

Interoffice Memorandum

DATE: October 28, 2024

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services Department



CONTACT: Renée H. Parker, EPD, Manager

PHONE: (407) 836-1420

DIVISION: Environmental Protection Division

ACTION REQUESTED:

Acceptance of the findings and recommendation of the Environmental Protection Division (EPD) staff and approval of Conservation Area Impact Permit CAI-23-09-043 for Correct Craft Real Estate, LLC, subject to the conditions listed in the staff report. District 4. (Environmental Protection Division)

PROJECT: December 3, 2024 – Public Hearing for Conservation Area Impact Permit Application for Correct Craft Real Estate, LLC (Application No. CAI-23-09-043).

PURPOSE: The applicant, Correct Craft Real Estate, LLC, is requesting a Conservation Area Impact (CAI) permit to authorize 0.17 acre of direct impacts and 0.38 acre of secondary impacts to Class I wetlands associated with the construction of a roadway. The project site is located at 14700 Aerospace Parkway, Orlando, FL 32832 in District 4. The parcel ID number for the site is 06-24-32-1500-01-000.

The project is being reviewed under the prior version of Article X, Conservation Areas Ordinance, adopted in 1987, since the application was received September 14, 2023, prior to the effective date of June 1, 2024, for the updated Article X.

On July 12, 2006, EPD issued Conservation Area Impact Permit 05-102 to the applicant for 0.75 acre of Class I wetland impacts and 0.95 acre of required upland buffer impacts associated with the construction of an entrance road to their facility. Mitigation for the impacts included the onsite preservation of 13.15 acres of wetlands and 3.26 acres of upland buffer and the purchase of 1.60 credits from the TM-Econ Mitigation Bank, Phases I-III. As a condition of the permit, the onsite preservation area was placed into a conservation easement (Document No. 20060404917).

On September 13, 2023, EPD received an Application for Conservation Area Impact Permit to impact a portion of wetland that was previously placed into a conservation easement. The applicant is proposing 0.17 acre of direct impacts and 0.38 acre of secondary impacts to Class I wetlands in order to construct a roadway. The impacts are proposed on the north side of Wewahootee Road near the future intersection with Sunbridge Parkway. Wewahootee Road is currently an unpaved road and the future improvements will require that the grade be raised in order to meet the elevation of Sunbridge Parkway. The applicant states that the impacts are necessary for the roadside slopes and swales and to comply with the design standards of the City of Orlando and the Florida Department of Transportation. This parcel was recently annexed into the City of Orlando and future roadway construction permitting would be handled through the City.

As mitigation for the proposed impacts, the applicant has proposed to purchase 0.17 credit at Lake X Mitigation Bank, which services the project area. The proposed mitigation includes offsetting the reduction in acreage of the conservation easement preservation previously included in CAI Permit 05-102 in addition to the proposed wetland impacts. EPD has determined that the mitigation is appropriate and sufficient to offset adverse impacts to wetlands that will occur as a result of the proposed project.

EPD staff has evaluated the proposed impacts and site plan in accordance with the applicable review criteria. Pursuant to Orange County Code, Chapter 15, Article X, Section 15-362(5), *“Where wetlands serve a significant and productive environmental function, the public health, safety and welfare require that any alteration or development affecting such lands should be so designed and regulated so as to minimize or eliminate any impact upon the beneficial environmental productivity of such lands, consistent with the development rights of property owners.”* Additionally, pursuant to Section 15-396(3)(a), *“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 that will permit a reasonable use of the land or where there is an overriding public benefit. The protection, preservation and continuing viability of Class I conservation areas shall be the prime objective of the basis for review of all proposed alterations, modifications, or removal of these areas. When encroachment, alteration or removal of Class I conservation areas is permitted, habitat compensation or mitigation as a condition of development approval shall be required.”*

The community composition of the 0.17-acre project area consists of exotic and other invasive plant species. During the original permitting in 2006, this wetland was placed into a conservation easement as a wetland forested mixed (FLUCCS 630) type of wetland system. The current community type for the project area proposed for impact now resembles a mixed scrub-shrub wetland (FLUCCS 646) due to edge-effect factors along Wewahootee Road that have altered the vegetative structure and functionality of the wetland. The project area directly abuts Wewahootee Road and its associated roadside

ditches. Additionally, no imperiled species were documented within the 0.17-acre project area.

Based on the documentation and justifications provided by the applicant, EPD staff has determined that the applicant has demonstrated the proposed site plan allows for reasonable use of the land, that there are no other feasible or practical alternatives available to further minimize or eliminate impacts to the Class I wetlands, and therefore the request meets the criteria for approval.

The applicant and their agent were sent notification of the public hearing via electronic correspondence. Notification of the adjacent property owners is not required.

This CAI permit application is being reviewed concurrently with a partial release of conservation easement (Document No. 20060404917). This request is being processed through the Real Estate Management Division.

EPD staff has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X, Sections 15-362(5) and 15-396(3)(a) and recommends approval of CAI Permit No. CAI-23-09-043, subject to the conditions listed below:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 30-calendar day period following the date of rendition of the Board's decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.
2. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
3. The wetland and surface water impacts must be completed in accordance with 'Attachment 7' plan prepared by Breedlove, Dennis & Associates, Inc., received by the Environmental Protection Division (EPD) on September 14, 2023 and 'Sheet No. 1' prepared by WBQ Design and Engineering, received by EPD on September 24, 2024. Requests for permit extension must be submitted to EPD prior to the expiration date.
4. Mitigation includes the purchase of 0.17 credit from Lake X Mitigation Bank. A reservation letter documenting that 0.17 credit were reserved for this project was received by EPD on October 14, 2024.

5. In the event that the permittee does not successfully complete the transaction to obtain the requisite 0.17 credit from Lake X Mitigation Bank, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to construction plan approval.
6. Prior to beginning construction, the permittee must demarcate the limits of construction along the preserved wetlands and associated upland buffers with orange safety fencing. Initial clearing shall include a path along the limits of construction and along the preserved wetland adjacent to the wetland impact, to facilitate a visual limit of clearing for the installation of the orange safety fencing. After initial clearing adjacent to the conservation area is complete, silt fencing must be installed. The silt fencing and orange safety fencing must be installed and maintained throughout construction.
7. Conservation area signage shall be installed as depicted on 'Attachment 4' prepared by Breedlove, Dennis & Associates, Inc. and received by EPD on September 24, 2024. The signage shall be installed within 60 days of completion of final site grading adjacent to the conservation areas.
8. Prior to any filling within the 100-year flood zone, a Flood Plain Permit is required from the Orange County Stormwater Management Division.
9. For projects which disturb one acre or more of land, or which are less than one acre but are part of a larger common plan of development of sale that is greater than one acre, coverage under a National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP) is required. Prior to the start of land disturbing activities, which includes demolition, earthwork and/or construction, the operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit to the Florida Department of Environmental Protection (FDEP) a Notice of Intent (NOI) to obtain coverage under the NPDES CGP pursuant to the requirements of 62-621.300(4)(a) Florida Administrative Code (F.A.C.). As the Operator of the MS4, a copy of the NOI shall also be submitted to the Orange County NPDES Environmental Program Supervisor prior to the start of activities. Copies of the SWPPP, NOI, and FDEP Acknowledgement Letter are to be kept on the project site and made available upon request. Upon completion of all land disturbing activities and after final stabilization of the site is complete, the developer/contractor shall submit to FDEP a Notice of Termination (NOT) to end their coverage under the CGP and provide a copy of the NOT to the Operator(s) of the MS4. A copy of the CGP, NOI and additional information can be found on the FDEP website: <http://dep.state.fl.us/water/stormwater/npdes/construction3.htm>.
10. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-

302.530(70), and 62-4.242 F.A.C. Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants, into wetlands and/or surface waters due to the permitted activities. BMPs are performance based; if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 NTU over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFW). A copy of the Designer and Reviewer Manual can be found at the following website: <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>.

11. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of 62-621.300(2)(a) and 62-620 F.A.C. and Chapter 403, Florida Statutes (FS). Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.

General Conditions:

12. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds themselves and their successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease, and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holders promptly thereafter.
13. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
14. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction

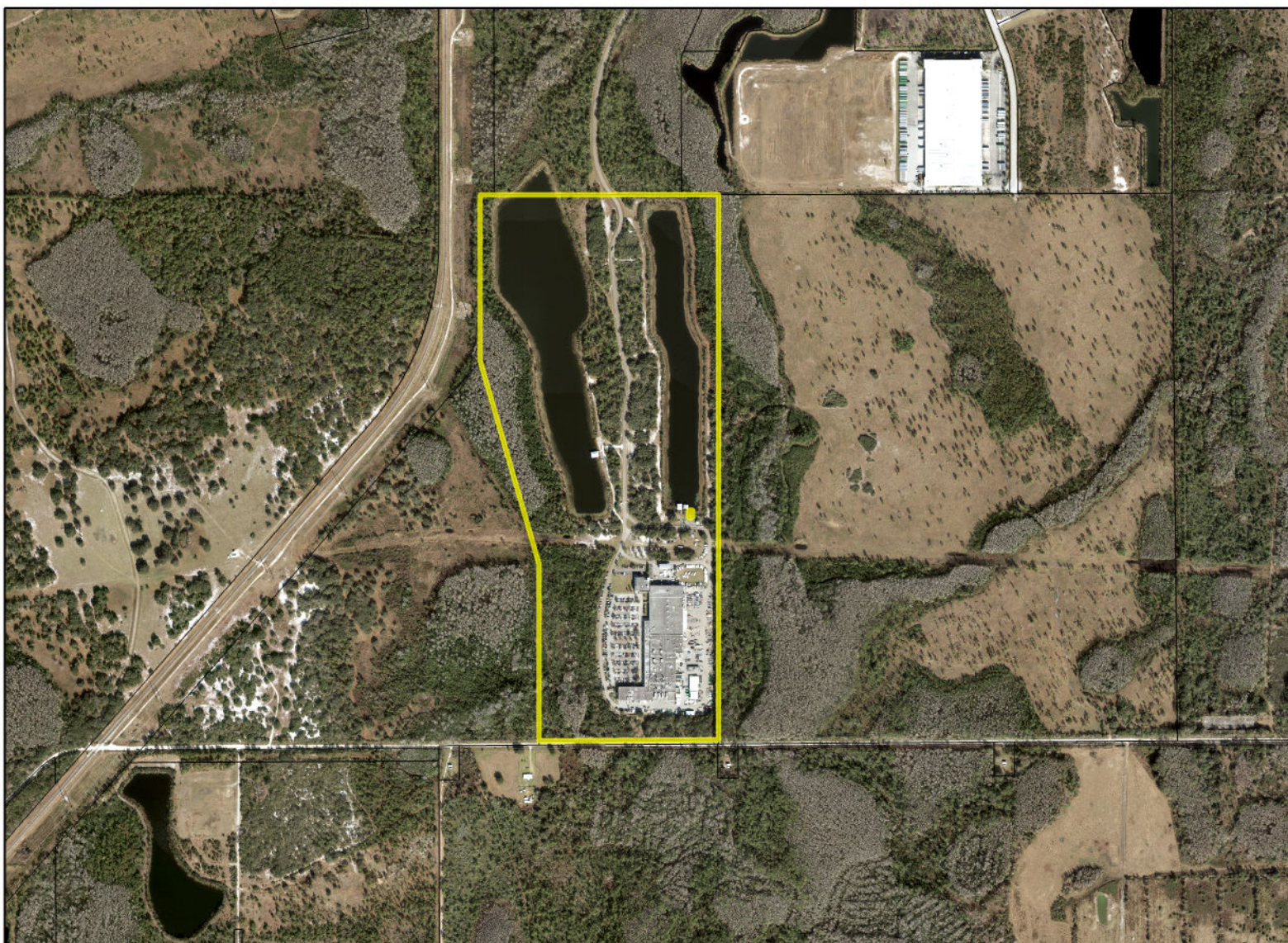
is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

15. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article X, adopted 1987, of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency, the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
16. The permittee is hereby advised that Section 253.77 FS, states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
17. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
18. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
19. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to ensure conformity with the plans and specifications approved by the permit.

20. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
21. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
22. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
23. Pursuant to Section 125.022 FS, 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 if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that result in a violation of state or federal law.
24. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of development.

BUDGET: N/A

Conservation Area Impact Permit

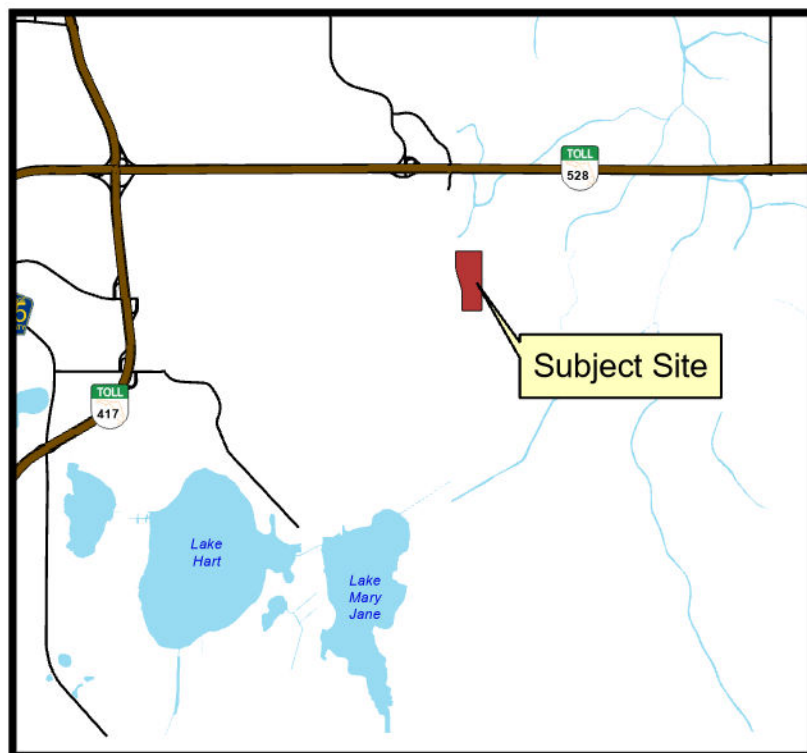


Conservation Area Impact Permit
CAI-23-09-043
District #4

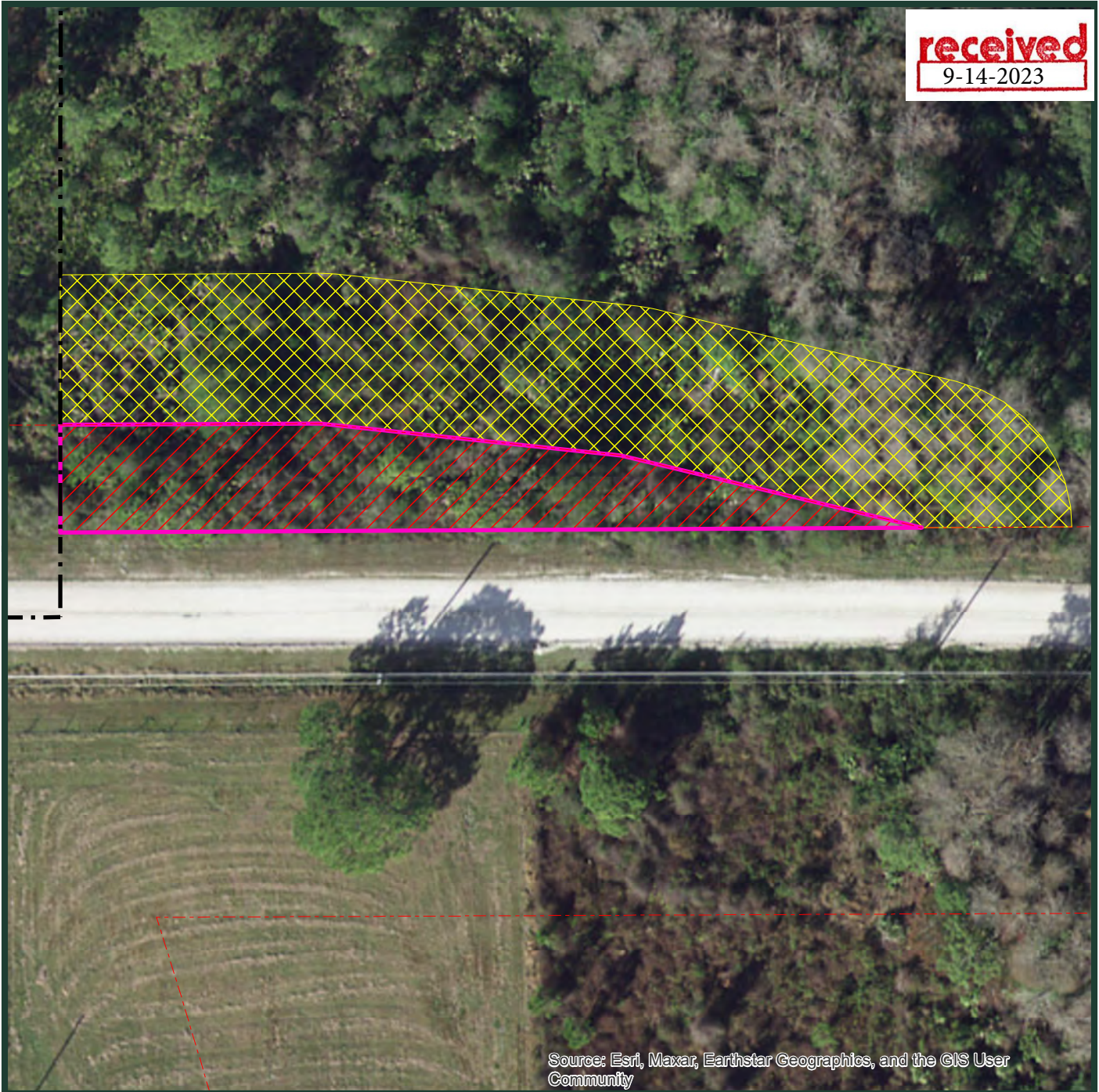
Applicant: Correct Craft Real Estate
Address: 14700 Aerospace Pkwy
Parcel ID: 06-24-32-1500-01-000

Project Site 

Property Location 








received
9-14-2023

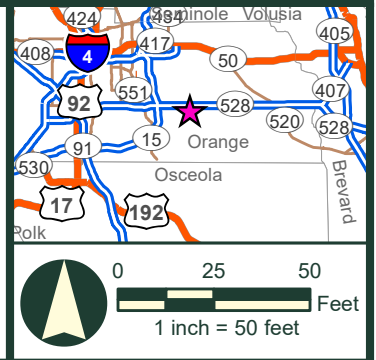


Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Source: ROW provided by: WBQ Design & Engineering, Inc.; 20230515.
ICP boundary provided by: DWMA, Inc.

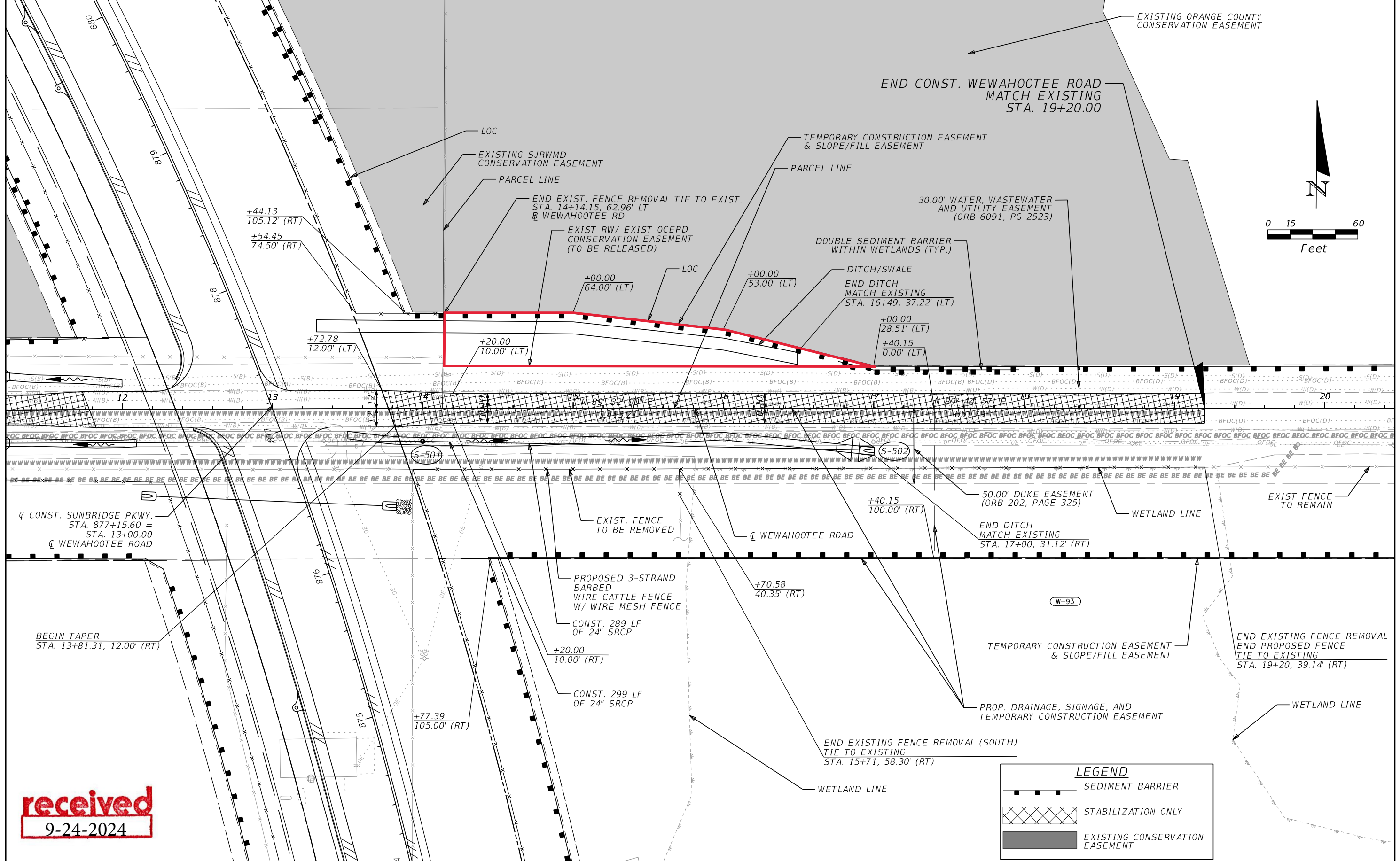
Legend

-  Project Area (0.169 ac)
-  International Corporate Park Boundary
-  Proposed Sunbridge Parkway ROW
-  Wetland Impact (0.169 ac)
-  Secondary Wetland Impact (0.377 ac)



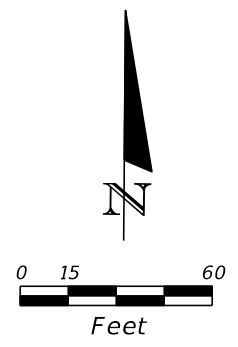
ATTACHMENT 7. PROPOSED IMPACTS WITHIN THE PARTIAL CONSERVATION AREA RELEASE FOR THE CORRECT CRAFT FACILITY PROJECT, ORANGE CO., FL.

BDA BREEDLOVE, DENNIS & ASSOCIATES, INC.
Environmental Consultants
330 W. Canton Ave., Winter Park, FL 32789 • 407-677-1882



EXISTING ORANGE COUNTY CONSERVATION EASEMENT

END CONST. WEWAHOOTEE ROAD
MATCH EXISTING
STA. 19+20.00



received
9-24-2024

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

TROY W. VARGAS, P.E. LICENSE NO. 57621
WBQ DESIGN & ENGINEERING
 201 N. Magnolia Ave. Suite 200
 Orlando, FL 32801
 Phone 407.839.4300 Fax 407.839.1621
 CERTIFICATE OF AUTHORIZATION NO. 6796

ORANGE COUNTY GOVERNMENT
ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 4200 SOUTH JOHN YOUNG PARKWAY
 ORLANDO, FLORIDA 32839
 (407) 836-7900

LEGEND

	SEDIMENT BARRIER
	STABILIZATION ONLY
	EXISTING CONSERVATION EASEMENT

PLAN SHEET - OCEPD
CORRECT CRAFT

SHEET NO.
1

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.

81°9'33"W

81°9'30"W

81°9'27"W

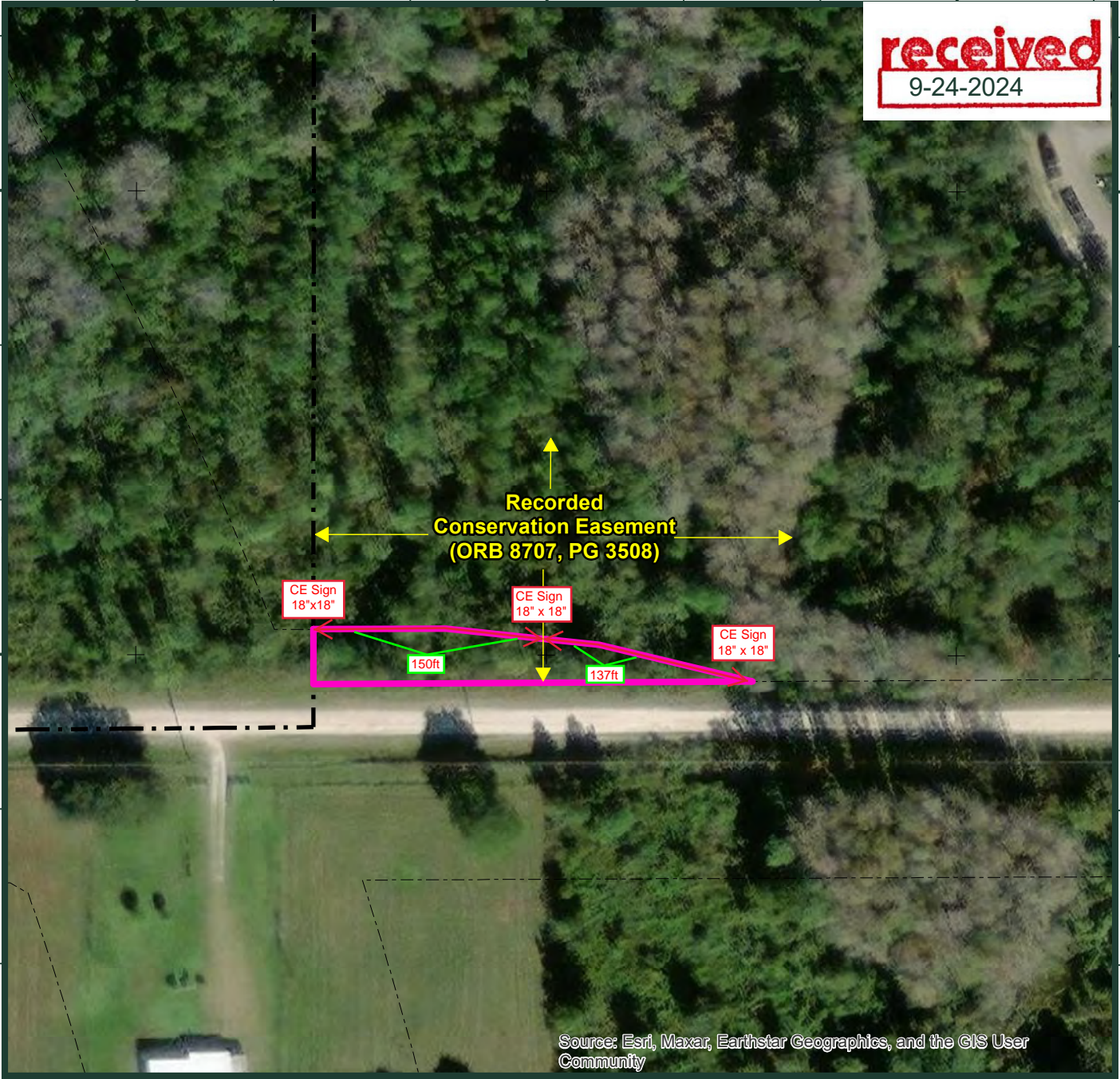
received
9-24-2024

28°25'36"N

28°25'36"N

28°25'33"N

28°25'33"N



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

81°9'33"W

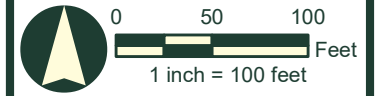
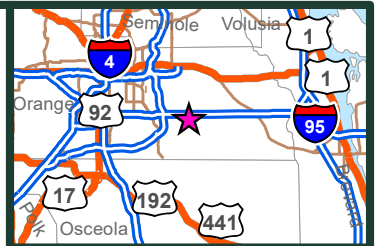
81°9'30"W

81°9'27"W

Legend

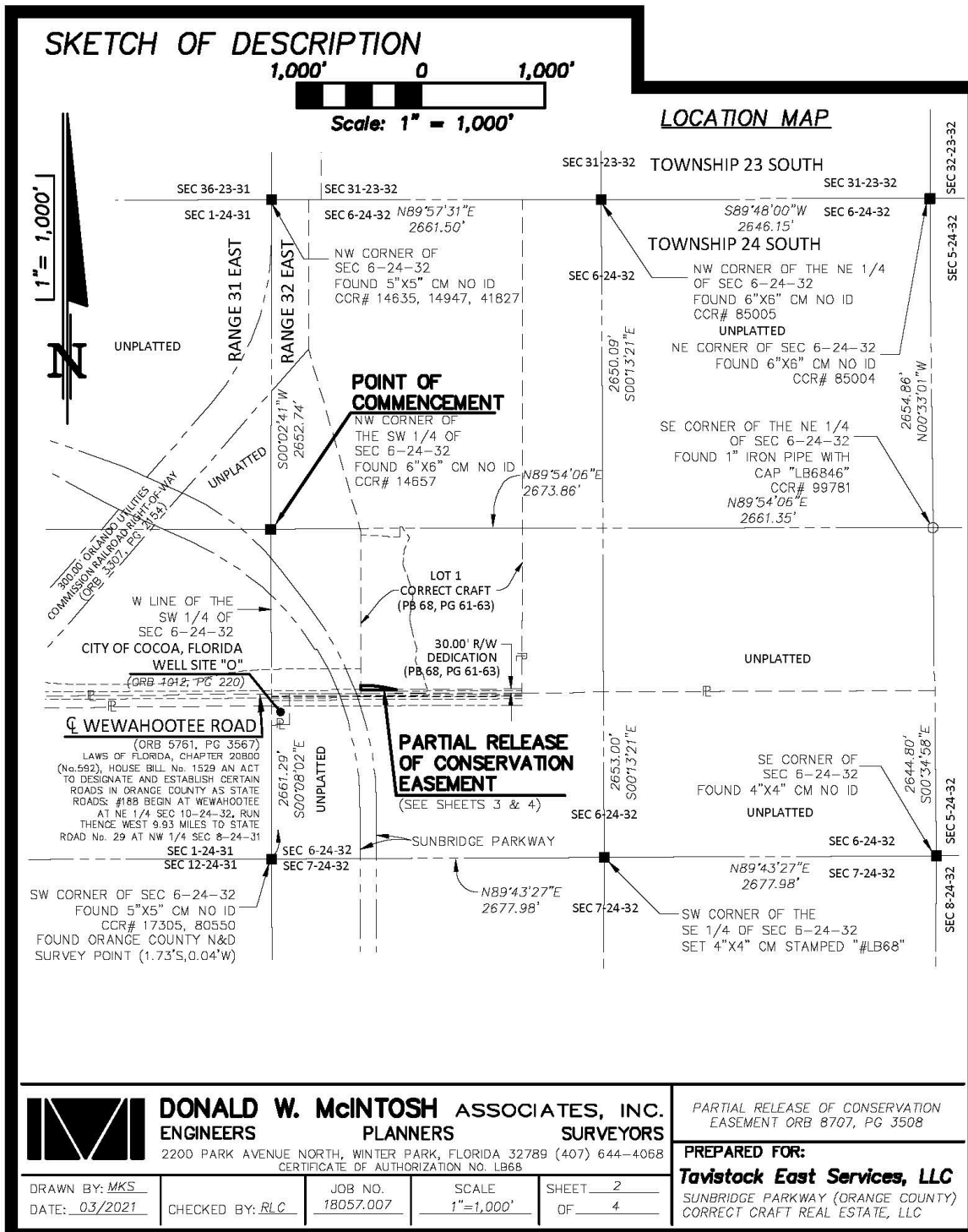
 Project Area / Partial Release of CE (0.169 ac)

Source: Project area derived from ROW provided by: WBQ Design & Engineering, Inc.; 20230515. ICP boundary provided by: DWMA, Inc.



ATTACHMENT 4. AERIAL PHOTOGRAPHY OF THE PARTIAL CONSERVATION AREA RELEASE FOR THE CORRECT CRAFT FACILITY PROJECT, ORANGE COUNTY, FLORIDA.

BDA BREEDLOVE, DENNIS & ASSOCIATES, INC.
Environmental Consultants
330 W. Canton Ave., Winter Park, FL 32789 • 407-677-1882



DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
 CERTIFICATE OF AUTHORIZATION NO. LB68

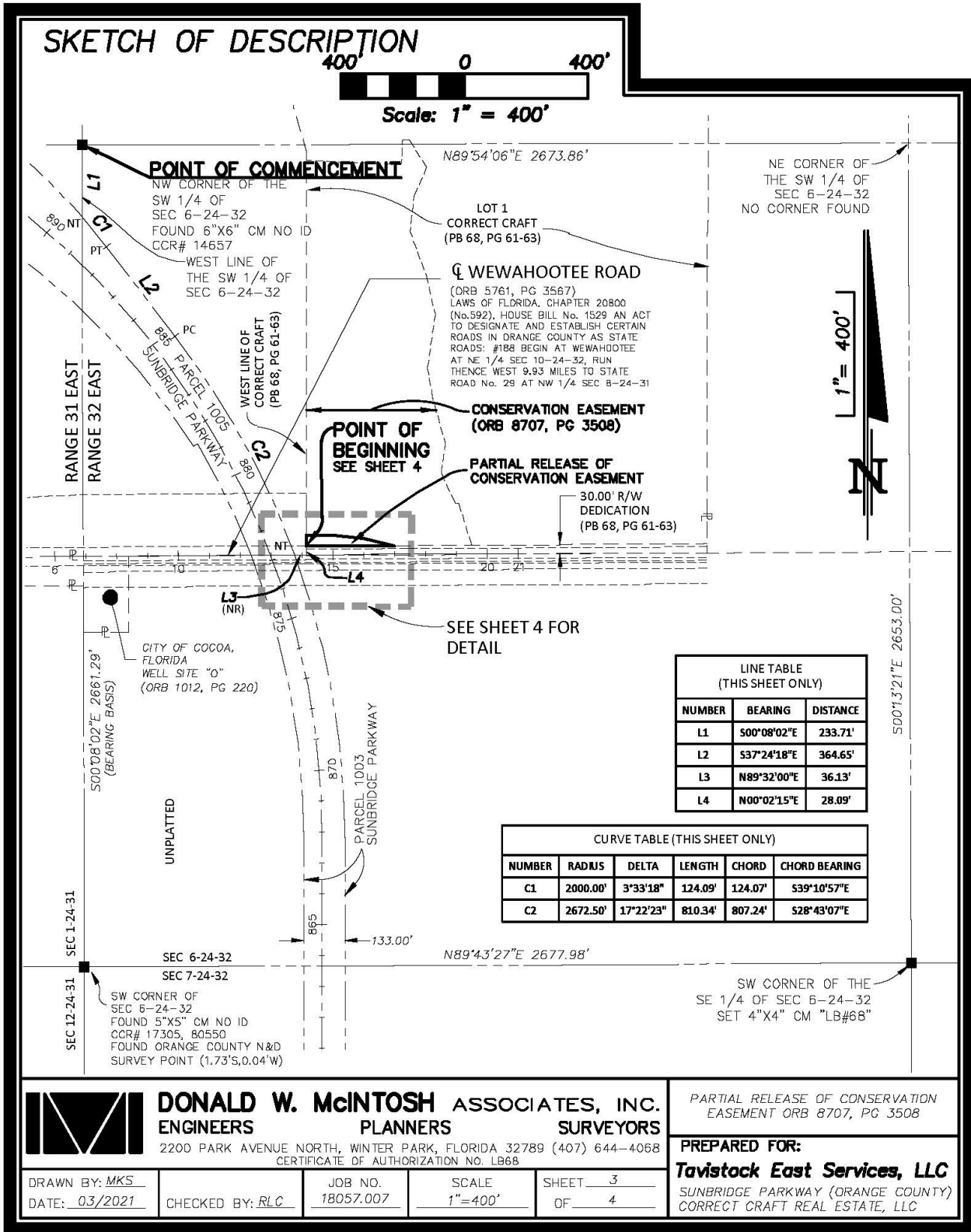
PARTIAL RELEASE OF CONSERVATION EASEMENT ORB 8707, PG 3508

PREPARED FOR:
Tavistock East Services, LLC
 SUNBRIDGE PARKWAY (ORANGE COUNTY)
 CORRECT CRAFT REAL ESTATE, LLC

DRAWN BY: MKS	CHECKED BY: RLC	JOB NO. 18057.007	SCALE 1"=1,000'	SHEET 2 OF 4
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CS# 20-128(43C)



DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
CERTIFICATE OF AUTHORIZATION NO. LB68

PARTIAL RELEASE OF CONSERVATION
EASEMENT ORB 8707, PG 3508

DRAWN BY: MKS
DATE: 03/2021

CHECKED BY: RLC

JOB NO.
18057.007

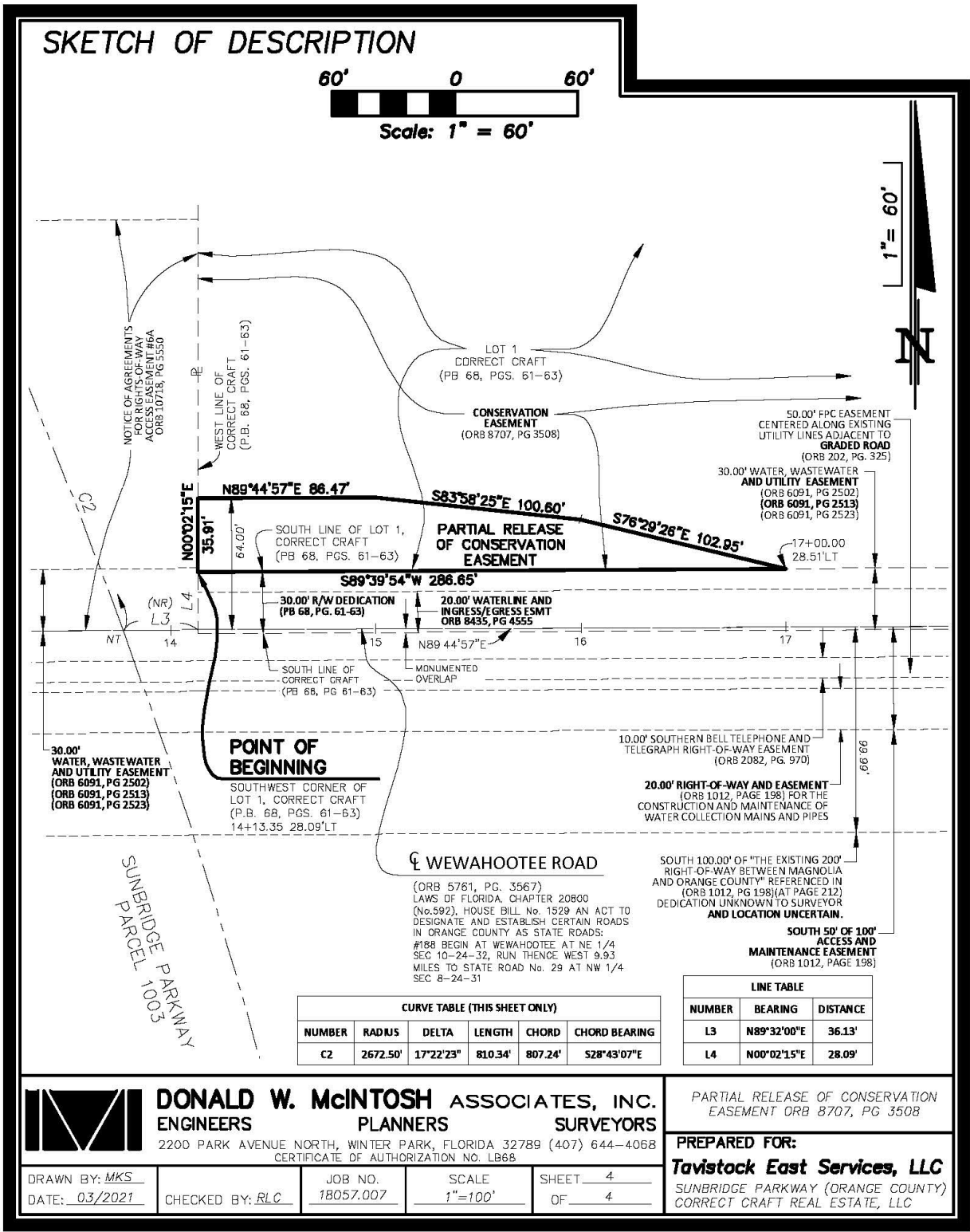
SCALE
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SHEET 3
OF 4

PREPARED FOR:
Tavistock East Services, LLC
SUNBRIDGE PARKWAY (ORANGE COUNTY)
CORRECT CRAFT REAL ESTATE, LLC

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CS# 20-128(43C)



DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
CERTIFICATE OF AUTHORIZATION NO. LB68

PARTIAL RELEASE OF CONSERVATION EASEMENT ORB 8707, PG 3508

PREPARED FOR:
Tavistock East Services, LLC
SUNBRIDGE PARKWAY (ORANGE COUNTY)
CORRECT CRAFT REAL ESTATE, LLC

DRAWN BY: *MKS*
DATE: 03/2021

CHECKED BY: *RLC*

JOB NO.
18057.007

SCALE
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SHEET 4
OF 4

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CS# 20-128(43C)

