

Interoffice Memorandum

DATE: April 23, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A



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

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee

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, subject to the conditions listed under the Planning & Zoning Commission (PZC) Recommendation in the Staff Report. District 1.

PROJECT: Tuscana PD (LUP-22-01-002) Related to (CAI-23-05-022)

PURPOSE: The subject property is generally located south of Central Florida Parkway, west of South John Young Parkway, and east of International Drive, within the I-Drive Activity Center. The 227.48 gross acre property is designated as Activity Center Mixed Use (ACMU) and Activity Center Residential (ACR) on the Future Land Use Map which both require Planned Development (PD) District Zoning to allow for development. The subject property is also located within the Shingle Creek Hydrologic Basin. The Shingle Creek Basin is currently being studied and considered for a future special protection area ordinance, similar to the Econlockhatchee River and Wekiva River basins.

Through this request, the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to PD (Planned Development District) with a proposed development program consisting of 653,400 square feet of commercial uses, 1,291 hotel rooms, and 4,814 multi-family dwelling units.

The proposed subject property is composed of approximately 170 upland developable acres, and a Conservation Area Impact Permit (CAI-23-05-022) has been submitted to run concurrently with this request. The proposed development is anticipated to result in 22.44 acres of direct wetland impacts and 28.035 acres of secondary wetland impacts.

Additionally, the applicant is seeking four waivers from Code associated with the request to allow for a reduced building separation requirements for buildings internal to the PD; and increased maximum building height for multi-family to 150 feet to be consistent with the surrounding development approvals within the tourist commercial districts.

This proposal received a recommendation of denial from the DRC on April 2, 2025 and a recommendation of denial from the PZC on April 24, 2025.

BUDGET: N/A

CASE # LUP-22-01-002

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Jennifer Stickler, Kimley-Horn & Associates, Inc.
OWNER	Shingle Creek Co-Owners, LLC
PROJECT NAME	Tuscana Land Use Plan / Planned Development (LUP/PD)
PARCEL ID NUMBER(S)	See attached "Exhibit C"
TRACT SIZE	227.48 gross acres 193.23 net developable acres* <i>*This includes 22.44 acres of proposed wetland impacts.</i>
LOCATION	North of State Road 417 / South of Central Florida Parkway / East of International Drive / West of S. John Young Parkway
REQUEST	To rezone 227.48 acres from A-2 (Farmland Rural District) to PD (Planned Development) in order to construct 653,400 square feet of commercial uses, 1,291 hotel rooms, and 4,814 multi-family dwelling units.

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.

Applicant Justification: *The requested waiver allows for a more dense unified mixed use 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.

Applicant Justification: *The requested waiver allows for a more dense unified mixed use 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.

Applicant Justification: *The requested waiver allows the development to create more of a street presence and*

interaction with the public from the right-of-way. The placement of the buildings (which are intended to include garage parking) being closer to the right-of-way allows for more open space throughout the development and enhances the overall pedestrian experience.

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.

Applicant Justification: *The requested waiver will allow for a more vertically integrated project, as the proposed development is being clustered to minimize impacts to the Shingle Creek Basin and therefore more height is necessary to accommodate the proposed density. The requested height is consistent with surrounding development approvals within tourist commercial and ACMU/ACR Future Land Uses. Furthermore, the proposed multi-family buildings are not located within 100 feet of single-family uses.*

PUBLIC NOTIFICATION The notification area for this public hearing extended beyond 1,300 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Two thousand three hundred and ninety (2,390) notices were mailed to those property owners in the mailing area. A community meeting was held on September 25, 2023, and is summarized further in this report.

IMPACT ANALYSIS

Project Overview

The subject property is generally located south of Central Florida Parkway, west of South John Young Parkway, and east of International Drive, within the I-Drive Activity Center. The 227.48 gross acre property is designated as Activity Center Mixed Use (ACMU) and Activity Center Residential (ACR) on the Future Land Use Map which both require Planned Development (PD) District Zoning to allow for development. The subject property is also located within the Shingle Creek Hydrologic Basin. The Shingle Creek Basin is currently being studied and considered for a future special protection area ordinance, similar to the Econlockhatchee River and Wekiva River basins. It has numerous unique natural resources and contains important, regionally significant ecosystems that provide habitat for wildlife.

Through this request, the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to PD (Planned Development District) with a proposed development program consisting of 653,400 square feet of commercial uses, 1,291 hotel rooms, and 4,814 multi-family dwelling units. It should be noted the site has a Future

Land Use designation of ACMU (Activity Center Mixed Use) and ACR (Activity Center Residential) and is within a Conservation FLU overlay designation.

There are also four waivers from Code associated with the request to allow for a reduced building separation requirements for buildings internal to the PD; and increased maximum building height for multi-family to 150 feet to be consistent with the surrounding development approvals within the tourist commercial districts. The applicant has indicated the justification for the height waiver is to cluster the development in order to minimize the wetland impacts within the Shingle Creek Basin (summarized further in this report). However, the applicant has not demonstrated where the greater heights would equate to greater preservation on site.

The proposed subject property is composed of approximately 170 upland developable acres, and Conservation Area Impact Permit (CAI-23-05-022) has been submitted to run concurrently with this request and is proposing 22.44 acres of direct wetland impacts and 28.035 acres of secondary wetland impacts. The development program is based on the allowable development generated by the existing upland developable acres on the property, plus the requested wetland area impact.

To date as of writing this report, approximately 1,000+ opposition emails and 50+ support emails have been received by staff. Note that many of the opposition emails are duplicates.

SITE DATA

Existing Use	Undeveloped land
Adjacent Zoning	N: Planned Development(PD) (Wilderness Creek PD) E: Farmland Rural District (A-2) W: Farmland Rural District (A-2) S: Farmland Rural District (A-2)
Adjacent Land Uses	N: Activity Center Mixed Use (ACMU) E: Activity Center Mixed Use (ACMU) Activity Center Residential (ACR) W: Activity Center Mixed Use (ACMU) Activity Center Residential (ACR) S: Activity Center Residential (ACR)

APPLICABLE PD DEVELOPMENT STANDARDS

General Setback Information

PD Boundary:	25 feet
Wetland:	25 feet minimum
NHWE:	50 feet

Hotel

Maximum Building Height:	200 feet / 19 stories**
Minimum Lot Size:	6,000 square feet
Minimum Lot Width:	150 feet
Minimum Floor Area:	500 square feet

Minimum Building Setbacks

Front Setback (Collector):	30 feet
Rear Setback (when a PD Boundary):	25 feet
Side Setback (when a PD Boundary):	25 feet
Internal to PD (Side and Rear):	0 feet* (waiver requested)

Minimum Open Space: 25%

***“Commercial proposed buildings may be mixed with commercial and hotel uses integrated in the same building.”*

Commercial

Maximum Building Height:	200 feet / 19 stories**
Minimum Lot Size:	6,000 square feet
Minimum Lot Width:	150 feet
Minimum Floor Area:	500 square feet

Minimum Building Setbacks

Front Setback (Collector):	30 feet
Rear Setback (when a PD Boundary):	25 feet
Side Setback (when a PD Boundary):	25 feet
Internal to PD (Side and Rear):	0 feet* (waiver requested)

Minimum Open Space: 25%

***“Commercial proposed buildings may be mixed with commercial and hotel uses integrated in the same building.”*

Multi-family

PD Perimeter Setback:	25 feet
Maximum Building Height:	150 feet* (waiver requested)
Minimum Lot Size:	N/A
Minimum Lot Width:	N/A
Minimum Living Area:	500 Square Feet (under HVAC)

Minimum Building Setbacks

Rear Setback (when a PD Boundary): 25 feet

Side Setback (when a PD Boundary): 25 feet

Internal to PD (Side and Rear): 0 feet* (waiver requested)

Minimum Open Space: 25%

Land Use Compatibility

The applicant is seeking to rezone 227.48 acres from A-2 (Farmland Rural District) to PD (Planned Development) in order to construct 653,400 square feet of commercial uses, 1,631 hotel rooms, and 5,244 multi-family dwelling units. In addition, four (4) waivers are requested from Orange County Code regarding building and paving setbacks and building height.

The Development Review Committee recommended denial of the proposed development program at its meeting on April 2, 2025. Please see the report below for details.

Comprehensive Plan (CP) Consistency

The subject property has a Future Land Use (FLU) designation of Activity Center Residential (ACR) and Activity Center Mixed-Use (ACMU) with an overlay of Conservation for a portion of the project area.

The Conservation Future Land Use Map overlay designation is not a FLU designation similar to ACR or ACMU. "Conservation" is an overlay, recognizing lands designated for conserving natural resources (Comprehensive Plan Policy FLU1.1.4). The areas are conceptual until defined by a Wetland Determination (previously known as Conservation Area Determination). If an area designated as Conservation on the Future Land Use Map is determined to be a developable area, the underlying Future Land Use Map designation shall control (Comprehensive Plan Policy C1.4.5). In this case, the applicant is proposing to impact wetland areas that are within the Conservation FLU overlay through Conservation Area Impact (CAI) Permit # CAI-23-05-022. If the impacts are approved by the Board of County Commissioners, then the area will be considered developable and the underlying FLU designation of ACMU/ACR will control. If the Board of County Commissioners denies the wetland impacts where there is a Conservation FLU overlay designation, the Conservation designation will control and the ACMU / ACR FLU designations will not be applicable in those areas. The proposed Land Use Plan is proposed in conjunction with the CAI impact permit. If the CAI permit is denied, then the Land Use Plan should be considered inconsistent by default and will need to be amended prior to consideration by the Board.

The proposed development appears to be **INCONSISTENT** with the following Comprehensive Plan policies:

- **GOAL C1 - Orange County shall conserve, protect, and enhance the County's natural resources including air, surface water, groundwater, vegetative communities, imperiled species, soils, floodplains, recharge areas, wetlands, and energy resources to ensure that these resources are preserved for the benefit of present and future generations.**

- **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.
- **OBJ C1.3 - Orange County shall protect the natural functions of floodplains and flood zone areas to maintain flood-carrying and flood-storage capacities and to protect life and property, and Orange County shall continue to maintain its eligibility in the National Flood Insurance Program.**
- **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.**
- **FLU6.4.3** - 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.
- **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.
- **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.
- **C1.4.1** - 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.

When encroachment, alteration, or removal of a wetland or surface water is permitted, habitat compensation or mitigation as a condition of development approval shall be required. The basis for mitigation shall be determined by using Uniform Mitigation Assessment Method (UMAM) as the basis for evaluation, integrating any new rules and regulations into existing County programs.

- **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.
- Goal 5 - New land uses will be compatible with environmental protection within and adjacent to the International Drive Activity Center.
- OBJ 5.1 - In order to minimize adverse development impacts, the County will pursue adoption of land development regulations to ensure land use compatibility and environmental protection within and adjacent to the International Drive Activity Center.
- **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.
- ID5.1.1 - Buffer techniques and varied development densities and intensities shall be employed to ensure land use compatibility and provide transitional land use activities within and adjacent to the International Drive Activity Center consistent with the objective.
- PS2.2.3 – Unless otherwise prohibited or precluded by existing development patterns, Orange County shall support and encourage the location of new elementary, K-8, and middle schools, internal to new and existing residential neighborhoods and the County shall coordinate with the Orange County School Board to identify locations for new high schools on the periphery of residential neighborhoods, where access to major roads is available. (Amended 11/17, Ord. 17-19)
- PS2.2.5 – Support and coordinate with School Board efforts to locate new elementary schools within reasonable walking distance of the dwelling units served by the school.
- PS6.3.1 – When reviewing a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density, Orange County shall seek input from OCPS as to whether sufficient school capacity will exist concurrent with the development. If OCPS indicates there is insufficient capacity in the affected schools, Orange County may take into consideration the severity of the overcrowding and the timing of the availability of the needed capacity to accommodate the proposed development when deciding whether to approve or deny the requested Comprehensive Plan amendment or rezoning. (Added 6/08, Ord. 08-11; Amended 11/13/20 Ord. 2020-25)

The proposed development appears to be **CONSISTENT** with the following Comprehensive Plan policies:

- **GOAL FLU2 - URBAN STRATEGIES.** Orange County will encourage urban strategies such as, but not limited to, infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.
- **OBJ FLU8.2 - COMPATIBILITY.** Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses.
- **FLU1.4.1** - Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- **FLU8.2.2** - Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

The preceding Comprehensive Plan policies are provided for BCC consideration. The policies which appear to be inconsistent are those policies regarding the specific environmental impacts and school capacity. The policies which appear to be consistent are those policies regarding development within the I-Drive Activity Center, in general.

Overlay Ordinance

The subject property is located within the Tourist Commercial Signage district.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Conservation Area Determination (CAD) #CAD-22-01-009 was issued on April 25, 2023 and included a larger area, 273.036 acres, than the area included in the current CAI permit application. The CAD determined that 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.

The Conservation Area Impact (CAI) permit application #CAI-23-05-022 was received on May 1, 2023, prior to the effective date of the updated code of June 1, 2024, and is therefore being reviewed under the prior version of Article X, adopted in 1987.

The CAI application was presented as a Discussion Item at the December 18, 2024 Development Review Committee meeting. The DRC determined that as presented the project did not constitute an overriding public benefit, and the project did not

demonstrate reasonable use of the land or adequate minimization or elimination of wetland impacts.

EPD has held two in-person meetings with the applicant's agent, Bio-Tech Consulting, Inc., and a virtual meeting with the applicant team. EPD has sent seven Request for Additional Information (RAI) letters. The seventh RAI was sent on April 15, 2025. There still appear to be outstanding deficiencies in the application.

In every RAI sent to date, EPD has informed the applicant that it does not agree that adequate avoidance and minimization of impacts has been sufficiently demonstrated. Following the December 18, 2024 DRC meeting, the applicant reduced the proposed wetland impact acreage by 22.970 acre (from 59.28 acres to 36.31 acres). Following the February 21, 2025 virtual meeting, the applicant reduced the proposed wetland impact by an additional 13.886 acres (from 36.31 acres to the current 22.44 acres). The applicant is currently requesting (in the March 25, 2025 wetland impact figure) 22.363 acres of direct impacts to Class I wetlands, 0.08 acre of direct impacts to Class III wetlands, and 28.035 acres of secondary impacts to wetlands.

Mitigation for the impacts (as of March 25, 2025) includes the preservation of 34.249 acres of on-site wetlands and 115.771 acres of offsite wetlands for a total of 150 acres of preservation. All mitigation lands are proposed to be dedicated to Orange County via a conservation easement and the offsite lands are proposed to be subsequently donated to the SFWMD. There still remain questions about the mitigation plan such as whether the SFWMD has concerns with the proposed plan.

EPD began to receive hundreds of objection emails from members of the public on March 2, 2025.

The project is within the Shingle Creek Hydrologic Basin. The Shingle Creek Basin is currently being studied and considered for a future special protection area ordinance, similar to the Econlockhatchee River and Wekiva River basins. It has numerous unique natural resources and contains important, regionally significant ecosystems that provide habitat for wildlife.

Transportation Planning

The proposed development is projected to generate more than 5,000 gross PM vehicle trips.

The proposed development includes two full access points on Westwood Blvd., which, according to the plans, will be constructed with median openings following the FDOT access management standards.

The future Westwood Blvd will have access to International Drive, which currently shows an acceptable Level of Service (LOS) C in the CMS report. This study is essential to assess the impact of the proposed development on the surrounding area and ensure that the traffic generated can be adequately managed.

This project shall be required to convey right-of-way for Westwood Boulevard Extension. Such conveyance(s) shall be documented in an agreement negotiated with the County's Road Agreement Committee which must be approved by the Board of County

Commissioners prior to or concurrently with the approval of the first PSP or DP for this PD. The date of valuation for any transportation impact fee credits awarded based on such conveyance(s) shall be the day before the date of County approval of the initial land use plan for this project, in accordance with Section 23-95(b)(2)b.1., Orange County Code, as may be amended.

Community Meeting Summary

A community meeting was held September 25, 2023 at Sunshine Elementary School for Tuscana Land Use Plan. A total of 1,983 notices were sent to the properties surrounding the subject property. There were 65 residents in attendance, excluding Orange County staff and the applicant team.

Staff presented an overview of the DRC process, the proposed project, and the context of the proposal. Staff also noted that this meeting is not an opportunity for public comment, as this is at the Land Use Plan stage. The applicants presented their own presentation regarding the proposal and noted that their teams were available for any questions.

Residents asked clarifying questions related to flooding, emergency pumping for flooding, how the proposed development will treat and release stormwater, how much fill will be brought out and how that will affect the surrounding area, how they will handle runoff, limiting development on site, why the map is not showing the parcels that have been “previously used for mitigation”, habitat degradation in the proposed “preserved” area, plan for the displacement of animals, redevelopment of areas already built, requested plan for emergency management, who will foot the bill for any flooding that occurs in surrounding area, how are they going to prevent any future developments from continuing to fragment the preserved area, economic profits for developer for impacting the wetlands, profit off of impacting the wetlands, and who will be footing the bill when flooding is caused offsite.

Concerns raised by the residents included flooding, floodplain compensation, long-term detriment to the surrounding area, this area is critically sensitive habitat, Shingle Creek is the headwaters of the Everglades, polluted waterways, 100-year flood zone, threatened and endangered species, habitat quality, runoff from buildings into sensitive habitat, biodiversity hotspot, endemic species, irresponsible development, building in the wetlands, home insurance crisis, habitat fragmentation, environmental analysis/reports for area including T&E species reports, look at big picture and much larger surrounding area to see how this will impact, climate change, deforestation, vegetation as a cooling implement, carbon sink, wetlands provide integral nutrient/pollutant uptake prior to reaching Shingle Creek, and already have enough hotels and commercial properties on I-Drive.

The overall tone of the meeting was **NEGATIVE**.

Schools

Orange County Public Schools (OCPS) staff has provided a formal School Capacity Determination (OC-23-053) which states that capacity is not available for the project at the elementary and middle school. The capacity determination expired on April 16, 2024, but was extended to a new expiration date of April 17, 2028.



School Capacity Determination

User ID SVK October 19, 2023 12:39:20

Project ID: CEA – OC – 23 – 053

Valid Until: April 16, 2024

Project Name:		TUSCANA PD		
Unvested Units	Single Family Units:	0	Single Family Units:	0
	Multi Family Units:	5300	Multi Family Units:	0
	Multi Family High Rise Units:	0	Multi Family High Rise Units:	0
	Town Homes Units:	0	Town Homes Units:	0
	Mobile Home Units:	0	Mobile Home Units:	0
Vested Units				

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	OO		
	School:	SUNSHINE ES	HUNTER'S CREEK MS	LAKE BUENA VISTA HS
	Analysis of Existing Conditions			
	School Capacity (2022-2023)	837	1,000	2,763
	Enrollment (2022-2023)	924	1,216	1,723
	Utilization (2022-2023)	95.0%	116.0%	41.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	0	0	1,040
	Analysis of Reserved Capacity			
	School Level	Elementary	Middle	
	Encumbered Capacity	123	0	481
	Reserved Capacity	0	0	0
	Adjusted Utilization	125.1%	121.6%	79.8%
	Adjusted Available Seats	0	0	559
	Analysis of Proposed Development			
	Students Generated	747.300	344.500	424.000
	Adjusted Utilization	924.0%	156.1%	95.1%
	AVAILABLE/NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE	AVAILABLE
	Number of Seats to Mitigate	747.300	344.500	0.000

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Parks and Recreation

Parks and Recreation Staff have reviewed the request and did not identify any issues or concerns.

Stormwater

Compensatory storage for all projects within the 1% annual chance floodplain (100-year floodplain) must be provided on a "cup-for-cup" basis, per Chapter 19-107(1).

An Environmental Report shall be submitted to Development Engineering staff to establish the seasonal high water elevation. Compensatory storage calculations should only account for the volume between the seasonal high water elevation and the base flood elevation.

Additionally, the latest survey must be submitted to determine the current existing grade and accurately calculate the required compensatory storage.

For modifications to a determined BFE (Zone AE), or flood hazard area boundaries on the Flood Insurance Rate Maps (FIRMs), a FEMA Conditional Letter of Map Revision (CLOMR) shall be obtained prior to site construction plan approval; a subsequent FEMA Letter of Map Revision (LOMR) reflecting final construction will be required. Said FEMA LOMR approval shall be obtained by the owner/engineer and must be submitted to the Floodplain Administrator prior to the release of the Certificate of Occupancy.

State of Florida Notice

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 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.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (April 2, 2025)

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".

Should the Board decide to overturn staff's recommendation and approve this item, the following conditions of approval shall apply:

1. Development shall conform to the Tuscana Land Use Plan (LUP) dated "Received March 6, 2025," 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 March 6, 2025," 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 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).
6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. All acreages identified as wetlands, surface waters and upland buffers are considered approximate until finalized by a Wetland Determination (WD) and/or a Natural Resource Impact Permit (NRIP). Approval of this plan does not authorize any direct or indirect wetland/surface water impacts.
8. Unless a Natural Resource Impact Permit (NRIP) is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland and Surface Water Protection", prior to Construction Plan approval, no wetland, surface water or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect wetland and surface water 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. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential properties must obtain concurrency prior to approval of the plat; non-residential properties that are required to plat must obtain concurrency for any lot with an assigned use prior to approval of the plat (lots without an assigned use shall be labeled as "future development") and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building

permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

11. The developer shall obtain water, wastewater, and reclaimed water 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. The proposed development is adjacent to the existing and permitted Orange County Western Effluent Disposal site (WEDS). The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent WEDs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
14. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 Tourist Commercial of the Orange County Code, as may be amended.
15. Within multi-family developments, short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
16. 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.
17. Hotel / non-residential length of stay shall not exceed 179 consecutive days.
18. A FEMA Conditional Letter of Map Revision (CLOMR) shall be obtained prior to site permit approval for any modifications to a determined Base Flood Elevation (BFE) (Zone AE), or flood hazard area boundary as mapped on the official Flood Insurance Rate Maps (FIRMs). Following construction, a subsequent FEMA Letter of Map Revision (LOMR) reflecting final conditions must be obtained by the owner/engineer and submitted to the Floodplain Administrator prior to the release of the Certificate of Occupancy (CO).
19. A rezoning traffic study is required with DP submittal. Pursuant to Section 30-552 (3) of the County's Code of Ordinances, any application for a planned development (PD) zoning is required to conduct a study to assess the traffic and capacity impacts of the proposed development.

20. A Petition to Vacate for the depicted Rights-of-Way within and/or adjacent to the LUP must be approved by the BCC prior to the submittal of any Development Plan and/or Preliminary Subdivision Plan.
21. Prior to approval of the first construction plan associated with this Land Use Plan (LUP), a Master Drainage Plan for the entire LUP area consistent with Orange County Code 30-282 and/or 34-229 must be submitted and approved as a separate E-plan.
22. Associated offsite infrastructure including, but not limited to, connecting roadways, roadway improvements, public utilities, and the upgrade to and operation of the traffic signal at the intersection of Westwood Boulevard and International Drive, from the intersection of Westwood Boulevard and International Drive southwesterly to the terminus at the Westwood Village Development Plan (Case # DP-22-08-264) must be submitted as an E-Project concurrent with or subsequent to the approval of the first Development and/or Preliminary Subdivision Plan and have a Certificate of Completion prior to the recording of the first plat associated with this Land Use Plan.
23. A Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall be recorded and any necessary Property Owners Association (POA) be established simultaneously with the recording of the first plat, providing for, but not limited to, drainage easements, utility easements, cross access easements as well as any other shared facilities located within the Planned Development.
24. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to improvement of Westwood Blvd and any necessary traffic signal installation and/or modifications. Such off-site improvements within a publicly dedicated right-of-way must be submitted as an E-Plan along with the required surety per Chapter 21-202 and 21-208.
25. An Environmental Report shall be submitted to Development Engineering staff to establish the seasonal high water elevation, and the latest survey must be provided to determine the current existing grade to ensure accurate calculation of the required compensatory storage. Compensatory storage for all projects located within the 1% annual chance floodplain (100-year floodplain) shall be provided on a cup-for-cup basis, in accordance with Chapter 19-107(1), with calculations accounting only for the volume between the seasonal high water elevation and the base flood elevation. All documentation and calculations are subject to review and approval by the Stormwater Management Division.
26. This project shall be required to convey right-of-way for Westwood Boulevard Extension. Such conveyance(s) shall be documented in an agreement negotiated with the County's Road Agreement Committee which must be approved by the Board of County Commissioners prior to or concurrently with the approval of the first PSP or DP for this PD. The date of valuation for any

transportation impact fee credits awarded based on such conveyance(s) shall be the day before the date of County approval of the initial land use plan for this project, in accordance with Section 23-95(b)(2)b.1., Orange County Code, as may be amended.

27. Trails or recreational amenities are prohibited within the preservation area in the case where it is being utilized for mitigation to offset the wetland impacts.
28. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1287(2) to allow for a zero (0) feet side setback in lieu of ten (10) feet when the side is internal to the development.
 - b. A waiver from Section 38-1287(3) to allow for a zero (0) feet rear setback in lieu of twenty (20) feet when the rear is internal to the development.
 - c. A waiver from Section 38-1287(5) 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.
 - d. A waiver from Section 38-1300 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.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested PD (Planned Development District) zoning. The applicant was present and disagreed with the staff recommendation. Fifteen (15) members of the public were present to speak during public comment. The first fourteen (14) members spoke in opposition to the request citing wetland impacts, flooding concerns, habitat fragmentation, wildlife concerns, etc. One (1) member spoke on behalf of the Shingle Creek Co-Owners LLC (the conglomerate of land owners within the Shingle Creek Basin) in support of the project.

The applicant team presented additional details of the request including their approach to floodplain impacts and compensation, and wetland mitigation. Discussion ensued with Commission members expressing concerns regarding flooding and environmental impacts. In response, the applicant team spoke about how they felt that they were minimizing floodplain and wetland impacts, and providing adequate compensation.

Staff indicated that one thousand six hundred and sixty one (1,661) notices were sent to property owners and residents extending beyond 1,300 feet surrounding the property, and that staff had received fifty seven (57) responses in favor, and one thousand one hundred and twenty eight (1,128) responses in opposition of the request.

After lengthy discussion, a motion was made by Commissioner Boers and seconded by Commissioner Gray to recommend DENIAL of the requested PD (Planned Development District) zoning subject to twenty-eight (28) conditions listed in the staff report including four (4) from Orange County Code. The motion carried 5 to 0.

Motion / Second	<i>David Boers / Eric Gray</i>
Voting in Favor	<i>David Boers, Eric Gray, George Wiggins, Marjorie Holt, and Evelyn Cardenas</i>
Voting in Opposition	<i>None</i>
Absent	<i>Eddie Fernandez, Camille Evans, Nelson Pena, and Michael Arrington</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (April 24, 2025)

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of Tuscana Planned Development / Land Use Plan (PD/LUP) dated "Received March 6, 2025", subject to the 28 conditions listed in the staff report, subject to the following conditions:

Should the Board decide to overturn staff's recommendation and approve this item, the following conditions of approval shall apply:

1. Development shall conform to the Tuscana Land Use Plan (LUP) dated "Received March 6, 2025," 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 March 6, 2025," 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 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).

6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
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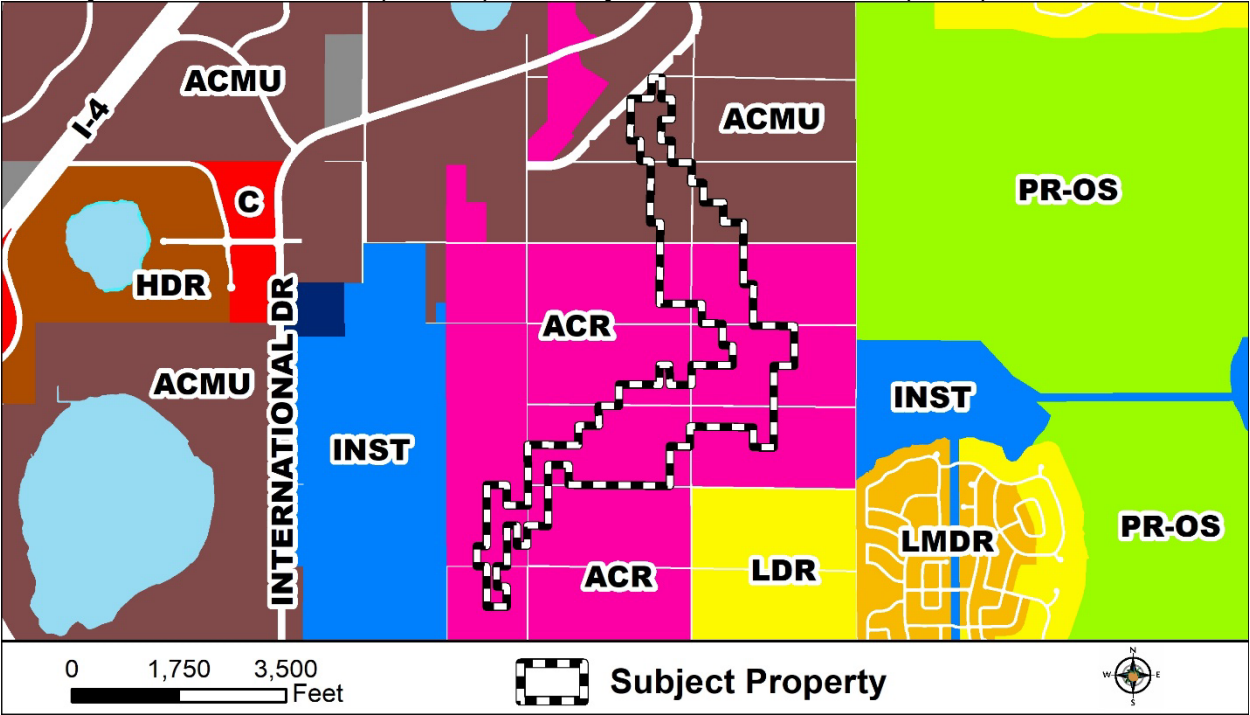
Preliminary Subdivision Plan and have a Certificate of Completion prior to the recording of the first plat associated with this Land Use Plan.

23. A Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall be recorded and any necessary Property Owners Association (POA) be established simultaneously with the recording of the first plat, providing for, but not limited to, drainage easements, utility easements, cross access easements as well as any other shared facilities located within the Planned Development.
24. Any development associated within this Planned Development shall provide adequate off-site improvements as determined by the County Engineer to accommodate the project as proposed in any development plan and/or preliminary subdivision plan, including but not limited to improvement of Westwood Blvd and any necessary traffic signal installation and/or modifications. Such off-site improvements within a publicly dedicated right-of-way must be submitted as an E-Plan along with the required surety per Chapter 21-202 and 21-208.
25. An Environmental Report shall be submitted to Development Engineering staff to establish the seasonal high water elevation, and the latest survey must be provided to determine the current existing grade to ensure accurate calculation of the required compensatory storage. Compensatory storage for all projects located within the 1% annual chance floodplain (100-year floodplain) shall be provided on a cup-for-cup basis, in accordance with Chapter 19-107(1), with calculations accounting only for the volume between the seasonal high water elevation and the base flood elevation. All documentation and calculations are subject to review and approval by the Stormwater Management Division.
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27. Trails or recreational amenities are prohibited within the preservation area in the case where it is being utilized for mitigation to offset the wetland impacts.
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 - b. A waiver from Section 38-1287(3) to allow for a zero (0) feet rear setback in lieu of twenty (20) feet when the rear is internal to the development.

- c. A waiver from Section 38-1287(5) 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.
- d. A waiver from Section 38-1300 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.

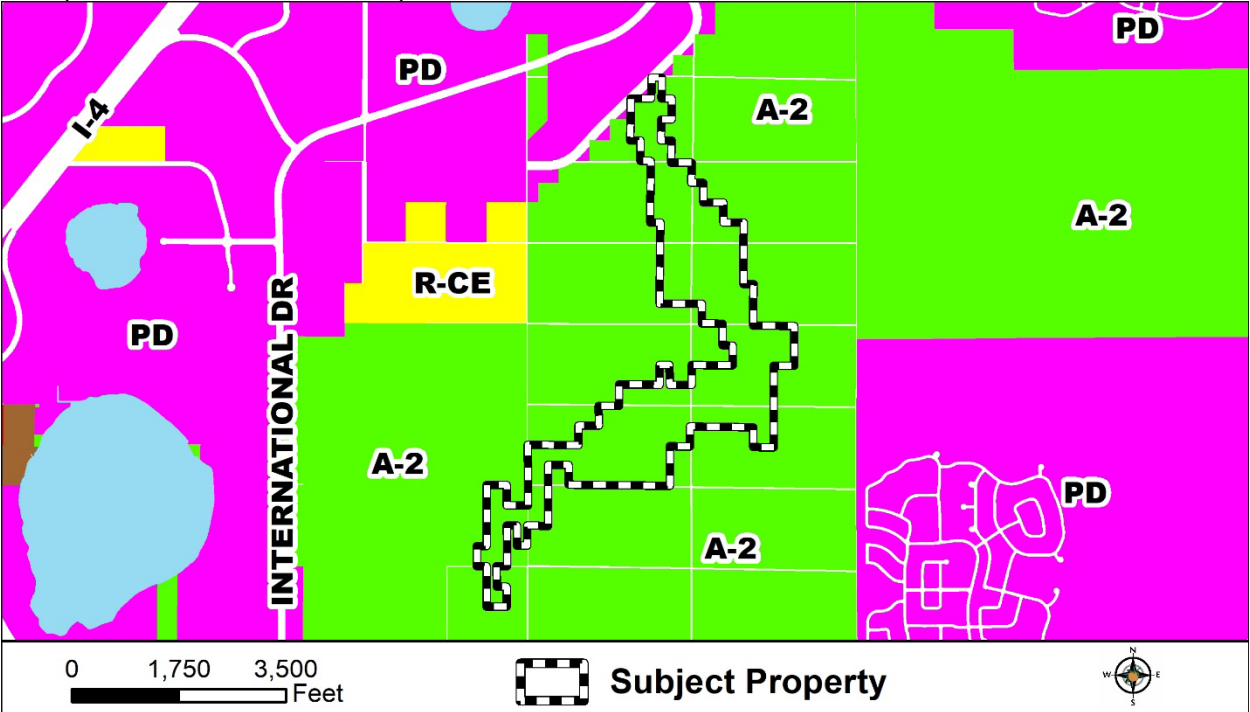
FUTURE LAND USE

Activity Center Mixed Use (ACMU) / Activity Center Residential (ACR)



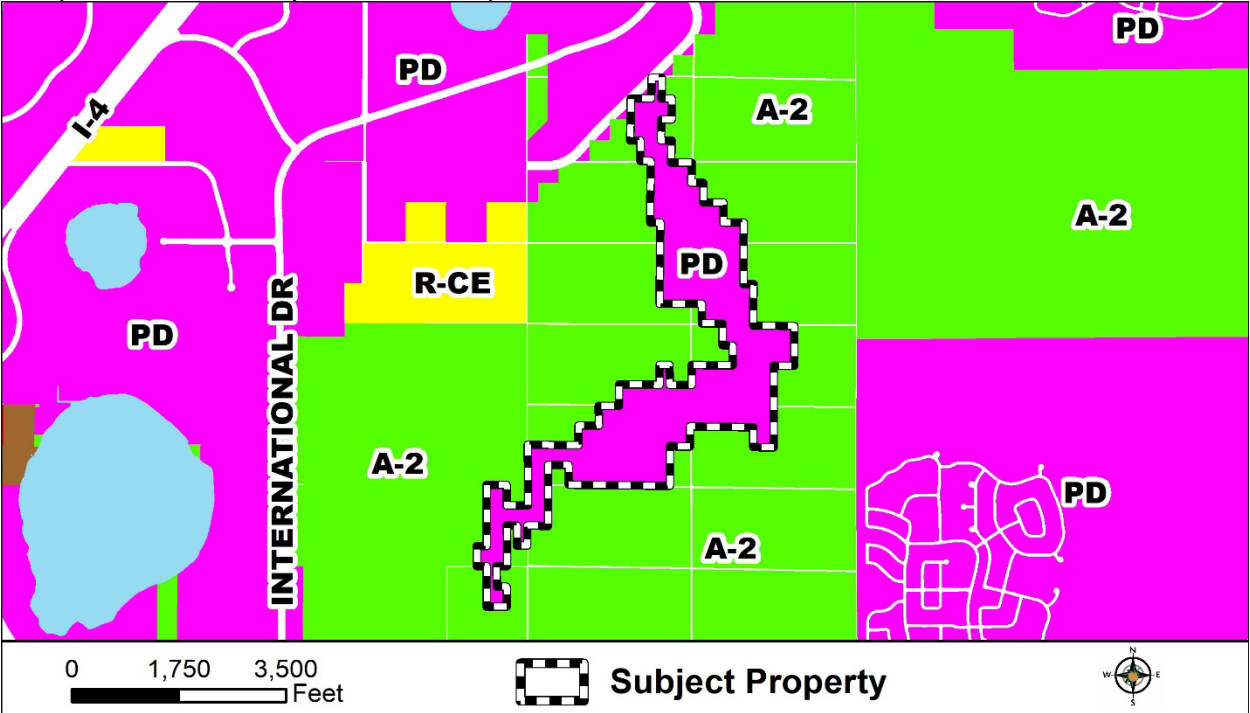
ZONING - CURRENT

A-2 (Farmland Rural District)

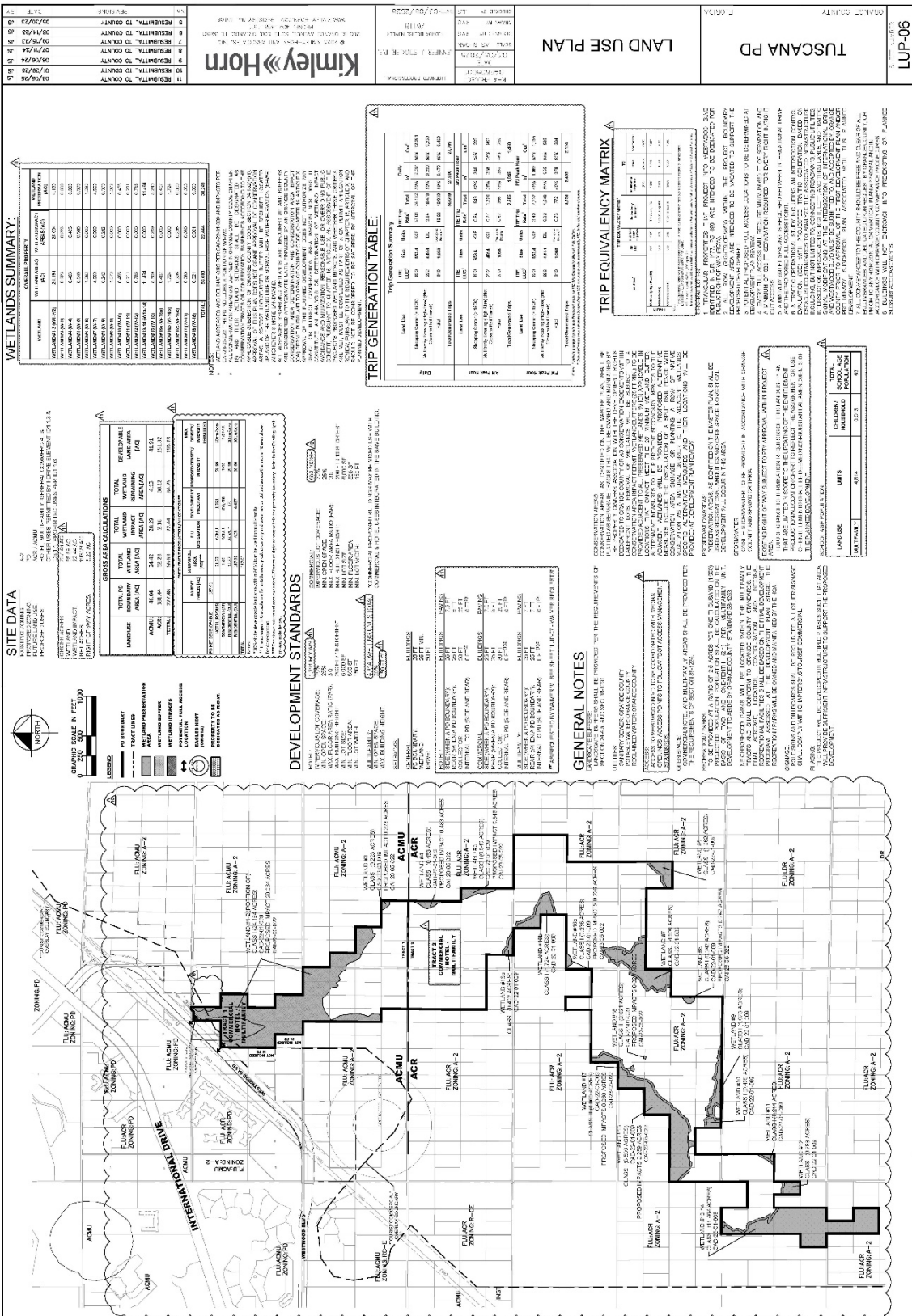


ZONING - PROPOSED

PD (Planned Development District)



Site Plan Sheet



90-LUP	TUSCANA PD	LAND USE PLAN	DATE: 05/20/2025	BY: [Signature]
10	RESUBMITTAL TO COUNTY	05/20/2025	11	RESUBMITTAL TO COUNTY
9	RESUBMITTAL TO COUNTY	05/20/2025	10	RESUBMITTAL TO COUNTY
8	RESUBMITTAL TO COUNTY	05/20/2025	9	RESUBMITTAL TO COUNTY
7	RESUBMITTAL TO COUNTY	05/20/2025	8	RESUBMITTAL TO COUNTY
6	RESUBMITTAL TO COUNTY	05/20/2025	7	RESUBMITTAL TO COUNTY
5	RESUBMITTAL TO COUNTY	05/20/2025	6	RESUBMITTAL TO COUNTY
4	RESUBMITTAL TO COUNTY	05/20/2025	5	RESUBMITTAL TO COUNTY
3	RESUBMITTAL TO COUNTY	05/20/2025	4	RESUBMITTAL TO COUNTY
2	RESUBMITTAL TO COUNTY	05/20/2025	3	RESUBMITTAL TO COUNTY
1	RESUBMITTAL TO COUNTY	05/20/2025	2	RESUBMITTAL TO COUNTY

WETLANDS SUMMARY:	
WETLAND TYPE	WETLAND AREA (ACRES)
WETLAND TYPE 1	1.00
WETLAND TYPE 2	1.00
WETLAND TYPE 3	1.00
WETLAND TYPE 4	1.00
WETLAND TYPE 5	1.00
WETLAND TYPE 6	1.00
WETLAND TYPE 7	1.00
WETLAND TYPE 8	1.00
WETLAND TYPE 9	1.00
WETLAND TYPE 10	1.00
WETLAND TYPE 11	1.00
WETLAND TYPE 12	1.00
WETLAND TYPE 13	1.00
WETLAND TYPE 14	1.00
WETLAND TYPE 15	1.00
WETLAND TYPE 16	1.00
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WETLAND TYPE 36	1.00
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WETLAND TYPE 95	1.00
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WETLAND TYPE 97	1.00
WETLAND TYPE 98	1.00
WETLAND TYPE 99	1.00
WETLAND TYPE 100	1.00

TRIP GENERATION SUMMARY:	
TRIP TYPE	TRIP RATE (PER HOUR)
TRIP TYPE 1	1.00
TRIP TYPE 2	1.00
TRIP TYPE 3	1.00
TRIP TYPE 4	1.00
TRIP TYPE 5	1.00
TRIP TYPE 6	1.00
TRIP TYPE 7	1.00
TRIP TYPE 8	1.00
TRIP TYPE 9	1.00
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TRIP TYPE 78	1.00
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TRIP TYPE 100	1.00

GENERAL NOTES:	
NOTE 1	1.00
NOTE 2	1.00
NOTE 3	1.00
NOTE 4	1.00
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NOTE 100	1.00

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