



# Orange County Government

Orange County  
Administration Center  
201 S Rosalind Ave.  
Orlando, FL 32802-1393

## Legislation Text

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**File #:** 24-935, **Version:** 1

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### Interoffice Memorandum

**DATE:** June 17, 2024

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

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

**CONTACT:** Renée H. Parker, LEP, Manager

**PHONE:** (407) 836-1420

**DIVISION:** Environmental Protection Division

**ACTION REQUESTED:**

Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Conservation Area Impact Permit Modification CAI-20-06-040-MOD for University Station Commercial Condominium Association, LLC. District 5. (Environmental Protection Division)

**PROJECT:** University Station Commercial Condominium Association, LLC Conservation Area Impact Permit Modification CAI-20-06-040-MOD

**PURPOSE:** The applicant, University Station Commercial Condominium Association, LLC, is requesting a permit modification of Conservation Area Impact Permit (CAI) CAI-20-06-040 to impact an additional 0.01 acre of required upland buffer and 0.01 acre of secondary surface water impacts. The project site is located at 3370 Rouse Road in District 5. The Parcel Identification Number is 09-22-31-8951-00-001. The property is located within the Econlockhatchee River Protection Area and is subject to Chapter 15, Article XI, Econlockhatchee River Protection Ordinance. The Little Econlockhatchee River is located on the adjacent parcel to the west.

At their meeting on September 1, 2020, the Board authorized CAI-20-06-040 concurrently with FLUMA 2020-1-S-5-1 and RZ-20-04-063 for the subject property for 0.08 acre of impacts of the required 50-foot average upland buffer associated with a Class I surface water, the Little Econlockhatchee River. Subsequently, on September 11, 2020, the Environmental Protection Division (EPD) issued CAI-20-06-040. Mitigation for buffer impacts under the approved permit

included the purchase of 0.04 credit from TM-Econ Mitigation Bank, Phases 1-3.

On November 27, 2023, EPD received a request to modify CAI-20-06-040, which has been assigned the suffix MOD for tracking purposes. The onsite stormwater pond was constructed with an outfall to an adjacent compensating storage area. According to the applicant, during major storm events the compensating storage area is not able to sufficiently recover/drain due to excess surface water discharges from the pond. To prevent a blow-out of the compensating storage area, the applicant is proposing a shallow swale to carry the stormwater through the compensating storage area. An energy displacement structure is proposed on the western limits of the compensating storage area to prevent erosion and sedimentation into the nearby Little Econlockhatchee River and associated wetlands. The proposed change in the stormwater design will result in an additional 0.01 acre of direct impacts to the upland buffer and 0.01 acre of secondary impacts to the wetlands associated with the Little Econlockhatchee River. The applicant has reserved 0.01 credit at TM-Econ Mitigation Bank, Phase IV to offset the proposed impacts. The mitigation, as proposed, adequately offsets the proposed impacts.

EPD staff has evaluated the CAI Permit Modification application and required documentation and has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X, Wetland Conservation Areas Ordinance and Article XI, Econlockhatchee River Protection Ordinance and recommends approval.

**BUDGET:** N/A

# Conservation Area Impact Permit Modification Request



**Conservation Area Impact  
Permit No. CAI-20-06-040-MOD  
District 5**

**Applicant:** University Station  
Commercial Condo  
Assoc, LLC

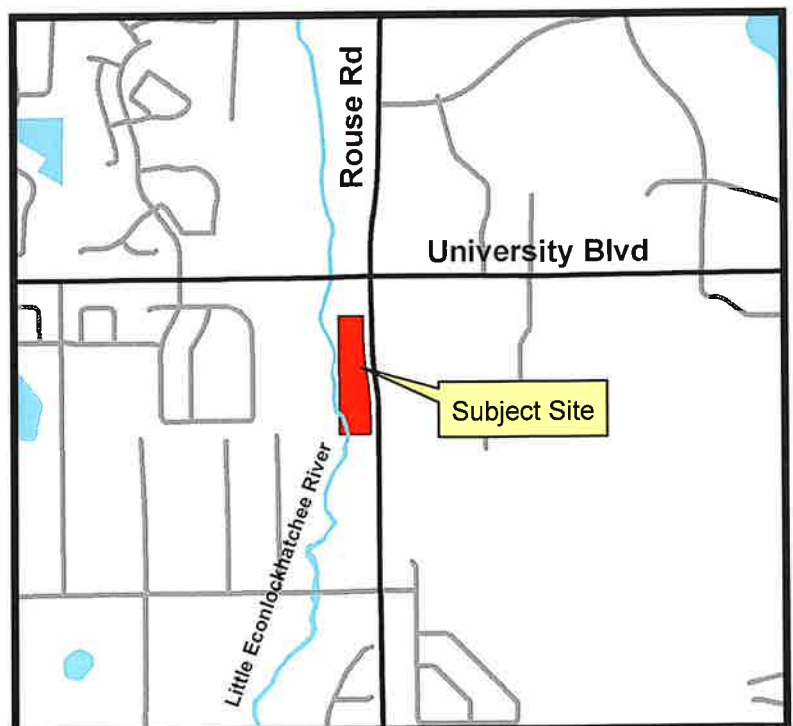
**Address:** 3370 Rouse Road

**Parcel ID:** 09-22-31-8951-00-001

**Project Site**



**Property Location**





## FOR

3370 ROUSE ROAD, ORLANDO, FLORIDA 32817

PARCEL ID No: 09-22-31-8951-00-001

## SITE LOCATION



**LEGAL DESCRIPTIONS (PARTIAL TO FULL)**

THE EAST 1/4 OF THE NORTHWEST 1/4 OF THE "NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 22 SOUTH, RANGE 1E, EAST ORANGE COUNTY, FLORIDA," LIES AND EXTENDS TO THE NORTH 1/2 OF THE 760' AND 520' ALMOST LESS ROAD KNOWN AS "WYATT STREET FOR ROUTES NO. 48 & 57" FROM THE SOUTHWEST CORNER OF THE DEED LOCATED PAGE 18, AND DEED BOOK 117, PAGE 135, AND ORDER OF TAKING RECORDED IN CIVIL CASE NO. 8254-PAC IN PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

545

COMMENT: AT THE NORTHWEST CORNER OF THE "NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29 TOWNSHIP 22 SOUTH RANGE 31 EAST, FIELD RUN NORTH 95 DEGREES 21 MINUTES 45 SECONDS EAST ALONG THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 29 A DISTANT 613.06 FEET TO THE CENTERLINE OF SAID ROAD, NINE SOUTH BOUNDARY OF SAID SECTION 29, 37 MINUTES 30 SECONDS, 21 ALONG SAID CENTERLINE, 37 MINUTES, 30 SECONDS TO A DISTANCE OF APPROXIMATELY 1/2 MILE OF WAY OF SAID ROAD AS DESCRIBED ABOVE. 30 DEGREES 47 1/2 PAGE 1413.00 THE PUBLIC RECORDS OF CHANCE RECORDS, BLAND AND THE FIRST OF BLOOMING.

[illegible]

PREPARED FOR:

UNIVERSITY STATION COMMERCIAL ASSOCIATION, LLC.

**NOTE:** CONTRACTOR SHALL PAY FOR AND OBTAIN THE REQUIRED ORANGE COUNTY PERMITS AND HOLD A P.C. CONSTRUCTION CONFERENCE BEFORE STARTING WORK. AN NPDES PERMIT, OBTAINED THROUGH FDEP, WILL BE REQUIRED FOR THIS PROJECT.

FLU AMENDMENT 2020-1-S-5-1  
REFZONING R7-20-04-06.1

received  
4-18-2024

STANDARDIZATION COMPANY, LLC  
 11000 W. 110TH AVENUE, SUITE 100  
 OVERLAND PARK, KS 66211  
 (913) 241-1100  
 WWW.STANDARDIZATION.COM

DATE: 01/24/2024  
 PROJECT NO.: 2024-01  
 DRAWING BY: JAC  
 CHECKED BY: JAC  
 SCALE: N/A  
 SHEET: 1 of 1

# COVER SHEET

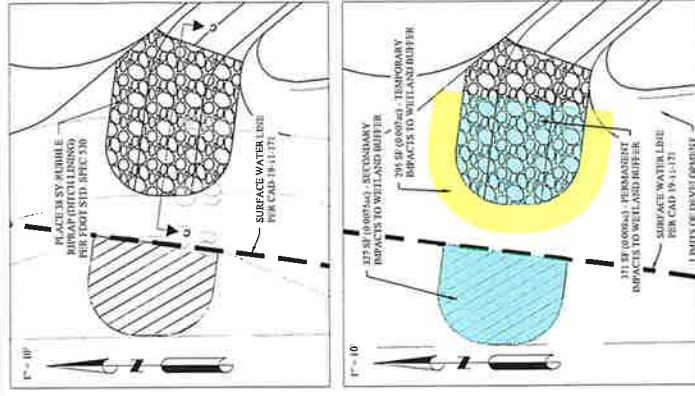
UNIVERSITY STATION  
 STORMWATER POND AND COMPENSATING  
 STORAGE AREA DRAINAGE

3700 ROUTE 100, WARREN COUNTY, OHIO 44681

DATE: 01/24/2024  
 PROJECT NO.: 2024-01  
 DRAWING BY: JAC  
 CHECKED BY: JAC  
 SCALE: N/A  
 SHEET: 1 of 1

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 PROJECT NO.: 2024-01  
 DRAWING BY: JAC  
 CHECKED BY: JAC  
 SCALE: N/A  
 SHEET: 1 of 1



[illegible]



## Environmental Protection Division

# CONSERVATION AREA IMPACT PERMIT

**Permit No:** CAI-20-06-040

**Associated Permits:** FLUMA-2020-1-S-5-1;  
RZ-20-04-063

**Date Issued:** September 11, 2020

**Date Expires:** September 11, 2025

### A Permit Authorizing:

Impacts to 0.08 acre of the required 50-foot average upland buffer associated with a Class I conservation area located within the Econlockhatchee River Protection Area, as described under Chapter 15, Article XI, Section 15-442(f). Impacts to the upland buffer will occur as a result of the construction of portions of the stormwater pond and compensating storage areas for a commercial development. No wetland or surface water impacts are authorized under this permit. Mitigation consists of the purchase of 0.04 UMAM general credits from TM-Econ Mitigation Bank, Phases 1-3.

On September 1, 2020, the Board authorized the CAI permit concurrently with FLUMA 2020-1-S-5-1 and RZ-20-04-063.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance and Article XI, Econlockhatchee River Protection Ordinance and is subject to the permit conditions provided on the following pages:

### Activity Location:

3370 Rouse Road, Orlando, FL 32817  
Parcel ID No.: 09-22-31-0000-00-004  
Related CAD No: CAD-19-11-171  
Orange County Commission District: 5

### Permittee / Authorized Entity:

Ali El-Yassir  
Olton Properties  
c/o Stephen Butler  
Bio-Tech Consulting, Inc.  
Email: [steve@btc-inc.com](mailto:steve@btc-inc.com)

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



**Approval of this permit is subject to the following conditions:**

Specific Conditions

1. This permit shall become final and effective upon expiration of the 30-calendar day period following the date of rendition of the Board's decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.
2. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
3. The upland buffer impacts and construction of the project must be completed in accordance with the 'Wetland Exhibit', prepared by Jose A. Chaves, P.E., and received by the Environmental Protection Division (EPD) on July 10, 2020 and the Construction Plan Sheets 'C-3.0', 'C-6.0', 'C-8.0', 'C-8.1', 'C-8.2' and 'C-18.0', prepared Jose A. Chaves, P.E., and received by EPD on August 5, 2020. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date.
4. Conservation area signs shall be installed in accordance with Sheets 'C-8.0' and 'C-18.0', prepared by Jose A. Chaves, P.E., and received by EPD on August 5, 2020. The signs shall be installed prior to the Certificate of Completion.
5. Prior to beginning construction, the permittee must demarcate the boundaries of all upland buffer areas with six-foot high PVC poles with orange flagging tied to the tops or orange safety fencing. Initial clearing shall include a path along the limits of construction to facilitate installation of silt fence and form a visual limit of clearing. After the initial clearing adjacent to the conservation area upland buffer is complete, a silt fence must be installed all along the upland buffer boundaries and maintained throughout construction.
6. Prior to initiating any construction within wetlands, surface waters, or upland buffers authorized for impact, EPD shall receive acceptable documentation that the allocation of 0.04 UMAM general credits from the TM-Econ Mitigation Bank, Phases 1-3 has been completed.
7. In the event that the permittee does not successfully complete the transaction to obtain the requisite 0.04 UMAM general credits from the TM-Econ Mitigation Bank, Phases 1-3, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
8. No stockpiles of fill may be stored within the upland buffer to be preserved, and any stockpiles that are stored on site must be a minimum of 50-feet from the surface water boundary and contained with appropriate erosion control devices.
9. If dewatering will occur on site, the permittee will submit to EPD a signed and sealed dewatering plan from an engineer licensed to do business in the State of Florida, and the permittee will obtain approval from EPD for the dewatering plan prior to the initiation of construction.
10. In accordance with Chapter 15, Article XI, Section 15-442(a), the permittee shall submit to EPD an approved management plan or wildlife relocation/take permits from the Florida Fish and Wildlife Conservation Commission for any imperiled wildlife species identified on site prior to the disturbance of vegetation or soils.



11. In accordance with Chapter 15, Article XI, Section 15-442(g), the permittee must demonstrate that the peak discharge rate for the surface water management system does not exceed the pre-development peak discharge rate for the mean annual storm (24-hour duration, 2.3-year return period, 4.4 inches of rainfall) and the 25-year storm (24-hour duration). Post development peak discharge rates must not exceed pre-discharge rates.
12. Prior to any filling within the 100-year flood zone, a Flood Plain Permit may be required from the Orange County Stormwater Management Division authorizing the fill.
13. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
14. For projects which disturb one acre or more of land, or which are less than one acre but are part of a larger common plan of development of sale that is greater than one acre, coverage under a National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP) is required. Prior to the start of land disturbing activities, which includes demolition, earthwork and/or construction, the operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit to the Florida Department of Environmental Protection (FDEP) a Notice of Intent (NOI) to obtain coverage under the NPDES CGP, pursuant to the requirements of 62-621.300(4)(a) Florida Administrative Code (F.A.C.). As the Operator of the MS4, copy of the NOI shall also be submitted to the Orange County NPDES Environmental Program Supervisor prior to the start of activities. Copies of the SWPPP, NOI, and FDEP Acknowledgement Letter are to be kept on the project site and made available upon request. Upon completion of all land disturbing activities and after final stabilization of the site is complete, the developer/contractor shall submit to FDEP a Notice of Termination (NOT) to end their coverage under the CGP and provide a copy of the NOT to the Operator(s) of the MS4. A copy of the CGP, NOI and additional information can be found at the following website: <http://dep.state.fl.us/water/stormwater/npdes/construction3.html>.
15. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530, and 62-4.242 F.A.C. Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants into wetlands and/or surface waters due to the permitted activities. BMPs are performance based; if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 Nephelometric Turbidity Units (NTU) over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFW). A copy of the Designer and Reviewer Manual can be found at the following website: <https://www.flrules.org/Gateway/referee.asp?No=Ref-04227>.
16. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of Chapters 62-621.300(2)(a) and 62-620, F.A.C., and Chapter 403 FS. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.

17. All excess lumber, scrap wood, trash, garbage, and other similar construction materials shall be removed from the preservation areas immediately.

General Conditions:

18. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
19. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
20. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impact and preservation areas.
21. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
22. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of Chapters 62-621.300(2)(a) and 62-620, F.A.C., and Chapter 403 FS. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.
23. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article X of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency, the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.

24. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
25. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
26. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
27. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to ensure conformity with the plans and specifications approved by the permit.
28. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
29. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
30. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
31. Pursuant to Section 125.022 FS, issuance of this permit by the County does not in any way create any rights on the part of the permittee 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 permittee fails to obtain the 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.
32. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of development.

If you should have any questions concerning this permit, please contact Elois Lindsey at (407) 836-1448 or via email at [Elois.Lindsey@ocfl.net](mailto:Elois.Lindsey@ocfl.net).

Project Manager:



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Elois Lindsey, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:

 For

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

ELN/T/TMH/DJ: gfdjr

Enclosure(s):      Construction Notice  
                             Approved Site Plans and Wetland Exhibit

C: Ali El-Yassir, Olton Properties, Apt 18, Andalous Street, Kojak Building, Raouche, Beirut Lebanon  
Jose Chaves, P.E., StoryBook Holdings, LLC, [jose@storybookholdings.com](mailto:jose@storybookholdings.com)  
TM-Econ Mitigation Bank, James Clark, Holland Properties, Inc., P.O. Box 770308, Winter Garden  
Florida, 34777-1553  
Marc von Canal, SJRWMD, [mvoncana@sjrwmd.com](mailto:mvoncana@sjrwmd.com)  
FWC, Conservation Planning Services, [conservationplanningservices@MyFWC.com](mailto:conservationplanningservices@MyFWC.com)  
John Geiger, Orange County Development Review, [John.Geiger@ocfl.net](mailto:John.Geiger@ocfl.net)



