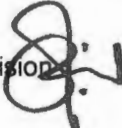




**Interoffice Memorandum**

October 11, 2022

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

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

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

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

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

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

The 2021-1 Regular Cycle State-Expedited Amendments scheduled for consideration on October 11 include one privately-initiated Future Land Use Map Amendment located in District 4 with a concurrent rezoning request and two associated staff-initiated map and text amendments. The proposed Future Land Use Map amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendments involve changes to the Goals, Objectives and/or Policies of the Comprehensive Plan.

In summary, the action items addressed by this memo for October 11 are:

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

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

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

2021-1 Regular Cycle Amendments 2021-1-A-4-1 and 2021-1-B-FLUE-4 and  
2021-1-B-FLUE-5 and Concurrent Rezoning Request LUP-21-01-006  
BCC Adoption Public Hearings  
October 11, 2022  
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Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net) or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

AAV/sw

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

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



# **ORANGE COUNTY**

**PLANNING DIVISION**

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

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

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

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

## **REZONING**

**LUP-21-01-006**

2010 - 2030 COMPREHENSIVE PLAN

## **BOARD OF COUNTY COMMISSIONERS**

**OCTOBER 11, 2022  
ADOPTION PUBLIC HEARING**

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

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION





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

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

Amendment	Page
1. 2021-1-A-4-1 Bennett Place	1.
-and-	
2021-1-B-FLUE-4 PD Density and Intensity	
-and-	
2021-1-B-FLUE-5 USA Expansion	
-and-	
Rezoning LUP-21-01-006	<p>A-2 (Farmland Rural District) to PD (Planned Development District) (Bennett Place PD)</p> <p>Also requested are fifteen (15) waivers from Orange County Code.</p> <p><u>Waivers 1-5 are requested within Transition Zone 5, as shown on the Land Use Plan:</u></p> <ol style="list-style-type: none"> <li>1) A waiver from Section 38-1254, to allow a 25' minimum building setback from an arterial street, in lieu of a 50' setback for multifamily;</li> <li>2) A waiver from Section 38-1272, to allow a 25' minimum building setback from an arterial street, in lieu of a 40' setback for commercial;</li> <li>3) A waiver from Section 38-1258(a), to allow five (5) story multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to a single story in height;</li> </ol>

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

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

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

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



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

## **INTRODUCTION**

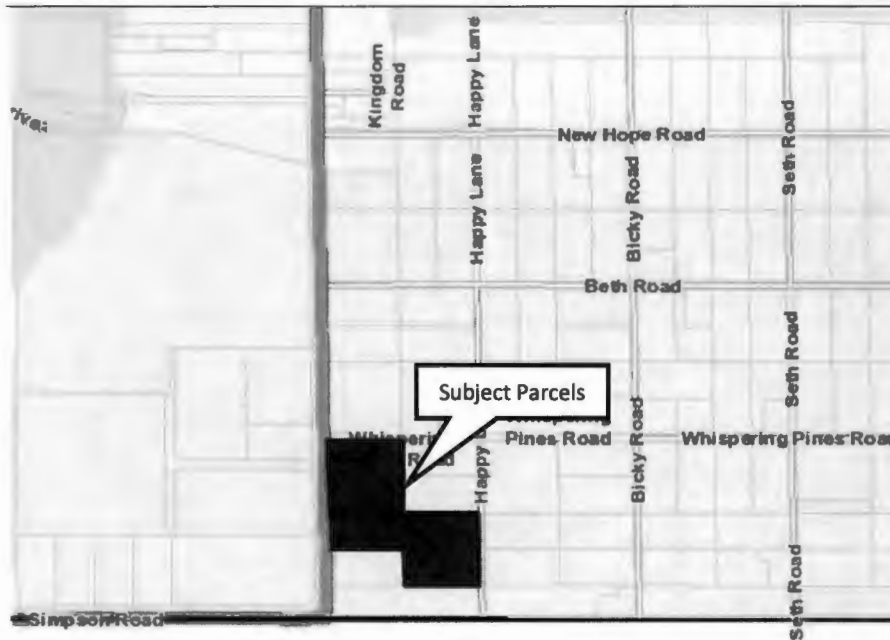
This is the Board of County Commissioners (BCC) adoption public hearing staff report for the First Regular Cycle Amendments 2021-1-A-4-1 and 2021-1-B-FLUE-4 and 2021-1-B-FLUE-5 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for these amendments were conducted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

The 2021-1 Regular Cycle Amendments scheduled for BCC consideration on October 11 were heard by the PZC/LPA at transmittal public hearings on January 21, 2021, and by the BCC at transmittal public hearings on October 12, 2021.

The 2021-1 Regular Cycle – State-Expedited Review Amendments scheduled for consideration on October 11 include one privately-initiated Future Land Use Map Amendment located in District 4 with a concurrent rezoning request and two associated staff-initiated map and text amendments. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendments involve changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

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

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



**Applicant/Owner:**

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

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

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

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

**Parcel ID Numbers:**

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

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

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

### AERIAL



### FUTURE LAND USE - CURRENT



Current Future Land Use Designation:

Rural/Agricultural (R)

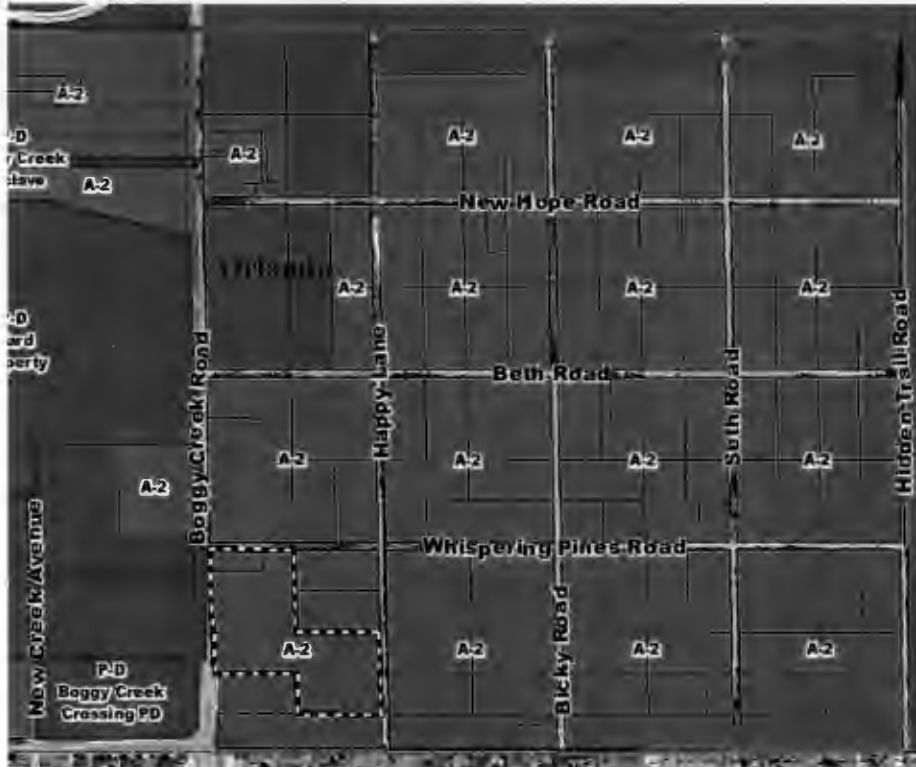
### FUTURE LAND USE - PROPOSED



Proposed Future Land Use Designation:

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

**ZONING - CURRENT**



**Current Zoning District:**

A-2 (Farmland Rural District)

**Existing Uses**

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



**Proposed Zoning District:**

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

## Staff Recommendations

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



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

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

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



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

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

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

### January 21, 2021 - LPA Meeting

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

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

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

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

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

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

### February 9, 2021 - BCC Meeting

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

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

### March 23, 2021 - BCC Meeting

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

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

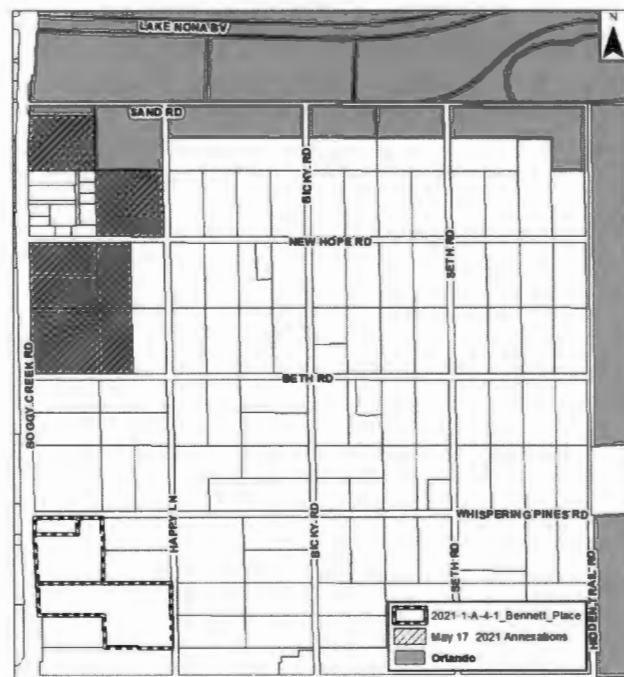
### May 11, 2021 - BCC Meeting

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

### Annexations into the City of Orlando

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

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



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

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## October 12, 2021 - BCC Meeting

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

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

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

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

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

## Proposed Development Program Revision

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

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

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





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

## Analysis

### 1. Background and Development Program

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

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

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

*Table 1 Existing and Proposed Development*

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

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

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



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

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

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

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

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



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

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



Table 2 Previous and Proposed Amendments in the Boggy Creek Area

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

## 2. Amendment Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

**Compatibility**

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

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

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

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

**Environmental:**

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

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

**EPD Comments:**

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

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

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

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

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

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



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

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

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

**Schools:**

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

**Transportation:**

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

**PROJECT SPECIFICS**

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

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

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

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

**Future Roadway Network**

Road Agreements: None

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

Right of Way Requirements: None

**Summary**

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

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

This information is dated and subject to change.

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

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

### 3. Policy References

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

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

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

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

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

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

- OBJ FLU1.2** URBAN SERVICE AREA (USA) CONCEPT; USA SIZE AND MONITORING. Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The Urban Service Area shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development.
- Policy FLU1.2.4** The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.
- OBJ FLU1.3** APPLICATION FOR URBAN SERVICE AREA EXPANSION. No new expansions to the Urban Service Area boundary, except for those planned for Horizon West and the Innovation Way Overlay (Scenario 5), shall be permitted unless supported by data and analysis demonstrating consistency with Objectives FLU1.2 and FLU1.3 and associated policies. Orange County shall use the following process to evaluate Urban Service Area expansions, and as a means for achieving its goals with respect to accommodating growth within the USA and implementing the Comprehensive Plan.
- Policy FLU1.3.1** All amendments to the Urban Service Area shall include a comprehensive review to ensure the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent development.
- Policy FLU1.3.2** An application to expand the Urban Service Area shall be approved only when the application is found to be consistent with the Comprehensive Plan and complies with the following procedural steps and additional criteria, with the exception of those planned for Horizon West and the Innovation Way Overlay (Scenario 5).
- Policy FLU1.3.3** All applications must be accepted as complete by the County for the application to be processed pursuant to Objective FLU1.3. The determination of completeness shall include the use of data that meets generally acceptable professional standards as well as addressing all issues required by this process. An accepted application does not bind staff or the LPA to an affirmative recommendation, or the BCC in its final decision on the Future Land Use Amendment request. An application request can be denied based on inadequate or inconsistent data with respect to the County’s commitment to the 2030 vision.

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

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

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

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Land Use Map. (Policy 3.1.19)

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



**Site Photos -**

**Subject Site**



**North**



**East**



**South**



**West**

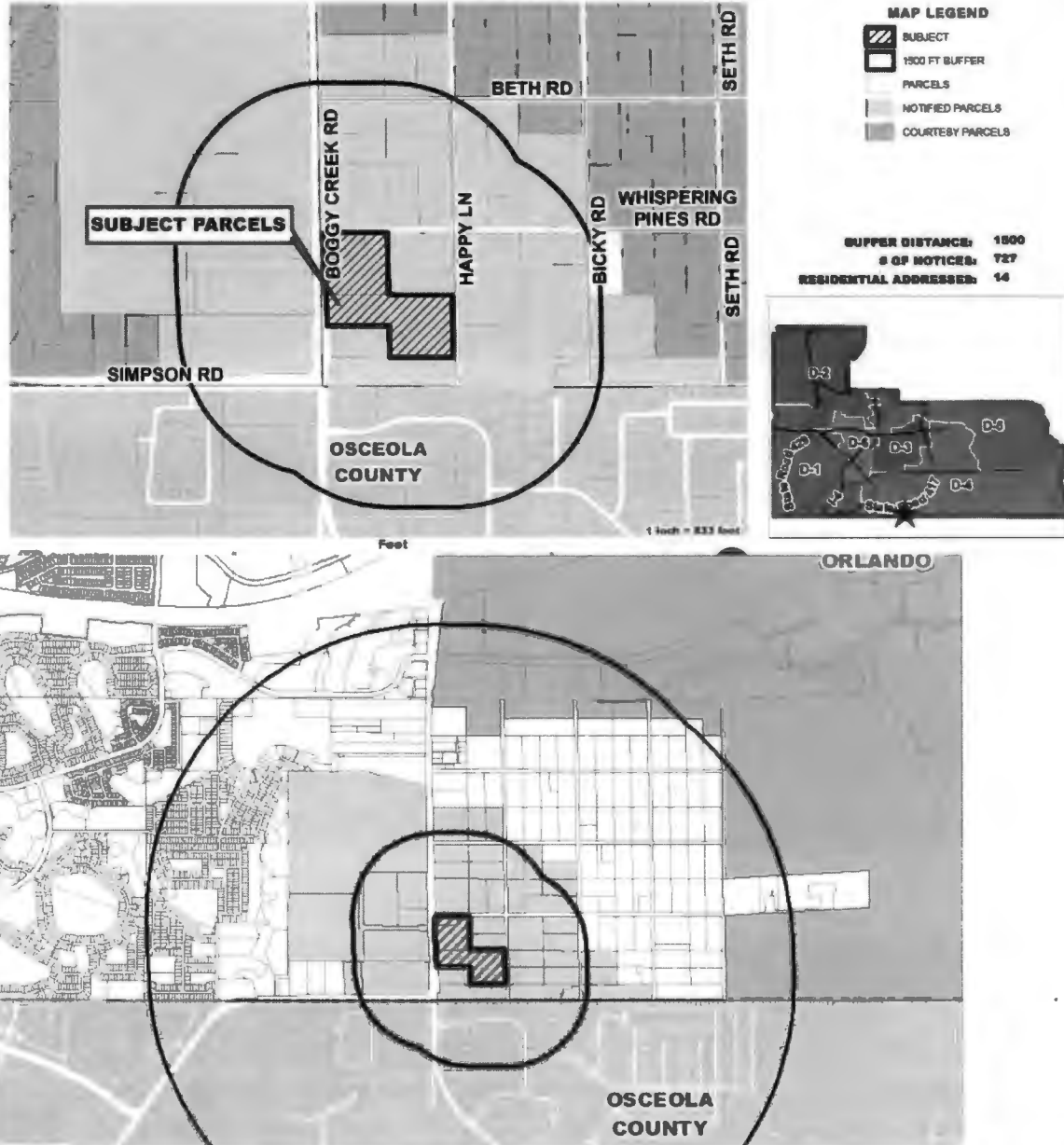






# Public Notification Map

2021-1-A-4-1



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

# LAND USE PLAN BENNETT PLACE

Orange County, Florida

CASE # LUP-21-01-006

**PARCEL ID's:**

34-24-30-8368-00-560

34-24-30-8368-00-561

34-24-30-8368-00-571

AUGUST 24, 2022



<p><b>Legend</b></p> <p>1. 100 Year Flood Zone</p> <p>2. 500 Year Flood Zone</p> <p>3. 100 Year Flood Zone</p> <p>4. 500 Year Flood Zone</p> <p>5. 100 Year Flood Zone</p> <p>6. 500 Year Flood Zone</p> <p>7. 100 Year Flood Zone</p> <p>8. 500 Year Flood Zone</p> <p>9. 100 Year Flood Zone</p> <p>10. 500 Year Flood Zone</p>	<p><b>Legend</b></p> <p>1. 100 Year Flood Zone</p> <p>2. 500 Year Flood Zone</p> <p>3. 100 Year Flood Zone</p> <p>4. 500 Year Flood Zone</p> <p>5. 100 Year Flood Zone</p> <p>6. 500 Year Flood Zone</p> <p>7. 100 Year Flood Zone</p> <p>8. 500 Year Flood Zone</p> <p>9. 100 Year Flood Zone</p> <p>10. 500 Year Flood Zone</p>
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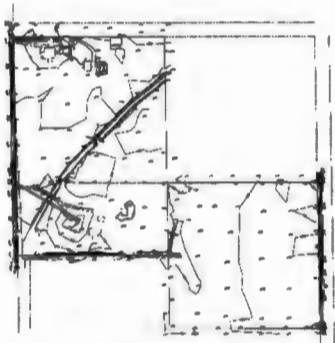
FEMA F.I.R.M. FLOOD  
 MAP PANEL 1209SC0650G

**LEGAL DESCRIPTION**

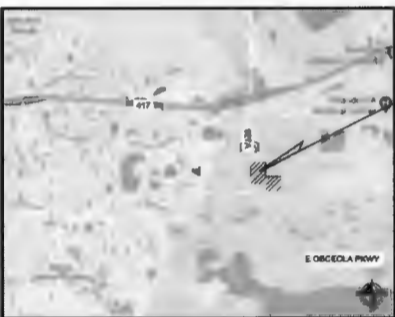
LOT 28 and 29, together with the beach area of LOT 27, Orange-Highway Home, being a subdivision in Section 34, Township 28S, Range 85E of the Public Records of Orange County, Florida, recorded in the plat thereof recorded in Plat Book O, Page 117 NE, of the Public Records of Orange County, Florida.

LOT 28 AND 29, together with the beach area of LOT 27, Orange-Highway Home, being a subdivision in Section 34, Township 28S, Range 85E of the Public Records of Orange County, Florida, recorded in the plat thereof recorded in Plat Book O, Page 117 NE, of the Public Records of Orange County, Florida.

Containing 28.28 acres, more or less.



TOPOGRAPHY MAP



VICINITY MAP

PROJECT LOCATION



Map Unit Symbol	Map Unit Name	Acres in AUI
12	Sandhill Soil	1.8
44	Orange-Balmyran, med. Sp. Soil, D to F, bettered slopes	71.9

SOIL MAP

**SHEET INDEX**

SHEET NUMBER	SHEET TITLE
LUP-1	COVER SHEET
LUP-2	LAND USE PLAN
LUP-2A	LAND USE PLAN WAIVERS
LUP-3	CONCEPT PLAN



VEGETATION MAP

**PROJECT TEAM**

**OWNER:**  
 THE BENNETT FAMILY REVOCABLE TRUST  
 14727 BOGGY CREEK RD.  
 ORLANDO, FL 32838  
 CONTACT: EMILEY L. BENNETT  
 PHONE: 407-658-8844

**ENVIRONMENTAL ENGINEER:**  
 RED TIGER CONSULTING INC.  
 3108 McCarty Plaza, Suite 303  
 Orlando, Florida 32838  
 CONTACT: Spencer Chan  
 PHONE: (407) 894-8888  
 EMAIL: SPENCERC@RTIC.ORG

**DEVELOPER:**  
 EMILEY L. CARTER & ASSOCIATES, INC.  
 3802 S. ORANGE AVE., SUITE 200  
 ORLANDO, FL 32839  
 CONTACT: DARVE H. CARTER  
 PHONE: 407-491-8282

**SURVEYOR:**  
 ATLANTIC SURVEYORS  
 305 S. ISLAND STREET  
 WINTER GARDEN, FL 32787  
 CONTACT: STEVEN L. BLANKENSHIP P.E.  
 PHONE: 407-894-8888  
 FAX: 407-894-4427

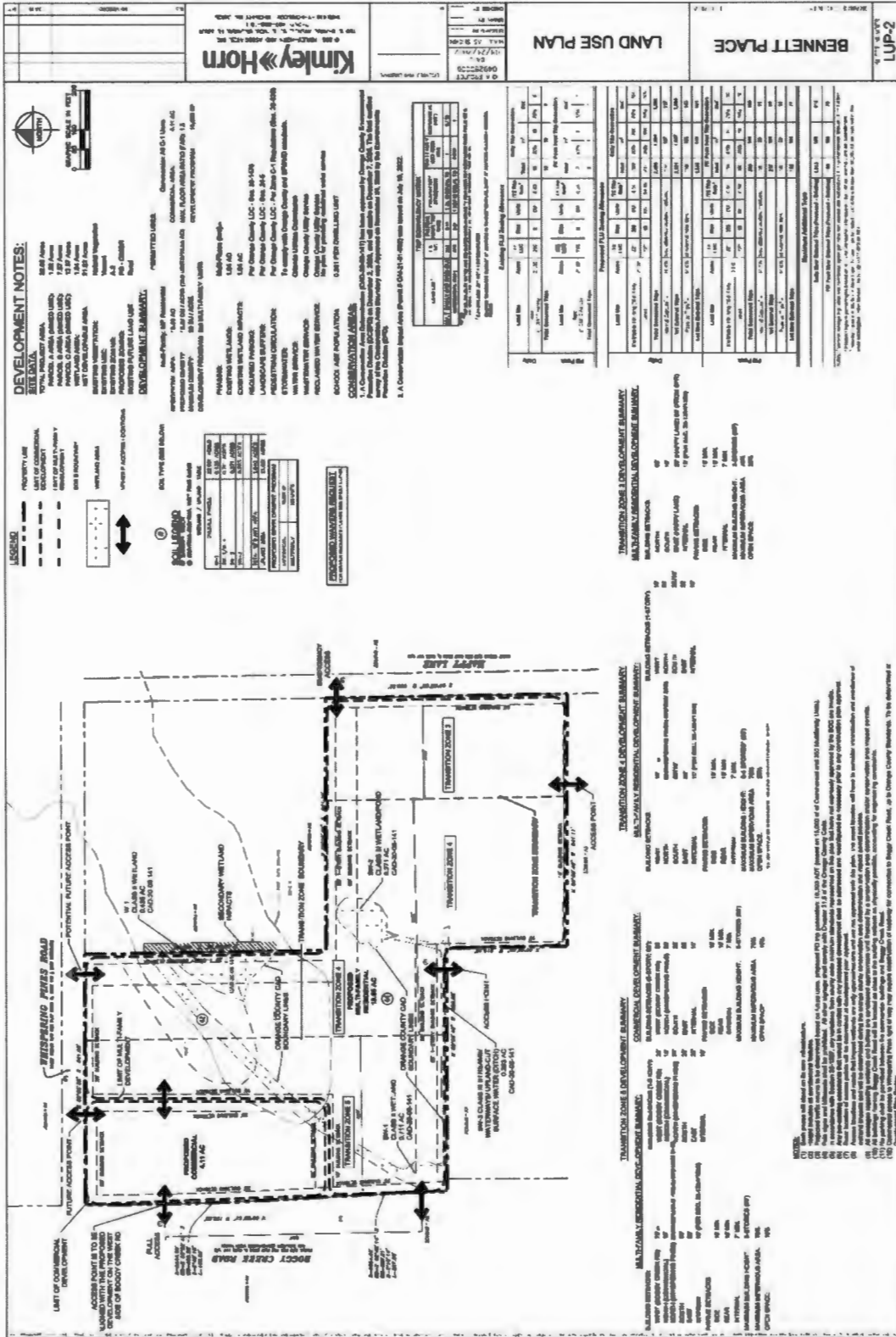
**CIVIL ENGINEER:**  
 EMILEY-HORN AND ASSOCIATES, INC.  
 1818 S. ORANGE AVENUE, SUITE 1000  
 ORLANDO, FL 32839  
 CONTACT: DENISE HANSENBERG, P.E.  
 PHONE: 407-355-1911  
 EMAIL: DENISE.HANSENBERG@EMILEY-HORN.COM

PREPARED BY  
**Kimley»Horn**

3042 MILLER AVE AND AVENUE RD., SE.  
 SUITE 200, WINTER GARDEN, FLORIDA 32787  
 PHONE: 407-355-1911 FAX: 407-355-1912  
 WWW.KH.COM

RECEIVED  
 By ORC Office on 11-19 AM, Aug 25, 2022

LUP-1



DATE: 10/11/2022 TIME: 10:00 AM BY: JASON SORESEN	PROJECT: BCC Adoption Staff Report Amendment 2021-1-A-4-1 Amendment 2021-1-B-FLUE-4 Amendment 2021-1-B-FLUE-5 Rezoning LUP-21-01-006	DRAWN BY: JASON SORESEN CHECKED BY: JASON SORESEN DATE: 10/11/2022	LAND USE PLAN WAVERS	BENNETT PLACE LUP-2A
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<p><b>SECTION 1.0</b></p> <p><b>1.1 PURPOSE AND SCOPE</b></p> <p>The purpose of this report is to provide a detailed analysis of the proposed rezoning amendments and their potential impacts on the community. This report is intended to assist the Board of Commissioners in making an informed decision regarding the proposed amendments.</p>	<p><b>1.2 BACKGROUND</b></p> <p>The proposed rezoning amendments are being considered in response to the need for increased housing density and the desire to preserve the character of the community. The amendments are being proposed in the following areas:</p> <ul style="list-style-type: none"><li>Amendment 2021-1-A-4-1: Rezoning of the area bounded by Bennett Place and the existing residential zoning.</li><li>Amendment 2021-1-B-FLUE-4: Rezoning of the area bounded by Bennett Place and the existing residential zoning.</li><li>Amendment 2021-1-B-FLUE-5: Rezoning of the area bounded by Bennett Place and the existing residential zoning.</li></ul>	<p><b>1.3 ANALYSIS</b></p> <p>The following table provides a summary of the potential impacts of the proposed amendments:</p> <table border="1"><thead><tr><th>Impact</th><th>Amendment 2021-1-A-4-1</th><th>Amendment 2021-1-B-FLUE-4</th><th>Amendment 2021-1-B-FLUE-5</th></tr></thead><tbody><tr><td>Housing Density</td><td>Increased</td><td>Increased</td><td>Increased</td></tr><tr><td>Community Character</td><td>Preserved</td><td>Preserved</td><td>Preserved</td></tr><tr><td>Environmental Impact</td><td>Minimal</td><td>Minimal</td><td>Minimal</td></tr></tbody></table>	Impact	Amendment 2021-1-A-4-1	Amendment 2021-1-B-FLUE-4	Amendment 2021-1-B-FLUE-5	Housing Density	Increased	Increased	Increased	Community Character	Preserved	Preserved	Preserved	Environmental Impact	Minimal	Minimal	Minimal	<p><b>1.4 CONCLUSIONS</b></p> <p>The proposed rezoning amendments are consistent with the community's goals and objectives. The amendments are being proposed in the following areas:</p> <ul style="list-style-type: none"><li>Amendment 2021-1-A-4-1: Rezoning of the area bounded by Bennett Place and the existing residential zoning.</li><li>Amendment 2021-1-B-FLUE-4: Rezoning of the area bounded by Bennett Place and the existing residential zoning.</li><li>Amendment 2021-1-B-FLUE-5: Rezoning of the area bounded by Bennett Place and the existing residential zoning.</li></ul>	<p><b>1.5 RECOMMENDATIONS</b></p> <p>The Board of Commissioners is recommended to approve the proposed rezoning amendments. The amendments are being proposed in the following areas:</p> <ul style="list-style-type: none"><li>Amendment 2021-1-A-4-1: Rezoning of the area bounded by Bennett Place and the existing residential zoning.</li><li>Amendment 2021-1-B-FLUE-4: Rezoning of the area bounded by Bennett Place and the existing residential zoning.</li><li>Amendment 2021-1-B-FLUE-5: Rezoning of the area bounded by Bennett Place and the existing residential zoning.</li></ul>
Impact	Amendment 2021-1-A-4-1	Amendment 2021-1-B-FLUE-4	Amendment 2021-1-B-FLUE-5																	
Housing Density	Increased	Increased	Increased																	
Community Character	Preserved	Preserved	Preserved																	
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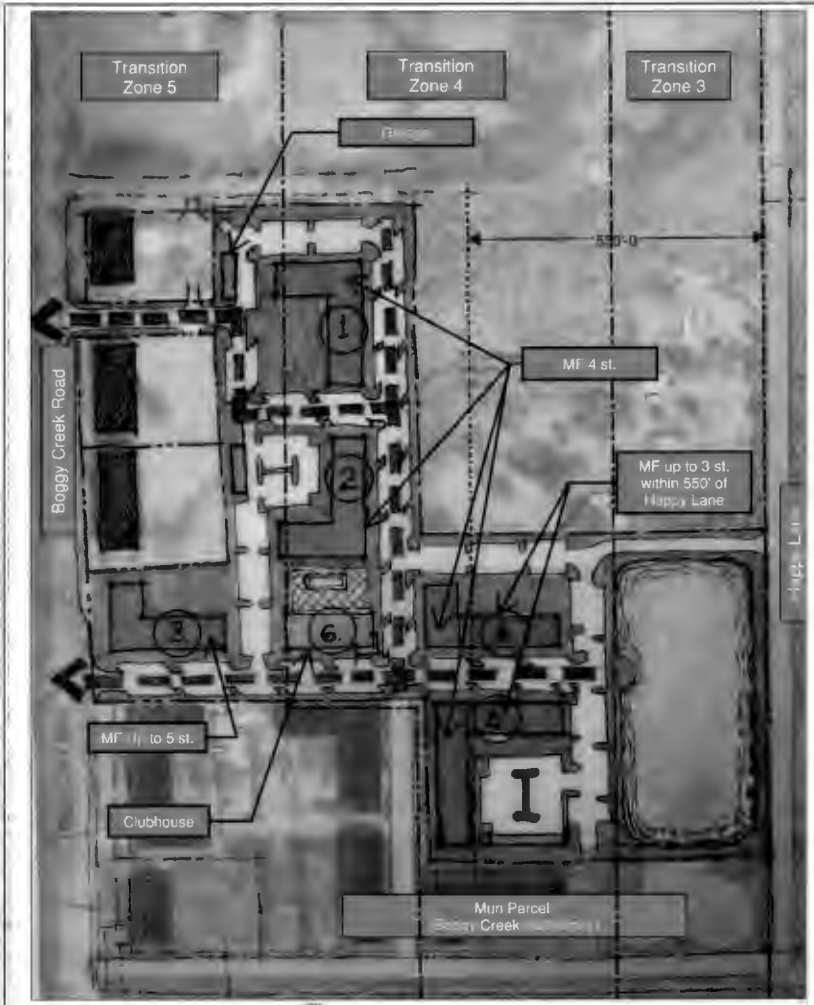
**Kimley-Horn**  
 CONSULTING ENGINEERS  
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 TEL: 916.499.9100  
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CONCEPT PLAN

BENNETT PLACE

**Boggy Creek Road Corridor Standards**

Standards	Transition Zone 2 (Transition Zone 2)	Transition Zone 1 (Transition Zone 1)	Transition Zone 3 (Transition Zone 3)
<b>Land Use</b> Development shall include a mixture of integrated urban land uses that support a broad range of mobility options along the corridor	Medium to High Density Residential, retail, office, and limited light industrial uses within multi-story buildings oriented around transit, and with a variety mix encouraged	Low-Medium to Medium Density Residential and complementary mix of neighborhood-serving retail and services	Low Density Single Family (attached and detached) Residential
<b>Block Configuration</b> A combination of square and elongated blocks shall be formed by an interconnected street network	Smaller blocks formed between interconnected arterial corridors and primary streets	Blocks formed between interconnected primary and secondary streets	Larger blocks formed between primary and secondary streets
<b>Density / Intensity</b> A transition from higher to lower densities and intensities shall occur from the corridor outward	Max. 98 du/ac @ 3.0 FAR	Max. 38 du/ac @ 1.5 FAR	Max. 6 du/ac *Aves within a 150' linear depth along the western edge of Happy Lane shall be limited to min. 150' toe width that front Happy Lane.
<b>Open &amp; Civic Space</b> Functional public open space sized in the context of its surroundings (including civic uses and structures) shall be located along pedestrian pathways or adjacent to meaningful destinations	Min. 15% (Subject to the qualifying open space requirements of Sec. 38-123A, except for 38-123A(5))	Min. 20% (Subject to the qualifying open space requirements of Sec. 38-123A, except for 38-123A(5))	Min. 30% (Subject to the qualifying open space requirements of Sec. 38-123A, except for 38-123A(5))
<b>Building Placement</b> Primary facades shall be oriented towards the corridor or primary street with setbacks or built-to-face that result in a more predictable urban environment. Building frontage types vary by use and transition zone, but shall be designed to activate and shape the desired public realm	Building facades placed adjacent to sidewalk (subject to applicable setbacks)  70% min. frontage occupation, with use of porches, stoops, cornice entries, awnings/canopies, and galleries	Building facades placed primarily close to sidewalks, but subject to applicable setbacks  80% min. frontage occupation, with use of porches, stoops, cornice entries, awnings/canopies, and galleries	Rehabilitated structures randomly setback from primary street (per Code), with some accessory dwelling units or garages recessed from rear lot line or alley  No min. frontage occupation. Use of porches and stoops
<b>Building Height</b> Buildings shall transition in height from multi-story structures along the corridor to primarily one or two-story structures in single family residential areas	5 stories min.	3 - 4 stories min. * 3 story maximum building height within 350' of the Happy Lane Right-of-Way	2 stories min.
<b>Access &amp; Connectivity</b> Strong vehicular, bicycle, and pedestrian access and connectivity shall be provided within and between development projects, with an emphasis on safe and convenient pedestrian access to corridor transit stops	Full, controlled, or emergency only vehicular access to adjacent primary and secondary streets, and alleys, along with an integrated bicycle and pedestrian network	Direct and/or emergency only vehicular access to adjacent primary and secondary streets, and alleys, along with an integrated bicycle and pedestrian network	Direct and/or emergency-only vehicular access to adjacent primary and secondary streets, and public networks
<b>Parking</b> Vehicular parking areas shall be located on the street, located behind or between buildings, or in parking structures with "flex" units or buildings at street level	Any combination of on-street angled and/or parallel parking, surface parking, and structured parking	Any combination of on-street angled and/or parallel parking, surface parking, and structured parking	Primary on-site / street parking enhanced with on-street angled or parallel parking



THE INTENT OF THIS CONCEPT PLAN IS TO GENERALLY DEMONSTRATE HOW SUBSEQUENT DEVELOPMENT WILL COMPLY WITH THE BOGGY CREEK ROAD CORRIDOR GUIDING PRINCIPLES, AND PRIMARILY RELATED TO INTERNAL BLOCK CONFIGURATION, BUILDING PLACEMENT, BUILDING HEIGHT, AND SITE CHARACTERISTICS. HOWEVER, DEVIATION TO SUCH STANDARDS - AS DETERMINED BY THE DRC, MAY BE CONSIDERED DURING THE PREP OR CP PROCESS AND SUBJECT TO FINAL COUNTY ADOPTION OF THE BUILDING PRINCIPLES.

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

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

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

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

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

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

c. On October 11, 2022, the Board of County Commissioners held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to adopt them.

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

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

31 attached hereto and incorporated herein.

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

37 \* \* \*

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

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

42

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

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

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46 \* \* \*

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

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

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

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\* \* \*

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

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

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ADOPTED THIS 11th DAY OF OCTOBER, 2022.

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

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

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

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

**APPENDIX "A"**

**FUTURE LAND USE MAP AMENDMENT**

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

94



**ENVIRONMENTAL PROTECTION DIVISION**

**David D. Jones, P.E., CEP, Manager**

3165 McCrory Place, Suite 200  
Orlando, FL 32803  
407-836-1400 • Fax 407-836-1499  
www.ocfl.net

May 2, 2022

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

**Subject: Conservation Area Determination (CAD) Classification Adjustment**  
**Conservation Area Determination No.: CAD-20-08-141**  
**Related Files: CAI-21-01-002**  
**LUP-21-01-006**  
**Project Name: Bennett Place Boggy Creek Site**  
**Parcel ID Nos.: 34-24-30-6368-00-560, 34-24-30-6368-00-561, and**  
**34-24-30-6368-00-571**  
**Project Address: 14831 and 14727 Boggy Creek Road**  
**Orange County Commission District: 4**

Dear Mr. Gough:

On December 7, 2020, the Orange County Environmental Protection Division (EPD) issued Conservation Area Determination (CAD) No. CAD-20-08-141, which identified the limits of conservation areas on the subject property. On January 20, 2022, EPD received your request to adjust the classification of Wetland 1 (W-1) and Surface Water 1 (SW-1) from Class I to Class II conservation areas.

Adjustments to the classifications of conservation areas are governed by Section 15-384, Orange County Code (Code), which states:

*Adjustments to prior determination of conservation area class designation. Lands which satisfy any of the following criteria may be eligible for a lower classification:*

- (1) Are not functionally significant pursuant to the criteria of section 15-379 or 15-383(1); or*
- (2) Are not scarce as determined by section 15-383(2); or*
- (3) Are determined not to be vulnerable pursuant to section 15-383(3); or*
- (4) Can and will be replaced pursuant to section 15-383(4).*

After considering your request and all appropriate documentation, it is the final determination of the Environmental Protection Officer (EPO) that the onsite portions of W-1 and SW-1 are eligible for reclassification from Class I to Class II. This determination is based on the following considerations:

- (1) Are not functionally significant pursuant to the criteria of section 15-379 or 15-383(1):*

Based on materials and information provided by the applicant's agent, EPD acknowledges that the onsite portions of W-1 and SW-1 have been maintained and managed for agricultural purposes since the late 1940s, and that the historic land management on the subject properties appears to have degraded these systems. Regarding hydrologic connectivity, although W-1 has hydrologic connection to Boggy Creek to the southwest through SW-1, the latter has been historically converted from a natural flow-way to a channelized ditch, and has been connected by man's activities to other drainageways that ultimately connect to Boggy Creek downstream.

*Serving our community by conserving, protecting, and enhancing the environment for current and future generations.*

**Page Two**

**Conservation Area Determination (CAD) Classification Adjustment**

**Conservation Area Determination No.: CAD-20-08-141**

**Project Name: Bennett Place Boggy Creek Site**

**Parcel ID No.: 34-24-30-6368-00-560, 34-24-30-6368-00-561, and 34-24-30-6368-00-571**

**Project Address: 14831 and 14727 Boggy Creek Road**

**Orange County Commission District: 4**

W-1 is also part of a large wetland that extends offsite to the east, but only connects to that system through open culverts under Happy Lane and other roadways. The hydrologic modifications to these systems have resulted in diminished benefits to upstream and downstream resources. Regarding wetland vegetation, W-1 contains only a few scattered occurrences of appropriate species. The majority of the plant community is currently maintained by cattle grazing, which is consistent with the historic agricultural use of the property. Based on current conditions, the onsite portions of W-1 and SW-1 provide minimal function in accordance with the criteria in Section 15-379 and 15-383(1).

*(2) Are not scarce as determined by section 15-383(2):*

W-1 has been categorized as FLUCCS Code 621 Cypress. This community type is not listed as scarce per Section 15-383(2).

SW-1 is categorized as FLUCCS Code 510 Streams and Waterways. This community type is not listed as scarce per Section 15-383(2).

*(3) Are determined not to be vulnerable pursuant to section 15-383(3):*

Chapter 15-383(3) states, in part, "*The vulnerability of habitat shall be determined by reviewing the likelihood of significant negative change in the habitat or its functional value because of a change in the use of nearby unregulated lands...*" EPD staff has determined that the onsite portions of W-1 and SW-1 are not vulnerable and are not likely to be further degraded by a change in use of surrounding lands or development pressure because these areas are already of low quality. Any degradation has already occurred due to the historic land uses.

*(4) Can and will be replaced pursuant to section 15-383(4).*

EPD agrees that impacts to W-1 and SW-1 could be offset with mitigation.

EPD will reclassify the onsite portions of W-1 and SW-1 areas from their original designation of Class I to Class II. This reclassification should not be interpreted to apply to offsite portions of these systems. Staff will place a copy of this final determination in the file of record. Please revise the previously submitted signed and sealed survey by identifying W-1 and SW-1 with their new classification level. SW-2 and SW-3 should also be included on the updated survey but remain unchanged.

Please note that pursuant to Section 15-382(2)(d) of the Orange County Code, the applicant shall have the right to appeal the decision of the EPO to the Board of County Commissioners (Board). A notice of appeal to the Board shall be filed with the EPO within fifteen (15) days after the decision is rendered. The EPO shall then request a public hearing before the Board. Notice of the hearing shall be sent to the applicant by regular U.S. mail at least ten (10) days before the date of the public hearing. Following the hearing on appeal, the Board may reverse, affirm, or modify the decision of the EPO. The decision of the Board shall be final. Staff will place a copy of this final determination in the file of record.

Page Three

Conservation Area Determination (CAD) Classification Adjustment

Conservation Area Determination No.: CAD-20-08-141

Project Name: Bennett Place Boggy Creek Site

Parcel ID No.: 34-24-30-6368-00-560, 34-24-30-6368-00-561, and 34-24-30-6368-00-571

Project Address: 14831 and 14727 Boggy Creek Road

Orange County Commission District: 4

Should you have any question(s), concerning this determination please contact Rebecca Bowden at (407) 836-1523 or via email at [Rebecca.Bowden@ocfl.net](mailto:Rebecca.Bowden@ocfl.net).

Sincerely,

 for

David D. Jones, P.E., CEP  
Manager

RB/NT/T/H/ERJ/DJ: gfdjr

Enclosure: CAD Determination No. CAD-20-08-141, Dated December 7, 2020

c: Elizabeth R. Johnson, MPA, CEP, PWS, Assistant Manager, EPD  
Tim Hull, PWS, Environmental Programs Administrator, EPD  
Neal Thomas, Environmental Program Supervisor, EPD  
Florida Department of Environmental Protection, [DEP\\_CD@floridaDEP.gov](mailto:DEP_CD@floridaDEP.gov)  
Shirley I Bennett Trust, 14727 Boggy Creek Road, Orlando, FL 32824  
Alyse Tristram, OC EPD, [Alyse.Tristram@ocfl.net](mailto:Alyse.Tristram@ocfl.net)  
Misty Mills, OC Planning, [Misty.Mills@ocfl.net](mailto:Misty.Mills@ocfl.net)



Environmental Protection Division

**CONSERVATION AREA  
DETERMINATION**

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

**Date Issued:** December 7, 2020

**Date Expires:** December 7, 2025

**Activity Location:**

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

**Permittee / Authorized Entity:**

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

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

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



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

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

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

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

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

Approved, subject to the following conditions:

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



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

**PROJECT SPECIFICS**

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

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

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

**Future Roadway Network**

Road Agreements: None  
Planned and Programmed Roadway Improvements: Boggy Creek Rd – South, Boggy Creek Rd - Osceola County Line to SR 417, Boggy Creek Road South will be widened from a two-lane roadway to a four-lane roadway from the Orange/Osceola County line to SR 417. The widening will include sidewalks, bicycle lanes, roadway lighting, and median landscaping. It is estimated to be approximately 39% complete. Construction is estimated to begin May 2021. This information is dated and may be subject to change.  
Right of Way Requirements: None

**Summary**

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

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

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

This information is dated and subject to change.

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



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

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

May 27, 2022

**VIA E-MAIL: [MATTHEW.GILLESPIE@KIMLEY-HORN.COM](mailto:MATTHEW.GILLESPIE@KIMLEY-HORN.COM)**

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

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

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

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

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

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

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

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


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

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

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

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

Sincerely,



Christopher Mills, AICP  
Senior Administrator, Facilities Planning

VJ/cm

Attachments – Attachment A: Detailed Capacity Analysis

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

**Attachment A**



**School Capacity Determination**

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

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

<b>Project Name:</b>		<b>BENNETT PLACE</b>		
<b>Unvested Units</b>	Single Family Units:	0	Single Family Units:	5
	Multi Family Units:	345	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
			<b>Vested Units</b>	

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

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





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

**Date:** November 25, 2020

**To:** Christopher DeManche, Planner III  
 Orange County Planning Division

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

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

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

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

c: Anthony Rios, Division Chief

January 20, 2022

Elois Lindsey  
**Orange County Environmental Protection Division**  
3165 McCrory Place, Suite 200  
Orlando, Florida 32803

**Proj: Bennett Place Boggy Creek Site – Orange County, Florida**  
**Parcel IDs: 34-24-30-6368-00-560, 34-24-30-6368-00-561,**  
**34-24-30-6368-00-571**  
**Section 3, Township 25 South, Range 30 East**  
**(BTC File# 766-58)**  
**Re: OCEPD CAD Classification Adjustment Request**  
**OCEPD CAD-20-08-141**

Dear Ms. Lindsey:

Bio-Tech Consulting, Inc. is submitting this letter as a formal request to adjust the classification of W-1 (Class I) and SW-1 (Class I) under CAD-20-08-141 for the Bennett Place Boggy Creek Site and CAI-21-01-002 based on the following:

Under Section 15-364 – Definitions:

- (a) Class I conservation areas shall mean those wetland areas which meet the following criteria:
- (1) Have a hydrological connection to natural surface water bodies; or
  - (2) Lake littoral zone; or
  - (3) Are large isolated uninterrupted wetlands forty (40.0) acres or larger; or
  - (4) Provide critical habitat for federal and/or state listed threatened or endangered species.

Bio-Tech Consulting believes both W-1 and SW-1 under current CAD 20-08-141 do not meet the above criteria primarily based on the definition of *Hydrologic connection*. Based on the criteria outlined below, the classifications for W-1 and SW-1 are requested to be adjusted to Class II.

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

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

Jacksonville Office  
1157 Beach Boulevard  
Jacksonville Beach, FL 32250

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

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

& Land  
ment Operations  
3025 Rouse Road  
Orlando, FL 32817

407.894.5969  
877.894.5969  
407.894.5970 fax

CAD-20-08-141 lists the classification for W-1 as: *621 Cypress/ Wetland system larger than 40 acres and hydrologically connected to Boggy Creek*; and SW-1 as: *510 Streams and Waterways/ Wetland-cut stream hydrologically connected to Boggy Creek*. The points presented below will conclude that; a) the W-1 is not contiguous with wetlands larger than 40 acres and, b) the hydrologic connection to Boggy Creek was made through man-made ditches and swales and would otherwise be isolated from Boggy Creek surface water.

Wetland 1 is part of a larger forested wetland connecting offsite to the east. As measured in the attached exhibit, this area is around 5 – 6 acres in size until Happy Lane interrupts the wetland. A culvert under the road continues to the east, however Sec. 15-364. – Definitions (a)(3) is written for, “*uninterrupted wetlands forty acres or larger.*” Thus, W-1 does not meet this standard as Happy Lane bisects the wetland system and it is not an uninterrupted wetland forty acres or more. As such, the primary focus below is the hydrologic connection to Boggy Creek.

Currently the hydrology for both W-1 and SW-1 drain through recently improved roadway stormwater design until it reaches a large canal and wetland south of Simpson Road that connects further south to Boggy Creek by natural means. A review of historic aerials dating back to 1944 shows the absence of any pre-existing stream connection on the subject site connecting by natural means to the wetlands south of Simpson Road. The man-made ditching and swales created the current connection south to Boggy Creek. The provided aerials and mapped soils do not support a historic natural connection and thus the on-site conservation areas are formerly isolated areas which have been connected as a result of man-made ditching along Boggy Creek Road. County Code’s definition of Hydrologic Connection includes, “*Artificial or manmade ditches or canals constructed through uplands that connect previously isolated wetlands to natural surface water bodies shall not be considered as a hydrological connection.*” (Sec. 15-364. – Definitions). Based on the historic aerials, the swales and ditching along Boggy Creek Road were man-made and cut through uplands as a part of the agricultural development and roadway improvement in the 1950s. Therefore, the on-site W-1 and SW-1 do not meet the criteria for Class I systems as they also do not have a littoral zone and do not provide any critical habitat for federal and/or state listed threatened or endangered species.

The corner property north of Simpson Road and west of Boggy Creek (parcel 33-24-30-0000-00-0150 contains a similar scenario with a ditch originally classified as Class I under CAD-14-02-007 and then adjusted to Class III due to the same justification as provided above. This ditch has been identified in the attached set of historic aerials and is a part of the same man-made connections downstream of the on-site W-1 and SW-1. Therefore, Bio-Tech Consulting requests the project’s W-1 and SW-1 be adjusted to Class II as they are still connected off-site greater than 5 acres.

Elois Lindsey, OCEPD  
Bennett Place Boggy Creek Site – OCEPD Reclass Letter  
(BTC File #766-58)  
Page 3 of 3

By submission of this information, we are requesting a revised CAD be issued superseding CAD-20-08-141. We are requesting this adjustment to the current class designation based on the qualifications met in the points discussed above. If you have any questions or comments regarding this matter, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,



Spencer Clark  
Project Manager





John Miklos  
President

attachments



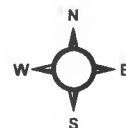
**Legend**

-  off-site wetland
-  Boggy Creek Site

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

**Bio-Tech Consulting Inc.**  
 Environmental and Permitting Services  
 3025 E. South Street Orlando, FL 32803  
 Ph: 407-894-5969 Fax: 407-894-5970  
 www.bio-techconsulting.com

**Boggy Creek Site**  
 Orange County, Florida  
 Off-Site Wetland Area Map



300 Feet


Project #: 766-58  
 Produced By: STC  
 Date: 1/20/2022



CAD-14-02-007  
W-1 reclassified from I to III

man-made swale connection


**Legend**

 Boggy Creek Site

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

**Boggy Creek Site**  
Orange County, Florida  
1984 Aerial  
Hydrological Connectivity Map




 300 Feet

Project #: 766-58  
Produced By: STC  
Date: 1/20/2022





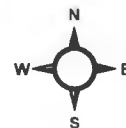
**Legend**

 Boggy Creek Site

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

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 Ph: 407-894-5969 Fax: 407-894-5970  
 www.bio-techconsulting.com

Boggy Creek Site  
 Orange County, Florida  
 1978 Aerial  
 Hydrological Connectivity Map




300 Feet  
 Project #: 766-58  
 Produced By: STC  
 Date: 1/20/2022





**Legend**


 Boggy Creek Site

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





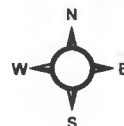
**Legend**

 Boggy Creek Site

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

**Bio-Tech Consulting Inc.**  
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 3025 E. South Street Orlando, FL 32803  
 Ph: 407-894-5969 Fax: 407-894-5970  
 www.bio-techconsulting.com

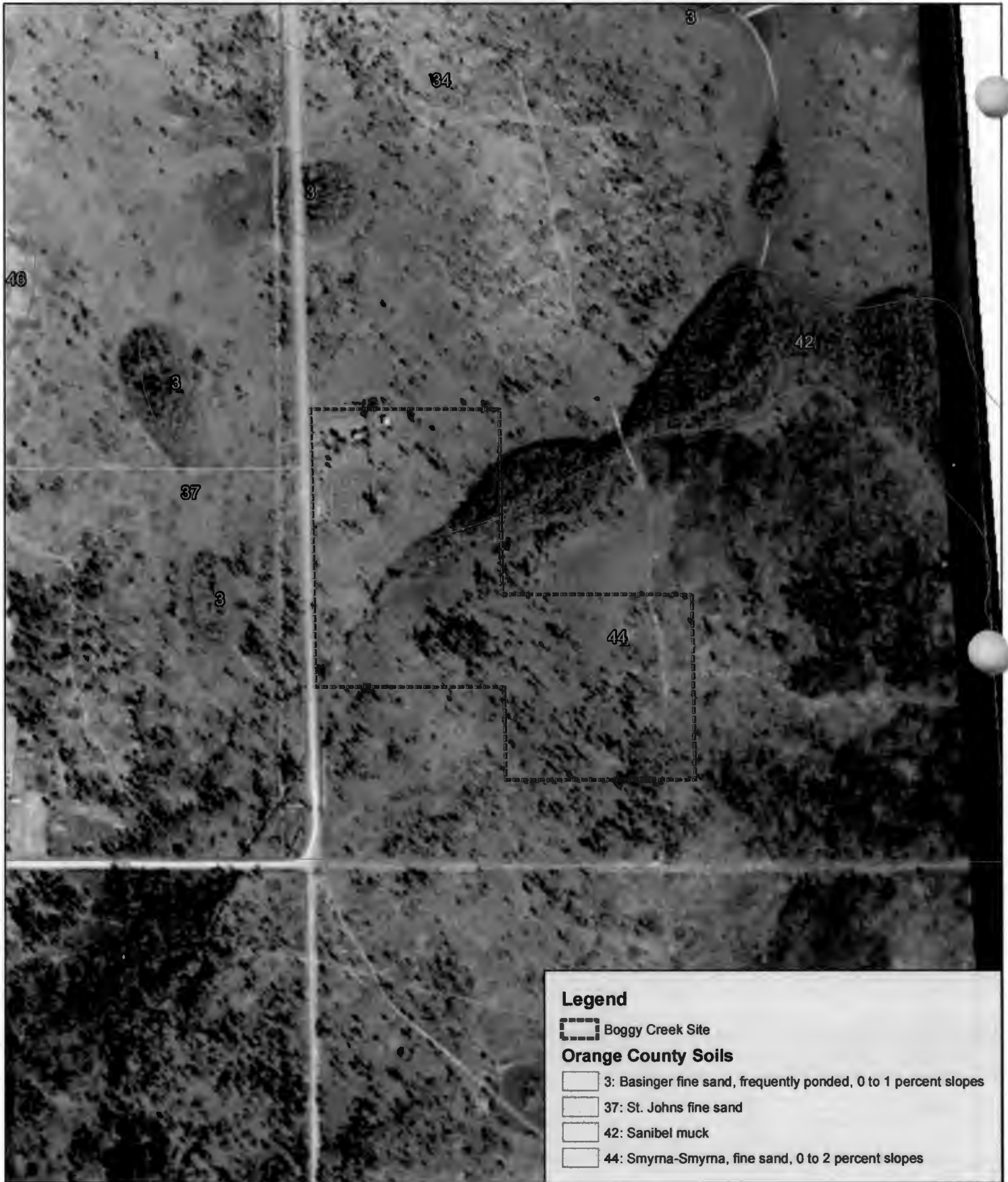
Boggy Creek Site  
 Orange County, Florida  
 1951 Aerial  
 Hydrological Connectivity Map




300 Feet

Project #: 766-58  
 Produced By: STC  
 Date: 1/20/2022








**Legend**


 Boggy Creek Site

**Orange County Soils**

 3: Basinger fine sand, frequently ponded, 0 to 1 percent slopes

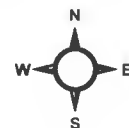
 37: St. Johns fine sand

 42: Sanibel muck

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

**Bio-Tech Consulting Inc.**  
 Environmental and Permitting Services  
 3025 E. South Street Orlando, FL 32803  
 Ph: 407-894-5969 Fax: 407-894-5970  
 www.bio-techconsulting.com

Boggy Creek Site  
 Orange County, Florida  
 1944 Aerial  
 SSURGO Soils Map



500 Feet

Project #: 766-58  
 Produced By: STC  
 Date: 1/20/2022





Environmental Protection Division

## CONSERVATION AREA DETERMINATION

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

**Date Issued:** December 7, 2020

**Date Expires:** December 7, 2025

### Activity Location:

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

### Permittee / Authorized Entity:

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

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

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

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

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

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

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

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

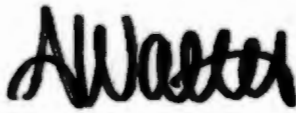
Approved, subject to the following conditions:

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

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

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

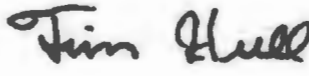
Project Manager:



---

Amanda Walter, Sr. Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:

 for

---

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

AW//TMH/DJ: gfdjr

Enclosure: Legal Descriptions (Exhibit A)

Attachment: Approved Survey

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



**Exhibit A**

**Property Descriptions**

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

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

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



**Environmental Protection Division**

**CONSERVATION AREA  
DETERMINATION**

**Determination No:** CAD-14-02-007

**Date Issued:** September 28, 2015

**Activity Location:**

5757 Simpson Rd., Orlando FL, 32824,  
Parcel ID: 33-24-30-0000-00-015  
Orange County Commission District: 4

**Permittee / Authorized Entity:**

Boggy Creek Retail Development, LLC  
1940 Monroe Drive NE  
Atlanta, GA 30324  
E-mail: [rpeck@wilwat.net](mailto:rpeck@wilwat.net)

The Environmental Protection Division (EPD) has received your certified survey dated "Received September 8, 2015", which delineates the extent of the approved Orange County conservation area on the referenced property.

Orange County Environmental Protection Division  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808-7896.  
407-836-1400/ Fax: 407-836-1499  
[www.OCEPD.org](http://www.OCEPD.org)

The conservation area, as delineated in the field, has been classified as follows:


<u>Wetland Identification Number</u>	<u>Class</u>	<u>Remarks</u>
W-1	III	640; Vegetated Non-Forested Wetlands; Hydrological connection to natural surface water bodies.

Approved, subject to the following Conditions:

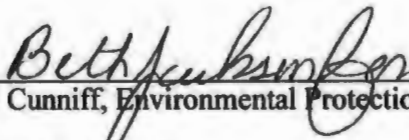
1. This survey accurately depicts the jurisdictional wetland boundary agreed upon by EPD during a site inspection conducted on January 10, 2014 and September 25, 2015.
2. The limits of wetlands and surface waters delineated on the approved survey are only binding for a period of five years from the date of the CAD issuance provided physical conditions on the property do not change so as to alter the boundaries of surface waters or wetlands during that period. The limitations of this condition cannot be modified to allow for a longer duration without a complete reassessment of the limits of surface waters and wetlands occurring on the project.
3. No construction, clearing, alteration, filling or grading is allowed within the limits of the conservation area unless approved by the County. In addition, the permittee is responsible for addressing and adverse secondary impacts to surface waters, wetlands, or conservation areas that may result from development of the site.
4. Pursuant to Section 125.022 F.S., the applicant shall obtain all other applicable state or federal permits before commencement of development.
5. The permittee is responsible for addressing any adverse secondary impacts to surface waters, wetlands, or conservation areas that may occur as a result of the development.
6. Orange County may revoke this CAD upon finding that the applicant has submitted inaccurate information to the County regarding the delineation of wetlands and/or surface waters on the property.
7. This CAD does not provide relief from other local, state, or federal policies, which regulate activity on the subject property. If this determination conflicts with those of any other Agency, Department or Division, the applicant must comply with the most stringent conditions.
8. This CAD supersedes any previous Conservation Area Determinations made on this parcel

If you should have any questions concerning this review, please contact Steve Rich at (407) 836-1448 or [Steve.rich@ocfl.net](mailto:Steve.rich@ocfl.net).

Project Manager:

  
\_\_\_\_\_  
Steve Rich, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:

  
\_\_\_\_\_  
Lori Cunniff, Environmental Protection Officer

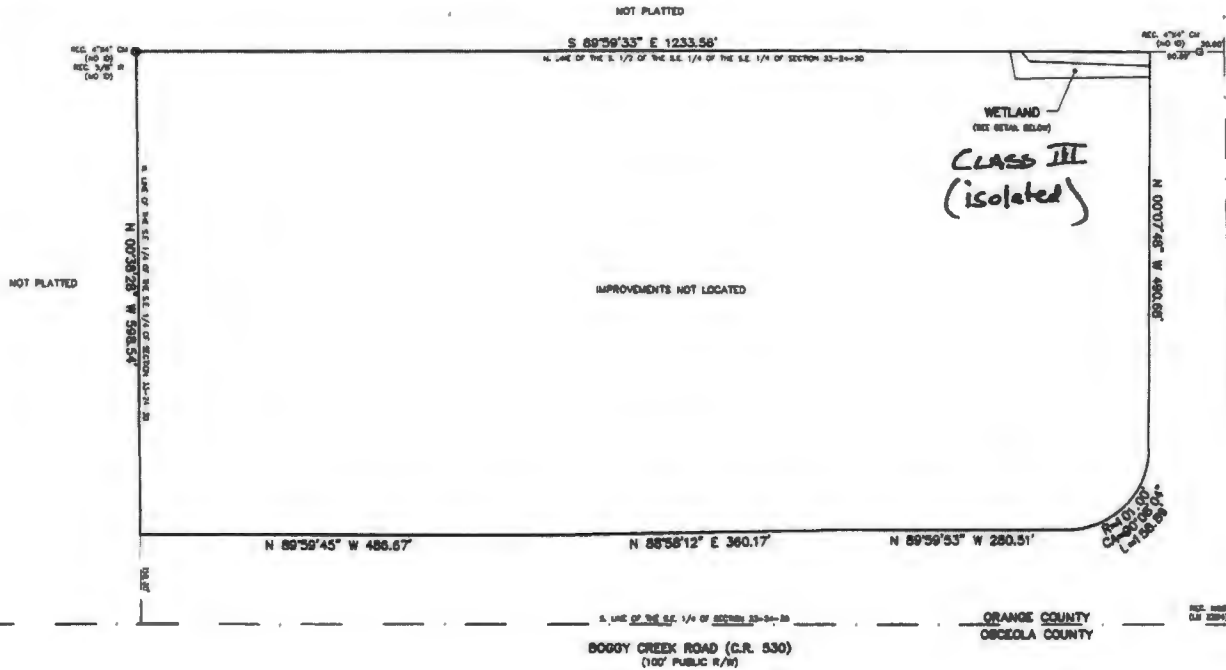
NT/ERJ/LC/gfdjr

Attachment: Approved Survey

c: Jay Exum – [jay.exum@exumassoic.com](mailto:jay.exum@exumassoic.com)  
Rick Merkel – Highland Engineering, Inc. – [rmerkel@heifl.com](mailto:rmerkel@heifl.com)  
Bill Griffy - [BGriffy@Ecologicalcs.com](mailto:BGriffy@Ecologicalcs.com)  
Conservation Planning Services – [conservationplanningservices@MyFWC.com](mailto:conservationplanningservices@MyFWC.com)  
Rocco Campanale, Orange County Property Appraiser's Office – [rcampanale@ocpafl.org](mailto:rcampanale@ocpafl.org)

**DESCRIPTION:**

THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 24 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, LESS THE EAST 30 FEET THEREOF, AND LESS THAT PORTION LYING WITHIN 50 FEET OF STATE ROAD 530, AS SET FORTH IN DEED RECORDED I DEED BOOK 802, PAGE 351 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



REVIEWED BY  
ORANGE COUNTY  
ENVIRONMENTAL PROTECTION DIV.  
DATE: 7/28/15  
INITIAL: [Signature]  
CP-N-02-007  
100-20-007

BOGGY CREEK ROAD (C.R. 530)  
(BY PUBLIC R/W)

S. LINE OF THE S.E. 1/4 OF SECTION 33-24-30  
ORANGE COUNTY  
OSCEOLA COUNTY  
BOGGY CREEK ROAD (C.R. 530)  
(100' PUBLIC R/W)

- LEGEND**
- SWF BARBED WIRE FENCE
  - CA CENTRAL ANGLE
  - CM CONCRETE MONUMENT
  - C.R. COUNTY ROAD
  - CL IDENTIFICATION
  - L LINE LENGTH
  - LB LICENSED BUSINESS
  - MSD MAIL AND DECK
  - R RADIUS
  - R/W RIGHT-OF-WAY
  - REC RECORDED
  - WF WETLAND FLAG

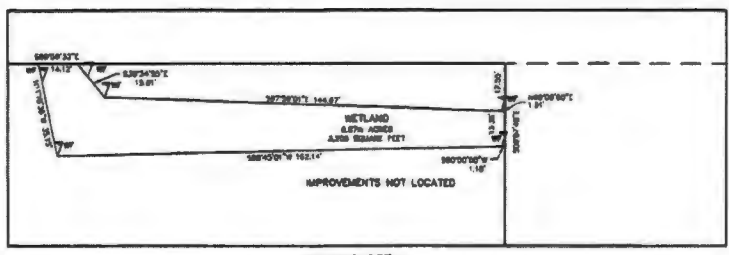
ACREAGE:  
UPLAND ACRES: 16.89  
WETLAND ACRES: 0.09  
TOTAL ACRES: 16.98  
**Received**

SEP 8 2015

**Orange County EPD**

**SURVEYOR'S NOTES:**

1. The lands as shown herein lie within Section 33, Township 24 S., Range 30 E., Orange County, Florida.
2. This survey represents a survey made on the ground under the supervision of the signing surveyor, unless otherwise noted.
3. Underground improvements or underground foundations have not been located except as noted.
4. This survey does not reflect or determine ownership.
5. All comments of which the surveyor has knowledge of, or has been furnished, have been noted on this map.
6. No title data has been provided to the surveyor unless otherwise noted.
7. Bearings shown herein are computed relative to the West right-of-way line of Boggy Creek Road (C.R. 530), said bearing being S 00°58'35" E.
8. According to the Federal Insurance Rate Map, this property lies in Zone "H", Community Pool number 198900000 F, Date: 6/25/2000.
9. This is not a boundary survey. The specific purpose of this survey is to locate the wetlands.
10. Wetland line shown herein was established by found post-stake markers placed by Coastal Consulting Solutions Inc. on 7/28/14.
11. Boundary information shown herein was provided by the client. The overall boundary data are shown for informational purposes only.



WETLAND DETAIL  
SCALE: 1"=30'

SHEET 1 OF 1

**SPECIFIC PURPOSE SURVEY**  
OF  
BOGGY CREEK CROSSING  
FOR  
HIGHLAND ENGINEERING

**HLSM, LLC**  
Professional Surveyors & Mappers  
Licensed Business No. 7578  
794 Big Tree Drive, Suite 100  
Lakeland, Florida 33700  
P (887) 647-7248  
F (887) 633-7188  
Survey@HLSM.LLC

**REVISIONS**

Rev. _____	Date: _____
Rev. _____	Date: _____
Rev. ADDED NEW R/W	Date: 09/04/15
Rev. ADDED CORRELA BOUNDARY	Date: 10/24/16

THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL DATED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Job No: F-581	
Field Date: 7/28/15	
Drawn By: ASB	
Field By: WSP/ASB	
Scale: 1"=100'	William F. Menard Professional Surveyor & Mapper Florida Registration #5625

**From:** [Rick Merkel](#)  
**To:** [Thomas Neal](#)  
**Cc:** [Peck, Robert](#); [Jay Exum](#)  
**Subject:** Boggy Creek Crossing  
**Date:** Thursday, September 17, 2015 4:26:29 PM

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Neal,

Pursuant to our recent discussions and your conversation on 09/17/15 with Jay Exum (Exum Associates, Inc.); on behalf of Boggy Creek Retail Development, LLC (Owner), and pursuant to Sec. 15-384 of the County Code, we seek to amend the classification of the wetland jurisdictional areas identified by [CAD-14-02-007](#) from Class I to Class III.

As discussed, recent road construction activities have altered the hydrologic connection to the 0.07 acre subject wetland jurisdictional area such that its flow path to downstream Boggy Creek must traverse new roadway stormwater management system improvements. Please review this matter and advise if you are in concurrence with the changed conditions.

Sincerely,  
Rick Merkel, P.E.  
Highland Engineering, Inc.  
79 West Illiana Street  
Orlando, FL 32806  
tel: (407) 275-7877  
fax: (407) 423-1644







Environmental Protection Division

## CONSERVATION AREA DETERMINATION

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

**Date Issued:** December 7, 2020

**Date Expires:** December 7, 2025

### Activity Location:

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

### Permittee / Authorized Entity:

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

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

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

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

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

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

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

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

Approved, subject to the following conditions:

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

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

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

Project Manager:



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Amanda Walter, Sr. Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:

 for

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

AW//TMH/DJ: gfdjr

Enclosure: Legal Descriptions (Exhibit A)

Attachment: Approved Survey

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

## Exhibit A

### Property Descriptions

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

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

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