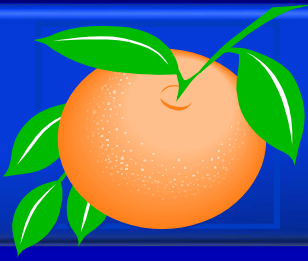


Board of County Commissioners

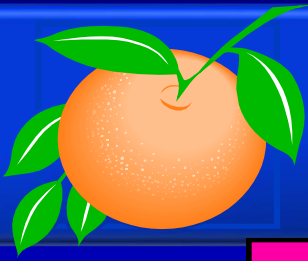
Public Hearings

May 20, 2025



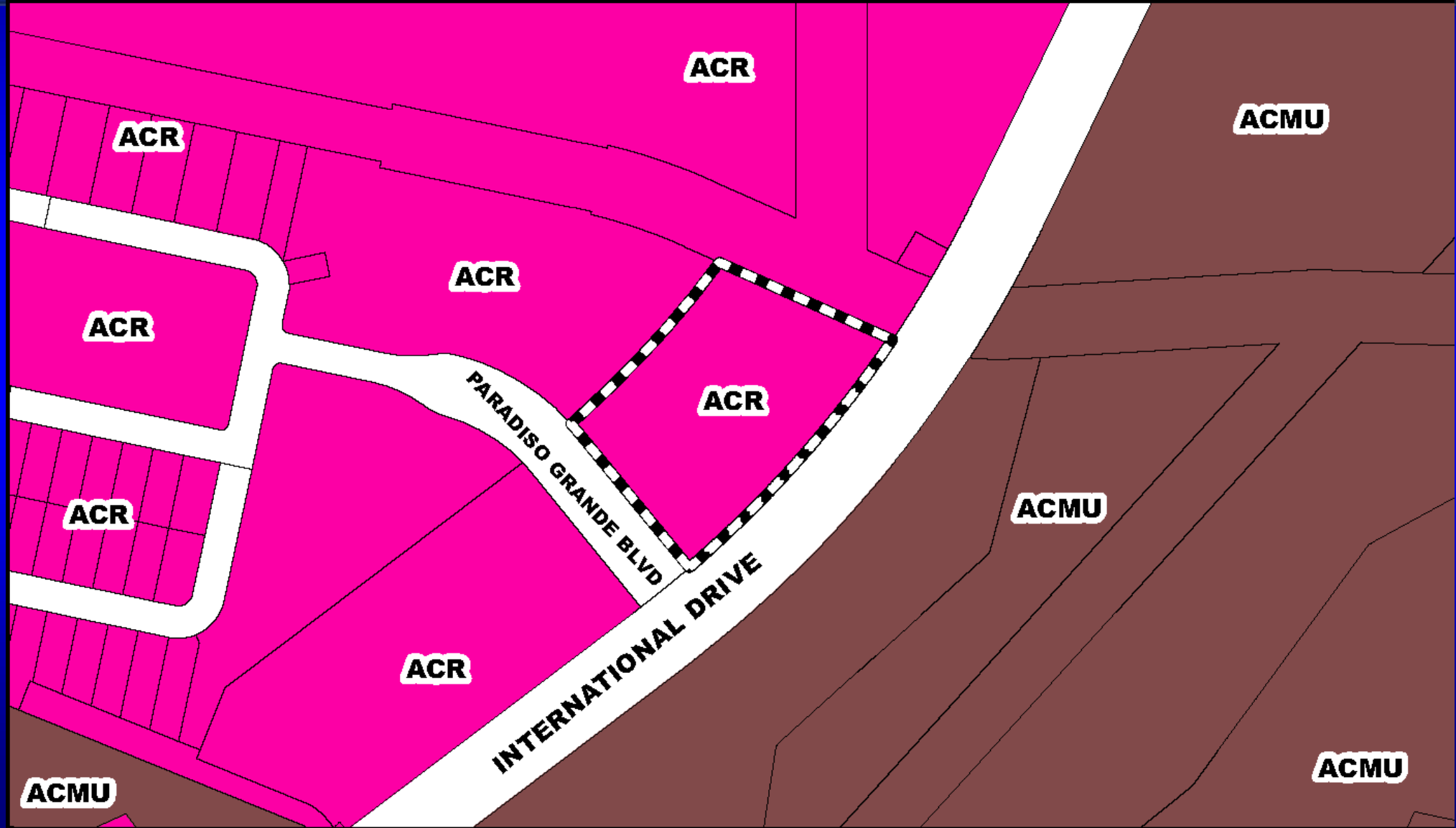
Orangewood N-2 Planned Development (PD)

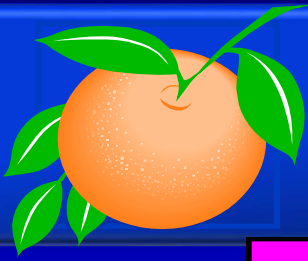
Case:	CDR-23-09-270
Applicant:	Lance Bennett, Poulos & Bennett, LLC
District:	1
Acreage:	432.9 acres (overall PD) 2.92 acres (affected parcel)
Location:	11304 International Drive Orlando; North of Paradiso Grande Boulevard / West of International Drive
Request:	To convert 27,772 square feet of tourist commercial, 38 attached short-term rental units, and 47 hotel rooms to 267 multifamily units related to Parcel 11D. In addition, one (1) waiver is being requested from Section 38-1300 on OCPA parcel number, 13-24-28-6283-12-040, to allow multi-family buildings a maximum building height of 110', in lieu of the code requirement of 60' for the maximum building height.



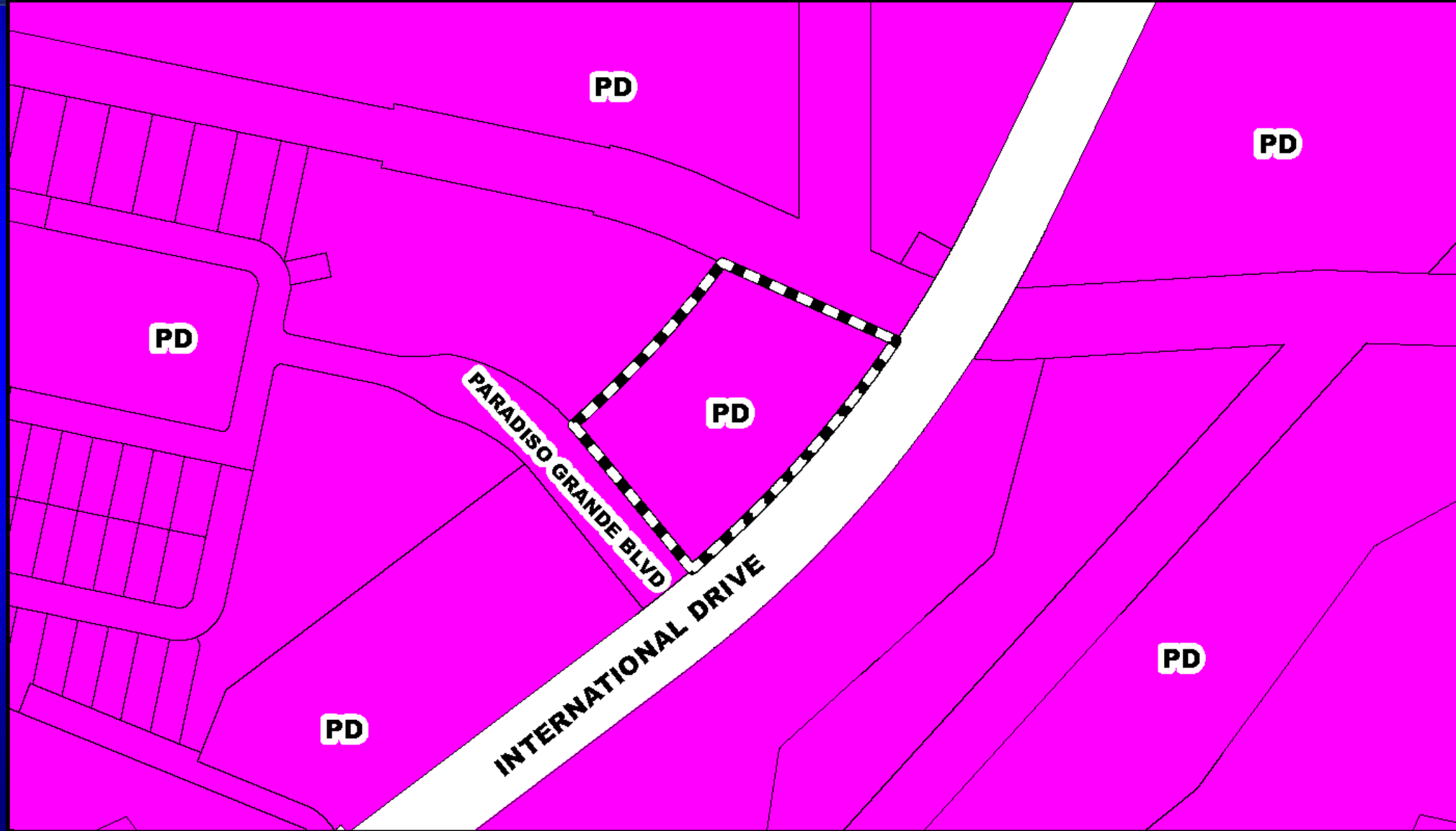
Orangewood N-2 Planned Development (PD)

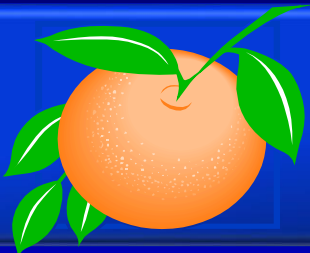
Future Land Use Map





Orangewood N-2 Planned Development (PD) Zoning Map

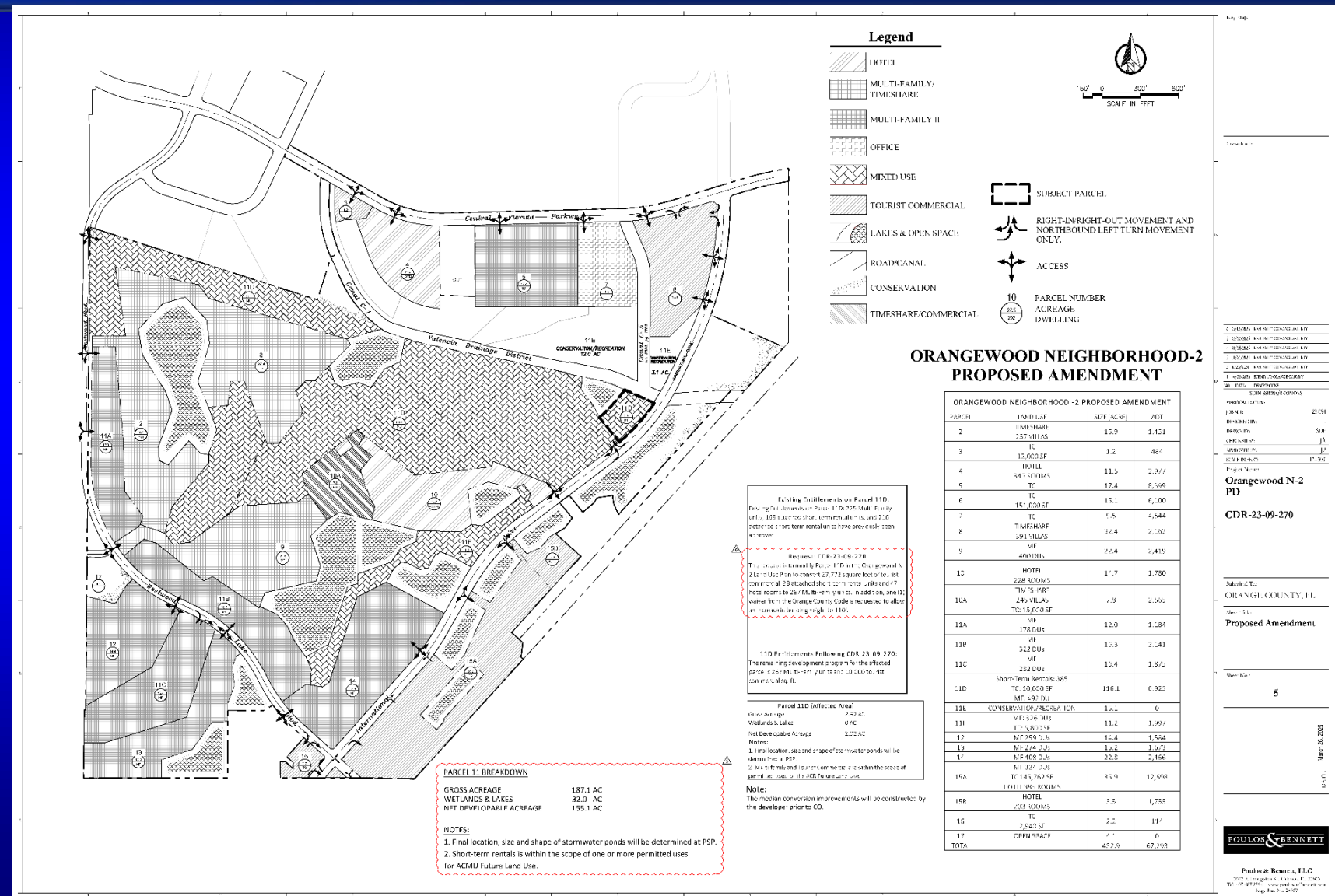


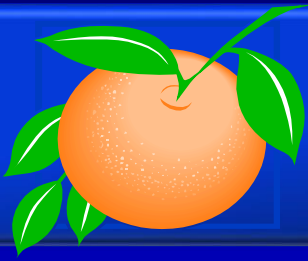


Orangewood N-2 Planned Development (PD)

Aerial Map



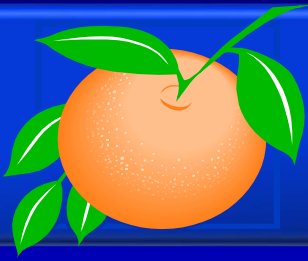




Action Requested

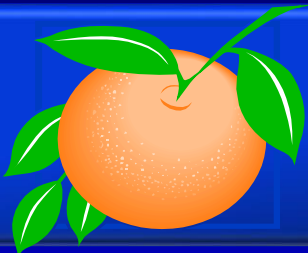
Make a finding of consistency with the Comprehensive Plan and APPROVE an amendment to the Orangewood N-2 Planned Development / Land Use Plan (PD / LUP) received March 6, 2025, subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report.

District 1

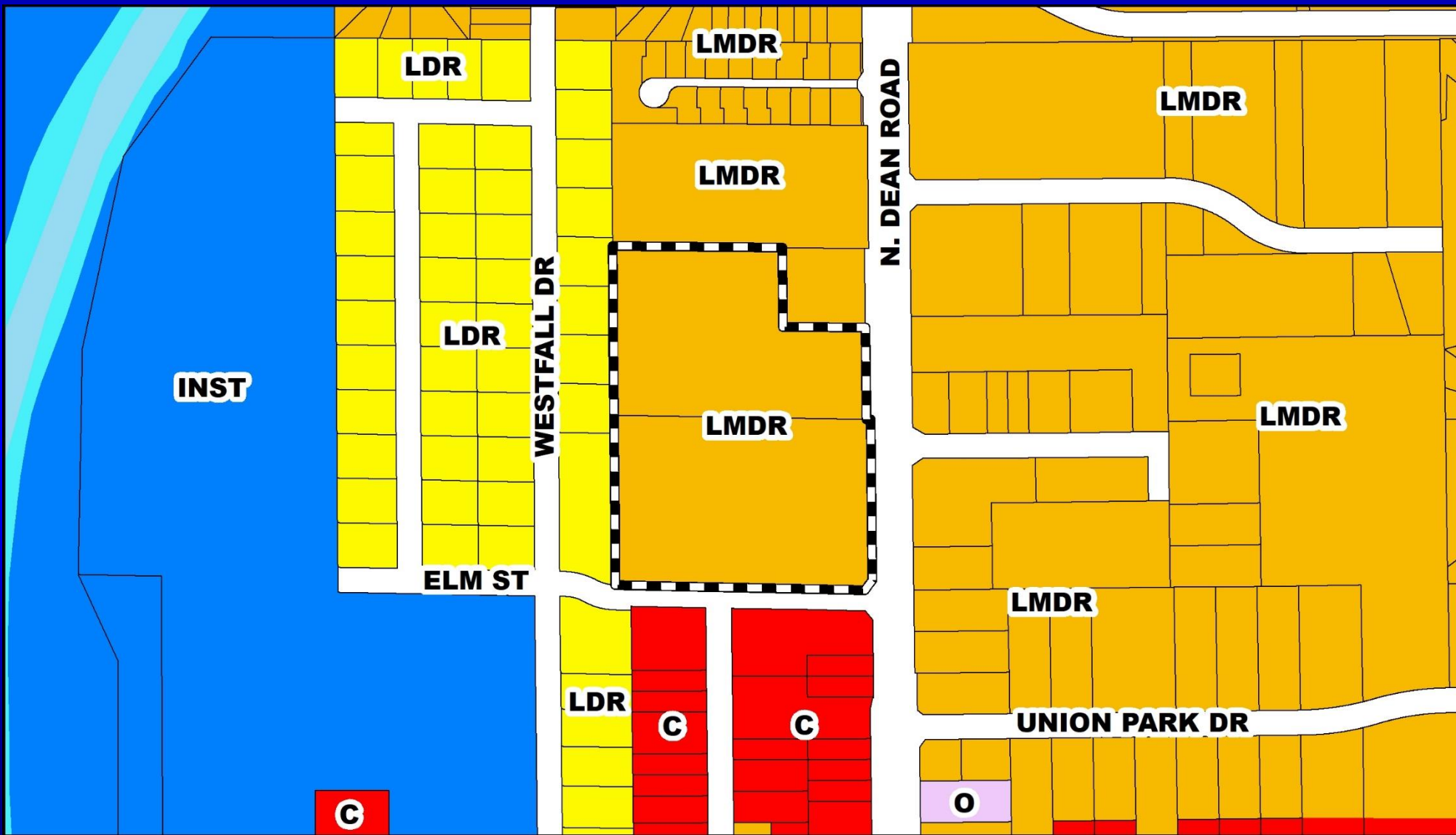


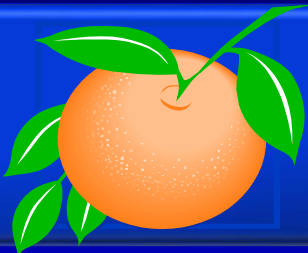
Dean Road DDCM Townhomes (fka Union Park Condominiums) PD / Dean Road DDCM Townhomes Preliminary Subdivision Plan (PSP)

Case:	PSP-23-09-288
Applicant:	Garrett George, CESO, Inc.
District:	5
Acreage:	10.65 overall PD acres 7.36 developable acres
Location:	North of Elm Street / West of Dean Road
Request:	<i>(Continued from April 22, 2025)</i> To subdivide 10.65 acres in order to construct 46 single-family attached residential dwelling units.

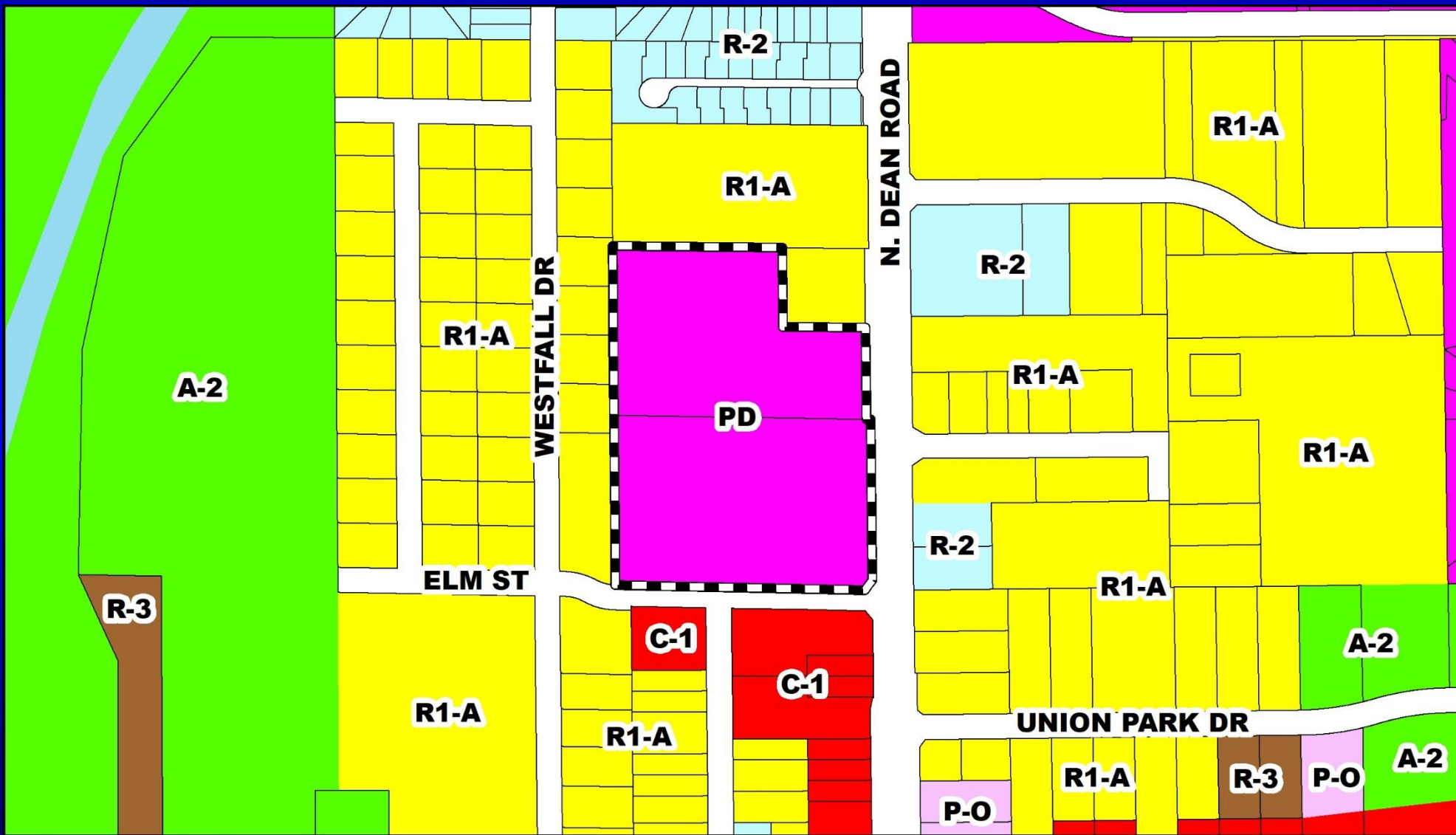


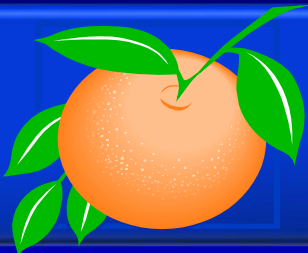
Dean Road DDCM Townhomes (fka Union Park Condominiums) PD / Dean Road DDCM Townhomes Preliminary Subdivision Plan (PSP) Future Land Use Map





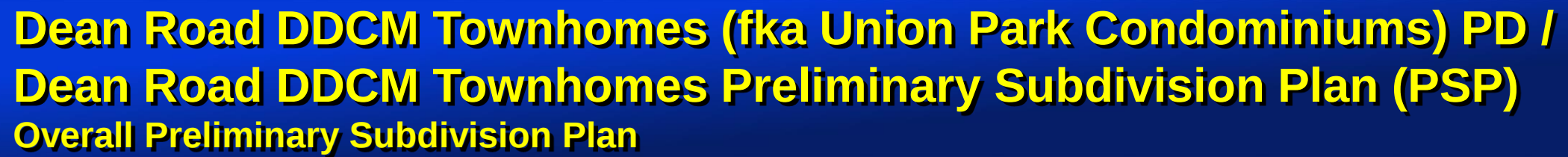
Dean Road DDCM Townhomes (fka Union Park Condominiums) PD / Dean Road DDCM Townhomes Preliminary Subdivision Plan (PSP) Zoning Map

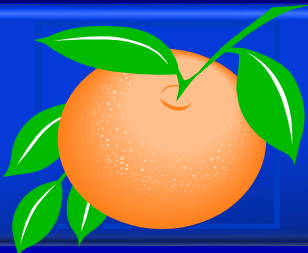




Dean Road DDCM Townhomes (fka Union Park Condominiums) PD / Dean Road DDCM Townhomes Preliminary Subdivision Plan (PSP) Aerial Map



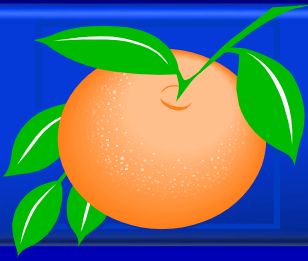




Action Requested

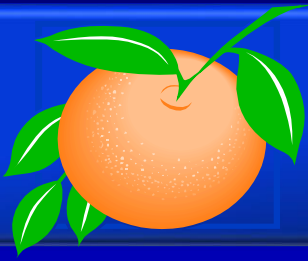
Make a finding of consistency with the Comprehensive Plan and APPROVE the Dean Road DDCM Townhomes (fka Union Park Condominiums) PD / Dean Road DDCM Townhomes PSPdated “Received March 7, 2025”, subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report.

District 5

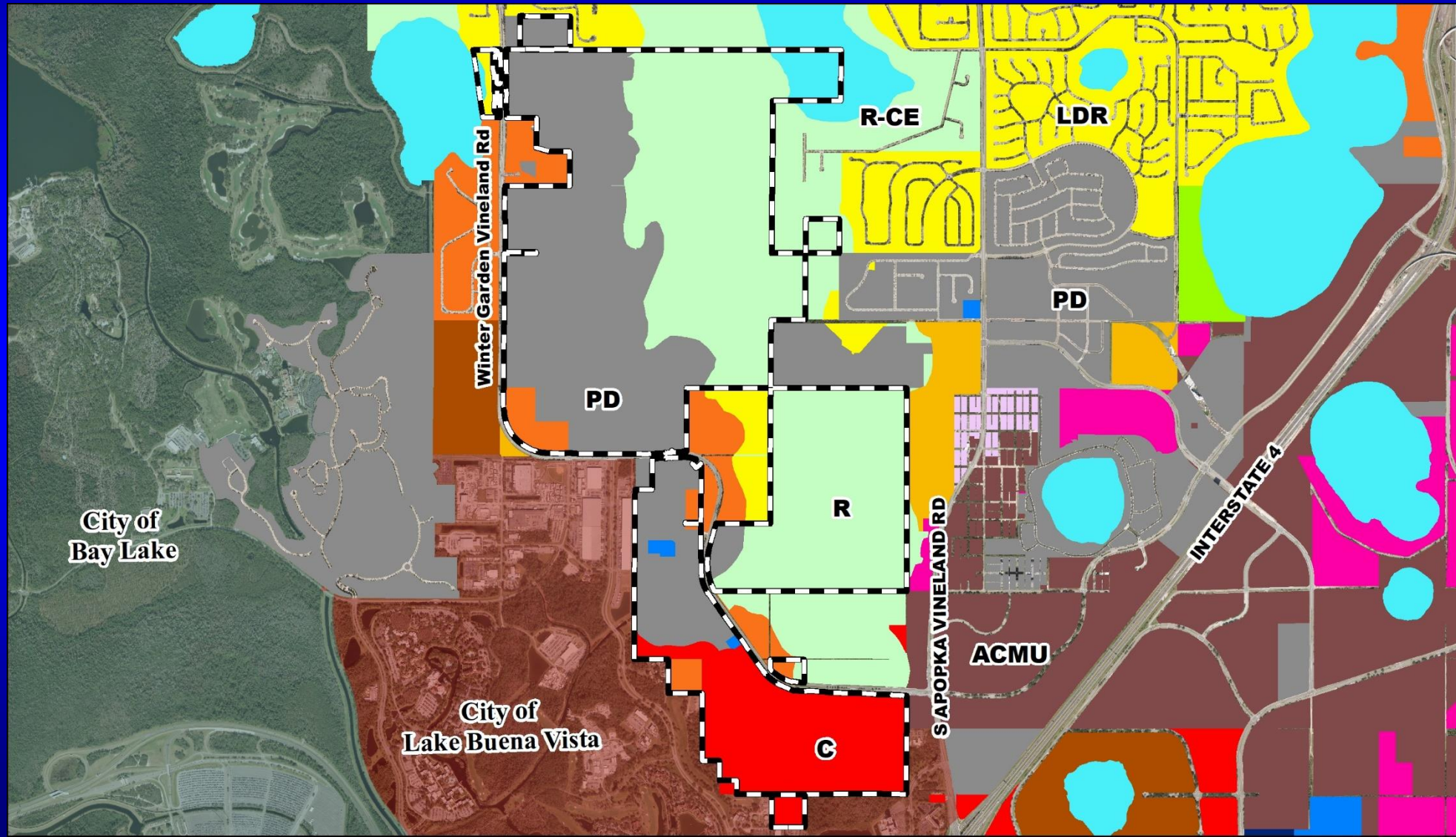


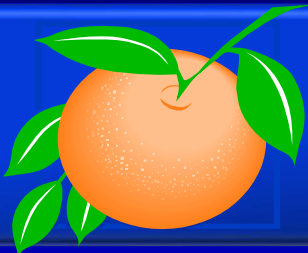
Grand Cypress Resort Planned Development / Land Use Plan Amendment (PD/LUPA)

Case:	LUPA-24-11-278
Applicant:	David Evans, Evans Engineering, Inc.
District:	1
Location:	South of Winter Garden Vineland Road / West of S Apopka Vineland Road
Acreage:	10.02 acres (area to be rezoned) 1,606 gross acres (new overall PD acreage)
Request:	<i>(Continued from May 6, 2025)</i> To rezone 10.02 acres from R-CE (Country Estate District) to PD (Planned Development District) and add the property to the existing Grand Cypress Resort PD. The request also includes updating the overall PD Development Program from 1,668 resort rental units; 1505 hotel rooms; 207 multi-family residential dwelling units; and 100,000 square feet of retail / entertainment uses - to 6,378 Resort Rental units; 1,505 hotel rooms; 207 multi-family residential dwelling units, and 500,000 square feet of retail commercial / entertainment uses.

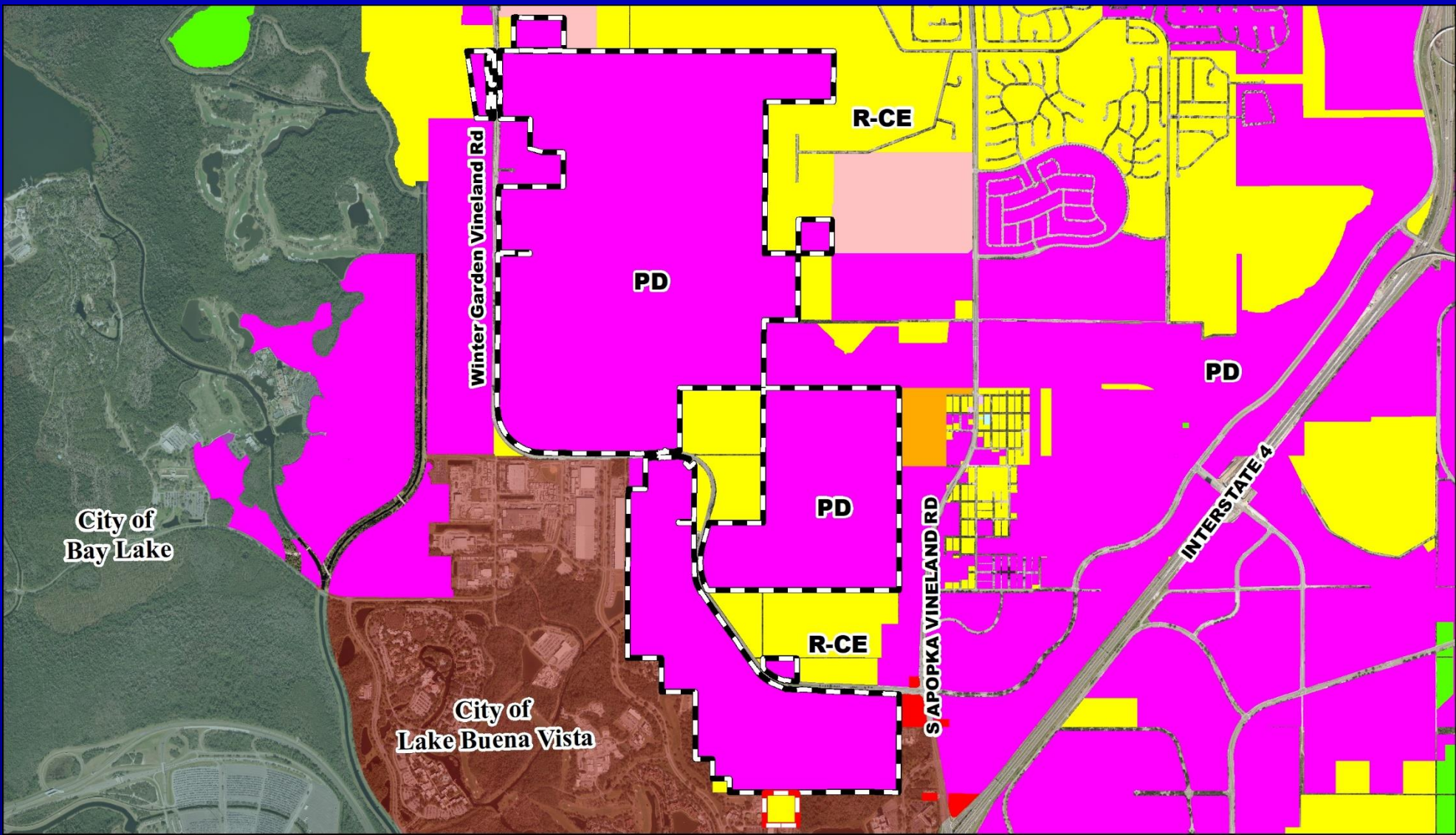


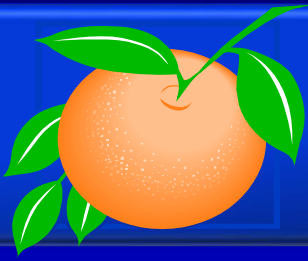
Grand Cypress Resort Planned Development / Land Use Plan Amendment (PD/LUPA) Future Land Use Map



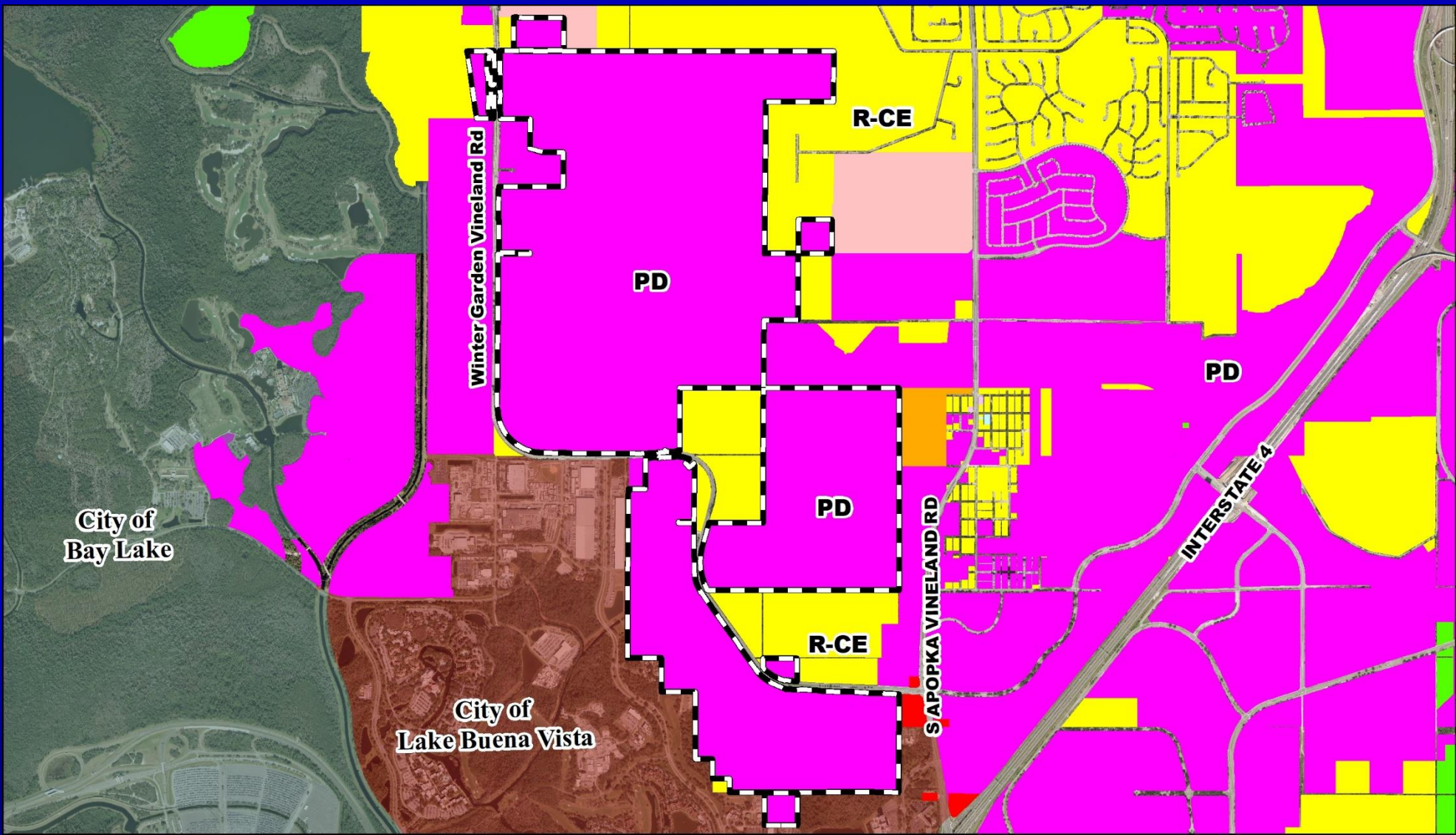


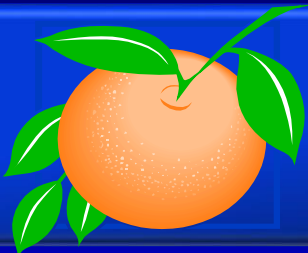
Grand Cypress Resort Planned Development / Land Use Plan Amendment (PD/LUPA) Zoning Map



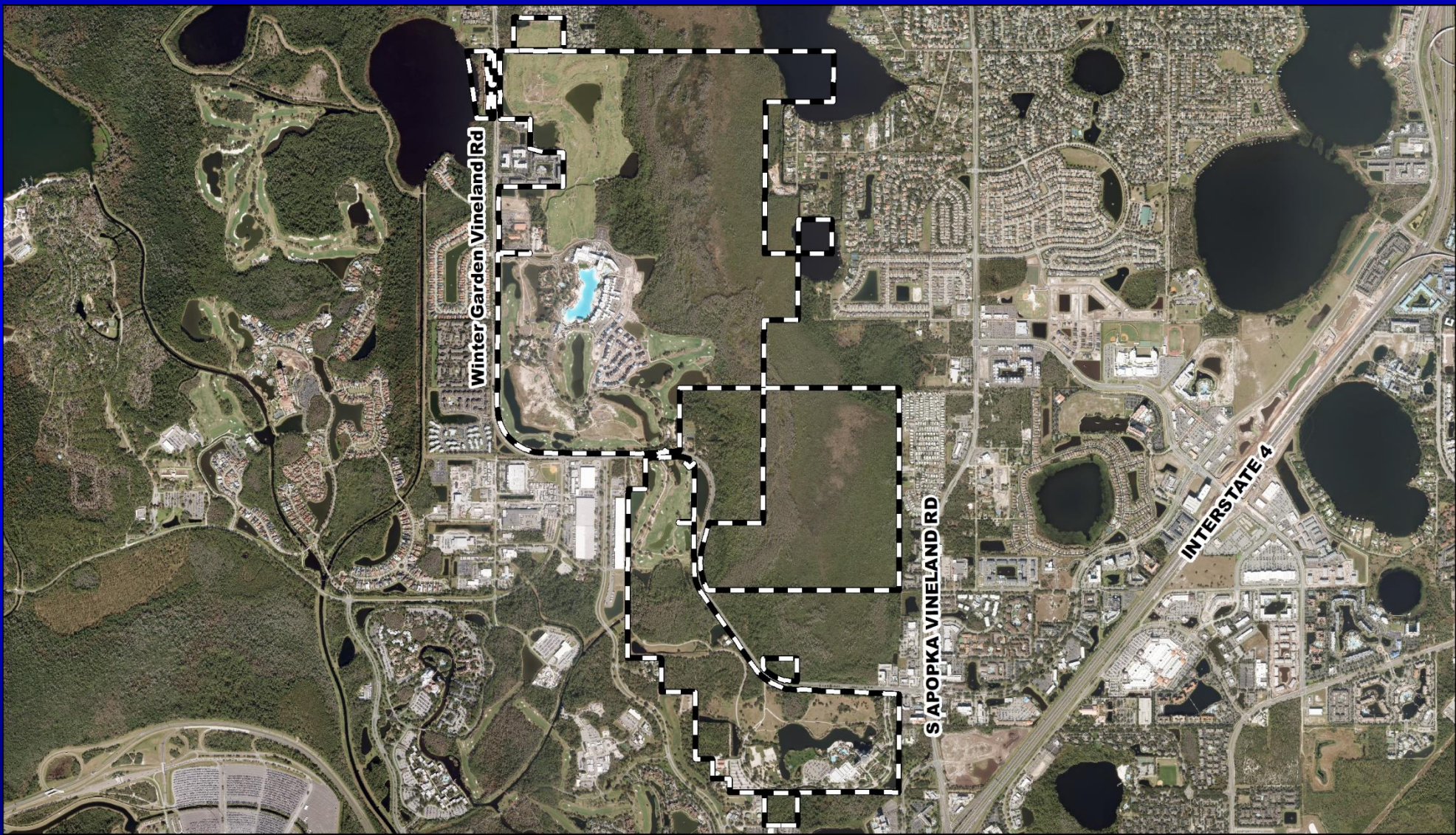


Grand Cypress Resort Planned Development / Land Use Plan Amendment (PD/LUPA) Proposed Zoning Map



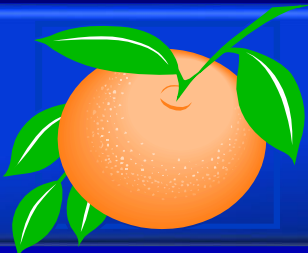


Grand Cypress Resort Planned Development / Land Use Plan Amendment (PD/LUPA) Zoning Map





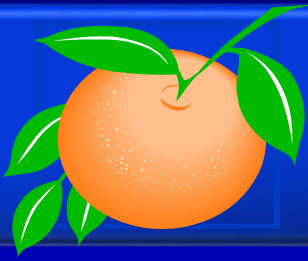
	Sheet Number: L10.01
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Action Requested

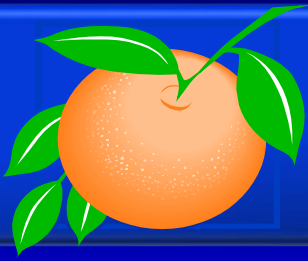
Make a finding of consistency with the Comprehensive Plan and APPROVE an amendment to the Grand Cypress Resort Planned Development / Land Use Plan (PD / LUP) received March 10, 2025, subject to the conditions listed under the Planning & Zoning Commission (PZC) Recommendation in the Staff Report.

District 1



Tuscana Planned Development / Land Use Plan

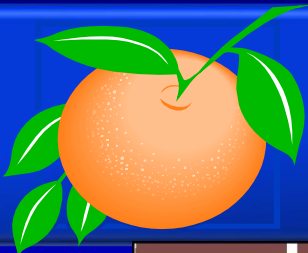
Case:	LUP-22-01-002
Applicant:	Jennifer Stickler, Kimley-Horn & Associates, Inc.
District:	1
Location:	North of State Road 417 / South of Central Florida Parkway / East of International Drive / West of S. John Young Parkway
Acreage:	227.48 gross acres 193.23 net developable acres* <i>*This includes 22.44 acres of proposed wetland impacts.</i>
Request:	To rezone 227.48 acres from A-2 (Farmland Rural District) to PD (Planned Development) to construct 653,400 square feet of commercial uses, 1,291 hotel rooms, and 4,814 multi-family dwelling units.



Tuscana Planned Development / Land Use Plan

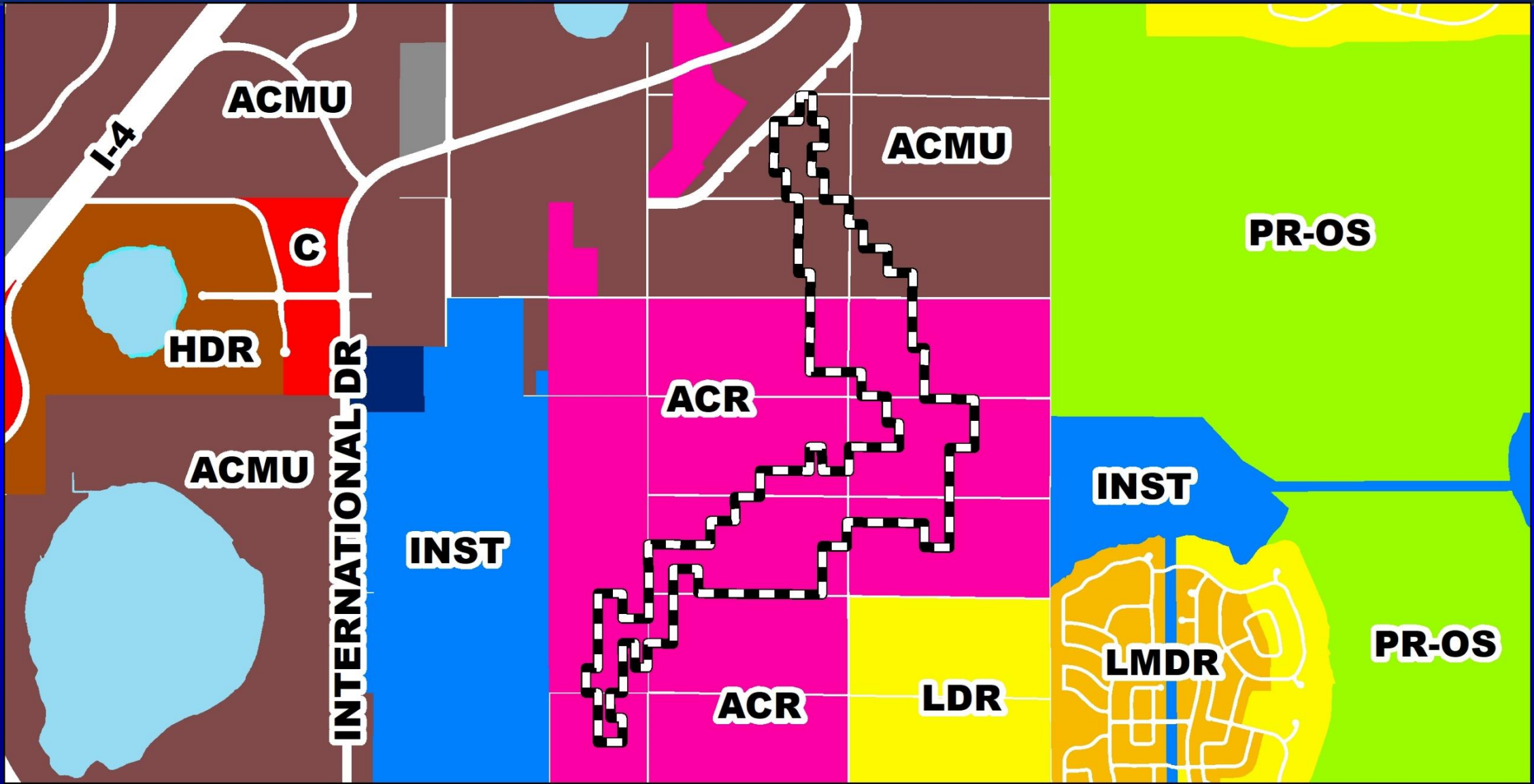
In addition, four (4) waivers are requested from Orange County Code:

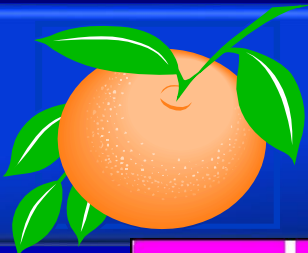
1. A waiver from Section 38-1287(2) is requested to allow for a zero (0) feet side setback in lieu of ten (10) feet when the side is internal to the development.
2. A waiver from Section 38-1287(3) is requested to allow for a zero (0) feet rear setback in lieu of twenty (20) feet when the rear is internal to the development.
3. A waiver from Section 38-1287(5) is requested to allow for a zero (0) foot paving setback for pedestrian facilities only for side lot lines in lieu of seven and a half (7.5) feet internal to the PD.
4. A waiver from Section 38-1300 is requested to allow the maximum building height for multi-family to be one hundred and fifty (150) feet in lieu of sixty (60) feet, but thirty-five (35) feet within one hundred (100) feet of single-family residential.



Tuscana Planned Development / Land Use Plan

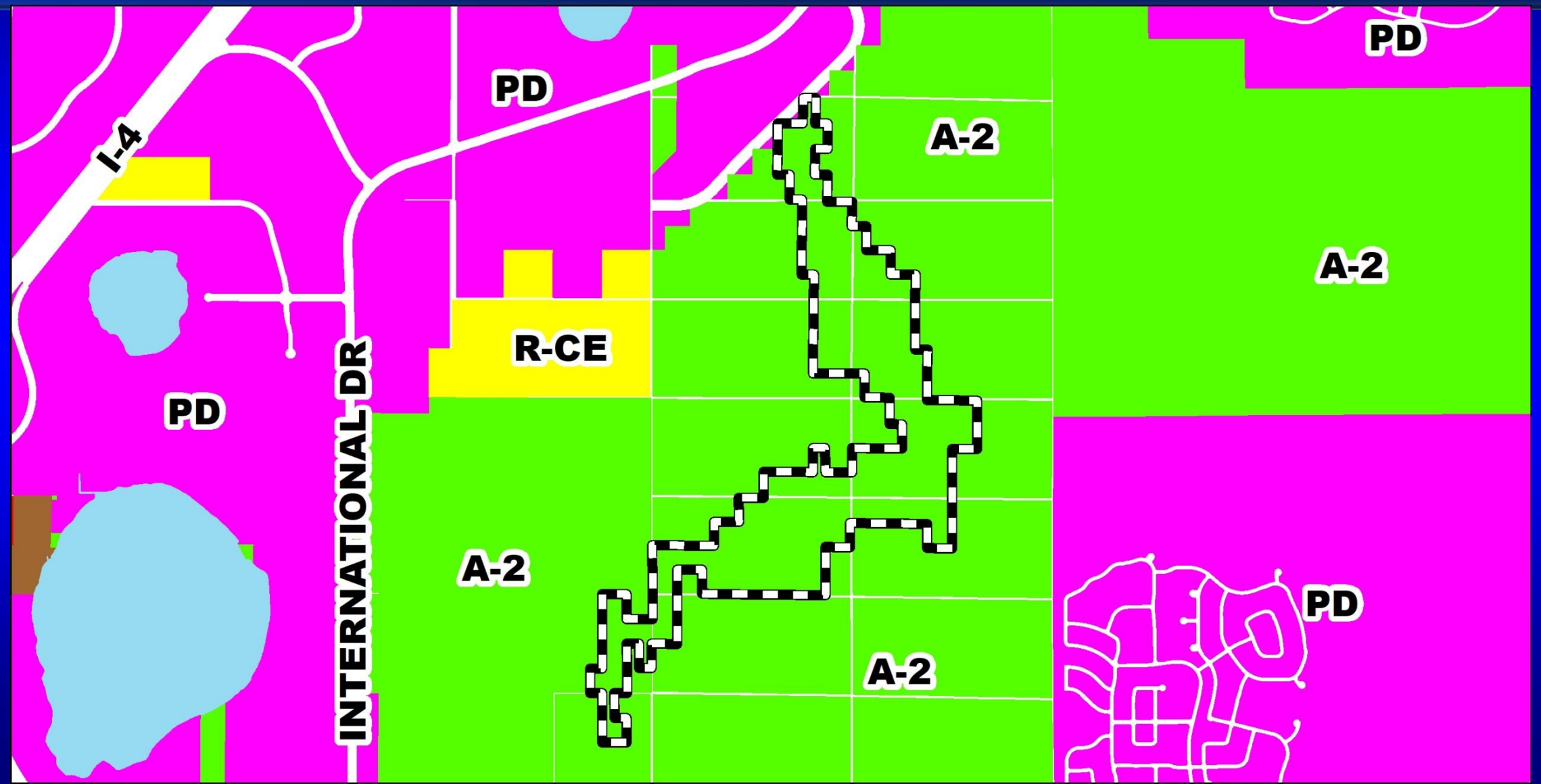
Future Land Use Map

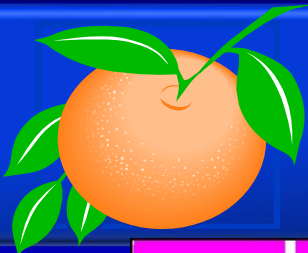




Tuscana Planned Development / Land Use Plan

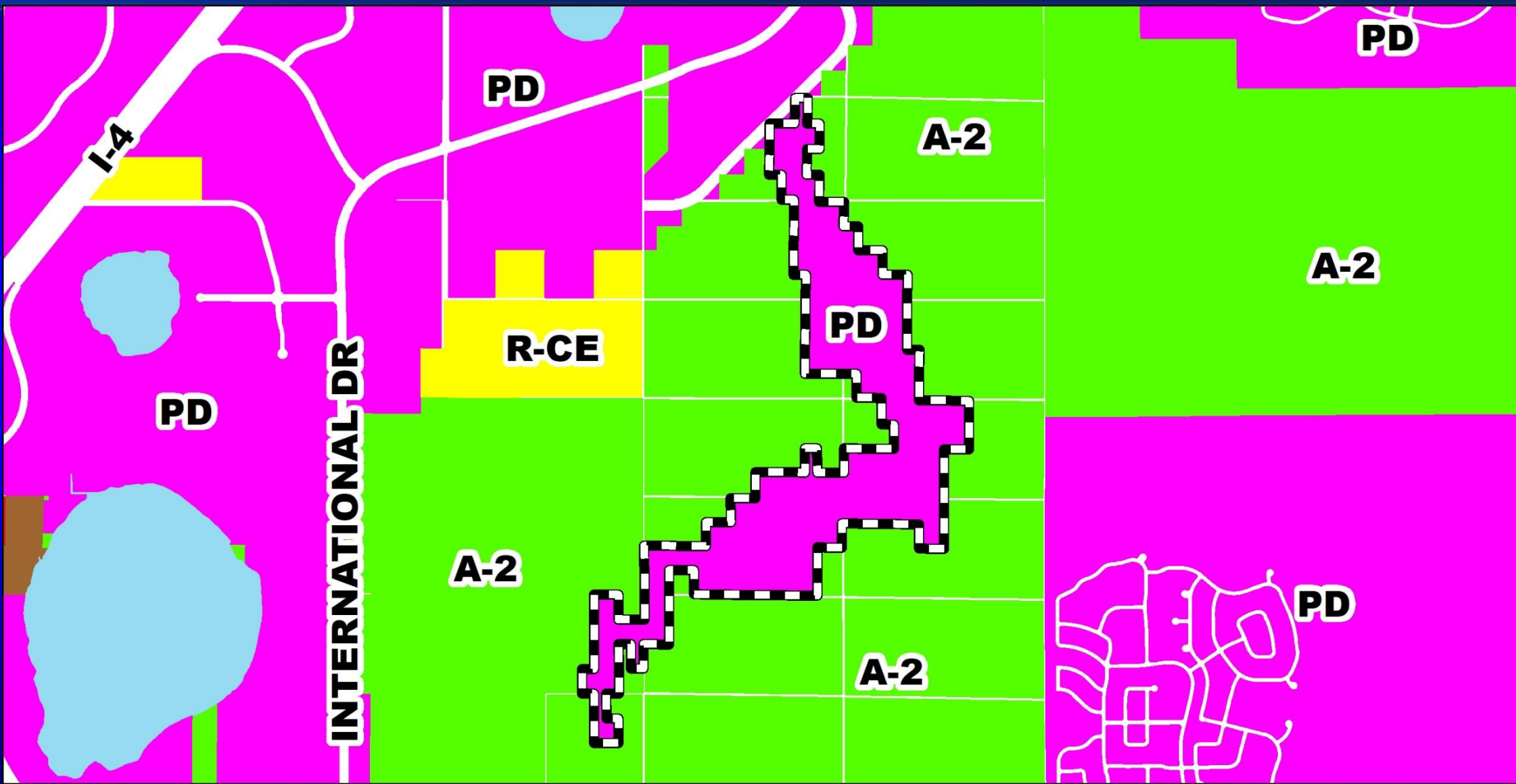
Zoning Map

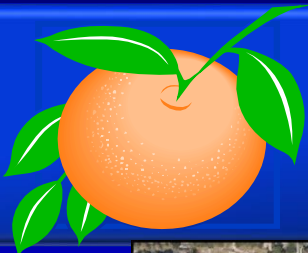




Tuscana Planned Development / Land Use Plan

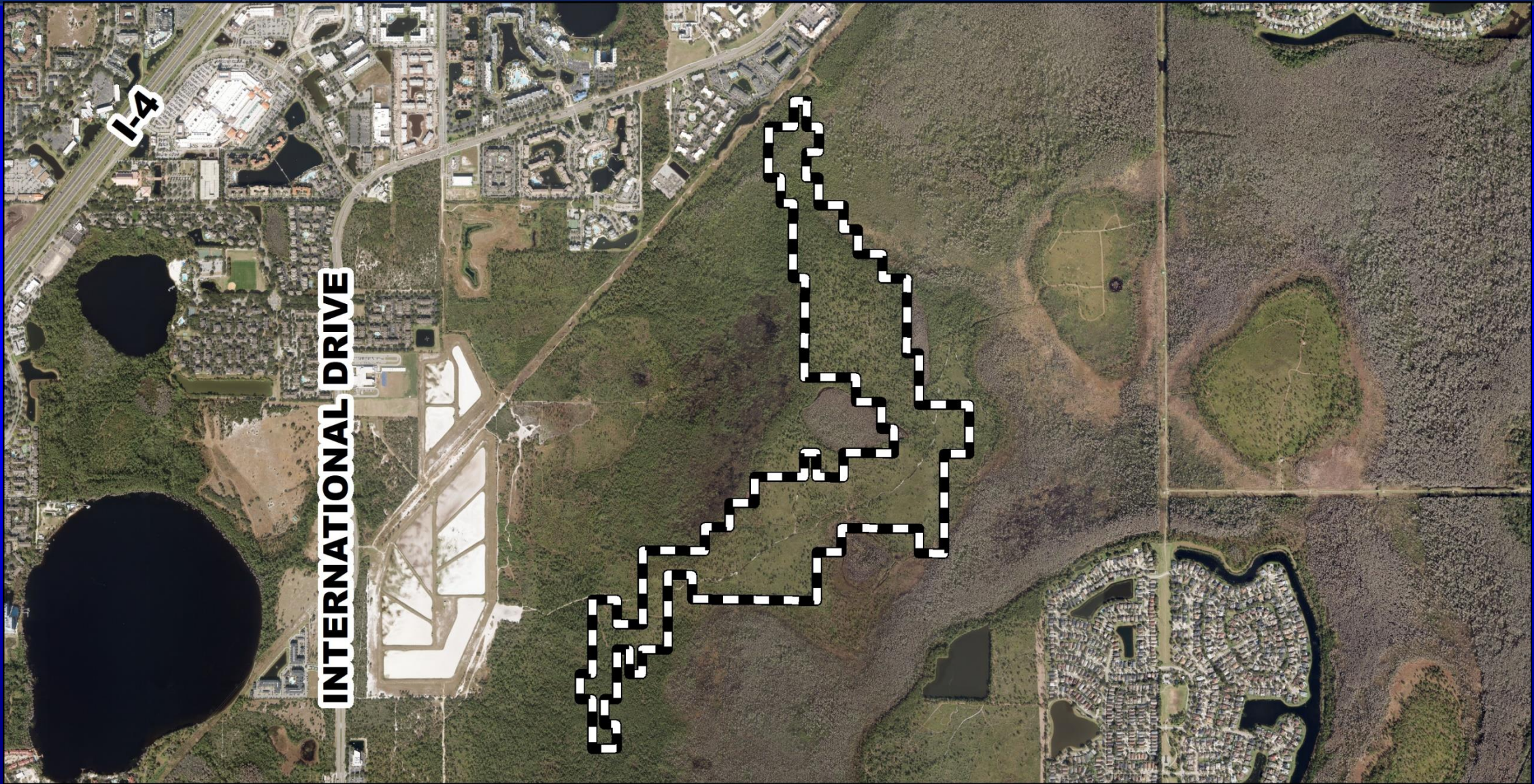
Proposed Zoning Map



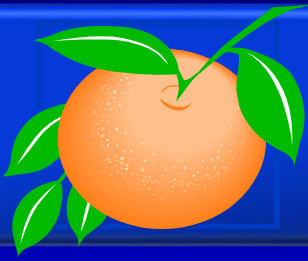


Tuscana Planned Development / Land Use Plan

Aerial Map







Action Requested

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the Tuscana Planned Development / Land Use Plan (PD/LUP), dated received March 6, 2025.

District 1

Board of County Commissioners

**Tuscana PD Conservation Area Impact
Permit Application**

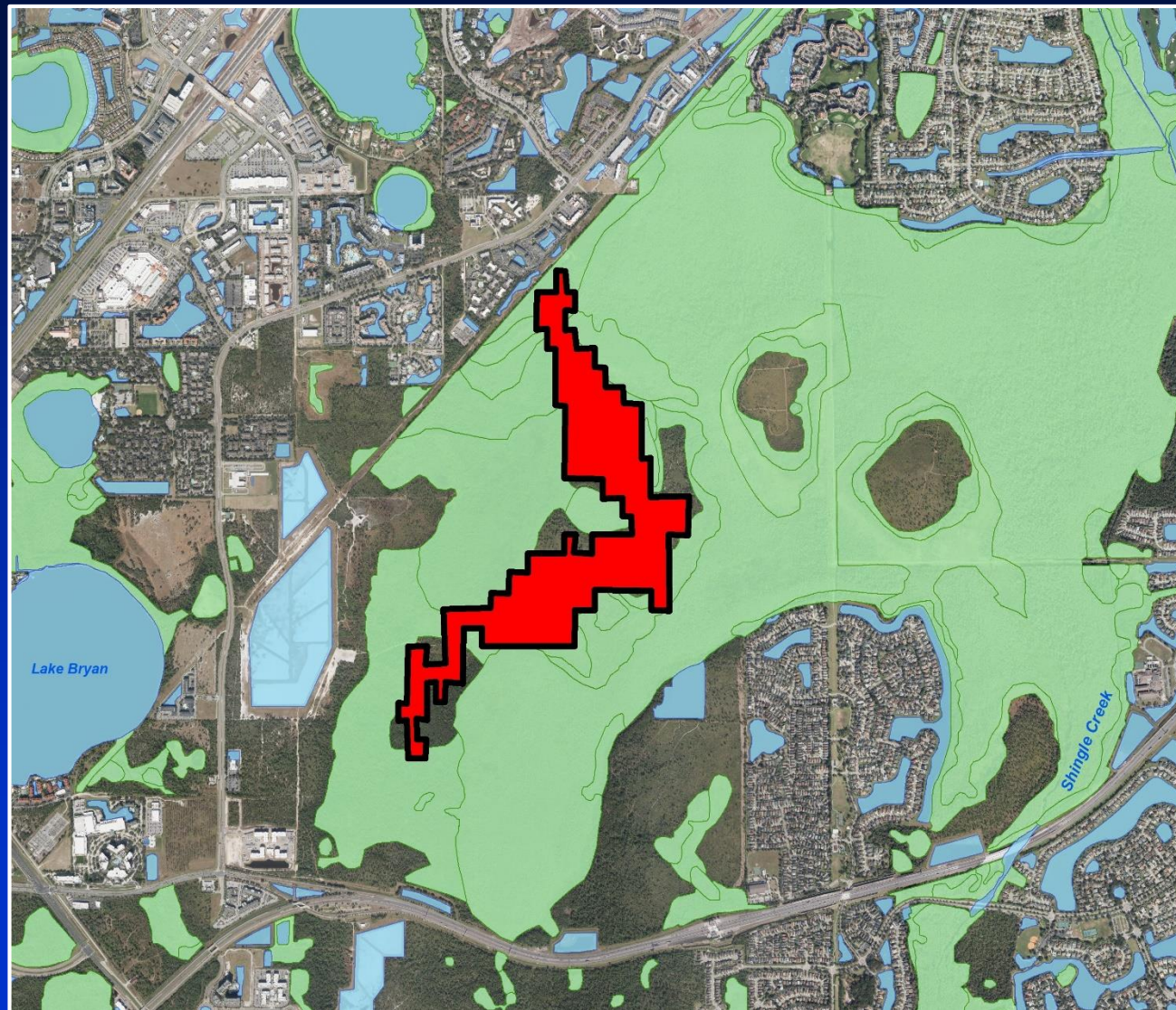
CAI-23-05-022

Applicant: Shingle Creek Co-Owners, LLC

May 20, 2025

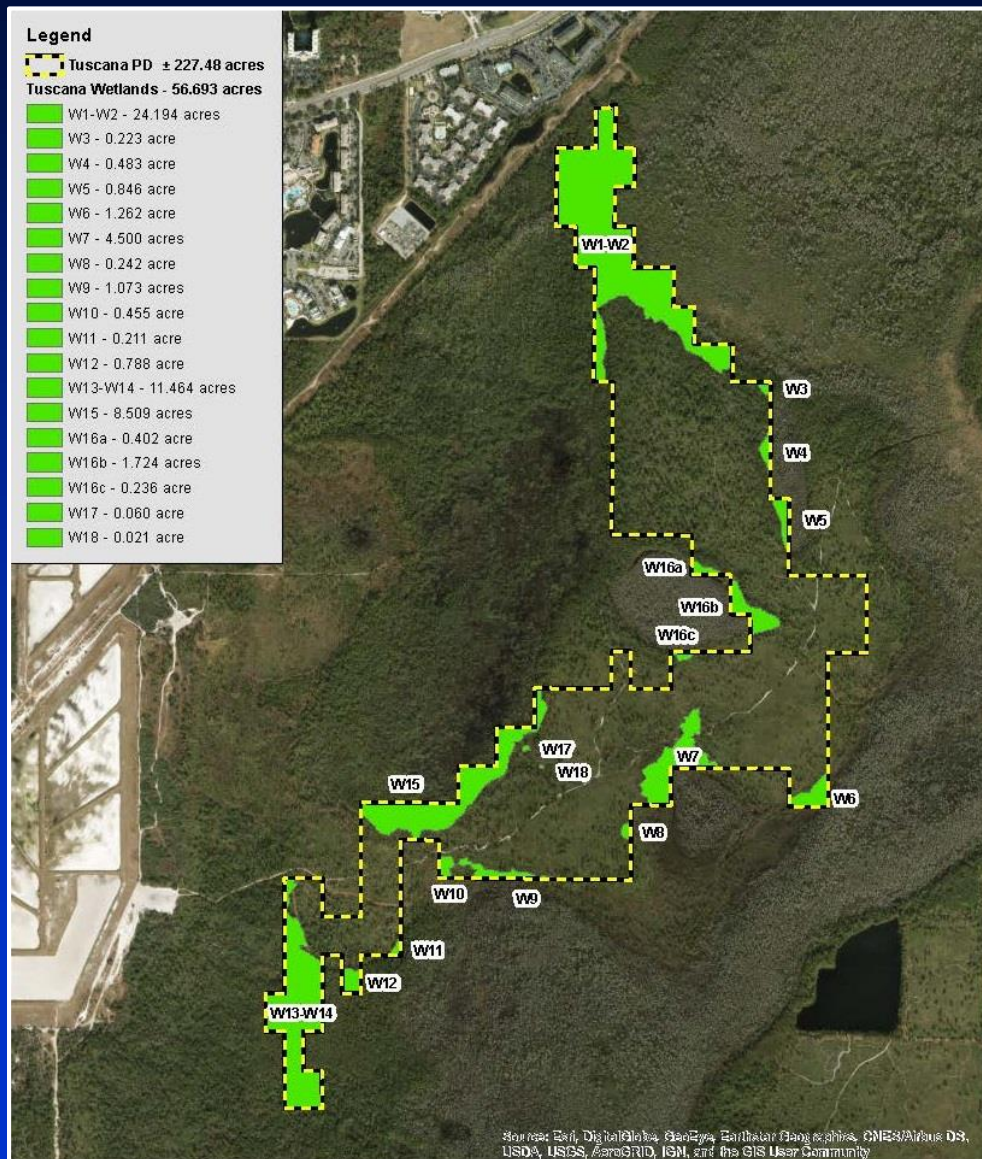


Existing Conditions



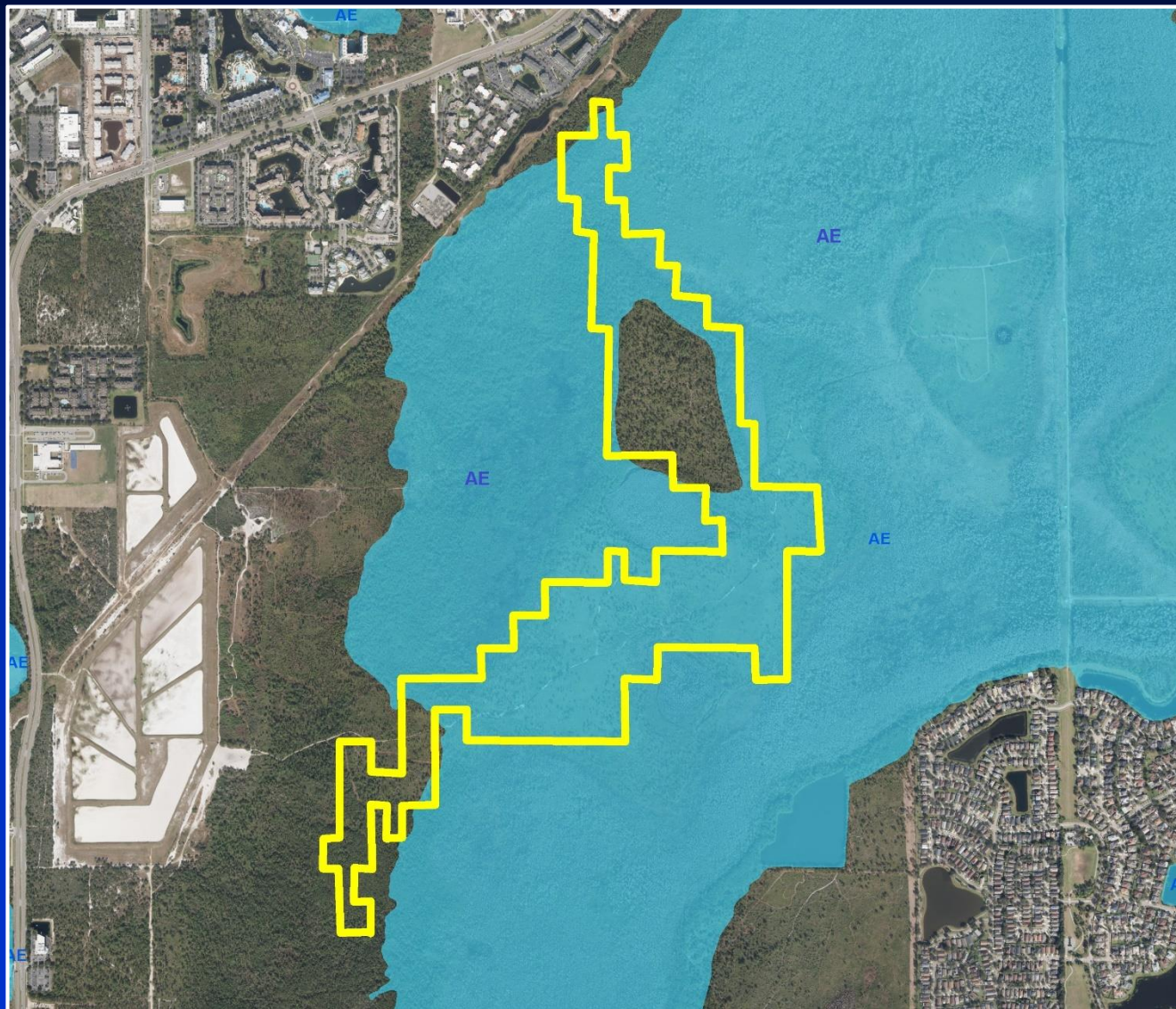


Existing Conditions





Existing Conditions



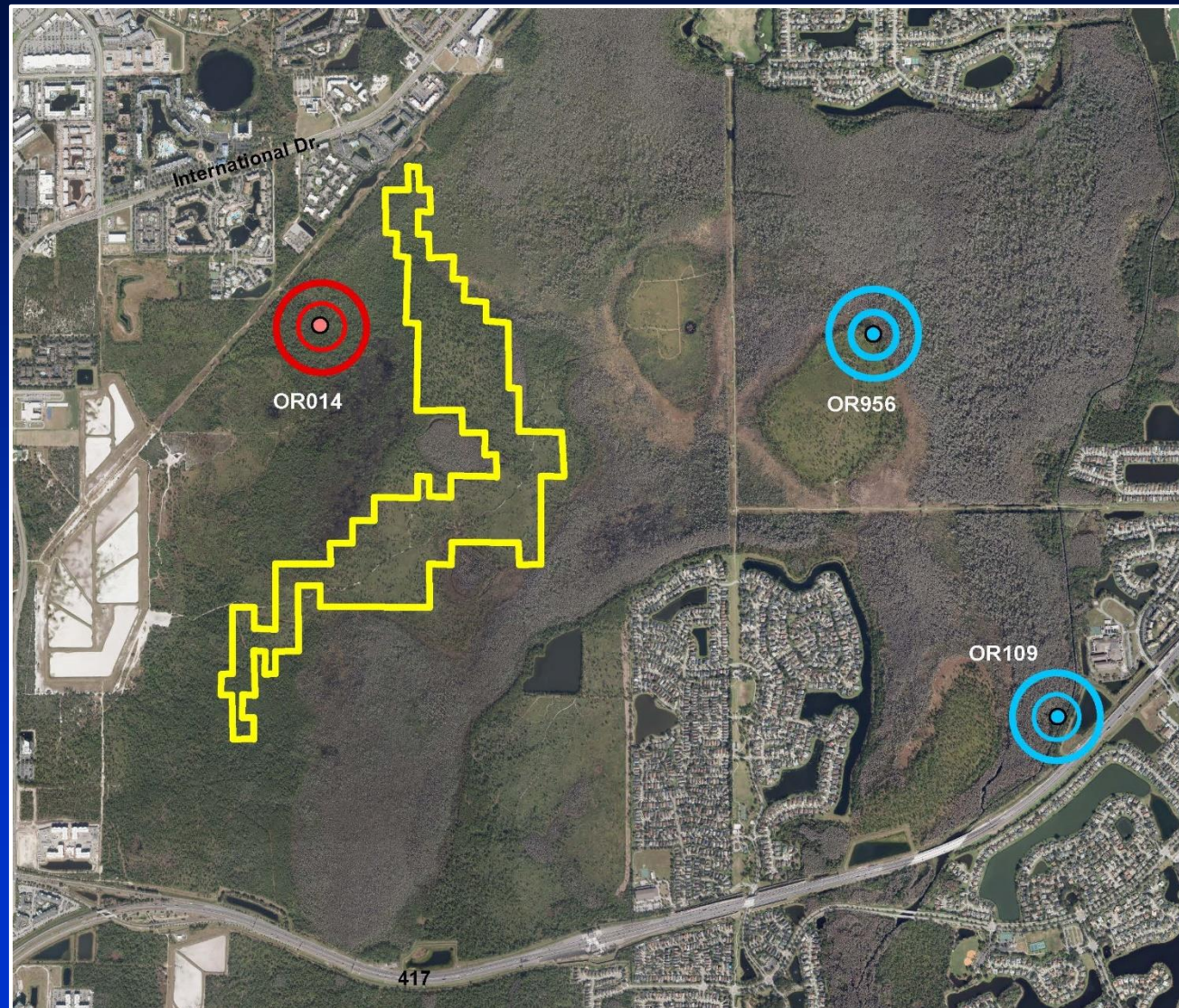


Existing Conditions





Existing Conditions





Application Review

- **April 25, 2023: EPD issued Conservation Area Determination (CAD) #CAD-22-01-009. Within the current project site, there are 56.61 acres of Class I wetlands, 0.08 acres of Class III wetlands, and 170.85 acres of uplands.**
- **May 1, 2023: EPD received the Conservation Area Impact (CAI) Permit Application, prior to the effective date of the updated wetland code of June 1, 2024. Therefore, it is being reviewed under the prior version of Article X, adopted in 1987.**
- **EPD has issued seven Request for Additional Information (RAI) letters, held two in-person meetings with the applicant's agent and attended a virtual meeting with the applicant team and Orange County Planning Division staff.**

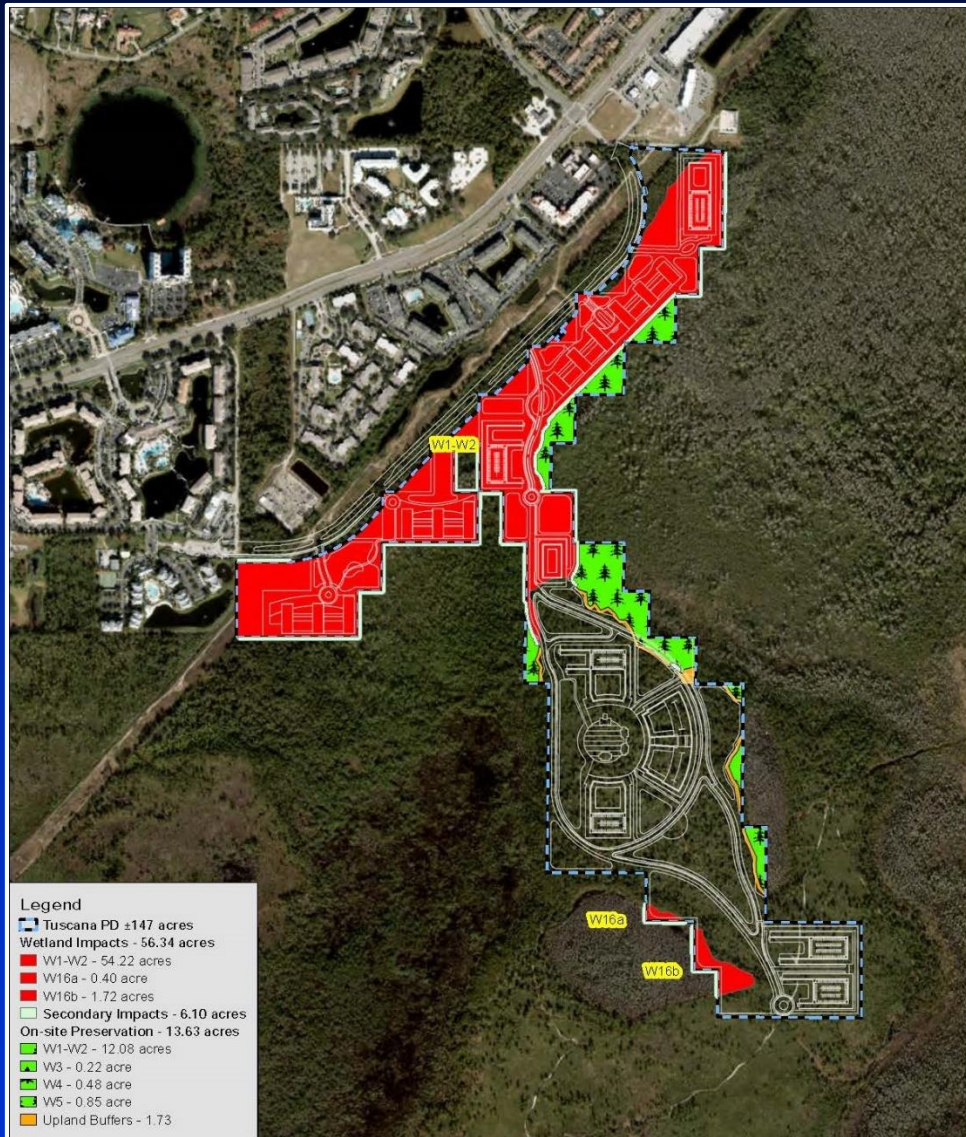


Application Review

- **December 18, 2024:** The CAI permit application was presented as a Discussion Item to the Development Review Committee (DRC).
- Prior to the DRC Discussion, the applicant had not reduced or eliminated any of the proposed wetland impacts.
- The DRC determined that as presented at the time, the project did not constitute an overriding public benefit, was not a reasonable use of the land, and adequate minimization or elimination of wetland impacts had not been demonstrated.
- The applicant subsequently revised the site design several times and expanded the development footprint further south to utilize additional uplands.



Application Review



Impact Plan from original CAI application:

Impact:

56.34 acres (direct)

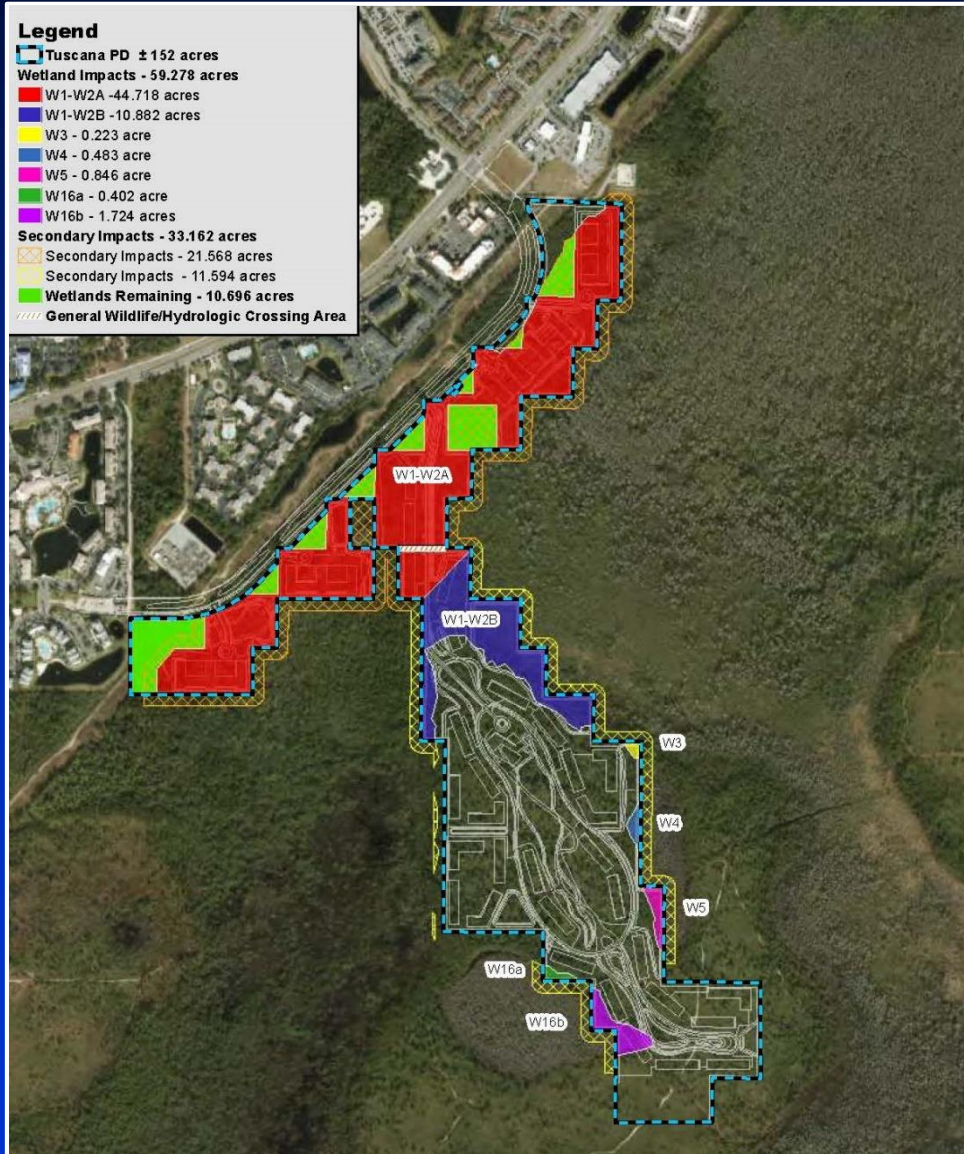
6.10 acres (secondary)

Onsite Preservation:

13.63 acres



Application Review



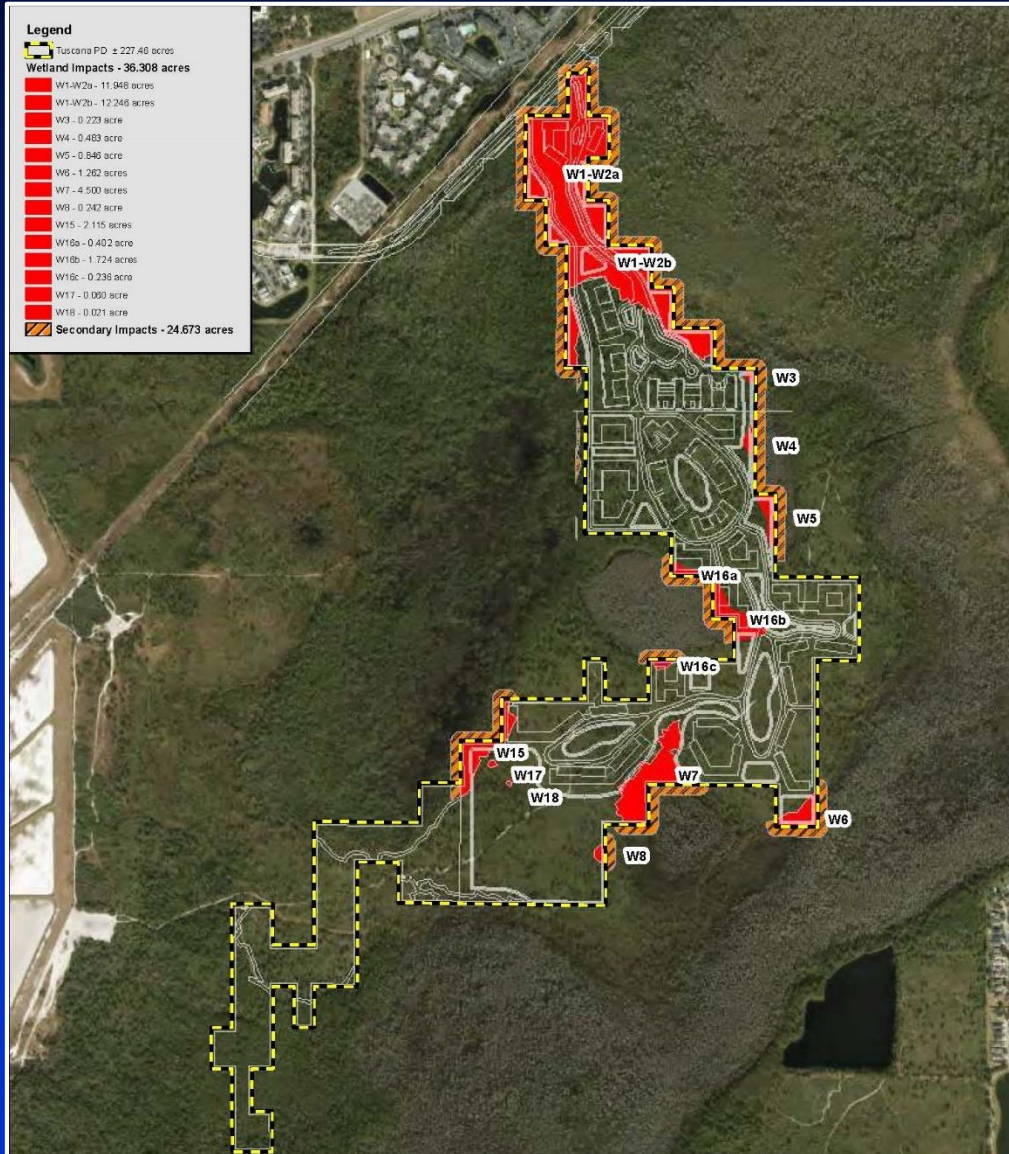
**Revised Impact Plan from
4th RAI Response:**

Impact:
59.28 acres (direct)
33.16 acres (secondary)

Onsite Preservation:
None



Application Review



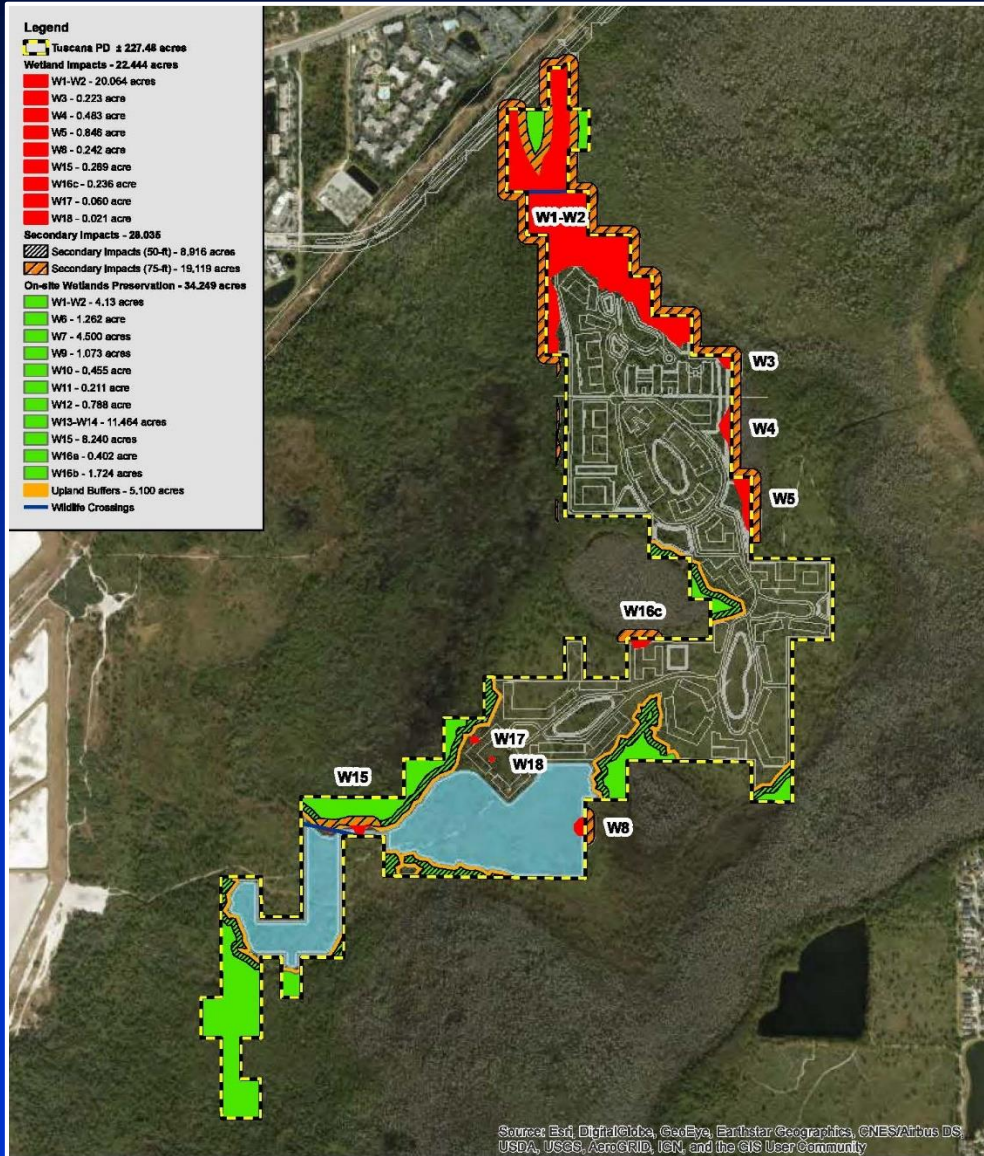
**Revised Impact Plan from
5th RAI Response:**

Impact:
36.31 acres (direct)
24.67 acres (secondary)

Onsite Preservation:
20.38 acres



Application Review



Impact Plan – Current Request

Revised Impact Plan from 6th RAI Response:

Impact:

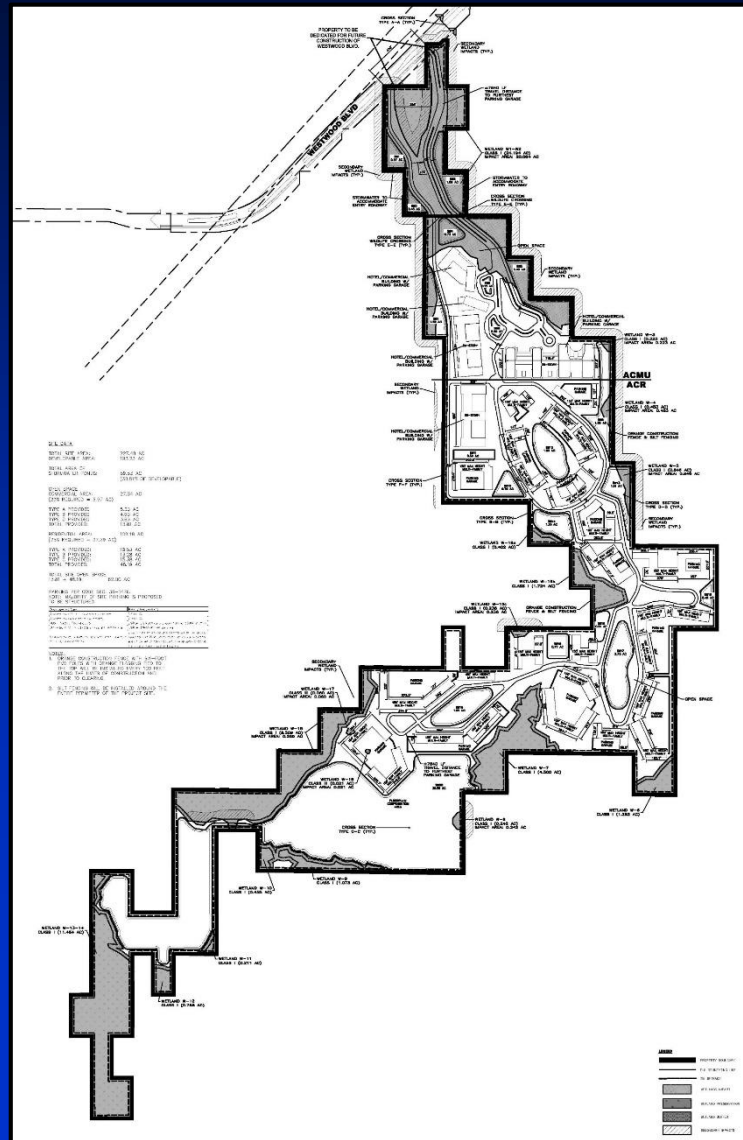
22.444 acres (direct)

28.035 acres (secondary)

Onsite Preservation:

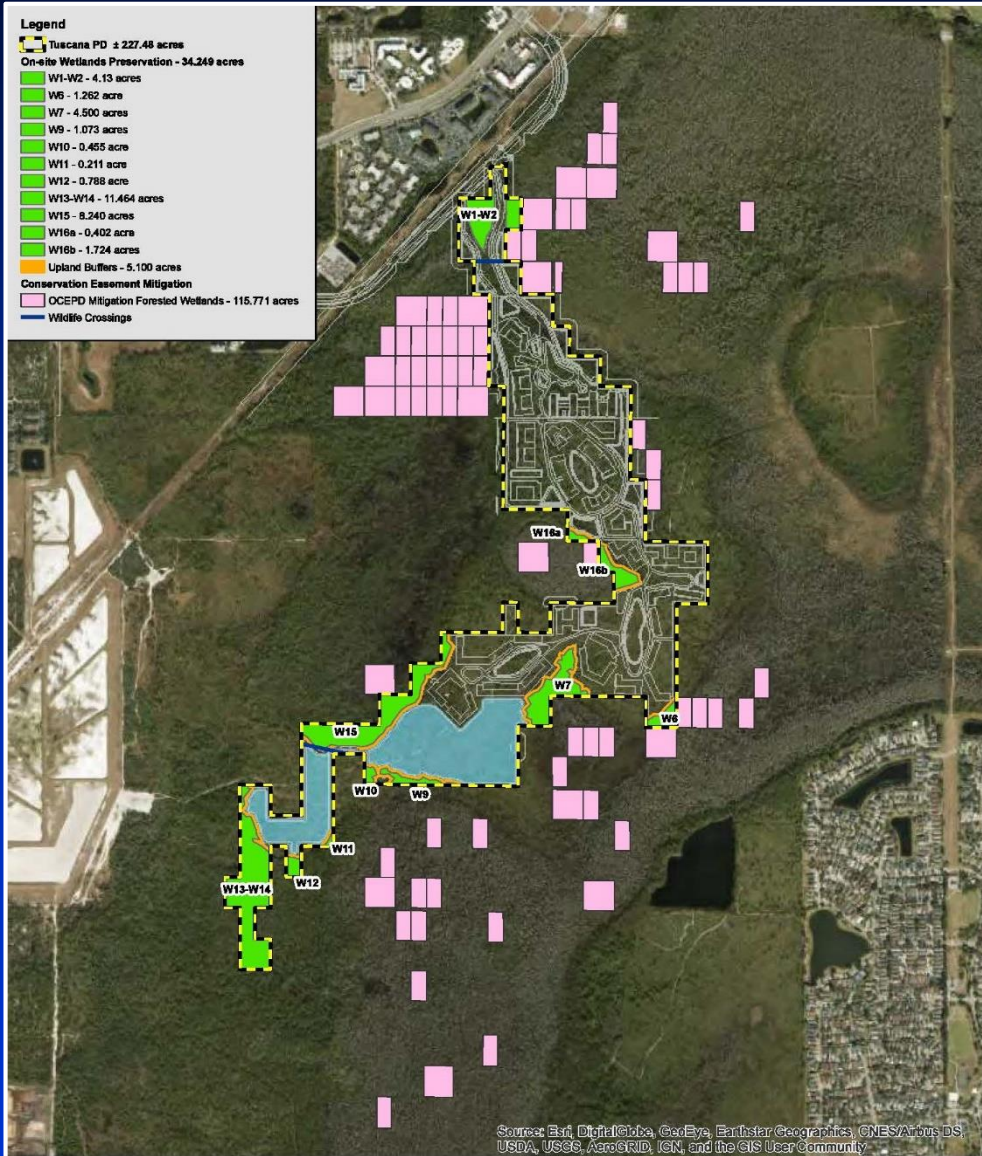
34.249 acres

Site Plan





Mitigation Plan



Onsite Preservation:
34.249 acres

Offsite Preservation:
115.771 acres



Criteria for Conservation Area Impacts

- Orange County Code, Chapter 15, Article X, Section 15-362(5), states, “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, Section 15-419(1)(a), states in part, “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.”



Code Analysis

Section 15-362(5) (Minimization and Elimination of Impacts)

▪ Applicant's assessment (summarized):

- The proposed wetland impacts have been reduced to 22.44 acres, most of which are proposed for the two entrance roads and associated stormwater infrastructure providing access into the upland development.
- The site plan has been reconfigured to place the compensating storage area within the uplands to reduce wetland impacts. Other impacts are to the edges of wetlands that fall within the boundary of the site.
- The applicant is willing to work with EPD staff along with other County Divisions to identify where impacts can be further minimized adjacent to the entry roads and through alternative road alignments.
- The mitigation plan is unique, ecologically beneficial, and will offset the proposed loss of wetland function. It also ensures that future development/expansion will not occur and serves the goals of Orange County including preserving the Shingle Creek watershed and creating more conservation lands within the County.
- This area is designated as a Targeted Sector within the Urban Service Area of Orange County Vision 2050 and is proposed as a target for “new and intensified development.” Preserving this land now will prevent future development in this targeted area.



Code Analysis

Section 15-362(5) (Minimization and Elimination of Impacts)

■ Staff assessment (summarized):

- The applicant has reduced impacts from their original submittal; however, they have not fully explored additional ways they could further reduce impacts including:
 - Constructing an elevated and/or bridged roadway into the development area to access the uplands.
 - Constructing a conveyance to route the stormwater necessary for the entry roads to stormwater ponds located in uplands.
 - Reducing the overall development program to allow the floodplain compensating area and other stormwater ponds to be excavated solely in uplands to further minimize impacts to wetlands.
 - No upland buffers are proposed adjacent to offsite wetlands which results in adverse secondary impacts.
 - Only the required minimum 25-foot upland buffers are proposed adjacent to remaining onsite wetlands.
 - Recent scientific data indicates the area is ecologically sensitive and 100-foot buffers are warranted.



Natural Resources – Shingle Creek Basin

- Shingle Creek Basin is the headwaters of the Florida Everglades and Shingle Creek is part of the Lake Okeechobee Basin Management Action Plan (BMAP).
- Shingle Creek is listed by the State as an impaired waterbody (for macrophytes) and contributes 60% of the water entering Lake Tohopekaliga.
- The State Wildlife Action Plan (SWAP) indicates the basin contains Rare/Vulnerable, Imperiled, or Critically Imperiled upland habitats including mesic hammock, xeric hammock, scrub, and scrubby flatwoods.
- Approximately 64 wildlife species of concern occur in the watershed, including three listed as federally endangered and 21 listed as either federally threatened or state threatened. According to Florida's SWAP, 53 of these have been identified as Species of Greatest Conservation Need. Additionally, there are 14 Birds of Conservation Concern known to occur within the watershed.
- At least three rare or imperiled bat species are present:
 - Florida bonneted bat (Federally Endangered)
 - Tricolored bat (Federally Endangered - Proposed)
 - Rafinesque's big-eared bat (Florida Species of Greatest Conservation Need)



Natural Resources – Shingle Creek Basin

- Black bear sightings in the basin are commonly reported to FWC. The basin likely serves as notable foraging range for this species in Orange County.
- Three recorded bald eagle nest trees within the vicinity of the development site (Nest IDs: OR014, OR956, and OR109). Two were active in the 2024-25 nesting season.
- Red-cockaded woodpecker (Federally Threatened) likely utilize the pine flatwoods habitats in the lower part of the basin in Orange County.
- Vulnerable plants in the basin include numerous listed, commonly exploited, and endemic species, including netted pawpaw, pineland chaffhead, butterfly orchid, Florida scrub frostweed, southern pine lily, longleaf camphorweed, yellow bachelor's button, hooded pitcherplant, and giant air plant.



Code Analysis

Section 15-419(1)(a) Overriding Public Benefit and Feasible or Practical Alternatives

- **Applicant's 'Overriding Public Benefit Assessment' (summarized):**
 - The project represents a significant level of capital investment and will provide significant permanent job creation and more retail services for tourists within Orange County.
 - Tourism is growing and there is a strong demand for commercial services and residential homes that Tuscana will satisfy. The project is located on International Drive and has immediate access to SR-417, SR-528, and I-4.
 - SFWMD and other agencies have preserved 584 acres of land within the Munger Tract. With this project alone, the proposed mitigation plan will add approximately 320 acres of wetlands and uplands to these preserved lands.
 - The proposed project is the most compact, practical and reasonable use of the Shingle Creek Co-owners lands that benefits both the residents of Orange County and the tourism of Orlando while ensuring a large scale ecologically beneficial preservation plan.
 - The proposed mitigation provides perpetual high-quality upland and wetlands for wildlife denning, nesting, foraging and corridor functions, as well as downstream benefits to Shingle Creek basin.
 - The proposed site plan has been designed to utilize available uplands of multiple lots to avoid wetland impacts in a purposeful and reasonable use of the land.



Code Analysis

Section 15-419(1)(a) Overriding Public Benefit and Feasible or Practical Alternatives

- **Applicant's alternative site designs (summarized):**
 - **Alternative #1:** 160+ acres of wetland impacts clustered along Westwood Blvd. The applicant states that this plan would sever the wetland systems east and west of the development and altered hydrologic conditions and wildlife corridors.
 - **Alternative #2:** 123+ acres of wetland impact, including 64 acres of impact clustered along Westwood Blvd. The applicant states that this plan would increase wetland impacts and risk altering hydrologic conditions and wildlife corridors.
 - **Alternative #3:** 81+ acres of wetland impact approved in the SFWMD Conceptual Permit (48-101331-P) site plan. The applicant stated this plan was a more intense development plan and proposed higher secondary impacts to the surrounding wetland systems.
 - **Current CAI Permit Application site plan:** The applicant states this plan is the most practical alternative and reasonable use of the development area because the most reasonable areas of wetlands have been proposed for impact with a less intense development plan that is balanced with an overall mitigation plan that seeks to fulfill SFWMD preservation goals for Shingle Creek.



Code Analysis

Section 15-419(1)(a) Overriding Public Benefit and Feasible or Practical Alternatives

■ Staff assessment (summarized):

- The applicant is proposing to directly impact 22.44 acres out of 56.69 total acres of onsite wetlands, representing ~40 percent of the total, with an additional 28.035 acres of secondary wetland impacts to Class I wetlands.
- The development use is not a type typically considered to provide an overriding public benefit (e.g., school, power generation, sewage treatment, hospital, public transportation).
- There appear to be additional practical alternatives to the proposed Class I wetland impacts.
- None of the applicant's alternative site plans were ever proposed for the current CAI permit application.
- The wetlands proposed for impact serve a significant and productive environmental function. The potential land use has the potential to degrade the quality of Shingle Creek and the surrounding wetlands.
- The protection, preservation, and continuing viability of this regionally significant Class I wetland systems is the prime objective of the basis for review of the proposed alterations and removal of these areas.



Staff Analysis – Comprehensive Plan

Comprehensive Plan Policy	EPD Staff Analysis (summarized)
FLU6.4.3 – All actions taken by the County with regard to development orders shall be consistent with Conservation Element Policy C1.4.1 and the regulations adopted pursuant thereto with respect to wetland protection. (See Conservation Element below); C1.4.1 – Orange County shall continue to adopt and enforce regulations that protect and conserve wetlands and surface waters as defined in Orange County Code. Such regulations shall include criteria for identifying the functional habitat value of wetlands or surface waters. FLU6.4.5 – The Land Development Code shall provide regulations for the protection and conservation of wildlife listed as endangered, threatened, or species of special concern, and their occupied habitat, floodplains, and the natural function of wetlands.	• 22.363 acres Class I wetlands will be directly impacted. • No upland buffers are proposed adjacent to offsite wetlands which results in adverse secondary impacts. • Only the required minimum 25-foot upland buffers are proposed adjacent to remaining onsite wetlands. • EPD had asked for 100-foot buffers based on scientific data and the ecological sensitivity of the lower portion of the Shingle Creek Basin. • Applicant provided a wildlife survey that stated no listed species are within the development area except gopher tortoise. • A preliminary study found a total of 64 species of concern (3 endangered, 21 threatened, 53 Species of Greatest Conservation Need) occur within the basin as a whole. • A portion of the development is located approximately 1,300 feet from a bald eagle nest tree. • Three rare or imperiled bats have recently been found to be utilizing the Shingle Creek Basin. • Numerous black bear sightings have been reported and Shingle Creek serves as a notable part of their foraging range.



Staff Analysis – Comprehensive Plan

Comprehensive Plan Policy	EPD Staff Analysis (summarized)
FLU6.4.6 – Orange County shall continue to protect wildlife corridors, rare upland vegetative communities and wetland vegetative communities through the adoption of land development regulations or by utilizing other mechanisms such as transfer of development rights; development exactions; development incentives; or acquisition (by use of possible bond issues, existing tax dollars, or the Conservation Trust Fund) and the Green Place Program.	• The proposed development will sever (east to west) the existing undeveloped lands in the area and could sever existing wildlife corridors. • The applicant is proposing two wildlife corridors within the development area. • Insufficient details have been provided by the applicant for EPD staff to determine if what is proposed (i.e. the size and design of the crossings) will avoid adverse effects on wildlife.
FLU6.4.7 – Orange County shall provide for compatible public and/or private land uses adjacent to significant natural resources that are managed for public benefit. Methods of protection to be considered may include, but shall not be limited to, coordination with appropriate State agencies, Notice of Proximity, the use of density and intensity limitations on land use and development, and the use of buffers. C1.9.2 – Orange County shall continue to require compatible land uses and enhanced protective mechanisms, such as, but not limited to, Notices of Proximity, buffers, vegetative buffers, setbacks, density restrictions, easements, physical barriers, pollution abatement swales, erosion control techniques, treatment of stormwater runoff, and fire management that will permit continued habitat management practices in areas adjacent to major managed natural resources. This is necessary in order to minimize adverse impacts from development and allow continuation of management activities for these areas.	• The proposed use of the development as commercial/retail, hotel, and multi-family, is a high intensity use. • It does not appear to be a compatible land use adjacent to significant natural resources. • The development is adjacent to the SFWMD Shingle Creek Management Area and additional adjacent parcels are under existing SFWMD Conservation Easements. • The applicant is proposing no upland buffers to offsite wetlands which can result in adverse secondary impacts to the preserved parcels.



Staff Analysis – Comprehensive Plan

Comprehensive Plan Policy	EPD Staff Analysis (summarized)
C1.2.15 – Orange County shall identify areas within the County that are susceptible to impacts associated with nutrient loadings from specific activities including lawn and turf fertilizer application and reclaimed water irrigation. These susceptible areas shall include but are not limited to: Total Maximum Daily Load (TMDL) impaired waterbodies, Outstanding Florida Waters, Outstanding National Resource Waters, waterbodies with declining water quality associated with nutrient loads and areas adjacent to surface water conveyance systems that drain to a waterbody of special interest. The County will make efforts to reduce the potential impacts from these specific activities. The identified areas will also be used for planning and future use considerations.	• Shingle Creek Basin is listed as an impaired waterbody (for macrophytes) and is an environmentally sensitive area as the headwaters of the Florida Everglades. • Studies of Shingle Creek indicate failed linear vegetation surveys (LVS) with an average Coefficient of Conservatism score less than 2.5 (0 being the lowest and 10 being the highest score), and Florida Exotic Pest Plant Council (FLEPPC) percent coverage of invasive exotic plants greater than 25 percent. • Shingle Creek is anticipated to remain on the Verified Impaired List and the 303(d) List for the macrophytes parameter for the foreseeable future. • Shingle Creek is part of the Lake Okeechobee BMAP and as such is part of an extensive water quality improvement initiative. • It is currently unclear whether the proposed development would have its own Municipal Separate Storm Sewer Program (MS4). If so, MS4 permittees are required to develop and implement a stormwater management program.



Staff Analysis – Comprehensive Plan

Comprehensive Plan Policy	EPD Staff Analysis (summarized)
C1.3.1 – Orange County shall continue to improve and enforce the Orange County Floodplain Management Ordinance by requiring compensatory storage for encroachment in floodplains, restricting encroachment in floodways, and requiring habitable structures to be flood-proofed. FLU6.4.19 – County shall continue to require the flood-proofing of structures and the restriction of development that diminishes flood carrying or flood storage capacities. The County shall also continue to require non-residential and residential development in special flood hazard areas, as defined by the Federal Emergency Management Agency, to have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation; and, if solid perimeter walls are used to elevate structures, openings sufficient to facilitate the unimpeded movement of floodwater, as well as continue to prohibit development within floodways that increase flow levels to protect areas subject to periodic or seasonal flooding.	• Most of the proposed development is within FEMA-mapped flood zone. The applicant has not yet provided detailed plans regarding how compliance with County floodplain standards will be met.



Staff Analysis – Comprehensive Plan

Comprehensive Plan Policy	EPD Staff Analysis (summarized)
C1.4.9 – An upland buffer of a minimum of 25 feet is recommended, unless otherwise stated elsewhere in Orange County Code or in the Orange County Comprehensive Plan for all wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions. This shall be incorporated into Chapter 15 of the Orange County Code.	• The applicant is proposing minimal 25-foot upland buffers within the development footprint. • EPD had requested 100-foot buffers based on scientific data and site conditions. • 50 feet of secondary wetland impacts are being assessed where only a 25-foot buffer is being provided. Mitigation is proposed. • No upland buffers are proposed adjacent to offsite wetlands which results in adverse secondary impacts. • Mitigation proposed for secondary impacts to a depth of 75 feet into the adjacent wetlands offsite.
C1.5.4 – Orange County shall incorporate regulations into the Land Development Code concerning soils and their suitability for future development. These regulations shall include restricting development in areas with hydric soils, preservation of groundwater recharge areas, and controlling the location of individual on-site sewage disposal systems.	• Impacts proposed to at least 22.444 acres of wetlands with hydric soils that are mapped as somewhat important for groundwater recharge.



Staff Analysis – Chapter 15, Article X

Chapter 15, Article X, Standards and/or Criteria	EPD Staff Analysis (summarized)
Section 15-362(1) – The county contains large wetlands which are significant and productive in the maintenance and preservation of viable populations of plant and animal species.	• The wetlands within and in the vicinity of the development area are Class I wetlands which are hydrologically connected to Shingle Creek, adjacent to existing preservation lands and other lands targeted for preservation by the Orange County GreenPLACE Program and the SFWMD. • The wetlands and uplands are significant and productive in the maintenance and preservation of viable populations of plant and animal species. • A total of 64 species of concern (3 endangered, 21 threatened, 53 Species of Greatest Conservation Need - SPGN) occur within the basin as a whole. • In addition, the development is located approximately 1,300 feet from a bald eagle's nest tree. • Three rare or imperiled bats have recently been found to be utilizing the Shingle Creek Basin. • Numerous black bear sightings have been reported and Shingle Creek serves as a notable part of their foraging range. • In addition to wildlife, the study documented plants within, and within the vicinity of, the SFWMD Management Area including numerous listed, commonly exploited, and endemic species.



Staff Analysis – Chapter 15, Article X

Chapter 15, Article X, Standards and/or Criteria	EPD Staff Analysis (summarized)
Section 15-362(2) – The preservation and protection of property rights of the people of the county require that mechanisms be established which will concurrently provide for the orderly regulation and preservation of environmentally significant and productive wetlands (so as to preserve or restore the productivity of such lands), and the equitable compensation for property development rights denied by reason of such preservation.	• The wetlands within the development area are environmentally significant and productive wetlands. • The applicant has not explored all of staff’s suggestions on ways in which the property can still be utilized for development while greatly reducing and eliminating impacts to these significant and productive wetlands.
Section 15-362(3) – The environmental productivity of wetlands is sensitive to all agricultural, residential, commercial, industrial or public uses in or near such lands.	• The proposed development is adjacent to the Shingle Creek Management Area. • The applicant is proposing no upland buffers to offsite wetlands. • The development may create a substantial barrier to water flow and wildlife movement from one side to the other. • It is unclear if adequate stormwater can be attained.
Section 15-362(7) – Under certain conditions, the public health, safety and welfare may be enhanced by the elimination of isolated, nonviable wetlands and their replacement by interconnected wetlands comprising a viable and productive ecosystem.	• The wetlands within and in the vicinity of the development area are not isolated and are not nonviable. • The majority of the proposed impacts are to Class I wetlands which provide a high level of ecological function and the proposed development will fragment these systems.



Staff Analysis – Chapter 15, Article X

Chapter 15, Article X, Standards and/or Criteria	EPD Staff Analysis (summarized)
Section 15-379(2) – Are wetlands lawfully set aside as local, state or federally designated sanctuaries or refuges.	• The development site is adjacent to the Shingle Creek Management Area.
Section 15-379(3) – Are wetlands, the destruction or alteration of which would materially affect in a detrimental way natural drainage characteristics, sedimentation patterns, flushing characteristics, or other related and significant environmental characteristics.	• The development will create a substantial barrier to water flow and wildlife movement from one side of the large Class I wetland system to the other, which may alter the hydrology within the remaining wetlands and sever wildlife corridors. • Flood attenuation ability of the remaining wetlands offsite may be reduced.
Section 15-383(1) – The functional significance of lands identified as potential conservation areas shall be determined by the degree of natural biological functions including, but not limited to, food chain production, general habitat and nesting, spawning, rearing, feeding and resting sites for aquatic or wetland dependent species, including those designated as endangered, threatened or of special concern, pursuant to F.S. § 581.185, and Rules 68A-27.003, 68A-27.004 and 68A-27.005, Fla. Admin. Code.	• The wetlands within and in the vicinity of the development site provide significant natural biological functions. • Shingle Creek is designated by the Florida Fish and Wildlife Conservation Commission as a Regional Biodiversity Hotspot, is being considered as a future Special Protection Area, and is considered to be the headwaters of the Florida Everglades.



Staff Analysis – Chapter 15, Article X

Chapter 15, Article X, Standards and/or Criteria	EPD Staff Analysis (summarized)
Section 15-383(3) – The replaceability of habitat shall be determined by reviewing the probability that similar or improved habitat values, vegetation dominants or inundation regimes can be established to mitigate or compensate for values or functions occurring in an area (on or off the development site) proposed for alteration or development.	• Shingle Creek Basin is an environmentally sensitive area. • The project is adjacent to current preservation lands which would potentially be degraded. • The Shingle Creek Management Area is the last remaining natural area of its size in southwest Orange and northwest Osceola counties. • The Orange County State of the Wetlands Study (2023) demonstrated that fragmentation of wetland areas is a concern. Loss of an intact mosaic of habitats of this size are not easily replaced.
Section 15-416 – In those circumstances where the development proposal will result in an adverse impact upon conservation areas not excluded by this article, the development may proceed by either complying with the provisions of section 15-396 or under a mitigation plan approved pursuant to this division.	• OCAO determined that EPD must accept the UMAM scoring approved in the SFWMD Conceptual Permit. • It appears the proposed mitigation plan may offset the functional loss the project will cause. • Staff still has questions regarding the proposed mitigation plan. • The proposed preservation mechanism is uncertain. SFWMD has not provided a formal response to staff's inquiries as to whether they are agreeable to the proposed mitigation plan.



Staff Analysis – Chapter 15, Article X

Chapter 15, Article X, Standards and/or Criteria	EPD Staff Analysis (summarized)
Section 15-418(6) – Additional information as may be required by the county to evaluate the mitigation proposal; Section 15-419(5) – The applicant shall provide other items that may be required by the board of county commissioners to provide reasonable assurance that the mitigation plan requirements are met.	• Staff still has questions regarding the proposed mitigation plan. • The SFWMD has not provided a formal response to staff's inquiries as to whether they are agreeable to the proposed mitigation plan. • The currently proposed preservation mechanism is uncertain.
Section 15-419 (in part) – Mitigation proposals shall be reviewed pursuant to subsection (1) below. The degree of impact to wetland functions, whether the impact to these functions can be mitigated, and the feasibility of cost-effective design alternatives which could avoid impact are all factors in determining whether a proposed mitigation measure will be acceptable. In addition, an evaluation of the anticipated post-development viability and function performance will be considered utilizing accepted scientific methods which may include, but not be limited to, the habitat evaluation procedure (USFWS).	• The proposed impact to wetland functions within the development area is significant. • There appear to be feasible design alternatives which could avoid impacts, such as: • Constructing an elevated and/or bridged roadway into the development area to access uplands • Constructing a conveyance to route the stormwater necessary for the entry roads to stormwater ponds located in uplands. • Reducing the overall development program to allow the floodplain compensating area and other stormwater ponds to be excavated solely in uplands to further minimize impacts to wetlands.



Public Feedback

- **Over 1,000 written objections to the project have been received, with additional objections received leading up to this hearing. The objectors state, in summary:**
 - **The development threatens the heart of our wetlands and the headwaters of the Florida Everglades.**
 - **The area is ecologically vital and should be among the most protected due to its significance in water filtration, flood mitigation, and wildlife habitat.**
 - **The surrounding area is already experiencing flooding with mitigation efforts putting a financial burden on taxpayers.**
 - **The development will eliminate an emergency water pumping location which will cause floodwaters to backflow into vulnerable areas exacerbating an already pressing issue for residents.**
 - **Any development within the Shingle Creek Basin will cause irreversible damage to our community and environment and long-term consequences to this fragile ecosystem.**
 - **Protecting this land is an environmental issue and a public safety necessity.**



Considerations

- The project is in the Shingle Creek Basin which has numerous unique natural resources and contains important, regionally significant ecosystems that provide habitat for wildlife.
- The wetlands within and in the vicinity of the development area are Class I wetlands which are hydrologically connected to Shingle Creek and are adjacent to the Shingle Creek Management Area. The wetlands and uplands are significant and productive in the maintenance and preservation of viable populations of plant and animal species.
- The applicant has reduced proposed wetland impacts from the original submittal; however, the project still appears to be inconsistent with many policies and standards in the Orange County Comprehensive Plan and Chapter 15, Article X (adopted 1987).
- EPD has received over 1,000 written objections to the proposed development with concerns including loss of ecologically sensitive wildlife habitat, reduced water filtration, and increased flooding.



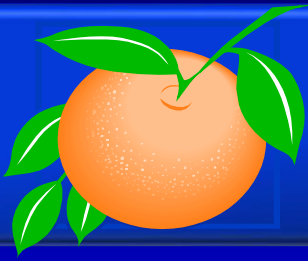
Finding

- Pursuant to Orange County Code, Chapter 15, Article X, EPD has evaluated the proposed CAI permit application and required documents and has made a finding that the request is inconsistent with Sections 15-362(5), 15-419, and several policies in the Orange County Comprehensive Plan.



Action Requested

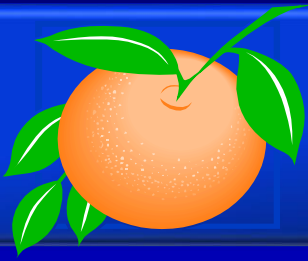
- **Acceptance of the findings and recommendation of the Environmental Protection Division staff and denial of the Conservation Area Impact Permit CAI-23-05-022 for Shingle Creek Co-Owners, LLC. District 1**



Tuscana Planned Development / Land Use Plan

Comprehensive Plan Policies – Rezoning Inconsistencies Summary

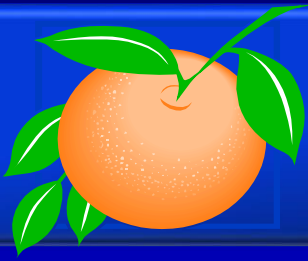
Policy	Summary
GOAL C1	Aims to conserve and protect natural resources for current and future generations.
C1.2.15	Identifies areas vulnerable to nutrient loading and seeks to reduce impacts from fertilizer and reclaimed water.
OBJ C1.3	Protects floodplain functions and maintains National Flood Insurance Program (NFIP) eligibility.
C1.3.1 *	Requires compensatory storage, restricts floodway encroachment, and mandates floodproofing of structures.
FLU6.4.3 *	Development actions must align with wetland protection standards in Policy C1.4.1.
FLU6.4.5 *	Requires regulations to protect listed wildlife species, their habitats, floodplains, and wetland functions.
FLU6.4.7 *	Promotes compatible land uses near significant natural resources using tools like buffers and density limits.
C1.4.1 *	Requires wetland and surface water protection regulations, including mitigation using UMAM.
C1.4.9 *	Recommends a minimum 25-foot upland buffer for wetlands, with adjustments based on site-specific data.
GOAL 5	Ensures land use near the International Drive Activity Center aligns with environmental protection.
OBJ 5.1	Calls for regulations to ensure compatibility and minimize environmental impact near International Drive.
C1.5.4 *	Regulates development in areas with unsuitable soils and protects recharge areas and groundwater.
ID5.1.1	Requires buffers and varied densities to support compatibility near the International Drive Activity Center.
PS2.2.3	Encourages school siting within or near neighborhoods and coordinates with the School Board.
PS2.2.5	Supports locating elementary schools within walking distance of served homes.
PS6.3.1	Requires school capacity review before approving residential density increases.



Tuscana Planned Development / Land Use Plan

Comprehensive Plan Policies – Rezoning Consistencies Summary

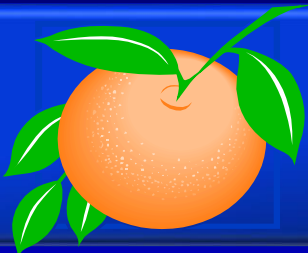
Policy	Summary
GOAL FLU2	Promotes urban strategies like infill, mixed-use, and coordinated planning to support compact, efficient growth.
OBJ FLU8.2	Emphasizes compatibility as the key factor in all land use and zoning decisions.
FLU1.4.1	Ensures land use changes support and are compatible with existing neighborhoods.
FLU8.2.2	Encourages variety in housing types and densities; avoids uniform, repetitive development.



Tuscana Planned Development / Land Use Plan

Comprehensive Plan Policies – CAI Inconsistencies Summary

Policy	Summary
FLU6.4.3 *	Development actions must align with wetland protection standards in Policy C1.4.1.
C1.4.1 *	Requires wetland and surface water protection regulations, including mitigation using UMAM.
FLU6.4.5 *	Requires regulations to protect listed wildlife species, their habitats, floodplains, and wetland functions.
FLU6.4.6	Protects wildlife corridors and rare vegetation through regulations, incentives, or land acquisition.
FLU6.4.7 *	Promotes compatible land uses near significant natural resources using tools like buffers and density limits.
C1.9.2	Requires buffers and other protections near managed natural areas to reduce development impacts.
C1.2.15	Identifies areas vulnerable to nutrient pollution and aims to reduce impacts from fertilizer and reclaimed water use.
C1.3.1 *	Requires compensatory storage, restricts floodway encroachment, and mandates floodproofing of structures.
FLU6.4.19	Requires floodproofing, elevation of structures, and limits development in flood hazard areas.
C1.4.9 *	Recommends a minimum 25-foot upland buffer for wetlands, with adjustments based on site-specific data.
C1.5.4 *	Regulates development in areas with unsuitable soils and protects recharge areas and groundwater.



Action Requested

- **Make a finding of inconsistency with the Comprehensive Plan and DENY the Tuscana Planned Development / Land Use Plan (PD / LUP) received March 6, 2025.**
- **AND**
- **Accept the findings and recommendation of the Environmental Protection Division staff and DENY the Conservation Area Impact Permit CAI-23-05-022 for Shingle Creek Co-Owners, LLC.**

District 1



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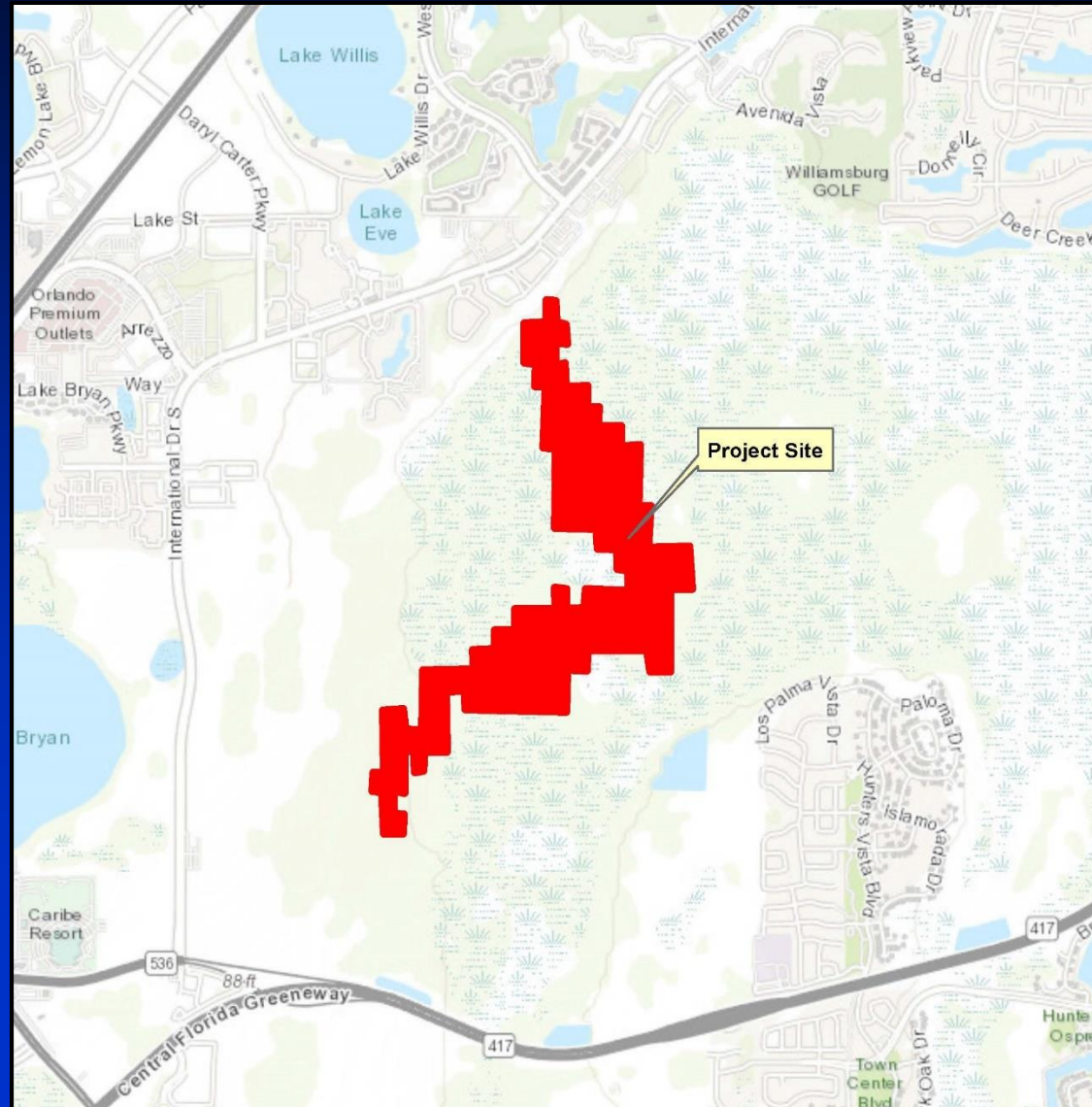


Alternate Action

- **Rejection of the findings and recommendation of the Environmental Protection Division staff and approval of the Conservation Area Impact Permit CAI-23-05-022 for Shingle Creek Co-Owners LLC, subject to the conditions listed in the staff report.**
District 1

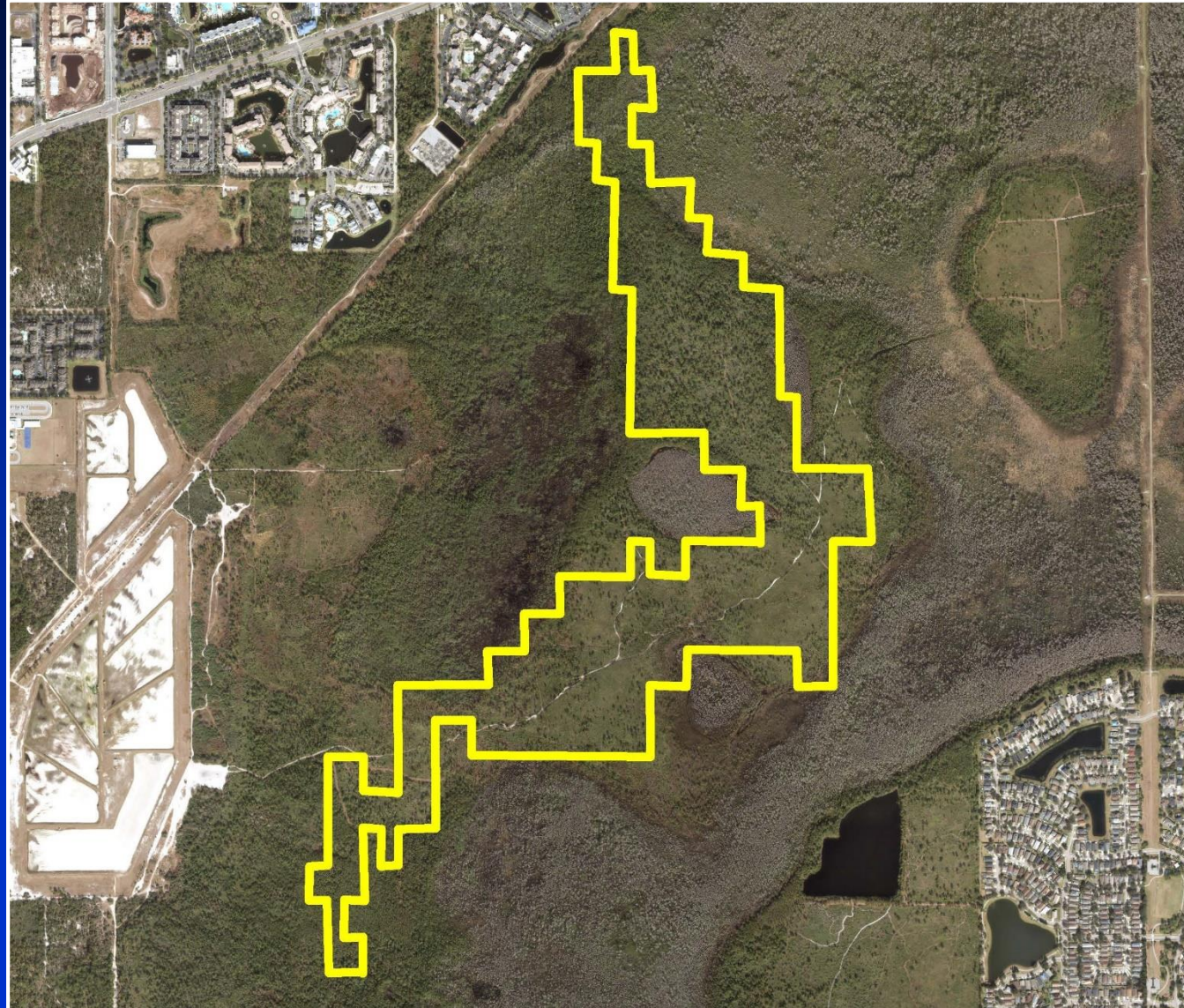


Location Map





Aerial Photograph





Projects with Bridges





Projects with Bridges





Requests for Additional Information Summary

RAI Question Type	RAI #1	RAI #2	RAI #3	RAI #4	RAI #5	RAI #6	RAI #7
Administrative Questions	X	X					
Class I criteria (noted that EPD disagrees with applicant's position in 3 rd , 4 th , 5 th , 6 th , 7 th RAIs)	X	X	X	X	X	X	X
Avoidance/minimization (noted that EPD disagrees with applicant's position in 3 rd , 4 th , 5 th , 6 th 7 th RAIs)	X	X	X	X	X	X	X
Detailed site plans needed	X	X	X	X			
Detailed cross sections needed	X	X	X	X			
Consultant provided figure revisions/discrepancies			X	X	X	X	X
Secondary impact questions and plan revisions, including questions about hydrologic conveyance and wildlife crossing	X	X	X	X	X	X	X
Upland buffers	X	X	X			X	
Mitigation plan clarifications	X	X	X	X	X	X	X
Map and list of mitigation parcels	X		X	X		X	



Requests for Additional Information Summary

RAI Question Type	RAI #1	RAI #2	RAI #3	RAI #4	RAI #5	RAI #6	RAI #7
Field verification of offsite mitigation parcels to verify acreages of wetlands/uplands	X	X	X	X			
Details related to County interest in all mitigation areas (CE, deed restriction, donation info)	X	X	X	X	X	X	X
Maintenance/monitoring plan	X	X			X		
Agreement/coordination with SFWMD on proposed mitigation plan	X	X	X	X	X	X	X
Specific wildlife comments						X	
Roadway agreement for Westwood Blvd.	X	X	X	X	X	X	X
Wildlife permits as applicable	X	X	X	X	X	X	X
Zoning/land use approval needed	X	X	X	X	X	X	X
Existing SFWMD CE over several parcels	X	X	X				
Hydrologic conveyance details/wildlife crossing details				X	X	X	X

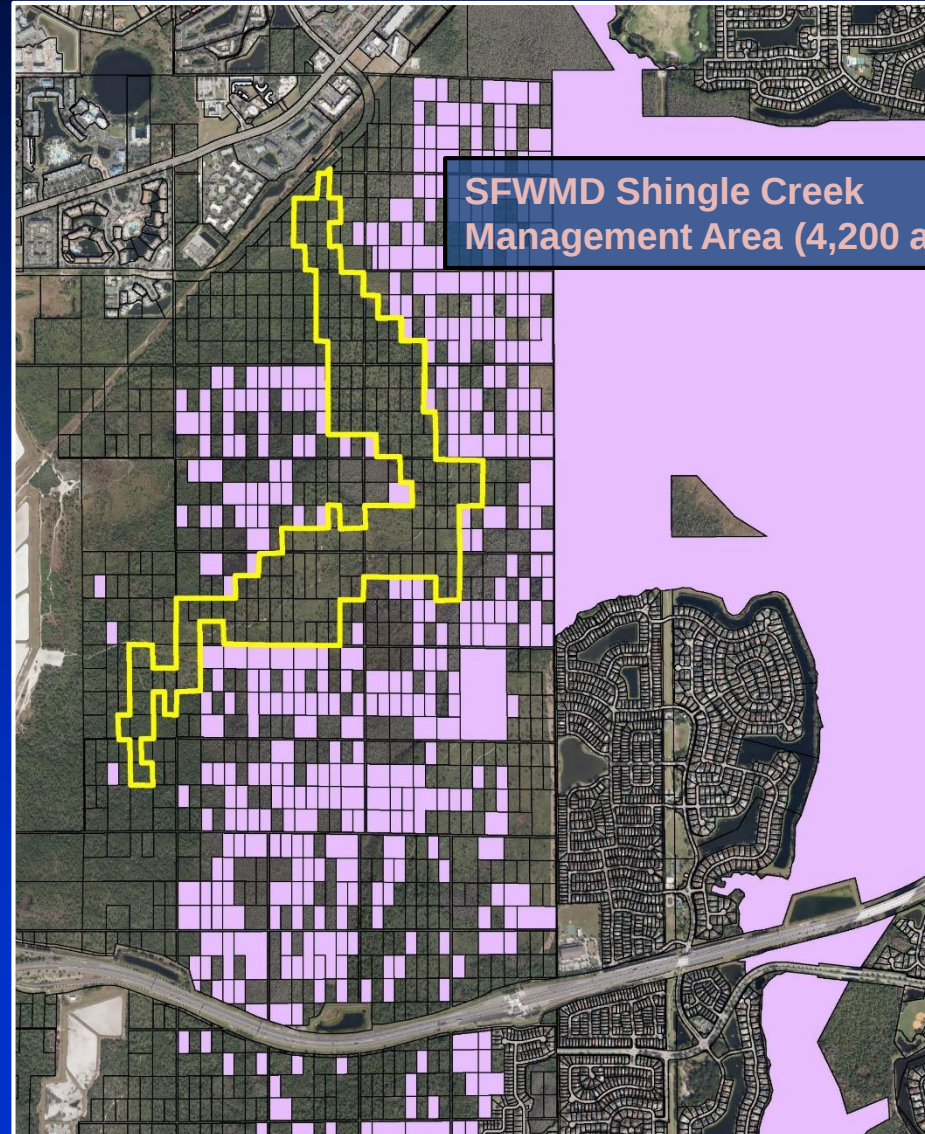


Requests for Additional Information Summary

RAI Question Type	RAI #1	RAI #2	RAI #3	RAI #4	RAI #5	RAI #6	RAI #7
Compensating storage details				X	X	X	X
Offered meeting			X	X	X	X	X
Suggested timeframe waiver			X	X	X		



Preservation Lands



SFWMD Shingle Creek
Management Area (4,200 ac.)

Projects with Bridges



Board of County Commissioners

Public Hearings

May 20, 2025