shall be located along pedestrian pathways or adjacent to major destinations.	Min. 15% Subject to the qualifying open space requirements of 30:30 (30% open for 30' of 300')	Min. 20% Subject to the qualifying open space requirements of 30:30 (30% open for 30' of 300')	Min. 30% Subject to the qualifying open space requirements of 30:30 (30% open for 30' of 300')
<b>Building Orientation</b> Primary streets shall be oriented towards the corridor or primary street with setbacks or build-to-line that result in a more predictable setting.	Building facades placed adjacent to sidewalk (subject to applicable setbacks)	Building facades placed generally close to sidewalks, but subject to appropriate setbacks	Residential structures addressed towards streets with some accessory dwelling units or garages recessed from rear lot line or alley
<b>Building Frontage</b> Building frontage types vary by use and transition zone, but shall be designed to activate and shape the desired public realm.	700+ sq. ft. frontage occupation, with use of terraces, stoops, common entries, awnings/commisses, and galleries	600+ sq. ft. frontage occupation, with use of porches, stoops, awnings/commisses, and galleries	No sign, facade accessories. Use of porches and stoops
<b>Building Height</b> Buildings shall transition in height from the corridor to structures primarily one or two-story structures in single family residential areas.	5 stories Max.	3-4 stories Max.* *3 story maximum building height within 500' of the Happy Lane right-of-way	2 stories Max.
<b>Access &amp; Connectivity</b> Strong vehicular, bicycle, and pedestrian access and connectivity shall be provided within and between development projects, with an emphasis on safe and convenient pedestrian access to corridor transit stops.	Full, controlled, or emergency only vehicular access to adjacent primary streets, along with integrated bicycle and pedestrian network	Direct and/or emergency only vehicular access to adjacent primary streets, along with integrated bicycle and pedestrian network	Direct and/or emergency-only vehicular access to adjacent primary and secondary streets, and public sidewalks
<b>Parking</b> Vehicular parking areas shall be located on the street, between buildings, or in parking structures with "tier" units or buildings at street level.	Any combination of on-street angled and/or parallel parking, surface parking, and structured parking	Any combination of on-street angled and/or parallel parking, surface parking, and structured parking	Primarily on-street / parallel parking, structured parking, angled or parallel parking



NOTE:  
 THE INTENT OF THE CONCEPT PLAN IS TO GENERALLY DEMONSTRATE HOW SUBSEQUENT DEVELOPMENT WILL OCCUR WITHIN THE TRANSITION ZONES. THE BLOCK CONFIGURATION, BUILDING PLACEMENT, HEIGHT, AND SITE ACCESSIBILITY, HOWEVER, DEPENDS UPON THE DETAILED DESIGN AND ESTIMATION OF THE BUILDING FOOTPRINTS AND ORIENTATION TO THE CORRIDOR AND TRANSITION ZONES.

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2021 CALENDAR YEAR (FIRST CYCLE); AND PROVIDING EFFECTIVE DATES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

*Section 1. Legislative Findings, Purpose, and Intent.*

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive Plan;

c. On October 25, 2022, the Board of County Commissioners held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to adopt them.

*Section 2. Authority.* This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

*Section 3. Amendment to Future Land Use Map.* The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

31 attached hereto and incorporated herein.

32 **Section 4. Amendments to the Text of the Future Land Use Element.** The  
33 Comprehensive Plan is hereby further amended by amending the text of the Future Land Use  
34 Element to read as follows, with underlines showing new numbers and words, and strike-throughs  
35 indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the  
36 amendment number and editorial notes, and shall not be codified.)

37 \* \* \*

38 **[Amendment 2021-1-B-FLUE-4:]**

39 FLU8.1.4 The following table details the maximum densities and intensities for the  
40 Planned Development (PD) and Lake Pickett (LP) Future Land Use  
41 designations that have been adopted subsequent to January 1, 2007.

42

<b>Amendment Number</b>	<b>Adopted FLUM Designation</b>	<b>Maximum Density/Intensity</b>	<b>Ordinance Number</b>
* * *	* * *	* * *	* * *
<u>2021-1-A-4-1</u> <u>Bennett Place</u>	<u>Planned Development-</u> <u>Commercial/Medium</u> <u>Density Residential (PD-</u> <u>C/MDR)</u>	<u>Up to 350 multi-family</u> <u>residential units and 15,000</u> <u>sq. ft. of commercial uses</u>	<u>2022-</u> <u>[insert</u> <u>ordinance</u> <u>number]</u>

43 Such policy allows for a one-time cumulative density or intensity differential of 5% based on  
44 ADT within said development program

45 \* \* \*

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47 **[Amendment 2021-1-B-FLUE-5:]**

49 FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through  
50 this process, the following applicants have satisfied these requirements and are  
51 recognized as expansions to the Urban Service Area.

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Amendment Number	Name	Size (acres)	Ordinance Number
* * *	* * *	* * *	* * *
<u>2021-1-A-4-1</u>	<u>Bennett Place</u>	<u>22.66</u>	<u>2022-</u> <u>[insert ordinance number]</u>

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***Section 5. Effective Dates for Ordinance and Amendments.***

- (a) This ordinance shall become effective as provided by general law.
- (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment adopted under this ordinance becomes effective until 31 days after the DEO notifies the County that the plan amendment package is complete. However, if an amendment is timely challenged, the amendment shall not become effective until the DEO or the Administration Commission issues a final order determining the challenged amendment to be in compliance.
- (c) No development orders, development permits, or land uses dependent on any of these amendments may be issued or commence before the amendments have become effective.

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ADOPTED THIS 25th DAY OF OCTOBER, 2022.

**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk to the Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

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**APPENDIX “A”**  
**FUTURE LAND USE MAP AMENDMENT**

<b><i>Appendix A*</i></b>		
<b><i>Privately-Initiated Future Land Use Map Amendment</i></b>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
<b>2021-1-A-4-1</b>	<b>Rural/Agricultural (R)</b>	<b>Planned Development – Commercial/Medium Density Residential (PD-C/MDR) and Urban Service Area (USA) expansion</b>
<b>*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.</b>		

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## Interoffice Memorandum

Date: December 2, 2020

To: Alberto A. Vargas, MArch, Manager  
Orange County Planning Division

From: Lindy A. Wolfe, P.E., Manager  
Utilities Engineering Division

**Subject: Facilities Analysis and Capacity Report  
2021-1 Regular Cycle Comprehensive Plan Amendments**

Orange County Utilities (OCU) staff reviewed the proposed development programs as submitted by the Planning Division and have concluded improvements to the County's water and wastewater treatment plants are not required to provide an adequate level of service consistent with the Comprehensive Plan's Potable Water, Wastewater and Reclaimed Water Element for those properties within OCU's service area. The Comprehensive Plan includes a 10-Year Water Supply Facilities Work Plan addressing the needs of our service area. Supporting documentation is provided in the attached Potable Water and Wastewater Facilities Analysis table.

As of today OCU has sufficient plant capacity to serve the subject amendments. This capacity is available to projects within OCU's service area and will be reserved upon payment of capital charges in accordance with County resolutions and ordinances. Transmission system capacity will be evaluated at the time of Master Utility Plan review and permitting, or at the request of the applicant.

OCU's groundwater allocation is regulated by its consumptive use permits (CUP). OCU is working toward alternative water supply (AWS) sources and agreements with third party water providers to meet the future water demands within our service area. While OCU cannot guarantee capacity to any project beyond its permitted capacity, we will continue to pursue the extension of the CUP and the incorporation of AWS and other water resources sufficient to provide service capacity to projects within the service area.

If you need additional information, please contact me or Laura Tatro at 407 254-9913.

cc: Andres Salcedo, P.E., Deputy Director, Utilities Department  
Laura Tatro, P.E., Chief Engineer, Utilities Engineering Division  
Kelly Nowell, P.E., Senior Engineer, Utilities Engineering Division  
Gregory Gologowski, Chief Planner, Planning Division  
Christopher DeManche, MPA, Planner III, Planning Division  
File: 37586; 2021-1 Regular Cycle

**Potable Water and Wastewater Facilities Analysis for 2021-1 Regular Cycle Comprehensive Policy Plan Amendments**

Amendment Number	Parcel ID	Service Type and Provider	Main Size and General Location	Proposed Land Use	Maximum Density, Dwelling Units	Maximum Density, Hotel Rooms	Maximum Density Non-residential SF	PW Demand (MGD)	WW Demand (MGD)	Available PW Capacity (MGD)	Available WW Capacity (MGD)	Reclaimed Water Required for Irrigation	OCU Service Area
2021-1-A-1-1 (Waterstar Orlando)	34-24-27-1000-01-001; 33-24-27-0000-00-011; -012; -006; -010; -024	PW: Toho Water Authority WW: Toho Water Authority RW: Orange County Utilities	PW: Contact Toho Water Authority WW: Contact Toho Water Authority RW: Not currently available	Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)	1178	250	250,000	N/A	N/A	N/A	N/A	No	West
2021-1-A-1-2 (Avalon Grove PD)	31-24-27-0000-00-016; -039; -040; -044	PW: Toho Water Authority WW: Toho Water Authority RW: Orange County Utilities	PW: Contact Toho Water Authority WW: Contact Toho Water Authority RW: Not currently available	Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR)	600	0	0	N/A	N/A	N/A	N/A	No	West
2021-1-A-1-3 (fka 2020-2-A-1-2, 2019-2-A-1-2, and 2020-1-A-1-2) (Lake Buena Vista Springs)	21-24-28-5844-00-020; 21-24-28-0000-00-015; -016; -021	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 30-inch water main within Winter Garden Vineland Road right-of-way. 16-inch forcemain within Winter Garden Vineland Road right-of-way. RW: 16-inch reclaimed water main within Winter Garden Vineland Road right-of-way	Commercial (C) and Urban Service Area (USA) Expansion; Rural/Agricultural/Conservation (R/CONS); and Medium Density Residential/Conservation (MDR/CONS)	0	0	25,000	0.002	0.002	0.002	0.002	Yes	South
2021-1-A-2-1 (Parks of Mt Dora)	04-20-27-0000-00-001	PW: Mount Dora WW: Mount Dora RW: Mount Dora	PW: Contact Mount Dora WW: Contact Mount Dora RW: Contact Mount Dora	GC-PD-LMDR	280	0	0	N/A	N/A	N/A	N/A	No	N/A
2021-1-A-3-1 (Valencia ATS)	24-22-30-8856-00-010; -020; -030; 24-22-300000-00-130	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 16-inch water main within Valencia College Lane right-of-way WW: TBD * RW: Not available	Medium Density Residential (MDR)	440	0	0	0.121	0.099	0.121	0.099	No	East
2021-1-A-4-1 (Bennett Place)	34-24-30-6368-00-560; -561; -571	PW: Orlando Utilities Commission WW: Orange County Utilities RW: Orange County Utilities	PW: Contact Orlando Utilities Commission WW: TBD * RW: Not currently available	Planned Development-Commercial/Medium Density Residential (PD-C/MDR)	350	0	229,996	N/A	0.096	N/A	0.096	No	South
2021-1-A-4-3 (fka 2020-2-A-4-1) Fieldstream Village	29-22-31-0000-00-032; -050 and 32-22-31-0000-00-034	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 20-inch water main within Lake Underhill Road right-of-way WW: 8-inch forcemain within Lake Underhill Road right-of-way and 16-inch forcemain within Dean Road right-of-way RW: Not currently available	Planned Development-Commercial/Office/High Density Residential/Parks and Recreation/Open Space/Conservation (PD-C/O/HDR/PR/OS/CONS)	1,200	0	100,000	0.339	0.278	0.339	0.278	No	East

**NOTES:**

No plant improvements are needed to maintain LOS standards. This evaluation pertains solely to water and wastewater treatment plants. Connection points and transmission system capacity will be evaluated at the time of Master Utility Plan review and permitting, or at the request of the applicant.

\* 2021-1-A-3-1 and 2021-1-A-4-1 wastewater demands and connection points will be addressed as the project proceeds through the DRC and construction permitting processes.

Abbreviations: PW - Potable Water; WW - Wastewater; RW - Reclaimed Water; WM - Water Main; FM - Force Main; GM - Gravity Main; MUP - Master Utility Plan; TBD - To be determined as the project progresses through Development Review Committee, MUP and permitting reviews; TWA - Toho Water Authority; RCID - Reedy Creek Improvement District



6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

**FORMAL SCHOOL CAPACITY DETERMINATION  
CAPACITY LETTER - EXTENSION**

May 27, 2022

**VIA E-MAIL: MATTHEW.GILLESPIE@KIMLEY-HORN.COM**

Matthew Gillespie  
Kimley-Horn & Associates  
189 S. Orange Avenue  
Orlando, FL 32801

**Application: OC-21-051 Bennett Place**

This letter serves as the official certification by Orange County Public Schools that school capacity for the following development is **NOT AVAILABLE**:

Type of Development Application	<input type="checkbox"/> FLUM <input type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Amendment or Extension		
Development Application #:	2021-1-A-4-1		
Project Name:	Bennett Place		
OCPS Completed Application Date:	November 4, 2021		
Parcel #(s):	34-24-30-6368-00-560; -561; -571		
Requested New Units (#):	SF: 0	MF: 345	TH: 0
Vested Unit(s):	SF: 5	MF: 0	TH: 0
Total Project Units:	350		
School Board District:	# 3		

In accordance with Section 10 of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency (“Interlocal Agreement”), a detailed Capacity Analysis is provided in **Attachment A**.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

	Wyndham Lakes ES	South Creek MS	Cypress Creek HS
Jurisdictional Analysis	N/A	Orange County – 100%	<b>Orange County –97.7%</b> Orlando – 2.3% Belle Isle – 0.1%

Given the above analysis, this project does not meet the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from Orange County

**This determination expires on November 7, 2022.** OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

This determination is governed by the Interlocal Agreement, the provisions of Orange County's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022391 or e-mail me at [christopher.mills@ocps.net](mailto:christopher.mills@ocps.net) with any questions.

Sincerely,



Christopher Mills, AICP  
Senior Administrator, Facilities Planning

VJ/cm

Attachments – Attachment A: Detailed Capacity Analysis

CC: Sue Watson, Orange County (via e-mail)  
Misty Mills, Orange County (via e-mail)  
Yolanda Ortiz, City of Orlando (via e-mail)  
Bob Francis, City of Belle Isle (via e-mail)  
Thomas Moore, OCPS (via e-mail)  
Project File

## Attachment A



### School Capacity Determination

User ID VSJ      November 9, 2021      15:09:59

Project ID: CEA – OC – 21 – 051      Valid Until: November 7, 2022

Project Name:		<b>BENNETT PLACE</b>	
<b>Unvested Units</b>	Single Family Units:	0	<b>Vested Units</b>
	Multi Family Units:	345	
	Multi Family High Rise Units:	0	
	Town Homes Units:	0	
	Mobile Home Units:	0	
	Single Family Units:	5	
	Multi Family Units:	0	
	Multi Family High Rise Units:	0	
	Town Homes Units:	0	
	Mobile Home Units:	0	

	School Level	Elementary	Middle	High
	CSA:	B		
	School:	WYNDHAM LAKES ES	SOUTH CREEK MS	CYPRESS CREEK HS
Capacity Enhancement	<i>Analysis of Existing Conditions</i>			
	School Capacity (2021-2022)	828	1,131	2,762
	Enrollment (2021-2022)	977	1,123	3,285
	Utilization (2021-2022)	118.0%	99.0%	119.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	0	8	0
	<i>Analysis of Reserved Capacity</i>			
	School Level	Elementary	Middle	
	Encumbered Capacity	156	84	107
	Reserved Capacity	10	6	42
	Adjusted Utilization	138.0%	107.3%	124.3%
	Adjusted Available Seats	0	0	0
	<i>Analysis of Proposed Development</i>			
	Students Generated	48.645	22.425	27.600
	Adjusted Utilization	143.9%	109.2%	125.3%
AVAILABLE/NOT AVAILABLE	<b>NOT AVAILABLE*</b>	<b>NOT AVAILABLE</b>	<b>NOT AVAILABLE</b>	
Number of Seats to Mitigate	48.645	22.425	27.600	

WYNDHAM LAKES ES	*AVAILABLE – SCHEDULED FOR RELIEF IN 2022.
SOUTH CREEK MS	
CYPRESS CREEK HS	

**AMENDMENT 2021-1-4-1 (Bennett Place)**

**PROJECT SPECIFICS**

Parcel ID:	34-24-30-6368-00-560; -561; and 571
Location:	14727 and 14831 Boggy Creek Road
Acreage:	22.66 acres/21.02 net acres
Request FLUM:	From: Rural To: Planned Development-Commercial/Medium Density Residential (PD-C/MDR)
Request Zoning:	From: A-2 (Citrus Rural District) To: P-D (Planned Development District)
Existing Development:	Undeveloped
Development Permitted Under Current FLUM:	Up to 2 single-family dwelling units or ag related activities (1 du/10 acres)
Proposed Density/Intensity:	Up to: 350 multi-family units (17.5 acres), 229,996 sq. ft. commercial (3.52 acres), 25,000 sq. ft. commercial, 25,000 sq. ft. medical office, 200 hotel rooms and 150 hospital beds and 1.64 acres wetlands

**Trip Generation (ITE 10<sup>th</sup> Edition)**

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: Undeveloped	4	100%	4
Proposed Use: Up to: 350 multi-family units (17.5 acres), 229,996 sq. ft. commercial (3.52 acres), 25,000 sq. ft. commercial, 25,000 sq. ft. medical office, 200 hotel rooms and 150 hospital beds and 1.64 acres wetlands	765	76%	582
Net New Trips (Proposed Development less Allowable Development): 578			

**Future Roadway Network**

Road Agreements: None

Planned and Programmed Roadway Improvements: Boggy Creek Rd – South, Boggy Creek Rd - Osceola County Line to SR 417, Boggy Creek Road South will be widened from a two-lane roadway to a four-lane roadway from the Orange/Osceola County line to SR 417. The widening will include sidewalks, bicycle lanes, roadway lighting, and median landscaping. It is estimated to be approximately 39% complete. Construction is estimated to begin May 2021. This information is dated and may be subject to change.

Right of Way Requirements: None

**Summary**

The applicant is requesting to change 22.66 acres from Rural to PD-C/MDR and request approval to develop 350 multi-family units (17.5 acres), 229,996 sq. ft. commercial (3.52 acres), 25,000 sq. ft. commercial, 25,000 sq. ft. medical office, 200 hotel rooms and 150 hospital beds and 1.64 acres wetlands. Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in an **increase** in the number of pm peak trips and therefore impact the area roadways. However, based on the Concurrency Management System Database, several roadways within the project impact area do not operate at acceptable levels of service and capacity is not available to be encumbered.

- The subject property is not located within the County’s Alternative Mobility Area.
- The subject property is not located along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate **4** pm peak hour trips.
- The proposed use will generate **582** pm peak hour trips resulting in a net **increase** of **578** pm peak hour trips.
- The subject property is located adjacent to **Boggy Creek Road**, a **4-lane divided** road. Based on the Concurrency Management System (CMS) database dated **08-12- 2020**, this roadway currently operates at Level of Service **F** and capacity **is not** available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.
- **Based on the concurrency management system database dated 08-12-20, the following roadway segments are operating below the adopted level of service standard within the project impact area:**

## **1. Boggy Creek Road from Central Florida Greenway to Osceola County Line**

This information is dated and subject to change.

- **Background traffic was developed based on the 3% and 5% annual growth rate based on historical AADT within the project's impact area. Committed trips were used if they exceed background traffic volumes developed with annual growth rates to account for growth in the area.**
- **Analysis of short term 2025 (5 year) conditions indicate that all roadway segments within the project impact area will continue to operate at acceptable levels of service with the exception of the following roadway segment:**
  - **Boggy Creek Road – from Central Florida Greenway to Osceola County Line (Daily and PM)**
- **Analysis of long term analysis year (2040) indicated that the same deficiencies will continue on the current deficient roadway segments and the proposed project will impact the failing segments. Additionally, the following roadway segments are projected to operate below the adopted Level of Service standards:**
  - **Boggy Creek Road – from S Access Road to Central Florida Greenway (Daily and PM)**
  - **Boggy Creek Road – from Central Florida Greenway to Osceola County Line (Daily and PM)**
  - **Central Florida Greenway – from Landstar Boulevard to Boggy Creek Road (Daily and PM)**
  - **Central Florida Greenway – from Boggy Creek Road to Narcoossee Road (PM)**
- **The deficiencies on these roadway segments will occur with and without the addition of the proposed project trips due to background traffic. However, project traffic is significant on the failing roadways and will be subject to proportionate share contribution.**
- **Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.**



**ORANGE COUNTY FIRE RESCUE DEPARTMENT**  
**Jacob Lujan, Planning and Technical Services Division**  
 6590 Amory Court  
 Winter Park, FL 32792  
 (407) 836-9893 Fax (407) 836-9106  
 Jacob.Lujan@ocfl.net

Date: November 25, 2020

To: Christopher DeManche, Planner III  
 Orange County Planning Division

From: Jacob Lujan, Compliance and Planning Administrator  
 Planning & Technical Services—Orange County Fire Rescue Department

Subject: Facilities Analysis 2021-1 Regular Cycle Amendments  
 Fire Rescue Comments

Amendment #	Nearest Fire Station	Distance from Fire Station	Estimated Emergency Travel Time	Current Density	Density with Proposed FLUM Change	Travel Time Benchmark
2021-1-A-1-1 (Waterstar Orlando)	32	0.9 miles	5 minutes	Urban Low	Urban Low	7 minutes
2021-1-A-1-2 (Avalon Grove PD)	32	3.6 miles	9 minutes	Urban Low	Urban Low	7 minutes
2021-1-A-1-3 (fka 2020-2-A-1-2, 2019-2-A-1-2, and 2020-1-A-1-2) (Lake Buena Vista Springs)	36	0.7 miles	2 minutes	Urban Low	Urban Low	7 minutes
2021-1-A-2-1 (Parks of Mt Dora)	20	4.4 miles	6 minutes	Rural High	Rural High	9 minutes
2021-1-A-3-1 (Valencia ATS)	81	2.7 miles	5 minutes	Urban High	Urban High	5 minutes
2021-1-A-4-1 (Bennett Place)	55	5.0 miles	9 minutes	Rural High	Rural High	9 minutes
2021-1-A-4-3 (fka 2020-2-A-4-1) (Fieldstream Village)	83	1.6 miles	4 minutes	Urban Low	Urban Low	7 minutes

The Avalon Grove PD is the only one of the proposed amendments that presents response challenges for the Orange County Fire Rescue Department. However, the travel time to this site will improve significantly upon the relocation of Fire Station 32. Funding is in place for this project, and the department is working with Real Estate to finalize the purchase of the property for the new station.

c: Anthony Rios, Division Chief



August 24, 2020

Emily Brown  
**Maury L. Carter & Associates, Inc.**  
3333 S. Orange Avenue Suite 200  
Orlando, FL 32806

**Proj: Boggy Creek Site – Orange County, Florida**  
**Section 3, Township 25 South, Range 30 East**  
**(BTC File# 766-58)**  
**Re: Environmental Assessment Report**

Dear Ms. Brown:

During July of 2020, Bio-Tech Consulting, Inc. (BTC) conducted an environmental assessment of the approximately 22.82-acre Boggy Creek site. This site is located at the physical addresses of 14831 and 14727 Boggy Creek Road within Section 3, Township 25 South, Range 30 East, Orange County, Florida (**Figures 1, 2 & 3**). This preliminary environmental assessment includes the following elements:

- review of soil types mapped within the site boundaries;
- evaluation of land use types/vegetative communities present;
- field review for occurrence of protected species of flora and fauna, and
- summary of development constraints.

## SOILS

According to the Soil Survey of Orange County, Florida prepared by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), two (2) soil types occur within the site boundaries (**Figure 4**). These soil types include the following:

Orlando: Main Office  
3025 East South Street  
Orlando, FL 32803

Vero Beach Office  
4445 N A1A  
Suite 221  
Vero Beach, FL 32963

Jacksonville Office  
1157 Beach Boulevard  
Jacksonville Beach, FL 32250

Tampa Office  
6011 Benjamin Road  
Suite 101 B  
Tampa, FL 33634

Key West Office  
1107 Key Plaza  
Suite 259  
Key West, FL 33040

Aquatic & Land  
Management Operations  
3825 Rouse Road  
Orlando, FL 32817

407.894.5969  
877.894.5969  
407.894.5970 fax

- **Sanibel muck (#42)**
- **Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes (#44)**

The following presents a brief description of each of the soil types present within the site boundary:

**Sanibel muck (#42)** is a nearly level, very poorly drained soil found in depressions, freshwater swamps and marshes and in poorly defined drainageways. Typically, the surface layer of this soil type consists of black muck about 11 inches thick. In most years undrained areas mapped with this soil type are ponded for 6 to 9 months or more except during extended dry periods. Permeability of this soil type is rapid throughout.

**Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes (#44)** is a nearly level, poorly drained soil found on broad flatwoods. The surface layer of this soil type generally consists of black fine sand about 4 inches thick. The seasonal high water table for this soil type is within 10 inches of the surface for 1 to 4 months. It recedes to a depth of 10 to 40 inches for more than 6 months. Permeability of this soil type is rapid in the surface and subsurface layers and in the substratum. It is moderate to moderately rapid in the subsoil.

The Florida Association of Environmental Soil Scientists (FAESS) considers the main components of the Sanibel muck (#42) soil type associated with the property to be hydric. Further, the Association considers the inclusions present Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes (#44) soil type associated with the property to be hydric. This information can be found in the [Hydric Soils of Florida Handbook](#), Fourth Edition (March, 2007).

## **LAND USE TYPES/VEGETATIVE COMMUNITIES**

The subject site currently supports five (5) land use types/vegetative communities (Figure 5). These land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 1999). The upland land use types/vegetative communities are classified as Fixed Single-Family Units (111) and Improved Pastures (211). The wetland/surface water land use types/vegetative communities are classified as Streams and Waterways (510), Reservoirs (530), and Cypress (621). The following provides a brief description of the land use types/vegetative communities:

## **Uplands:**

### **111 – Fixed Single-Family Units**

Two separate residences exist on the property along Boggy Creek Road. These homesites contain fixed block houses with detached sheds, garages, and barns surrounded by fences. Both homesites are currently occupied and are most consistent with the Fixed Single-Family Units (111) FLUCFCS classification. Vegetative species identified within this community type includes slash pine (*Pinus elliottii*), longleaf pine (*Pinus palustris*), southern magnolia (*Magnolia grandiflora*), southern red cedar (*Juniperus virginiana*), lantana (*Lantana camara*), St. Augustinegrass (*Stenotaphrum secundatum*), bahiagrass (*Paspalum notatum*), field sandspur (*Cenchrus incertus*), and blackberry (*Rubus pensilvanicus*).

### **211 – Improved Pastures**

The majority of the project site is comprised of an actively grazed pasture most consistent with the Improved Pastures (211) FLUCFCS classification. Vegetative species identified within this community type includes scattered slash pine (*Pinus elliottii*), longleaf pine (*Pinus palustris*), chalky bluestem (*Andropogon virginicus*), wiregrass (*Aristida stricta*), maidencane (*Panicum hemitomon*), blackberry (*Rubus pensilvanicus*), lantana (*Lantana camara*), St. Augustinegrass (*Stenotaphrum secundatum*), bahiagrass (*Paspalum notatum*), and field sandspur (*Cenchrus incertus*).

## **Wetlands/Surface Waters:**

### **510 – Streams and Waterways**

The site contains a stream through the western half of the property beginning from the offsite northeast wetland and flowing through an excavated channel south to the southwestern corner of the property. The stream outfalls into a drainage easement underneath Boggy Creek Road and eventually empties into a larger canal which flows south directly into Boggy Creek. Based on historic aerials, the stream was improved with excavation work during the early 1950s. This surface water is most consistent with the Streams and Waterways (510) FLUCFCS classification. Vegetation observed within this community type includes alligatorweed (*Alternanthera philoxeroides*), spadeleaf (*Centella asiatica*), marsh pennywort (*Hydrocotyle umbellata*), cattail (*Typha domingensis*), Peruvian primrosewillow (*Ludwigia peruviana*), and common duckweed (*Lemna minor*).

### **530 – Reservoirs**

A single cattle pond has been excavated within the central portion of the site and is most consistent with the Reservoirs (530) FLUCFCS classification. The reservoir contains a narrow swale which has been cut into the pasture to provide more drainage from the reservoir south along the southern boundary and west to the outfall of the larger ditch at the corner of the property. The pond was inundated with water up to its excavated rim and contains a small fringe of vegetation consisting of yellow spikerush (*Eleocharis flavescens*), maidencane (*Panicum hemitomon*), and torpedograss (*Panicum repens*).

### **621 – Cypress**

The north central boundary of the project site contains the edge of a forested wetland which extends off-site to the east and is most consistent with the Cypress (621) FLUCFCS classification. The on-site condition of the wetland has suffered from decades of agricultural use and cattle grazing and currently functions more as a pasture than a cypress wetland. Vegetation observed within this community type includes remnant bald cypress (*Taxodium distichum*), sweetbay (*Magnolia virginiana*), swamp tupelo (*Nyssa sylvatica*), red maple (*Acer rubrum*), elderberry (*Sambucus nigra*), wax myrtle (*Myrica cerifera*), St. John's-wort (*Hypericum fasciculatum*), maidencane (*Panicum hemitomon*), soft rush (*Juncus effusus*), spadeleaf (*Centella asiatica*), marsh pennywort (*Hydrocotyle umbellata*), pickerelweed (*Pontederia cordata*), yellow eyed grass (*Xyris spp.*), pale meadow-beauty (*Rhexia mariana*), lizard's tail (*Saururus cernuus*), blackberry (*Rubus cuneifolius*), and dog fennel (*Eupatorium capillifolium*).

All wetlands/surface waters on the site have been delineated by BTC in accordance with local, state and federal guidelines utilizing pink Bio-Tech Consulting flags (Figure 6). The flag locations will need to be reviewed and approved by the various regulatory agencies during the permitting process.

### **PROTECTED SPECIES**

Utilizing methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); and Florida Fish and Wildlife Conservation Commission's (FFWCC) Gopher Tortoise Permitting Guidelines (April 2008 - revised May 2017), an assessment for "listed" floral and faunal species occurring within the subject site boundaries was conducted on July 8, 2020. This assessment, covered approximately 100% of the subject site's developable area, included both direct observations and indirect evidence, such as tracks, burrows, tree markings and vocalizations that

indicated the presence of species observed. The assessment focused on species that are “listed” by the FFWCC’s Official Lists - Florida’s Endangered Species, Threatened Species and Species of Special Concern (December 2018) that have the potential to occur in Orange County (Table 1).

No plant species listed by either The Florida Department of Agriculture (FDA) or U.S. Fish and Wildlife Service (USFWS) was identified on the project site during the assessment conducted. The following is a list of those wildlife species identified during the evaluation of the site:

**Reptiles and Amphibians**

black racer (*Coluber constrictor*)  
brown anole (*Norops sagrei*)  
Cuban tree frog (*Osteopilus septentrionalis*)  
six-lined racerunner (*Cnemidophorus sexlineatus sexlineatus*)

**Birds**

American Crow (*Corvus brachyrhynchos*)  
**Bald Eagle (*Haliaeetus leucocephalus*)**  
Black Vulture (*Coragyps atratus*)  
Common Grackle (*Quiscalus quiscula*)  
Common Ground Dove (*Columbina passerina*)  
Pileated Woodpecker (*Dryocopus pileatus*)  
Red shouldered hawk (*Buteo lineatus*)  
Yellow-rumped Warbler (*Setophaga coronata*)

**Mammals**

armadillo (*Dasypus novemcinctus*)  
eastern cottontail (*Sylvilagus floridanus*)  
eastern gray squirrel (*Sciurus carolinensis*)  
raccoon (*Procyon lotor*)

One (1) of the above identified species, the Bald Eagle (*Haliaeetus leucocephalus*), is listed in the FFWCC’s Official Lists - Florida’s Endangered Species, Threatened Species and Species of Special Concern (updated December 2018). The following provides a description of these species as they relate to development of the site.

***Bald Eagle (Haliaeetus leucocephalus)***

*State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

In August of 2007, the U.S. Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act and FFWCC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*)).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. Under FFWCC's new management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660-feet or less from the nest tree, depending on what activities or structures are already near the nest. A FFWCC Eagle permit is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330-feet of a nest during the nesting season, October 1 through May 15 or when Eagles are present at the nest.

In addition to the preliminary on-site review for "listed" species, BTC conducted a review for any FFWCC recorded Bald Eagle nests on or in the vicinity of the subject property (see attached). This review revealed one (1) Bald Eagle nest, through the 2019 nesting season, located within 660 feet of the project boundaries. The nest is identified by the FFWCC as nest ID: OR078 and is located on top of the cell tower directly north of the subject site (**Figure 7**). During this site visit both of the adult Bald Eagles were present at the nest. A small portion along the northern boundary of the subject site is currently located inside the 660-foot Eagle Protection Zone. This nest will need to be addressed with the U.S. Fish and Wildlife Service (USFWS) before any development activities commences within the protection zones.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species currently or in the future.

Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,

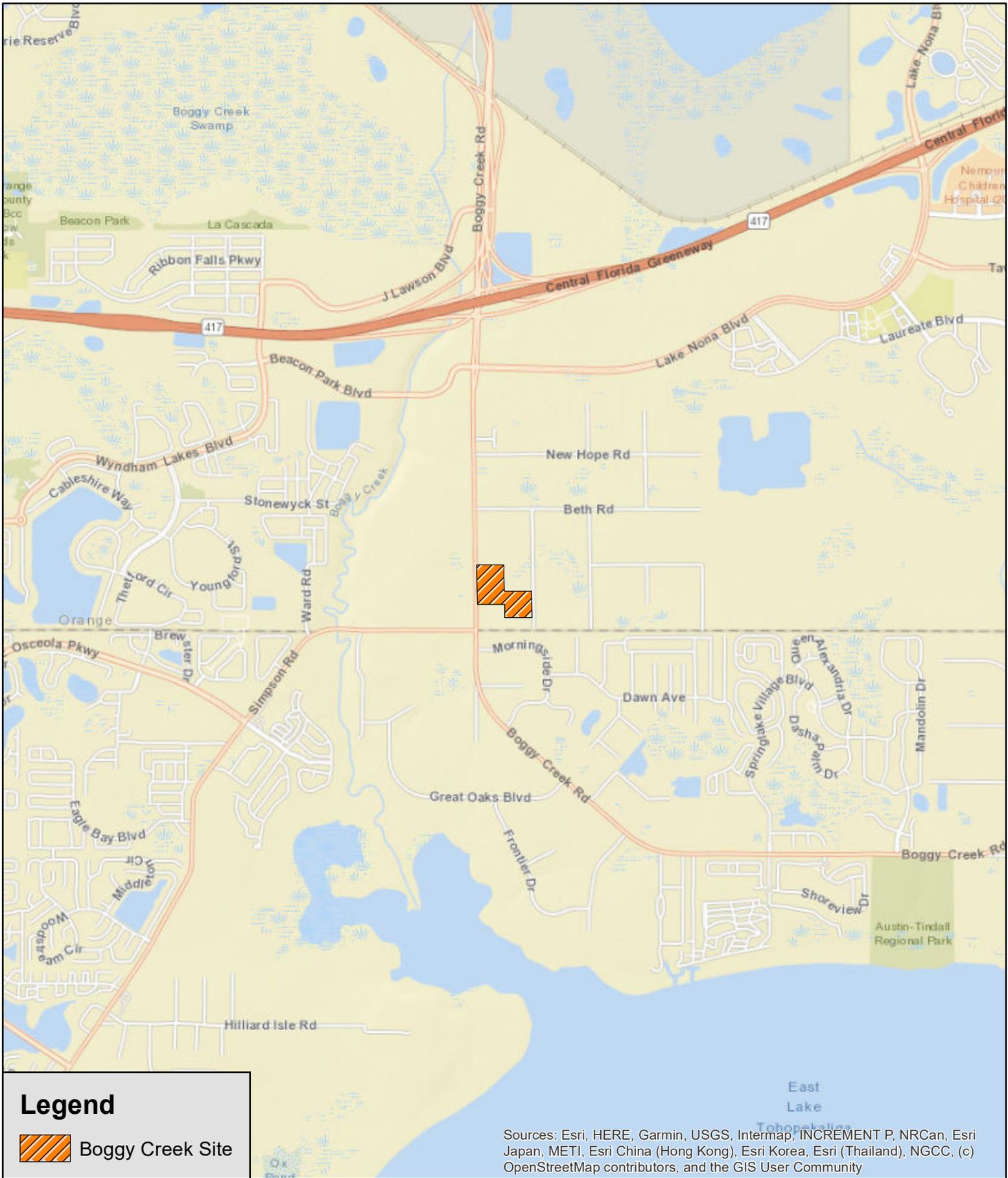


Spencer Clark  
Field Biologist



John Miklos  
President

Attachments

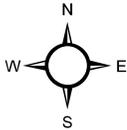


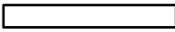
**Legend**

 Boggy Creek Site

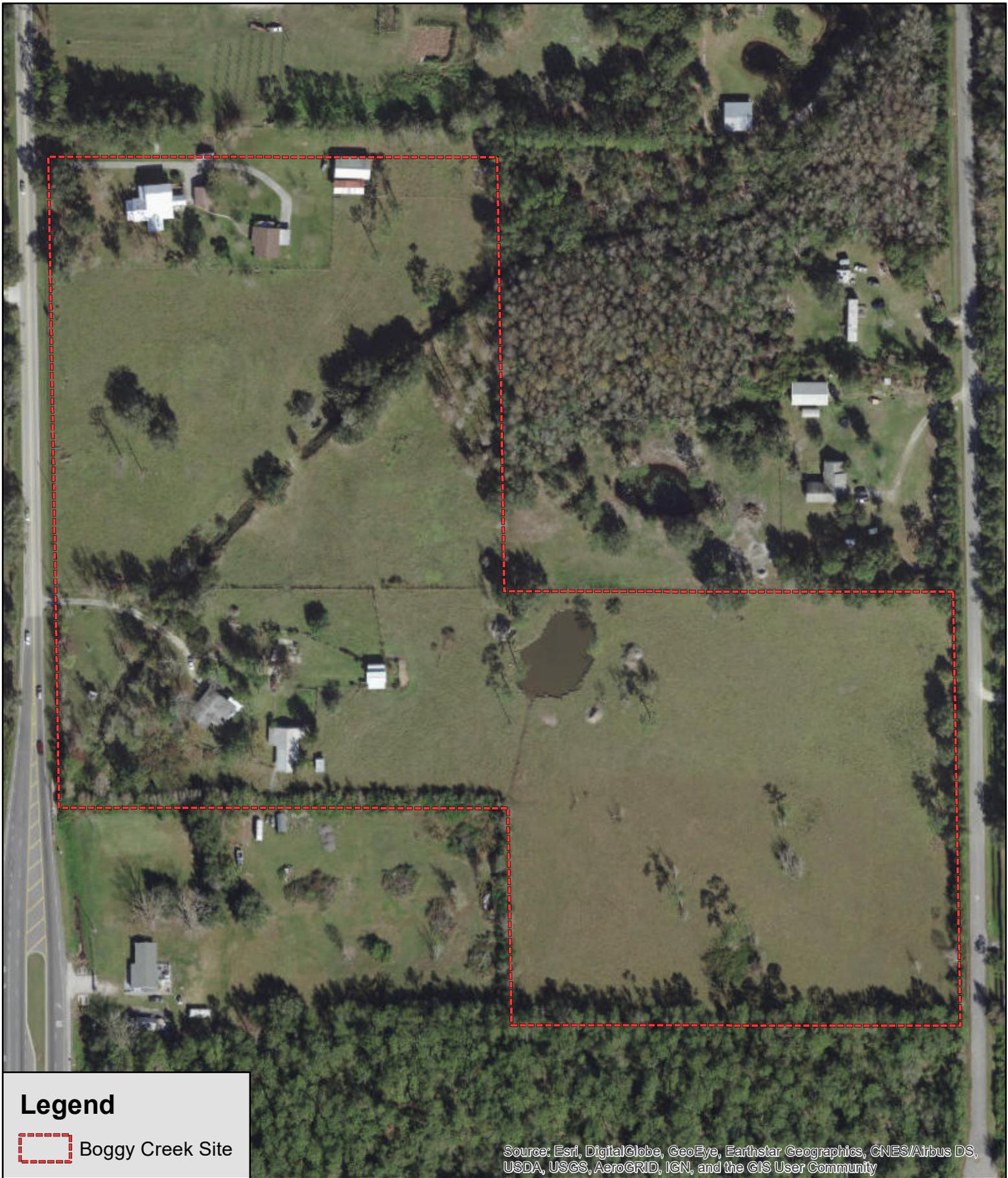
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

**Boggy Creek Site**  
**Orange County, Florida**  
**Figure 1**  
**Location Map**



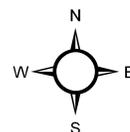
0.5  
 Miles

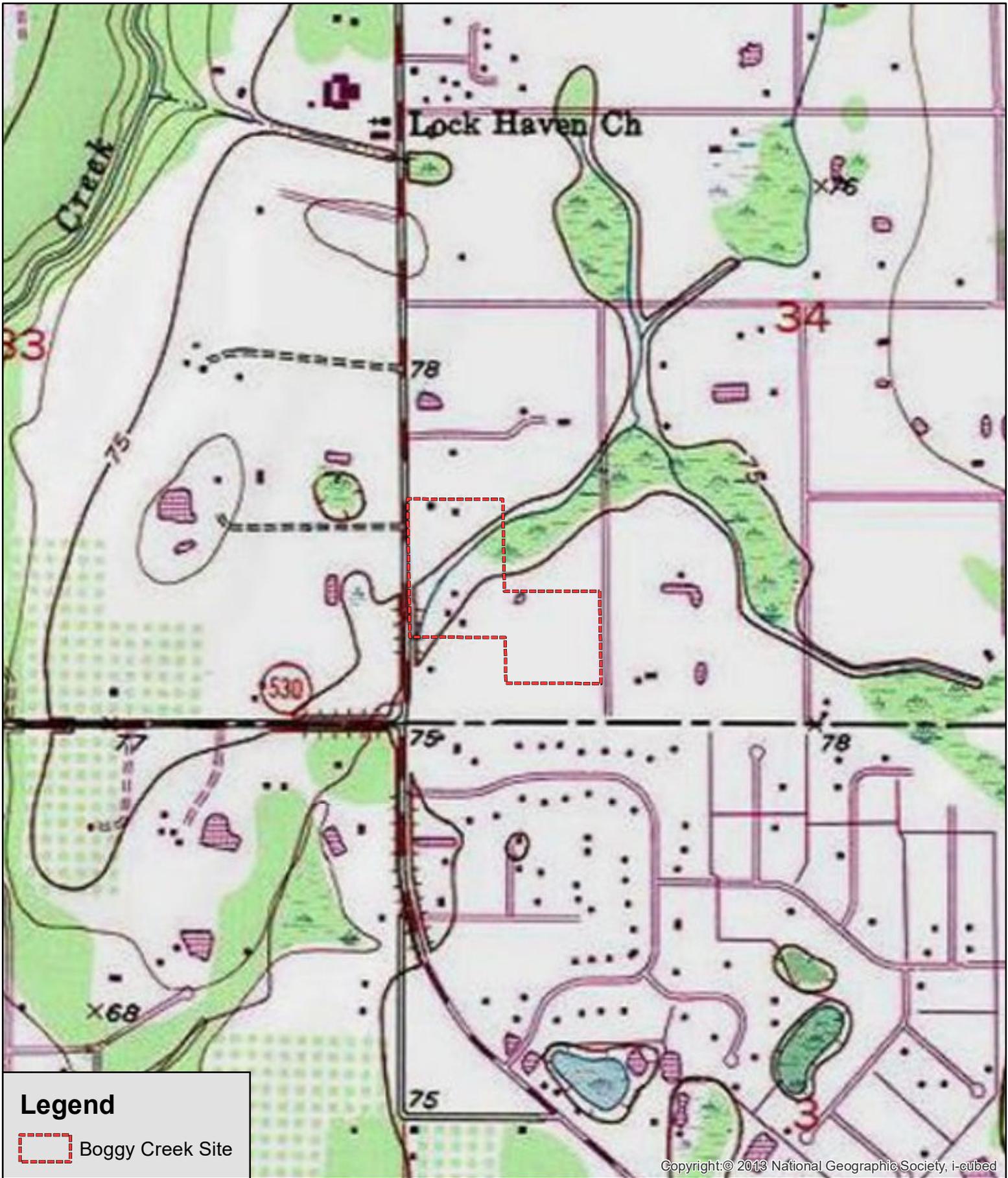
Project #: 766-58  
 Produced By: STC  
 Date: 7/24/2020



**Legend**

 Boggy Creek Site

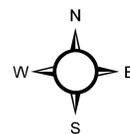


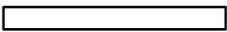


**Legend**

 Boggy Creek Site

Boggy Creek Site  
 Orange County, Florida  
 Figure 3  
 USGS Topographic Map



970  
 Feet  
 Project #: 766-58  
 Produced By: STC  
 Date: 7/24/2020



**Legend**

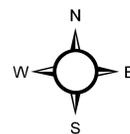
 Boggy Creek Site

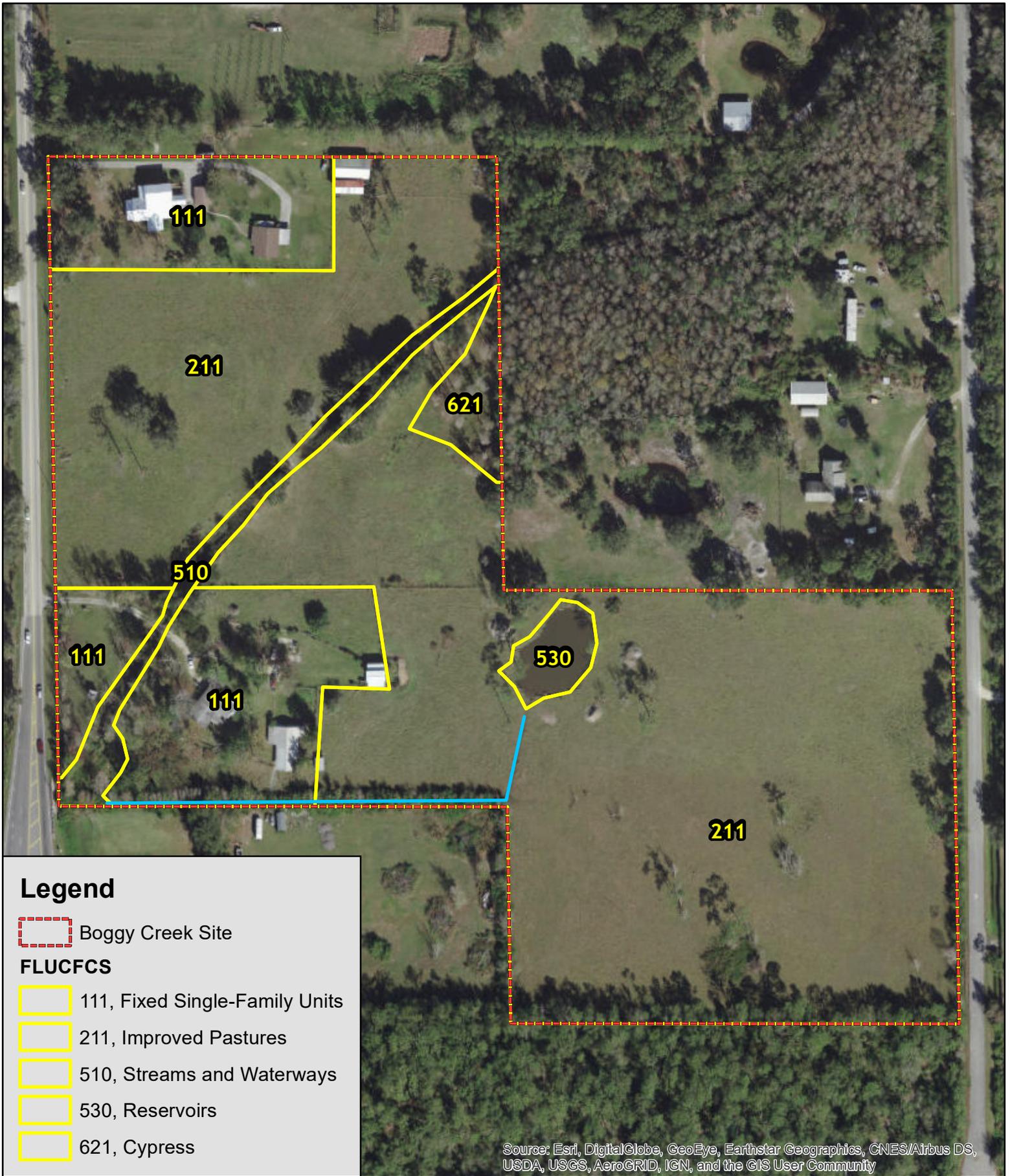
**Orange County Soils**

 42: Sanibel muck

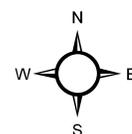
 44: Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes

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

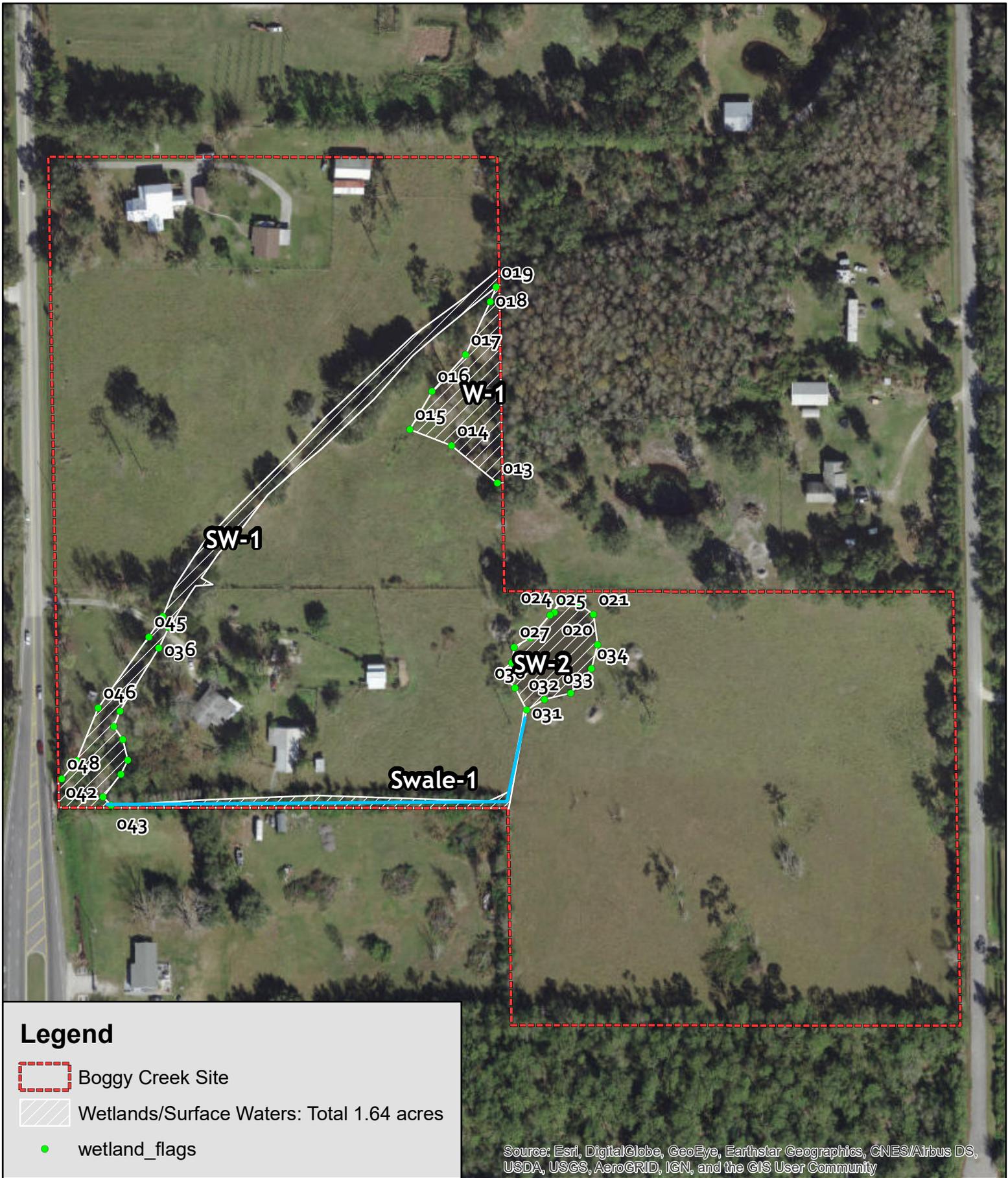




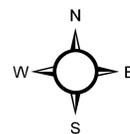
Boggy Creek Site  
 Orange County, Florida  
 Figure 5  
 FLUCFCS Map



200  
 Feet  
 Project #: 766-58  
 Produced By: STC  
 Date: 8/24/2020



Boggy Creek Site  
 Orange County, Florida  
 Figure 6  
 Delineation Map



200  
 Feet  
 Project #: 766-58  
 Produced By: STC  
 Date: 8/24/2020

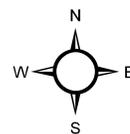


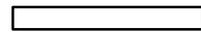
**Legend**

-  Boggy Creek Site
-  Eaglewatch Permanent ID
-  Buffers\_330ft
-  Buffers\_660ft

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

Boggy Creek Site  
 Orange County, Florida  
 Figure 7  
 Audubon Bald Eagle Nest Map



500  
 Feet

Project #: 766-58  
 Produced By: STC  
 Date: 7/28/2020

Table 1:

## Potentially Occuring Listed Wildlife and Plant Species in Orange County, Florida

Scientific Name	Common Name	Federal Status	State Status
<b>REPTILES</b>			
<i>Alligator mississippiensis</i>	American alligator	SAT	FT(S/A)
<i>Drymarchon corais couperi</i>	eastern indigo snake	LT	FT
<i>Gopherus polyphemus</i>	gopher tortoise	C	ST
<i>Lampropeltis extenuata</i>	short-tailed snake	N	ST
<i>Pituophis melanoleucus mugitus</i>	Florida pine snake	N	ST
<i>Plestiodon reynoldsi</i>	sand skink	LT	FT
<b>BIRDS</b>			
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	LT	FT
<i>Athene cunicularia floridana</i>	Florida burrowing owl	N	ST
<i>Polyborus plancus audubonii</i>	Crested Caracara	LT	FT
<i>Egretta caerulea</i>	little blue heron	N	ST
<i>Egretta tricolor</i>	tricolored heron	N	ST
<i>Falco sparverius paulus</i>	southeastern American kestrel	N	ST
<i>Grus canadensis pratensis</i>	Florida sandhill crane	N	ST
<i>Haliaeetus leucocephalus</i>	bald eagle	N	**
<i>Mycteria americana</i>	wood stork	LT	FT
<i>Pandion haliaetus</i>	osprey	N	SSC*
<i>Picoides borealis</i>	red-cockaded woodpecker	LE	FE
<i>Platalea ajaja</i>	roseate spoonbill	N	ST
<i>Sterna antillarum</i>	least tern	N	ST
<b>MAMMALS</b>			
<i>Sciurus niger shermani</i>	Sherman's fox squirrel	N	SSC
<b>VASCULAR PLANTS</b>			
<i>Bonamia grandiflora</i>	Florida bonamia	LT	E
<i>Calopogon multiflorus</i>	Many-flowered Grass-pink	N	T
<i>Centrosema arenicola</i>	Sand Butterfly Pea	N	E
<i>Chionanthus pygmaeus</i>	Pygmy Fringe Tree	LE	E
<i>Centrosema arenicola</i>	sand butterfly pea	N	N
<i>Coelorachis tuberculosa</i>	piedmont jointgrass	N	N
<i>Deeringothamnus pulchellus</i>	beautiful pawpaw	LE	E
<i>Eriogonum longifolium</i> var <i>gnaphalifolium</i>	scrub buckwheat	LT	E
<i>Helianthus debilis</i> ssp <i>tardiflorus</i>	beach sunflower	N	N
<i>Ilex opaca</i> var <i>arenicola</i>	scrub holly	N	N
<i>Illicium parviflorum</i>	star anise	N	E
<i>Lechea cernua</i>	nodding pinweed	N	T
<i>Lupinus aridorum</i>	scrub lupine	LE	E
<i>Matelea floridana</i>	Florida spiny-pod	N	E
<i>Monotropa hypopithys</i>	pinemap	N	E
<i>Najas filifolia</i>	Narrowleaf Naiad	N	T
<i>Nemastylis floridana</i>	Celestial Lily	N	E
<i>Nolina atopocarpa</i>	Florida beargrass	N	T
<i>Nolina brittoniana</i>	Britton's beargrass	LE	E
<i>Ophioglossum palmatum</i>	hand fern	N	E
<i>Panicum abscissum</i>	cutthroat grass	N	E
<i>Paronychia chartacea</i> ssp <i>chartacea</i>	paper-like nailwort	LT	E
<i>Persea humilis</i>	scrub bay	N	N
<i>Pecluma plumula</i>	Plume Polypody	N	E
<i>Polygonella myriophylla</i>	Small's jointweed	LE	E
<i>Prunus geniculata</i>	scrub plum	LE	E
<i>Pteroglossaspis ecristata</i>	Giant Orchid	N	T
<i>Stylisma abdita</i>	scrub stylisma	N	E
<i>Warea amplexifolia</i>	clasping warea	LE	E
<i>Zephyranthes simpsonii</i>	redmargin lily	N	T

## FEDERAL LEGAL STATUS

**LE**-Endangered: species in danger of extinction throughout all or a significant portion of its range.

**LT**-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.

**SAT**-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.

**C**-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.

**XN**-Non-essential experimental population.

**N**-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

## STATE LEGAL STATUS - ANIMALS

**FE**- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service

**FT**- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service

**FXN**- Federal listed as an experimental population in Florida

**FT(S/A)**- Federal Threatened due to similarity of appearance

**ST**- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

**SSC**-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC\* for *Pandion haliaetus* (Osprey) indicates that this status applies in Monroe county only.)

**N**-Not currently listed, nor currently being considered for listing.

**\*\* State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)**

## STATE LEGAL STATUS - PLANTS

**E**-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

**T**-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.

**N**-Not currently listed, nor currently being considered for listing.



**Environmental Protection Division**

**CONSERVATION AREA  
DETERMINATION**

**Determination No:** CAD-20-08-141

**Date Issued:** December 7, 2020

**Date Expires:** December 7, 2025

**Activity Location:**

14831 and 14727 Boggy Creek Rd., Orlando, FL 32824  
Parcel ID Nos.: 34-24-30-6368-00-560, 34-24-30-6368-00-561, and  
34-24-30-6368-00-571  
Property Description: See Attachment A  
Orange County Commission District: 4

**Permittee / Authorized Entity:**

Shirley I Bennett Trust and Terry S Bennett Trust  
c/o Spencer Clark  
Bio-Tech Consulting, Inc.  
E-mail: [Spencer@btc-inc.com](mailto:Spencer@btc-inc.com)

The Environmental Protection Division (EPD) has received your certified survey received on November 24, 2020, which accurately depicts the approved limits of the jurisdictional surface waters and/or wetlands (conservation areas) on the above-referenced property. This Conservation Area Determination (CAD) is binding for a period of five years.

Orange County Environmental Protection Division  
3165 McCrory Place, Suite 200  
Orlando, Florida 32803  
407-836-1400/ Fax: 407-836-1499  
[www.OCEPD.org](http://www.OCEPD.org)

The conservation area(s) have been classified as follows:

Surface Water/ Wetland Identification Number	Class	FLUCCS <sup>1</sup> / Remarks
W-1 <sup>3</sup>	I	621 Cypress/ Wetland system larger than 40 acres and hydrologically connected to Boggy Creek
SW-1 <sup>2</sup>	I	510 Streams and Waterways/ Wetland-cut stream hydrologically connected to Boggy Creek
SW-2	III	530 Reservoirs/ Man-made pond
SW-3	III	510 Streams and Waterways/ Upland-cut surface water (ditch)

<sup>1</sup>Florida Land Use, Cover and Forms Classification System (FLUCCS) Handbook, Florida Department of Transportation, January 1999 (Third Edition).

<sup>2</sup>Continues offsite to the northeast and southwest.

<sup>3</sup>Continues offsite to the east.

Approved, subject to the following conditions:

1. The enclosed survey accurately depicts the limits of the jurisdictional surface waters/wetlands on the referenced property, as confirmed by EPD during the site inspection. This determination letter, along with the approved survey, constitutes final approval of the CAD.
2. The limits of wetlands and surface waters delineated on the approved survey are only binding for a period of five (5) years from the date of CAD issuance provided physical conditions on the property do not change so as to alter the boundaries of surface waters or wetlands during that period. The limitations of this condition cannot be modified to allow for a longer duration without a complete reassessment of the limits of surface waters and wetlands occurring on the project. Changes in surface waters or wetland boundaries resulting from work authorized by a permit pursuant to Chapter 15, Article X, Section 15-376, will not be considered as altering the boundary for the purposes of this condition.
3. This CAD does not provide relief from other local, state, or federal policies, which regulate activity on the subject property. If this determination conflicts with those of any other Agency, Department, or Division, the applicant must rectify the conflict or comply with the most stringent conditions.
4. No construction, clearing, alteration, filling or grading is allowed within the limits of the conservation area unless approved by the County.
5. The property owner/permittee is also responsible for addressing any adverse secondary impacts to surface waters, wetlands, or conservation areas that may occur as a result of the development of the site.

6. The County may revoke this CAD upon finding that the applicant has submitted inaccurate information to the County regarding the delineation of surface waters or wetlands on the project site.
7. This CAD supersedes any existing determinations made on this parcel.
8. An upland buffer of a minimum of 25 feet is recommended for all Class I, II, and III wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions.

If you should have any questions concerning this determination, please contact Amanda Walter at 407-836-1546 or [Amanda.Walter@ocfl.net](mailto:Amanda.Walter@ocfl.net).

Project Manager:



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Amanda Walter, Sr. Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:

 for

---

David Jones, P.E., CEP, Environmental Protection Officer

AW/~~NT~~/TMH/DJ: gfdjr

Enclosure: Legal Descriptions (Exhibit A)

Attachment: Approved Survey

c: Shirley I Bennett Trust – 14727 Boggy Creek Rd., Orlando, FL 32824 Florida Department of Environmental Protection – [DEP\\_CD@dep.state.fl.us](mailto:DEP_CD@dep.state.fl.us) or Conservation Planning Services, FWC – [conservationplanningservices@MyFWC.com](mailto:conservationplanningservices@MyFWC.com)  
Rocco Campanale, Orange County Property Appraiser's Office, [rcampanale@ocpafl.org](mailto:rcampanale@ocpafl.org)

**Exhibit A**

**Property Descriptions**

**34-24-30-6368-00-560:** (NOTE: HOMESTEAD PORTION OF THE FOLLOWING DESCRIBED PROPERTY) ORLANDO KISSIMMEE FARMS O/117 1/2 LOT 56 SEE 6075/3216 & (LESS PT TAKEN FOR R/W DESC AS COMM AT NW CORNER LOT 56 TH S0-57-54E 182.98 FT TO POINT OF CURVATURE OF A CURVE CONCAVE ELY AND POB TH ALONG CURVE HAVING A RADIUS OF 8534 FT A CENTRAL ANGLE OF 2-49-18 ARC LENGTH OF 420.3 FT A CHORD BRG OF S2-22-33E 420.25 FT TO POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WLY TH ALONG CURVE HAVING A RADIUS OF 8654 FT CENTRAL ANGLE OF 2-10-14 ARC LENGTH OF 327.83 FT CHORD BRG OF S2-42-5E 327.14 FT TH N89-55-34W 20.29 FT TH N0-57-54W 747.42 FT TO POB PER DOC 20180740779)

**34-24-30-6368-00-561:** (NOTE: AG PORTION OF THE FOLLOWING DESCRIBED PROPERTY) ORLANDO KISSIMMEE FARMS O/117 1/2 LOT 56 SEE 6075/3216 & (LESS PT TAKEN FOR R/W DESC AS COMM AT NW CORNER LOT 56 TH S0-57-54E 182.98 FT TO POINT OF CURVATURE OF A CURVE CONCAVE ELY AND POB TH ALONG CURVE HAVING A RADIUS OF 8534 FT A CENTRAL ANGLE OF 2-49-18 ARC LENGTH OF 420.3 FT A CHORD BRG OF S2-22-33E 420.25 FT TO POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WLY TH ALONG CURVE HAVING A RADIUS OF 8654 FT CENTRAL ANGLE OF 2-10-14 ARC LENGTH OF 327.83 FT CHORD BRG OF S2-42-5E 327.14 FT TH N89-55-34W 20.29 FT TH N0-57-54W 747.42 FT TO POB PER DOC 20180740779)

**34-24-30-6368-00-571:** ORLANDO KISSIMMEE FARMS O/117 1/2 THE N1/2 LOT 57 & ALL 58 & (LESS PT TAKEN FOR R/W DESC AS COMM AT NW CORNER LOT 56 TH S0-57-54E 182.98 FT TO POINT OF CURVATURE OF A CURVE CONCAVE ELY AND POB TH ALONG CURVE HAVING A RADIUS OF 8534 FT A CENTRAL ANGLE OF 2-49-18 ARC LENGTH OF 420.3 FT A CHORD BRG OF S2-22-33E 420.25 FT TO POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WLY TH ALONG CURVE HAVING A RADIUS OF 8654 FT CENTRAL ANGLE OF 2-10-14 ARC LENGTH OF 327.83 FT CHORD BRG OF S2-42-5E 327.14 FT TH N89-55-34W 20.29 FT TH N0-57-54W 747.42 FT TO POB PER DOC 20180740779)