



# ORANGE COUNTY

PLANNING DIVISION

## 2018-2 REGULAR & SMALL SCALE CYCLE

# AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY  
COMMISSIONERS

DECEMBER 18, 2018 SESSION II  
ADOPTION PUBLIC HEARING


**PREPARED BY:**

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION





**DATE:** December 18, 2018  
**TO:** Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners (BCC)  
**FROM:** Alberto A. Vargas, MArch., Manager   
Planning Division  
**THROUGH:** Jon V. Weiss, P.E., Director  
Community, Environmental, and Development Services Department  
**SUBJECT:** Adoption Public Hearings – 2018-2 Regular Cycle Comprehensive Plan  
Amendments and, Where Applicable, Concurrent Substantial Change Request –  
Session II

Please find the attached binder containing the Session II set of staff reports and associated back-up materials for the proposed 2018-2 Regular Cycle Comprehensive Plan Amendments. Due to the number of applications received, this cycle has been divided into three sessions, as summarized in the attached schedule. The adoption public hearings for the Session II amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on October 18, 2018, and are scheduled before the Board of County Commissioners (BCC) on December 18, 2018. Three amendments to the Comprehensive Plan will be considered at the December 18 meeting.

#### **Amendment Summary**

The **2018-2 Session II Regular Cycle – State-Expedited Review** amendments scheduled for consideration on December 18 include two privately-initiated Future Land Use Map Amendments located in District 1, one of which (2018-2-A-1-7) has a concurrent substantial change request and one staff-initiated text amendment. Each of the proposed Future Land Use Map Amendments entails a change to the Future Land Use Map for properties greater than ten acres in size. The text amendment may include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The **2018-2 Session II Regular Cycle – State-Expedited Review** Amendments have been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On August 28, 2018, 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. 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 January 2019, provided no challenges are brought forth for 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 Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

AAV/jmd

Enc: 2018-2 Regular Cycle Amendments – Session II – BCC Adoption Binder  
c: Christopher R. Testerman, AICP, Assistant County Administrator  
Joel Prinsell, Deputy County Attorney  
Roberta Alfonso, Assistant County Attorney  
Whitney Evers, Assistant County Attorney  
Gregory Golgowski, AICP, Chief Planner, Planning Division  
Olan D. Hill, AICP, Chief Planner, Planning Division  
Read File

# 2018 SECOND REGULAR CYCLE

## AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN

### BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

#### SESSION II

### INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing book for the second session of the proposed Second Regular Cycle Amendments (2018-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). Due to the number of applications received, this cycle has been divided into three sessions. The adoption public hearings for the Session II amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on October 18, 2018, and are scheduled before the Board of County Commissioners (BCC) on December 18, 2018.

Three Regular Cycle Amendments scheduled for BCC consideration on December 18 were heard by the PZC/LPA at an adoption public hearing on October 18, 2018.

Please note the following modifications to this report:

KEY TO HIGHLIGHTED CHANGES	
Highlight	When changes made
Blue	Following DEO transmittal (by staff)
Pink	Following the LPA adoption public hearing (by staff)

The 2018-2 Session II Regular Cycle – State-Expedited Review amendments scheduled for consideration on December 18 include two privately-initiated Future Land Use Map Amendments located in District 1, one of which (2018-2-A-1-7) involves a concurrent substantial change request and one staff-initiated text amendment. Each of the proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for properties greater than ten acres in size. The text amendment may include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The Regular Cycle – State-Expedited Review Amendments have been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On August 28, 2018, 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. 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. If adopted, these amendments are expected to become effective in January 2019, 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 Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).

2018-2 Session II Regular Cycle State Expedited Review Comprehensive Plan Amendments

Privately Initiated Future Land Use Map and Text Amendments

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 1													
2018-2-A-1-1 (Tilden Road)	PD Rezoning Pending	Daniel A. and Susan Berry/Thistledown Farm, Inc.	Kathy Hattaway, Poulos & Bennett, LLC	10-23-27-0000-00-033 (portion of) and 10-23-27-0000-00-034 (portion of)	14950 and 14908 Tilden Rd.; Generally located south of Tilden Rd., west of Winter Garden Vineyard Rd., and east of Tiny Rd. and SR 429	Village (V)	Horizon West, Village of Bridgewater Special Planning Area (SPA)	A-1 (Citrus Rural District)	PD (Planned Development District)	28.31 gross ac./18.54 developable ac.	Nicolas Thalmueller		
2018-2-A-1-2 (Lake Austin)	LUP-18-08-255	BB Groves, LLC	Kathy Hattaway, Poulos & Bennett, LLC	30-24-27-0000-00-003 (portion of) and 31-24-27-0000-00-036	Generally located west of Avalon Rd., and north and south of Grove Blossom Wy.	Growth Center/ Resort/Planned Development (GC/R/PD)	Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR)	PD (Planned Development District)(Lake Austin PD) and A-2 (Farmland Rural District)	PD (Planned Development District)(BB Groves South PD)	108.03 gross ac./96.29 developable ac.	Sue Watson	Adopt	Adopt (8-1)
2018-2-A-1-3 (World Resort)	CDR-18-04-111	Fairwinds Credit Union	Miranda F. Fitzgerald, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	35-24-28-5844-00-732/741/870/871/880 and 35-24-28-5844-01-950	Generally located north and south of Poinciana Blvd., east of SR 535, south of SR 417, and north of the Orange/Osceola County line	Activity Center Mixed Use (ACMU)	Activity Center Residential (ACR)	PD (Planned Development District) (World Resort PD)	PD (Planned Development District) (World Resort PD)	23.13 gross ac.	Jennifer DuBois	Adopt	Adopt (9-0)
2018-2-A-1-4 (Kerina Parkside)	CDR-18-04-110	Kerina Wildwood, Inc., Kerina Village, Inc., Kerina Inc., and Kerina Parkside Master, Inc.	Miranda F. Fitzgerald, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	10-24-28-0000-00-005/053, 10-24-28-0670-11-000, 15-24-28-5844-00-050/071/130/142, and 15-24-28-5844-00-211 (portion of)	Generally located east and west of S. Apopka-Vineland Rd., south of Buena Vista Woods Blvd., and north of Lake St.	Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R)	Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)	PD (Planned Development District) (Kerina Parkside PD/LUP)	PD (Planned Development District) (Kerina Parkside PD/LUP)	FLUM Amendment: 215.67 gross ac.; PD/LUP Substantial Change: 485.10 gross ac.	Jennifer DuBois	Adopt	Adopt (5-3)
2018-2-A-1-6 (Hannah Smith)	CDR 18-05-175	Daryl M. Carter Trustee and Carter 105 Sand Lake Land Trust	Orange VHB, Inc.	11-24-28-0000-00-020, 14-24-28-0000-00-012/018, 14-24-28-1242-60-000/66-000/66-001 (portion of), and 15-24-28-7774-00-023/024	Generally located north of Interstate 4 and south of Fenton St.	Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR)	Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)	PD (Planned Development District) (Hannah Smith PD)	PD (Planned Development District) (Hannah Smith PD)	82.30 gross ac./79.50 developable ac.	Sue Watson	Adopt	Adopt (9-0)
2018-2-A-1-7 (Turkey Lake Road Condos)	CDR-18-06-209	Macomb Oakland Sand Lake, LLC	Momtaz Barq, P.E., Terra-Max Engineering, Inc.	11-24-28-0000-00-010	10900 Turkey Lake Rd.; Generally located south of Sand Lake Reserve Dr.; east of Big Sand Lake, west of Turkey Lake Rd.	Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O)	Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)	PD Planned Development District(Turkey Lake Condos PD)	PD (Planned Development District)(Turkey Lake Condos PD)	52.04 gross ac./16.82 developable ac.	Misty Mills	Adopt	Adopt (9-0)

Text Amendment Number	Owner	Agent	Description of Proposed Text Amendments			
2018-2-F-1-3 (Arnold Groves Senior Living)	Audrey L. Arnold Revocable Trust, Audrey L. Arnold and James P. Arnold Life Estate, Ron Marlow and Kathy Darlene Marlow, and Billy Kenneth Williams, and Lynn A. Williams	Marc Skorman	Text amendment to proposed Future Land Use Element Policy FLU2.5.5 and creating Policy FLU2.5.5.1 related to the proposed Lake Mabel Rural Residential Enclave	Nicolas Thalmueller		

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; V-Village; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; GB-Greenbelt; SPA-Special Planning Area; R-Rural/Agricultural; TS-Timeshare; RS-Rural Settlement; ACMU-Activity Center Mixed Use; ACR-Activity Center Residential; GC-Growth Center; R-Resort; PD-Planned Development; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; LUP-Land Use Plan; LUPA-Land Use Plan Amendment; CDR- Change Determination Request; PD-Planned Development District; A-2- Farmland Rural District; A-1-Citrus Rural District; SR-State Road; AC-Acres

**2018-2 Regular Cycle Comprehensive Plan Amendments  
Staff Initiated Comprehensive Plan Map and Text Amendments**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2018-2-B-FLUE-1	Planning Division	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	Misty Mills	Adopt	Adopt (8-1)
2018-2-B-FLUE-2	Planning Division	Text amendment to the Horizon West Village policies for perimeter remnant parcels	Maria Cahill		

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**Regular Cycle Amendments.....Tab 2**

**Privately-Initiated Regular Cycle Future Land Use Map (FLUM) Amendments and Where Applicable,  
Concurrent Substantial Change Request**

Amendment			Page
1.	2018-2-A-1-2 BB Groves	Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR)	1
2.	2018-2-A-1-7 Turkey Lake Road Condos	Planned Development-Time Share/Medium Density Residential/ Hotel/Office (PD-TS/MDR/HOTEL/O) to Planned Development-Time Share/Medium-High Density Residential/ Hotel/Office (PD-TS/MHDR/HOTEL/O)	15
	-and-		
	Substantial Change CDR-18-06-209	Substantial Change Request to the Turkey Lake Road Condos PD to change the Future Land Use Map reference of PD Parcel 2 from Medium Density Residential (MDR) to Medium-High Density Residential (MHDR), modify the multi-family residential density calculation for PD Parcel 2, and revise the side setback from 30 feet to 25 feet. No waivers are associated with this request.	

**Staff Initiated Regular Cycle Future Land Use Map and Text Amendments.....Tab 3**

3.	2018-2-B-FLUE-1 PD Densities	Text amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	35
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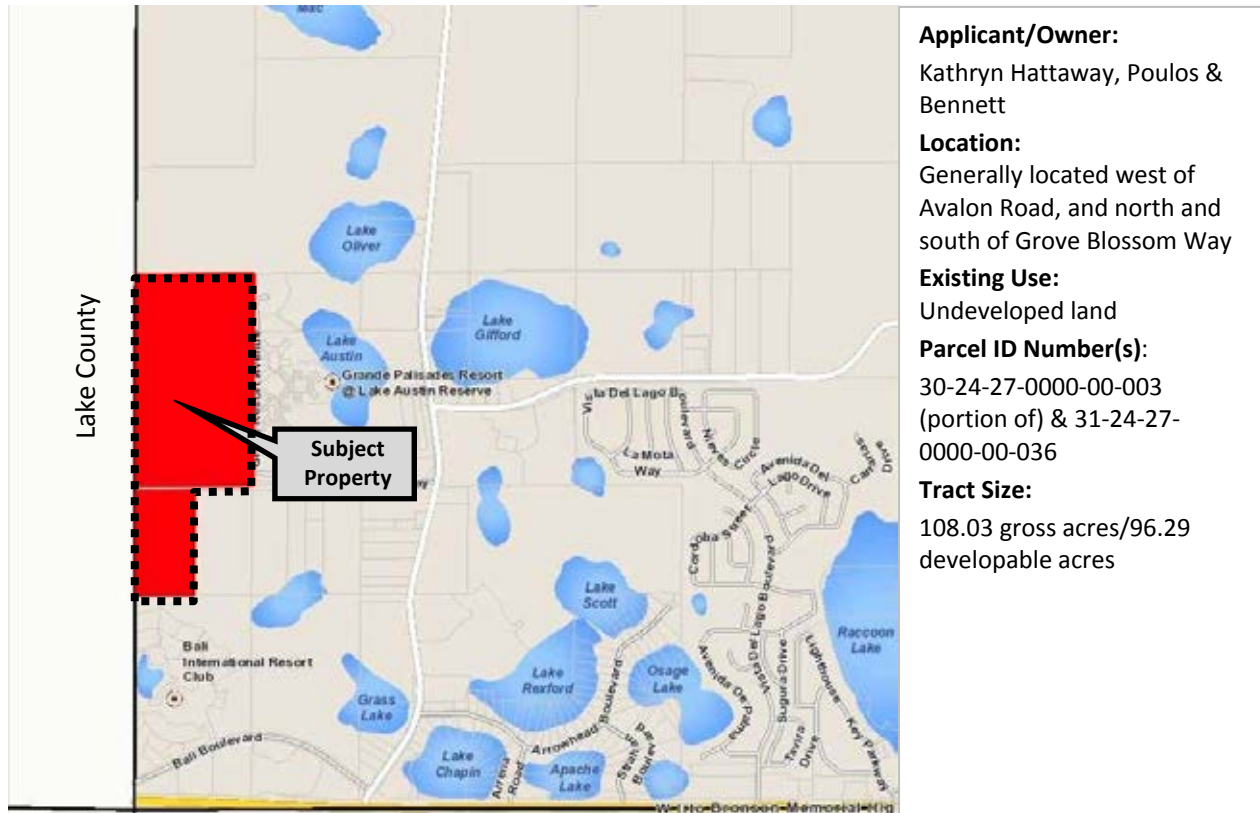
**State Agencies Comments/ORC Report and Response.....Tab 4**

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**Environmental Analyses .....Tab 8**



**Applicant/Owner:**  
Kathryn Hattaway, Poulos & Bennett

**Location:**  
Generally located west of Avalon Road, and north and south of Grove Blossom Way

**Existing Use:**  
Undeveloped land

**Parcel ID Number(s):**  
30-24-27-0000-00-003 (portion of) & 31-24-27-0000-00-036

**Tract Size:**  
108.03 gross acres/96.29 developable acres

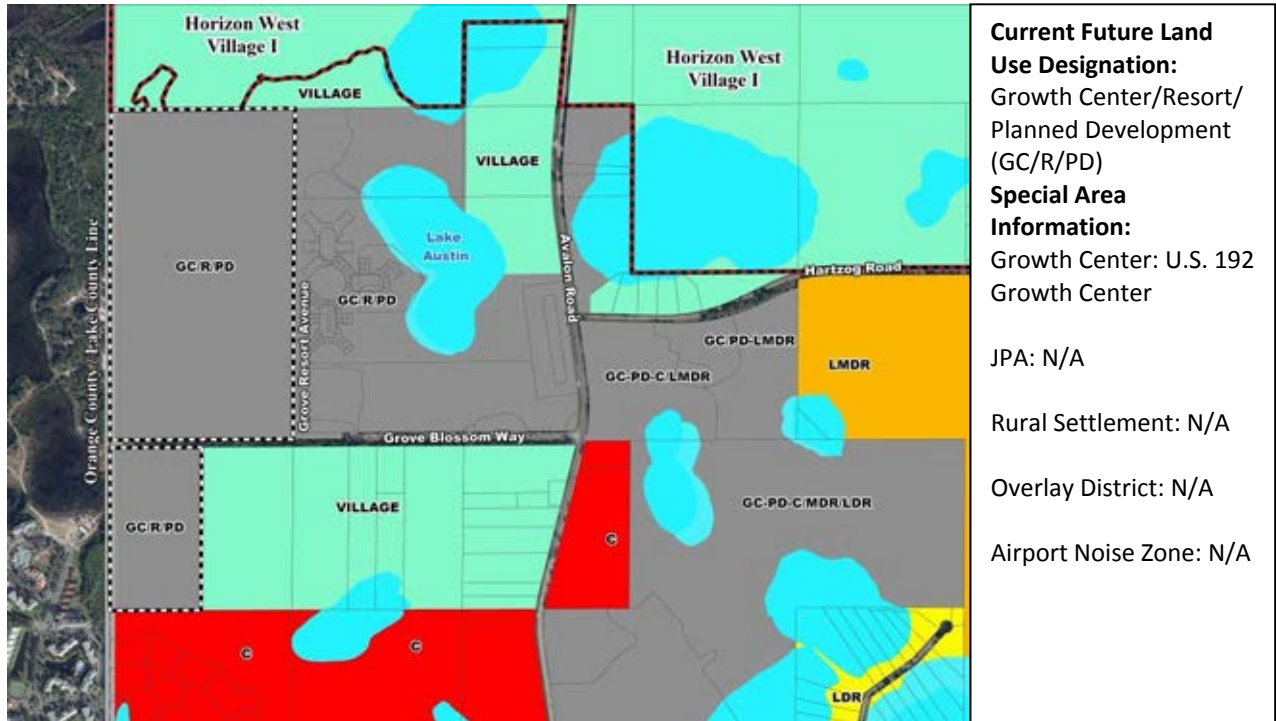
The following meetings/hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome		
✓	Community Meeting held May 24, 2018, with 3 members of the public in attendance.	Positive	<b>Future Land Use Map Amendment Request:</b> Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR)	
✓	Staff Report	Recommend Transmittal	<b>Proposed Development Program:</b> 500 single-family residential dwelling units (The units may be any combination of age-restricted, short-term rental, or market rate housing.)	
✓	LPA Transmittal June 21, 2018	Recommend Transmittal (8-0)	<b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.	
✓	BCC Transmittal July 10, 2018	Transmit (7-0)	<b>Environmental:</b> Orange County CAD 07-119 has expired. A new CAD 18-02-021 is in process.	
✓	State Agency Comments August 28, 2018.	Potential for Florida black bears to occur in the project area	<b>Transportation:</b> The proposed use will generate 475 pm peak hour trips resulting in a net decrease of 958 pm peak hour trips.	
✓	LPA Adoption October 18, 2018	Recommend Adoption (8-1)	<b>Orange County Public Schools:</b> Capacity Enhancement Agreement (CEA) application #OC-18-051 will be considered by the School Board on December 11, 2018.	
	BCC Adoption December 18, 2018			



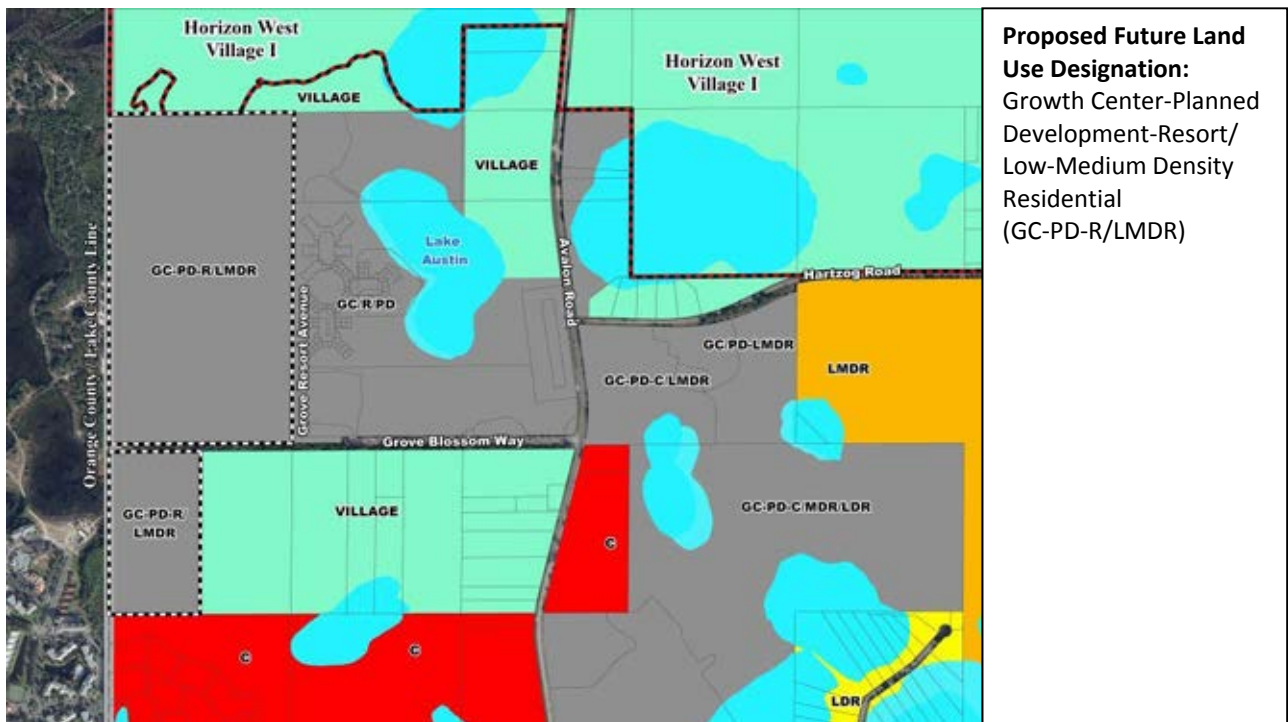
**SITE AERIAL**



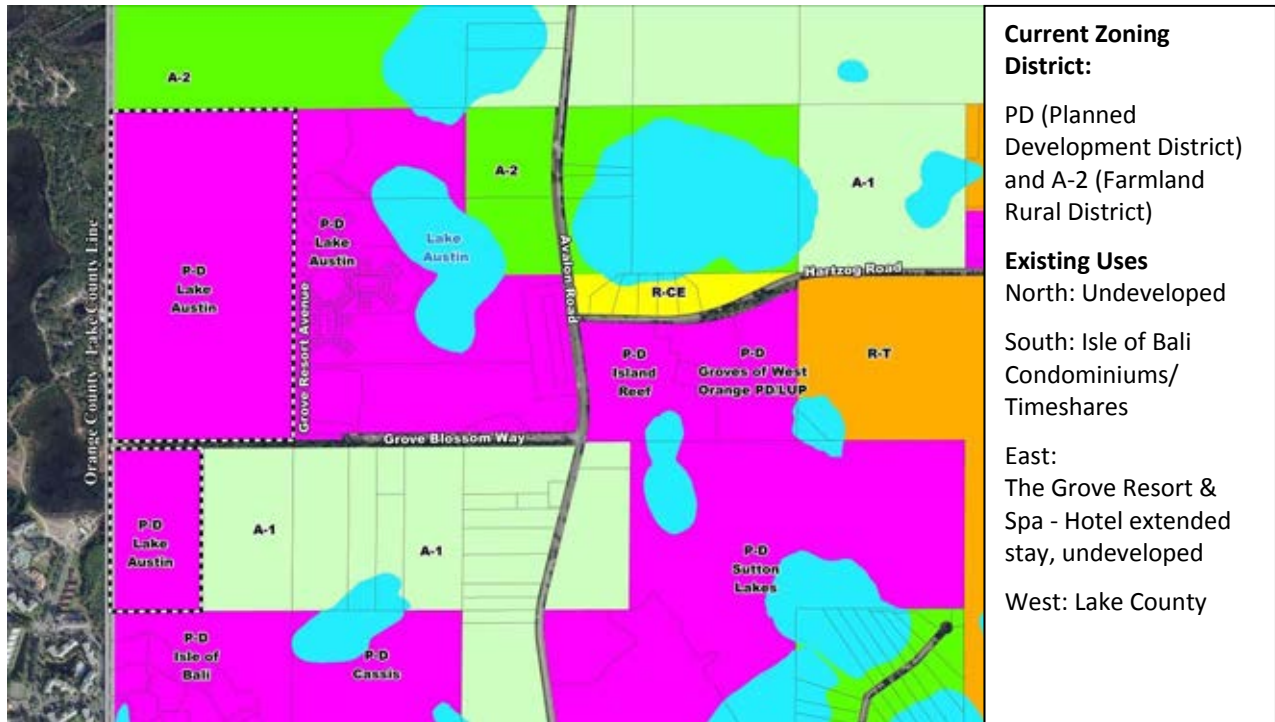
**FUTURE LAND USE - CURRENT**



**FUTURE LAND USE - AS PROPOSED**



**ZONING - CURRENT**



## Staff Recommendations

Make a finding of **consistency** with the Comprehensive Plan (see Housing Element Goal H1, Housing Element Objective H1.1, Future Land Use Element Objective FLU8.2, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.4.F, FLU7.4.4, FLU8.1.4, FLU8.2.1, and FLU8.2.2), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2018-2-A-1-2, Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR).

## Analysis

### 1. Background Development Program

The applicant has requested to change the Future Land Use Map (FLUM) designation of the 108.03-acre site from Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR). The applicant's original FLUM Amendment application entailed two requests that involved the South Parcel (GC/R/PD to GC-PD-R/LMDR) and the North Parcel. The North Parcel's FLUM Amendment request was to change the FLUM designation of the 9.83-acre parcels from Village (V) to Horizon West, Village I Special Planning Area (SPA) Greenbelt (GB). The North Parcels would not have an associated development program; they would be used for open space and stormwater for the South Parcels. Orange County Planning Division's Senior Staff determined that the North Parcels' FLUM Amendment request was not necessary. Senior Staff determined that the North Parcels could be aggregated into the existing Lake Austin Planned Development (PD) through a Land Use Plan Amendment (LUPA). The subject parcels would be rezoned from A-2 (Farmland Rural District) to PD (Planned Development District) and would be designated as open space/stormwater.

The subject parcels are part of the 210.98-acre Lake Austin PD which was originally approved on April 17, 2001, by the Board of County Commissioners (BCC). On July 12, 2016, the BCC approved a substantial change (CDR-16-01-027) to the Lake Austin PD to revise the use description from "Timeshare" to "Short Term Rental" and increase those entitlements from 4,159 units to 4,831 units (consistent with the previously approved DRI/DO); modify project phasing dates and amount of development per phase; revise traffic generation calculations; expand list of approved recreational facilities; identify previously dedicated road right-of-way; add two (2) parcel identification numbers not previously identified; modify and renumber existing notes on the plan; add Notes 11-22, some of which transfer DRI/DO environmental and transportation conditions; and add a Master Sign Plan (MSP) with three (3) related waivers from Orange County Code, that primarily relate to signage. Concurrent with the PD substantial change, the BCC rescinded the Grand Palisades Resort DRI/DO.

The subject parcels are identified as Phase Three on the currently-approved Lake Austin PD. Presently, Phase Three is approved for 3,332 short-term rental units, 10,000 square feet of commercial uses, and 20,000 square feet of administration uses. The applicant is now proposing a development program of 500 single-family residential dwelling units. (The units may be any combination of age-restricted, short-term rental, or market rate housing.)

The undeveloped subject property consists of two parcels located west of Avalon Road, north and south of Grove Blossom Way, immediately west of the Grand Palisades Resort, now known as The Grove Resort & Spa, and east of the Lake County Boundary. The subject site is located in an area where nearby properties in the U.S. 192 Growth Center have recently obtained approved FLUM Amendments:

- On June 28, 2016, the BCC approved FLUMA 2016-1-A-1-8 to change the FLUM designation of the 23.94-acre site located across the street at the corner of Avalon Road and Hartzog Road, east of the subject site, from Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR). The proposed development program consists of up to 220 single-family dwelling units (attached and detached) and 20,000 square feet of retail commercial uses. The site is also known as the Island Reef PD.
- On December 16, 2014, the BCC approved FLUMA 2014-2-A-1-2 (fka 2013-2-A-1-4) to change the FLUM designation of the 139.88-acre property located across the street on Avalon Road, east of the subject property, from Growth Center-Commercial (GC-C) and Growth Center-Low Density Residential (GC-LDR) to Growth Center-Planned Development-Commercial/Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR). The proposed development program consists of 700 single-family residential units (attached and detached) and 20,000 square feet of retail uses and is also known as the Sutton Lakes PD.
- On November 19, 2013, the BCC approved FLUMA 2013-2-A-1-3 to change the FLUM designation from Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) for a 13.88-acre parcel also located across the street on Hartzog Road, east of the subject site. The development program is for up to 139 single-family dwelling units. The site is also known as the Groves of West Orange PD which the BCC approved the rezoning (LUP-14-01-009) on October 20, 2015, for a development program consisting of 108 single-family detached and attached (townhome) residential dwelling units.

If the currently proposed amendment is adopted by the BCC, a LUPA will be required to aggregate the North Parcels into the approved Lake Austin PD Land Use Plan and to allow for the single-family residential dwelling units. Instead of submitting a LUPA, the applicant has submitted a rezoning application to create a new PD, Case LUP-18-08-255, BB Groves South Planned Development/Land Use Plan (PD/LUP). The request is to add 109.06 acres from the Lake Austin PD (CDR-18-08-254) and to rezone 9.83 acres (North Parcels) from A-2 (Farmland Rural District) to PD (Planned Development District). At the time of this writing, the application is proceeding through the Development Review Committee review process.

A community meeting was held for this proposed amendment on May 24, 2018, with three (3) residents in attendance. The applicant, Ms. Kathy Hattaway, gave an overview of the proposed amendment request and stated the proposed development program would consist of 500 single-family dwelling units. Ms. Hattaway stated that the units may be any combination of age-restricted, short-term rentals, or market rate housing. She stated she was asking for the LMDR FLUM designation which allows for a maximum ten (10) dwelling units per acre, but she is limiting the development to about five (5) dwelling units per acre. One resident asked if the proposed project warrants signalization at Avalon Road and Grove Blossom Way. Orange County Engineer, Ms. Diana Almodovar, stated that a traffic study, paid for by the property owner, would need to be done by the Orange County Traffic Engineering Division, but as it stands today, the proposed development does not warrant signalization. Another resident asked why change from short-term rentals and the existing uses. Ms. Hattaway stated that the new property owner has a different business model. Ms. Hattaway informed the residents in attendance that she could not tell them the specific number of unit types (age-restricted, short-term rental, and market rate housing) at this time but they will be determined when the Lake Austin PD Land Use Plan Amendment package is submitted, if the BCC recommends to transmit the proposed amendment. The residents in attendance responded positively to the request.

## 2. Future Land Use Map Amendment Analysis

### *Consistency*

The requested FLUM amendment appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. The subject property lies within the U.S. 192 Growth Center. Future Land Use Element **Policy FLU1.1.4F** states that Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities. The subject property is located within Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas. Per OCU, there is a 24-inch potable water main, a 15-inch gravity sewer main, and a 12-inch reclaimed water main located in Grove Blossom Way right-of-way to service the subject property. According to OCU, there is sufficient plant capacity to serve the proposed amendment and capacity will be reserved upon payment of capital charges in accordance with County resolutions and ordinances.

In accordance with **Policy 1.1.2.A**, the applicant has specified the maximum desired development program for the project, proposing 500 single-family residential dwelling units (The units may be any combination of age-restricted, short-term rental, or market rate housing.) under the Low-Medium Density Residential (LMDR) FLUM designation, which allows for residential development at a maximum density of ten (10) dwelling units per acre. **Policy FLU7.4.4** states that urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources, as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. **Policy FLU7.4.4** also states that if services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

The subject property is located in an area characterized by a variety of housing types—including residential/agricultural home sites, conventional single-family subdivision development (Hartzog Subdivision), and a manufactured home development (the 925-unit Vista Del Lago Manufactured Home Park). The applicant's intent to develop 500 single-family residential dwelling units, with a mix of age-restricted, short-term rental, and market rate housing, is consistent with Housing Element **GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. **Policy FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. The proposed amendment will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**. Staff notes that if this requested amendment is adopted, the development standards will be determined during the LUPA process.

Future Land Use Element **Policy FLU8.1.4** lists the development program for Planned Development (PD) and Lake Pickett (LP) FLUM 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 2018-2-B-FLUE-1). The maximum development program for Amendment 2018-2-A-1-2, if adopted, would be as follows: 500 single-family dwelling units (may be any combination of age-restricted, short-term rental, or market rate housing.)

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2018-2-A-1-2</u>	<u>Growth Center-Planned Development-Resort/Low-Medium Density Residential GC-PD-R/LMDR</u>	<u>500 single-family dwelling units (may be any combination of age-restricted, short-term rental, or market rate housing)</u>	<u>2018-</u>

**Compatibility**

The proposed FLUM amendment appears to be **compatible** with the existing development and development trend of the surrounding area. Future Land Use Element **Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trends in the area. As stated above, the subject property is located in an area characterized by residential development and undeveloped land (much of which is due to the decreased demand for previously-approved commercial resort development on those properties). It is staff’s belief that the proposed project is compatible with the existing mix of residential/agricultural home sites, conventional single-family subdivision development, and manufactured home uses within the U.S. 192 Growth Center.

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

**Environmental Protection Division**

Orange County Conservation Area Determination CAD 07-119 delineated the wetlands and surface waters on the subject parcels but this determination expired in 2013. A new CAD must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to submittal of a subdivision, development plan, or permit application, in accordance with Orange County Code Chapter 15, Article X, Wetland Conservation Areas.

Until wetland permitting is complete, the net developable acreage is only 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 if 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 EPD. Please reference Comprehensive Plan Policy FLU1.1.2 C.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible for determining the presence of listed species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The ecological assessment dated February 14, 2018 submitted with this request reported the presence of listed species on site, including numerous gopher tortoise burrows and sand skink habitat, among others.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

#### **Transportation Planning Division**

The applicant is requesting to change a total of 117.86 acres, divided into the South and North Parcels as follows: South Parcel from Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center/Resort/Low-Medium Density Residential/Planned Development (GC/R/LMDR/PD) and North Parcel from Village (V) to Horizon West, Village I Special Planning Area (SPA)-Greenbelt (GB) and approval to develop 500 single family dwelling units.

- The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 1,433 pm peak hour trips.
- The proposed use will generate 475 pm peak hour trips resulting in a net decrease of 958 pm peak hour trips.
- The subject property is located adjacent to Avalon Road, a two-lane collector. This facility currently has two (2) deficient roadway segments from US 192 to Hartzog Road and from Hartzog Road to Seidel Road within the project impact area.
- The traffic study did not include Hartzog Road segment from Avalon Road to Western Way, which falls within the project's one-mile impact area. A revision was requested to include an analysis of this segment to be included. Nonetheless, this segment is currently operating within its adopted capacity and will not be impacted by the proposed FLUM change.
- Based on the concurrency management system database dated 05-01-2018, the following two (2) roadway segments are operating below the adopted level of service standard within the project area:
  - Avalon Road, from US 192 to Hartzog Road
  - Avalon Road, from Hartzog Road to Seidel Road

This information is dated and subject to change

- Analysis of the short term (interim year) 2023 long term (horizon year) 2030 conditions indicates that these deficiencies will continue with or without the proposed amendment. Amending the FLUM for this property will decrease the number of trips generated by this development.



- 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.

### Utilities

The subject property is located within Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas. Per OCU, there is a 24-inch potable water main, a 15-inch gravity sewer main, and a 12-inch reclaimed water main located in Grove Blossom Way right-of-way.

### OCPS

The developer shall be required to enter into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools. CEA #OC-18-051 will be considered by the School Board on December 11, 2018.

## 3. Policy References

**GOAL H1** – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range residents have the opportunity to purchase or rent standard housing.

**OBJ H1.1** – The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

**OBJ FLU8.2 – COMPATIBILITY.** Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

**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.

**FLU1.1.2.A** – 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.

**FLU1.1.4.F – GROWTH CENTER(S)** – Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities. Orange County has two Growth Centers – one in the northwest referred to as the Northwest Growth Center and one in the southeast referred to as Growth Center/Resort/PD.

**FLU7.4.4** – Urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. If services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development

will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

**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.

**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.

**FLU8.2.2** – Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

Site Visit Photos

Subject Site –Undeveloped



North – Undeveloped



South – Timeshare Resort



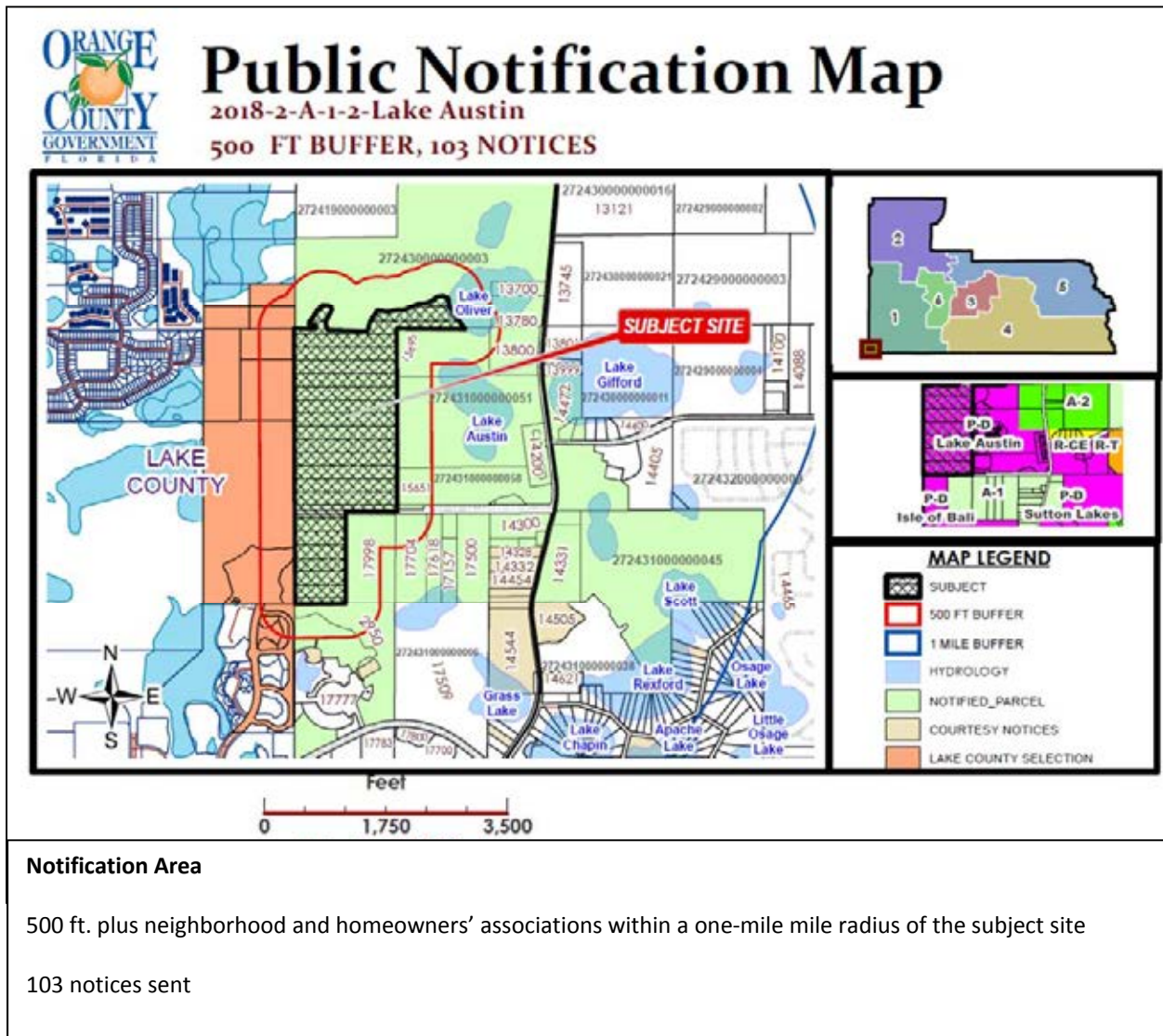
West – Lake County



East – Timeshare Resort



**PUBLIC NOTIFICATION MAP**







**Applicant/Owner:**  
 Momtaz Barq P.E.  
 representing Macomb  
 Oakland Sand Lake, LLC

**Location:** 10900 Turkey Lake Road  
 Generally located west of Turkey Lake Rd., south of Sand Lake Reserve Dr., east of Big Sand Lake, west of Turkey Lake Rd.

**Existing Use:** Vacant

**Parcel ID Numbers:**  
 11-24-28-0000-00-010

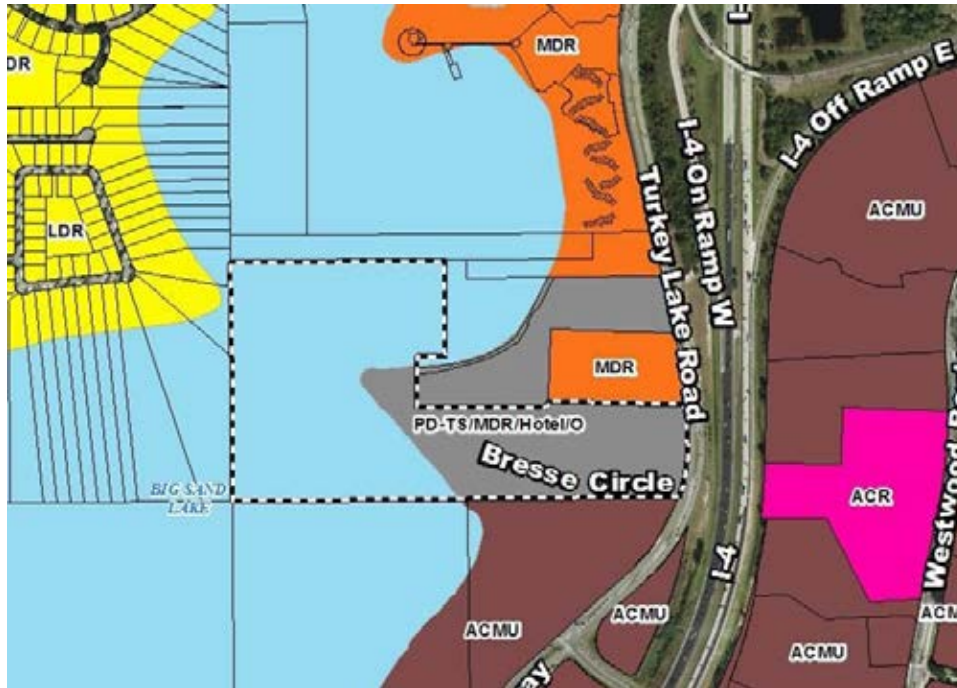
**Tract Size:** 52.04 gross acres  
 16.82 net developable

+The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome		
✓	Community Meeting	May 10, 2018 Neutral – traffic concerns	<b>Request:</b> Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O to Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)	
✓	Staff Report	Recommend Transmittal	<b>Proposed Development Program:</b> Approved for up to 505 timeshare units, up to 424 multi-family units, up to 1,009 hotel rooms, or up to 366,340 s.f. office, under Turkey Lake Road Condos PD	
✓	LPA Transmittal June 21, 2018	Recommend Transmittal (6-0)	<b>Division Comments:</b> <b>Environmental, Public Facilities and Services:</b> Please see the see Public Facilities Analysis Appendix for specific analysis on each public facility.	
✓	BCC Transmittal July 10, 2018	Transmit (6-0)	<b>Environmental:</b> Site has an approved CAD, CAD-17-08-115 that show Class I and II wetlands and surface waters located on the site, including a portion of Big Sand Lake.	
✓	State Agency Comments August 28, 2018.	No comments or concerns were identified by any state agency.	<b>Transportation:</b> There is a Transportation Capacity Reservation Certificate #12-033 on file for this project expires on March 4, 2022 and the developer has paid a total of \$1,116,174.00 in capacity reservation fees for this development.	
✓	LPA Adoption October 18, 2018	Recommend Adoption (9-0)		
	BCC Adoption	December 18, 2018	<b>Concurrent Rezoning:</b> CDR-18-06-209	

**AERIAL**



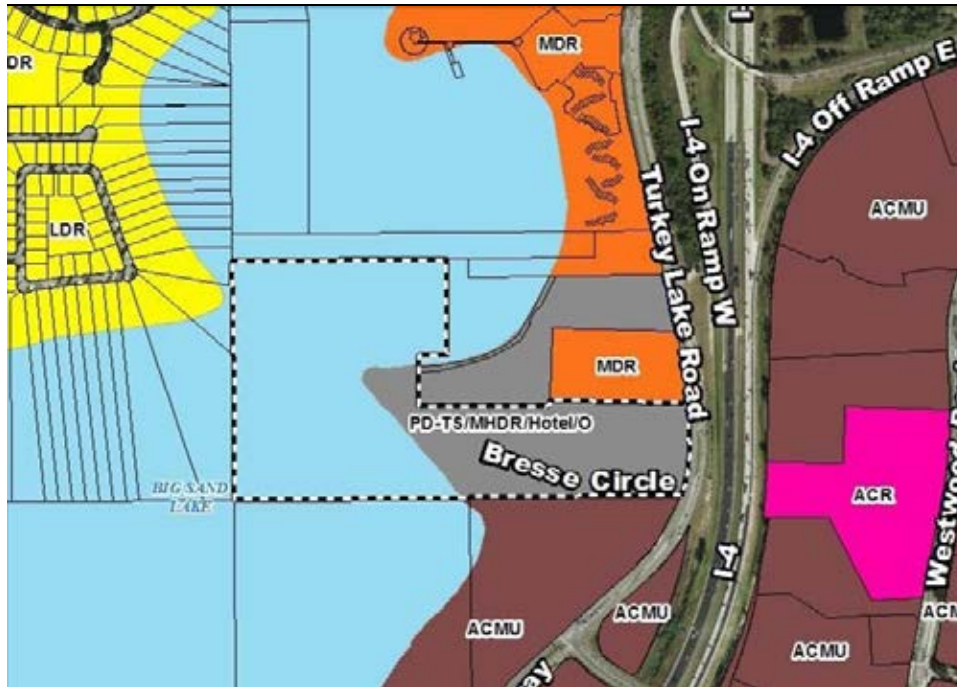
**FUTURE LAND USE - CURRENT**



**Current Future Land Use Designation:**

Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O)

**FUTURE LAND USE - PROPOSED**

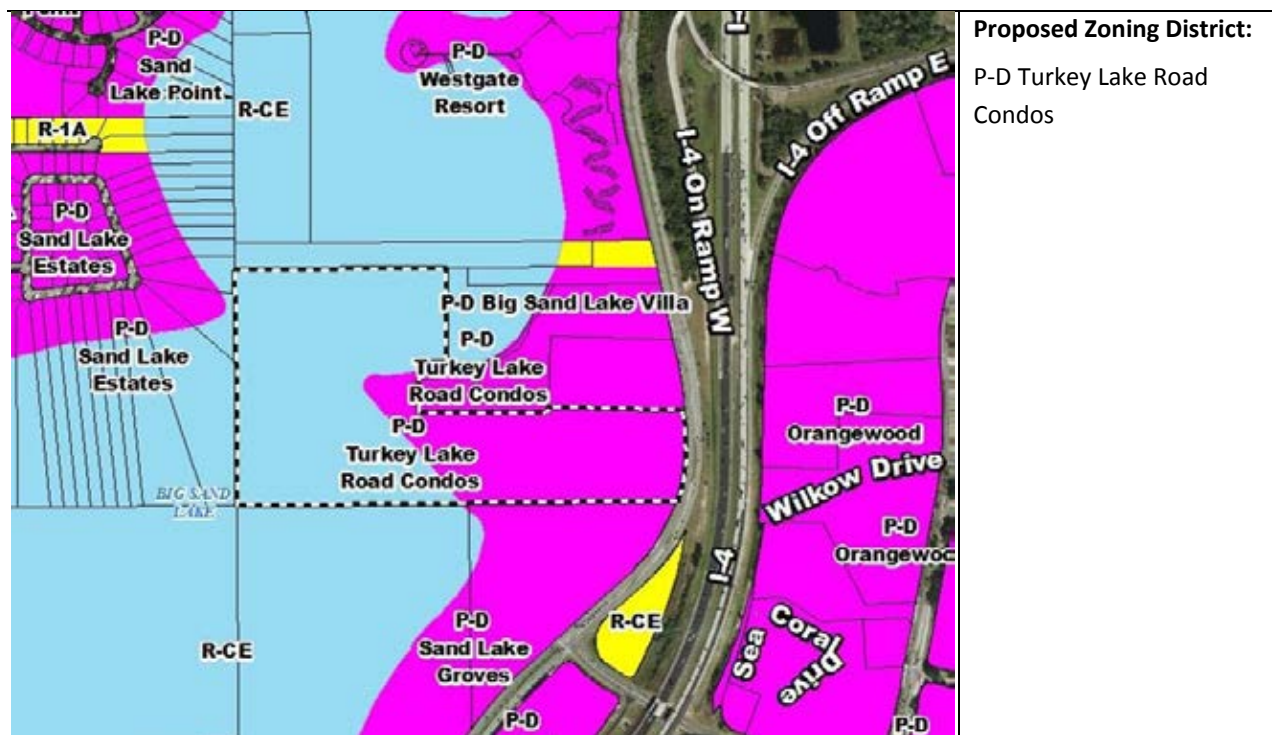
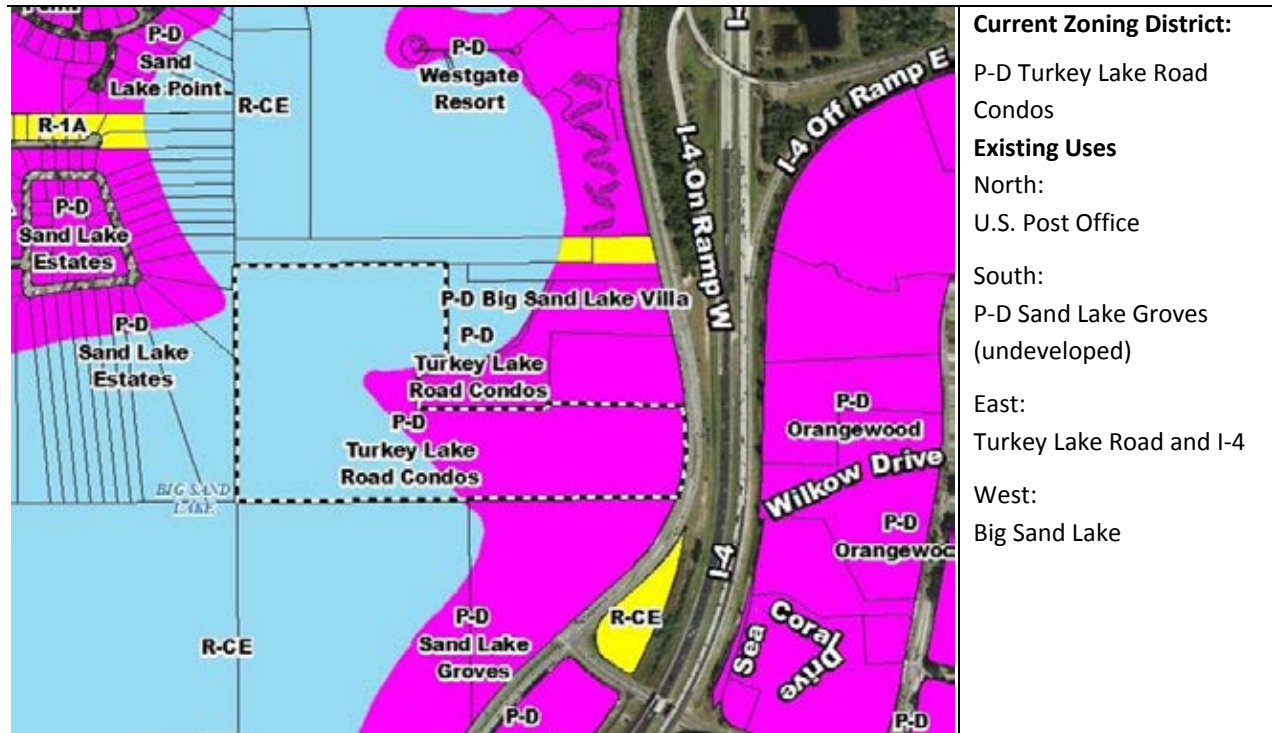


**Proposed Future Land Use Designation:**

Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/)



**ZONING - CURRENT**



## Staff Recommendation

1. **FUTURE LAND USE MAP AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Objective OBJ FLU1.4, and FLU8.2, Policies FLU1.1.2(C), FLU1.4.1, FLU2.2.15, FLU8.1.4 FLU8.2.1, FLU8.2.2), determine that the amendment is in compliance, and recommend **ADOPTION** Amendment 2018-2-A-1-7, Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/**MDR**/HOTEL/O) to Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/**MHDR**/HOTEL/O).
2. **CHANGE DETERMINATION REQUEST:** (November 21, 2018 DRC Recommendation): Make a finding of **consistency** with the Comprehensive Plan and recommend **APPROVAL** of the Turkey Lake Road Condos Planned Development / Land Use Plan (PD/LUP), dated "Received October 17, 2018", subject to the following conditions:
  1. Development shall conform to the Turkey Lake Road Condos PD Land Use Plan (LUP) dated "Received October 17, 2018," 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 October 17, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.
  2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
  3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit

from a state or federal agency and does not create any liability on the part of the County for issuance of the permit 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. Approval of this plan does not constitute approval of a permit for the construction or alteration of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
7. 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.
8. Big Sand Lake has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Big Sand Lake, this project shall be required to be a participant.

9. Approval of this plan does not constitute approval of a permit for the construction or alteration of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
10. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the PD.
11. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
12. Length of stay shall not exceed 179 days within commercial development.
13. Short term/transient rental is prohibited within residential development. Length of stay shall be for 180 consecutive days or greater.
14. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
15. Outside sales, storage, and display shall be prohibited.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 22, 2001 shall apply:
  - a. Orange County shall not own, operate, or maintain the on-site water and wastewater systems.
  - b. No motorized watercraft shall be permitted on Big Sand Lake.
  - c. The building height shall transition from east to west with the maximum height along Big Sand Lake reduced from 55-feet as advertised to 50-feet and as shown on the LUP dated May 18, 2001, with a maximum 75-foot height transition area, and a maximum of 100-foot height on the eastern portion of the property. The roof tops shall have a peaked appearance from the west elevation.

## Analysis

### 1. Background Development Program

The applicant, Momtaz Barq, P.E., representing Macomb Oakland Sand Lake, LLC, has requested to amend the future land use map from Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/**MDR**/HOTEL/O) to Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/**MHDR**/HOTEL/O). The petitioned site consists of 52.04 gross acres and 16.82 net developable acres. The zoning on the property is Turkey Lake Road Condos PD approved for up to 505 timeshare units, up to 424 multi-family units, up to 1,009 hotel rooms, or 366,340 square feet of office. The subject property is located at 10900 Turkey Lake Road generally located west of Turkey Lake Road, south of SR 528, east of Smith Bennett Road, and north of Central Florida Parkway. The proposed future land use map amendment would not affect the

number of multi-family units on the petitioned site, this would remain the same. The reason for the request is since the time of approval, the site lost net developable acres, a decrease from 18.98 acres to 16.82 acres.

As stated in **Future Land Use Element Policy FLU 1.1.2(C)** 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. The net developable land area is defined as the gross land area, less surface waters and wetland areas. The net developable area is determined by Conservation Area Determination which determines the classification and approximate extent of surface waters/wetlands on property. According to the approved CAD-17-08-115 the net developable acreage is 16.82 acres.

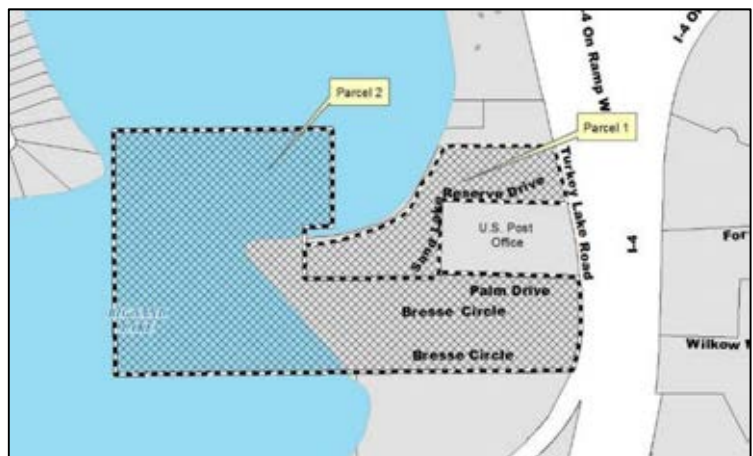
The request for a Planned Development will require an amendment to the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4**, which lists the development program for Planned Development (PD) Future Land Use designations adopted since January 1, 2007. This request is under a separate staff report, 2018-2-B-FLUE-1. Any proposed increase the density, would require an amendment to the Comprehensive Plan to amend **Future Land Use Element Policy FLU8.1.4**. The maximum development program for Amendment 2018-2-A-1-2, if adopted, would be as follows: up to 505 timeshare units, up to 424 multi-family units, up to 1,009 hotel rooms, or 366,340 square feet of office.

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2018-2-A-1-7</u>	<u>Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)</u>	<u>One of the following uses: Up to 505 timeshare units, or up to 424 multi-family units, or up to 1,009 hotel rooms, or up to 366,340 square feet of office</u>	<u>2018-</u>

**Turkey Lake Condos Amendment History**

The previous use was an RV park. Below is a history of approved Planned Developments on the petitioned site. At the time of these amendments, the petitioned site consisted of two (2) parcels, as depicted in the map below. There are amendments which affect both parcels and amendments which only affect the subject site, as noted.

- **1979 - Christian Life World – Parcel 2**
  - Congregate living center for residential, ownership, and recreation purposes to include:
    - Administrative office, two-story clubhouse, 35,000 square feet in area, a sanctuary of 35,000 square feet, a 100-unit 12-story lodging facility (12.5 units/acre), church director’s residence, 140-space recreational vehicle park with 2,000 square foot camping



sites, a recreation area to include a boat dock and launch. ,

- **1987 - Turkey Lake Road (Christian Life World) – Parcel 2**
  - 9 hole golf course
  - 240 multi-family residential units
- **1994 – Turkey Lake Road – Parcel 2**
  - 520 multi-family units (20 units/acre) and 20,8000 square feet of commercial uses
- **1998 – Turkey Lake Road – Parcels 1 and 2**
  - Time-share/multi-family of 660 units (20 units/acre)
    - 420 Units on Parcel 2
    - 240 Units on Parcel 1
- **Future Land Use Map Amendment 2001-1-A-1-1**
  - 31 net developable acres
  - Approved Hotels – 60 units/acres, timeshare 30 units/acre, office .5 FAR, and Medium Density Residential 20 du/acre.
- **May 22, 2001 – Parcels 1 and 2**
  - The Development Review Committee approved the substantial change to the Land Use Plan to add hotel (1,884 rooms) and office uses (683,892 square feet) and to increase the timeshare density (942 timeshare units or 620 multi-family units) on Parcels 1 and 2.
    - 620 multi-family dwelling units on both parcels 1 and 2.
    - Density of 20 dwelling units an acre across Parcels 1 and 2.

Parcel 1 is developed with 196 multi-family units. Based on the approved development program approved under the P-D zoning there 424 units remaining. However, Due to the loss in net developable acreage the density on Parcel 2 has increased to 25.2 dwelling units an acre. The applicant has requested to change the future land use on the property from Medium Density Residential (MDR 20 du/acre) to Medium-High Density Residential (35 du/acre). Because this is a planned development future land use map amendment, the development program is adopted into the Comprehensive Plan and can be limited to 424 dwelling units or 25.2 units an acre.



Map 1 - 2001 aerial accessed on OCPAfl.org



Map 2 - 2018 aerial accessed on OCPAfl.org

The amount of developable land determines the density, while the number of dwelling units remains constant. The 2001 approved development program permits 620 multi-family dwelling units over Parcels 1 and 2 on 31 net developable acres. The requested amendment does not result in an increase in the number of dwelling units but an increase in density on the petitioned site from

22.3 dwelling units an acre to 25.2 units an acre. If the request was denied, the applicant could develop the property under the existing Medium Density Residential (MDR) density of 20 units/acre or 336 dwelling units. If approved the applicant is required to submit a **Change Determination Request** to the existing planned development to indicate the change to the approved Planned Development Land Use Plan.

	2001 Approval	2018 Amendment
<b>Parcels 1 and 2</b>	31 net developable acres 620 multi-family units 20 units/acre	27.3 net developable acres 620 multi-family units 22.71 units/acre
<b>Broken Out by Parcel</b>	<p><b>Parcel 1</b> 10.48 acres 196 multi-family units 18.7 units/acre</p> <p><b>Parcel 2</b> 18.985 acres 424 multi-family units 22.3 units/acre</p>	<p><b>Parcel 1</b> 10.48 acres 196 multi-family units 18.7 units/acre</p> <p><b>Parcel 2</b> 16.82 net developable acres 424 multi-family units 25.2 units/acre</p>

Properties to the north of the petitioned site have future land use designations of Medium Density Residential (MDR) and Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O). The uses include a U.S. Post Office and 196 multi-family dwelling units that were approved as part of Amendment 2001-1-A-1-1, discussed above. North of this site is Westgate Resorts (Sonesta Village). This property has a future land use of Medium Density residential (MDR) and a zoning of PD that allows for 992 residential units (14.9 units/acre and 252,400 square feet of commercial uses.

The property to the south has a future land use designation of Activity Center Mixed-Use (ACMU) and is zoned PD Sand Lake Groves (approved in 1997, amended September 20, 2017). The development plan includes 1,231 Convention Center Hotel Rooms, 650 hotel rooms, 1,730 timeshare units, 366,000 square feet of retail, and 345 multi-family units across nine (9) parcels. The site is currently undeveloped.

To the east and west of the petitioned site are Big Sand Lake and Turley Lake Road and I-4. The lake serves as a natural edge and the interstate serves as a hard edge to the petitioned site.

A community meeting for the proposed Future Land Use Amendment was held Thursday, May 10, 2018. There were approximately thirty (30) residents in attendance. The primary concern of the attendees was traffic in the area, especially along Turkey Lake Road. Another concern was the potential environmental impacts to Big Sand Lake from runoff and increased pollution.

## 2. Comprehensive Plan Amendment Analysis

### **Consistency**

The requested Future Land Use Map (FLUM) amendment appears to be consistent with the applicable Comprehensive Plan goals, objectives, and policies, which are specifically discussed in the paragraphs below.

The Future Land Use Element provides location and development criteria to guide the distribution, extend, and location of urban land uses under **Future Land Use Objective FLU1.4. Future Land Use**

**Element Policy FLU1.4.1** states and Orange County shall provide range of living environments and employment opportunities in order to achieve a stable and diversified population and community. The proposed multi-family development will contribute to the range of living environments in the surrounding area. As noted in the staff analysis, this request was previously approved for a total of 620 multi-family units over two parcels; 196 units are built on Parcel 1 and the remaining 424 parcels have not been constructed. Since the time of the Planned Development zoning approval until now, the site lost net developable acreage. The loss of land caused an increase in density because the approved number of dwelling units remained constant while the net developable acreage is static.

The request is also consistent with **Future Land Use Element Policy FLU2.2.15** that states that Orange County shall support the location of greater residential densities near employment centers to improve the jobs/housing balance in the County. The petitioned site is located in an area that is 2.3 miles from the Orange County Convention Center, 1.7 miles to SeaWorld, 5 miles from International Drive and Sand Lake Boulevard, 11 miles from Universal Studios, 4.8 miles from Disney Springs, and 11 miles from Epcot. The petitioned site is located in an area that is in the heart of Orange County destinations.

Finally, **Neighborhood Element Objective OBJ N1.1** states that Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing neighborhoods. The proposed amendment is compatible with the existing development pattern of multi-family residential and commercial.

### ***Compatibility***

**OBJ FLU8.2** addresses compatibility of proposed Future Land use Map (FLUM) amendments requiring compatibility to continue to be the fundamental consideration in all land use and zoning decisions. Specifically, **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 trend in the area. The proposed FLUM amendment would be compatible with the existing development and development trend in the area. The closest use to the petitioned site is a U.S. Post Office to the north. A 196 unit multi-family development on Parcel 1, approved as part of under FLUM Amendment 2001-1-A-1-1 and the Planned Development Rezoning Turkey Lake Condos.

While **OBJ FLU 8.2 and FLU8.2.1** require land use changes to be compatible with existing development, **Future Land Use Element Policy FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. As shown in the staff analysis there is a diversity of parcel sizes and densities in the area and the request is in keeping with the development pattern of multi-family residential.

**Future Land Use Element FLU8.1.2** describes Planned Development Future Land Uses as intended to incorporate a broad mixture of uses under specific design standards provided the PD land uses are consistent with the cumulative densities identified on the Future Land Use Map. The proposal does include a broad mixture of uses including hotel, timeshare, or office. Any increase or change in the adopted program density would an amendment to the Future Land Use Map and the adopted development program.



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

**Environmental Protection Division**

Class I and Class III wetlands and surface waters are located on site including a portion of Big Sand Lake. Orange County Conservation Area Determination CAD-17-08-115 was completed for this property with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) on May 3, 2018.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

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. The net developable land area is defined as the gross land area, less surface waters and wetland areas. 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. Reference Comprehensive Plan Policy FLU1.1.2 C.

Approval of this request does not authorize any direct or indirect conservation area impacts. 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.

The Normal High Water Elevation (NHWE) of Big Sand Lake was established at 89.03 feet NAVD 88 in the Lake Index of Orange County. Clearly label and indicate the NHWE contour of the lake on all plans or permit applications, in addition to any wetland, floodplain and setback Approval of this request does not grant permission for the construction or alteration of boat ramps, docks, observation piers, lakeshore vegetation, or seawalls on the lake. Any person desiring these types of structures or to perform shoreline alterations shall first apply for a permit from the Orange County EPD prior to commencement of such activities.

Big Sand Lake has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from the lake, this project shall be required to be a participant. Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The ecological assessment dated October 1, 2017, reported that no listed species were observed on site.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

**Transportation Planning Division**

**PROJECT SPECIFICS**

Parcel ID:	11-24-28-0000-00-010
Location:	10900 Turkey Lake Road; Generally located west of Turkey Lake Road, south of SR 528, east of Smith Bennett Road, and north of Central Florida Parkway
Acreage Gross:	52.04
Acreage Developable:	16.82
Request FLUM:	From: Planned Development-Timeshare/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O) To: Planned Development-Timeshare/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)
Request Zoning:	From: PD (Turkey Lake Condos PD) To: PD (Turkey Lake Condos PD)
Existing Development Yield:	Vacant/Former RV Park
Development Permitted Under Current FLUM:	Planned Development Timeshare/ Medium Density Residential/Hotel/ Office (PD-TS/MDR/Hotel/O) or 30 units per acre for Timeshare, 20 dwelling units per acre for Multi-family or 424 units, 60 units per acre for Hotel or 683,892 sq. ft. of Office on 18.985 net developable acres
Proposed Density/Intensity:	Planned Development Timeshare/ Medium-High Density Residential/Hotel/ Office (PD-TS/MHDR/Hotel/O) or 30 units per acre for Timeshare, up to 35 dwelling or 683,892 sq. ft. of Office on 16.82 net developable acres

**Future Roadway Network**

Road Agreements:	None
Planned and Programmed Roadway Improvements:	None
Right of Way Requirements:	None

**Summary**

Turkey Lake Condos is a Planned Development that is approved for timeshares, multifamily dwelling units, a hotel and office uses. As a result of a change in the acreage of the property from 18.985 to 16.82 net developable acres, the applicant is requesting a future land use map amendment to revise the maximum densities that will be allowed on the 16.82 acres. A use conversion matrix based on the maximum densities that can be achieved on the revised acreage has been provided and staff has reviewed and confirmed the conversion rated and maximum densities allowed. It is important to note that the uses or combination of uses shown in the use

matrix shall not exceed the 547 PM Peak hour trips reserved for this PD which was approved by the Board of County Commissioners in 2001. There is a Transportation Capacity Reservation Certificate #12-033 on file for this project expires on March 4, 2022 and the developer has paid a total of \$1,116,174.00 in capacity reservation fees for this development.

#### Orange County Public Schools

~~A Capacity Enhancement Agreement (CEA) is required for this project. Orange County Public Schools (OCPS) has not received a CEA application for this property.~~

On May 20, 2005, a letter (see Facilities Analysis tab of this report) was sent to Albert Hartog on behalf of Orange County Planning Division, stating the Turkey Lake Road Condos Planned Development was approved for a maximum of 620 multi-family units as part of the PD. "Thus the site is vested for this many units for school age population." Therefore, a Capacity Enhancement Agreement (CEA) is not needed based on this previous vesting determination.

### 3. Analysis – Rezoning

#### SPECIAL INFORMATION

##### Subject Property Analysis

The Turkey Lake Road Condos PD was originally approved as the Christian Life World PD in 1979 and through various amendments the PD now reflects its current name and is approved for a development program of 60 units per acre of hotel uses, 30 units per acre of timeshare, 0.50 Floor to Area Ratio (FAR) of office uses, and 20 units per acre of multi-family residential uses.

Through this PD Change Determination Request (CDR), the applicant is seeking to change the Future Land Use Map reference of PD Parcel 2 from Medium Density Residential (MDR) to Medium-High Density Residential (MHDR), modify the multi-family residential density calculation for PD Parcel 2 to reflect the FLUM change, and revise the side setback from 30 feet to 25 feet.

The associated FLUM amendment is occurring due to the increase of wetland acreage of PD Parcel 2 and the applicant's intent to retain the same number of potential multi-family units on this parcel. This request will not change the development program of this parcel.

A table illustrating the current and proposed development program for this property is shown below:

PD Parcel 2 (21.2 previously estimated upland acres, 16.82 upland acres today)				
Use	Approved Program	Maximum Units / SF	Proposed Program	Maximum Units / SF
Hotel	60 units / acre	1,272 units	60 units / acre	1,009 units
Timeshare	30 units / acre	636 units	30 units / acre	505 units
Office	0.50 FAR	461,736 SF	0.50 FAR	336,340 SF
Multi-Family Residential	20 du / acre	424 units	25.21 du / acre	424 units

**Comprehensive Plan (CP) Amendment**

The property has a proposed Future Land Use Map (FLUM) designation of Planned Development – Timeshare / Medium Density Residential / Hotel / Office (PD-TS/MDR/Hotel/O). If the concurrent CP amendment is adopted by the BCC, the proposed use will be consistent with this designation.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Overlay District Ordinance**

The subject property is not located within an Overlay District.

**Environmental**

Conservation Area Determination CAD-17-08-115 was approved and issued by the Orange County Environmental Protection Division on May 3, 2018. The CAD identified 35.22 acres of Class I wetlands and 0.64 acres of Class III wetlands, a total of 35.86 acres of wetlands. Less the wetland of the property, the property contains 16.81+/- acres of uplands.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland

of the buffer if adjacent to surface waters and if drainage is not diverted to treatment. Clearly show and label all protective measures in PSP/DP and permit applications.

Approval of this plan does not grant permission for the construction or alteration of boat ramps, docks, observation piers, lake shore vegetation, or seawalls on the lake. Any person desiring these types of structures or to perform shoreline alterations shall first apply for a permit from the Orange County EPD prior to commencement of such activities. Per BCC condition of approval #4 from May 22, 2001, no motorized watercrafts are permitted on Big Sand Lake.

Big Sand Lake has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from the lake, this project shall be required to be a participant.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The ecological assessment dated October 1, 2017 completed for parcel 2 reported that no listed species were observed onsite.

#### **Transportation / Concurrency**

The PD shall not exceed the 547 PM peak hour trips reserved and approved by the BCC in 2001.

#### **Code Enforcement**

There are no active code enforcement violations on the subject property.

## **4. Policy References**

- FLU1.1.2(C)** Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. In order to include new 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 permit from the Orange County Environmental Protection Division. (Added 8/92, Ord. 92-24; Amended 8/93, Ord. 93-19, Policy 1.1.11; Amended 6/10, Ord. 10-07)
- 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. (Obj. 3.2-r)
- 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.

- FLU2.2.15** Orange County shall support the location of greater residential densities near employment centers to improve the jobs/housing balance in the County.
- 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.
- OBJ FLU8.2** COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.
- 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 3.2.25)
- FLU8.2.2** Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted. (Policy 3.1.1)
- OBJ N1.1** Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.

Site Visit Photos



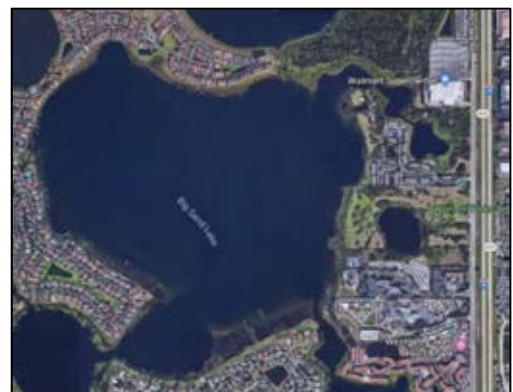
North – U.S. Post Office

South – Undeveloped



East – Turkey Lake Road and I-4

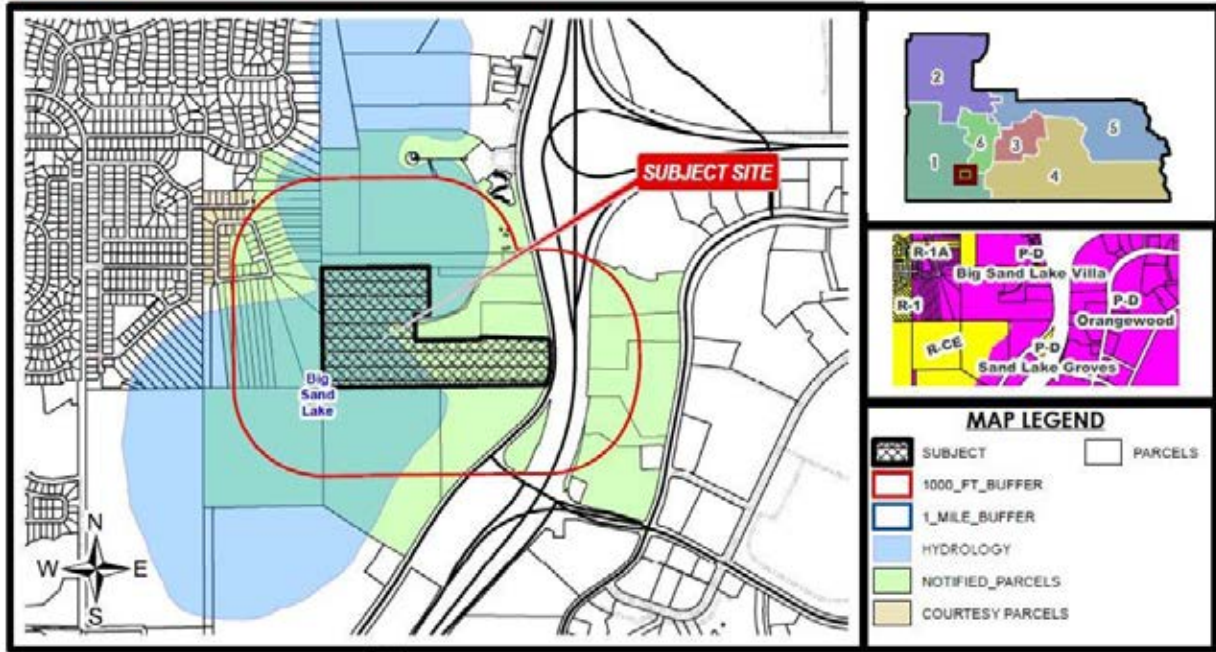
West – Big Sand Lake





# Public Notification Map

2018-2-A-1-7 Turkey Lake Condos  
1000 FT BUFFER, 116 NOTICES



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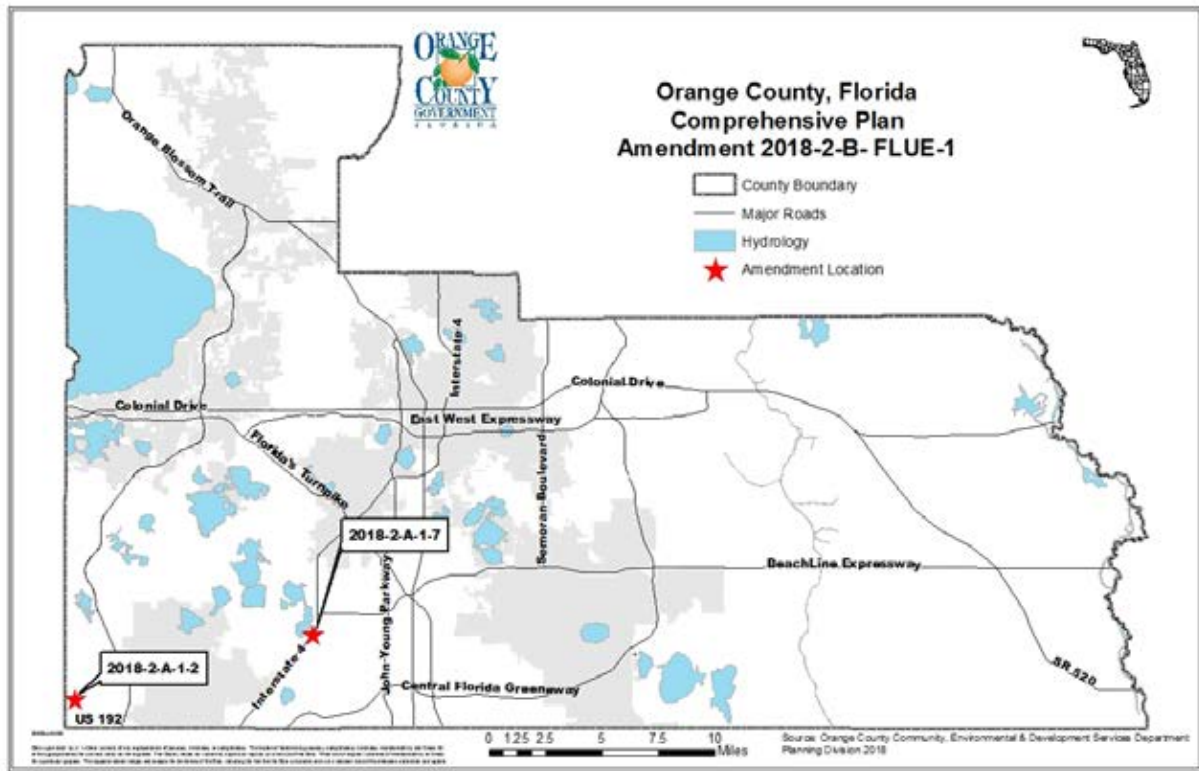
**Notification Area:**

1,000' buffer

116 notices sent







The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing	Outcome		Title:	Amendment 2108-2-B-FLUE-1
✓ Staff Report	Recommend Transmittal		Division:	Planning
✓ LPA Transmittal June 21, 2018	Recommend Transmittal (8-0)		Request:	Amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County
✓ BCC Transmittal July 10, 2018	Transmit (6-0)			
✓ State Agency Comments August 28, 2018.	No comments or concerns were identified			
✓ LPA Adoption October 18, 2019	Recommend Adoption (8-1)			
BCC Adoption	December 18, 2018		Revision:	FLU8.1.4

**Staff Recommendation**

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **ADOPTION** of Amendment 2018-2-B-FLUE-1 to include the development programs for Amendments 2018-2-A-1-2 and 2018-2-A-1-7 in Future Land Use Element Policy FLU8.1.4.

## A. Background

The Orange County Comprehensive Plan (CP) allows for a Future Land Use designation of Planned Development. While other Future Land Use designations define the maximum dwelling units per acre for residential land uses or the maximum floor area ratio (FAR) for non-residential land uses, this is not the case for the Planned Development (PD) designation. Policy FLU8.1.3 establishes the basis for PD designations such that “specific land use designations...may be approved on a site-specific basis”. Furthermore, “such specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use type and density/intensity.” Each comprehensive plan amendment involving a PD Future Land Use designation involves two amendments, the first to the Future Land Use Map and the second to Policy FLU8.1.4. The latter serves to record the amendment and the associated density/intensity established on a site-specific basis. Any change to the uses and/or density and intensity of approved uses for a PD Future Land Use designation requires an amendment of FLU8.1.4.

Staff is recommending the Board make a finding of consistency with the Comprehensive Plan and approval of Amendments 2018-2-A-1-2 and 2018-2-A-1-7; therefore, the development program for these amendments would be added to Policy FLU8.1.4. For specific references of consistency with the Comprehensive Plan, please refer to the staff report for each amendment.

## B. Policy Amendments

Following are the policy changes proposed by this amendment. The proposed changes are shown in underline/~~strikethrough~~ format. Staff recommends transmittal of the amendment.

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

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
<u>2018-2-A-1-2</u> <u>BB Groves</u>	<u>Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR)</u>	<u>500 single-family dwelling units (may be any combination of age-restricted, short-term rental, or market rate housing)</u>	<u>2018-</u>
<u>2018-2-A-1-7</u> <u>Turkey Lake Condos</u>	<u>Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)</u>	<u>One of the following uses: Up to 505 timeshare units, or up to 424 multi-family units, or up to 1,009 hotel rooms, or up to 366,340 square feet of office</u>	<u>2018-</u>



ORDINANCE NO. 2018-\_\_\_\_\_

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 2018 CALENDAR YEAR (SECOND 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 June 21, 2018, the Orange County Local Planning Agency (“LPA”) held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

d. On July 10, 2018, the Orange County Board of County Commissioners (“Board”) held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

30 e. On August 28, 2018, the Florida Department of Economic Opportunity (“DEO”)  
31 issued a letter to the County relating to the DEO’s review of the proposed amendments to the  
32 Comprehensive Plan, as described in this ordinance; and

33 f. On October 18, 2018, the LPA held a public hearing at which it reviewed and made  
34 recommendations regarding the adoption of the proposed amendments to the Comprehensive Plan,  
35 as described in this ordinance; and

36 g. On December 18, 2018, the Board held a public hearing on the adoption of the  
37 proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to  
38 adopt them.

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

41 **Section 3. Amendments to Future Land Use Map.** The Comprehensive Plan is  
42 hereby amended by amending the Future Land Use Map designations as described at **Appendix**  
43 **“A,”** attached hereto and incorporated herein.

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

49 \* \* \*

50 **[Amendment 2018-2-B-FLUE-1:]**

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

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<b>Amendment Number</b>	<b>Adopted FLUM Designation</b>	<b>Maximum Density/Intensity</b>	<b>Ordinance Number</b>
* * *	* * *	* * *	* * *
<u>2018-2-A-1-2</u> <u>BB Groves</u>	<u>Growth Center –</u> <u>Planned Development –</u> <u>Resort/Low-Medium</u> <u>Density Residential</u> <u>(GC-PD-R/LMDR)</u>	<u>500 single-family dwelling</u> <u>units (may be any combination</u> <u>of age-restricted, short-term</u> <u>rental, or market rate housing)</u>	<u>2018-</u> <u>[insert</u> <u>ordinance</u> <u>number]</u>
<u>2018-2-A-1-7</u> <u>Turkey Lake</u> <u>Condos</u>	<u>Planned Development –</u> <u>Time Share/Medium-</u> <u>High Density</u> <u>Residential/Hotel/Office</u> <u>(PD-TS/MHDR/</u> <u>HOTEL/O)</u>	<u>One of the following uses: Up</u> <u>to 505 timeshare units, or up to</u> <u>424 multi-family units, or up to</u> <u>1,009 hotel rooms, or up to</u> <u>366,340 square feet of office</u>	<u>2018-</u> <u>[insert</u> <u>ordinance</u> <u>number]</u>

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

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\* \* \*

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

61 (a) This ordinance shall become effective as provided by general law.

62 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment  
63 adopted under this ordinance becomes effective until 31 days after the DEO notifies the County  
64 that the plan amendment package is complete. However, if an amendment is timely challenged,  
65 the amendment shall not become effective until the DEO or the Administration Commission issues  
66 a final order determining the challenged amendment to be in compliance.

67 (c) No development orders, development permits, or land uses dependent on any of  
68 these amendments may be issued or commence before the amendments have become effective.

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ADOPTED THIS 18th DAY OF DECEMBER, 2018.

**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



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**APPENDIX “A”**  
**FUTURE LAND USE MAP AMENDMENTS**

<b>Appendix A*</b>		
<i>Privately Initiated Future Land Use Map Amendments</i>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
<b>2018-2-A-1-2</b>	<b>Growth Center/Resort/Planned Development (GC/R/PD)</b>	<b>Growth Center – Planned Development – Resort/Low-Medium Density Residential (GC-PD-R/LMDR)</b>
<b>2018-2-A-1-7</b>	<b>Planned Development – Time Share/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O)</b>	<b>Planned Development – Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)</b>
<b>*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.</b>		

123



## Community Meeting Memorandum

**DATE:** May 25, 2018  
**TO:** Alberto A. Vargas, MArch., Planning Manager  
**FROM:** Sue Watson, Planner  
**SUBJECT:** Amendment 2018-1-A-1-2 (Lake Austin) Community Meeting Synopsis  
**C:** Project File

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**Location of Project:** Generally described as located west of Avalon Road, and north and south of Grove Blossom Way

**Meeting Date and Location:** Thursday, May 24, 2018 at 6:00 PM at Independence Elementary School, 6255 New Independence Parkway, Winter Garden, FL 34787

**Attendance:**

District Commissioner	District 1 Commissioner Betsy VanderLey Diana Dethlefs, Commissioner's Aide, District 1
PZC/LPA Commissioner	District 1 Commissioner Jimmy Dunn
Orange County Staff	Sue Watson, Jennifer DuBois, and Alyssa Henriquez Planning Division Diana Almodovar, County Engineer, Public Works Department
Applicant	
Residents	Kathy Hattaway, Poulos & Bennett

103 notices sent; 3 residents in attendance

**Overview of Project:** The applicant, Kathy Hattaway, is requesting to change the Future Land Use Map (FLUM) designation of the 108.03-acre subject property from Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR). The applicant proposes a development program of up to 500 single-family residential dwelling units. (The units may be any combination of age-restricted, short-term rental, or market rate housing.) The property lies within the existing Lake Austin Planned Development with approval for 3,332 short-term rental units, 10,000 square feet of commercial uses, and 20,000 square feet of administration uses.

**Meeting Summary:** Planner Sue Watson opened the meeting at 6:14 PM and introduced District 1 Commissioner Betsy VanderLey, who provided the ground rules for the format of the community meeting. Ms. Watson then introduced District 1 Commissioner Aide, Diana Dethlefs, District 1 PZC/LPA Commissioner Jimmy Dunn, Jennifer DuBois and Alyssa Henriquez of the Orange County Planning Division, Diana Almodovar, County

Engineer, Orange Public Works Department, and the applicant, Ms. Kathy Hattaway. Ms. Watson informed the residents in attendance that the original request involved two requests - South Parcel: Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR) and North Parcel: Village (V) to Horizon West, Village I Special Planning Area (SPA) Greenbelt (GB), but the Orange County Planning Division's Senior Staff determined that the North Parcel Future Land Use Map Amendment request was not necessary. The applicant will just have to rezone the north parcels from A-2 (Farmland Rural District) to P-D (Planned Development District) and bring them into the existing Lake Austin Planned Development through a Land Use Plan Amendment. Ms. Watson stated that the applicant, Ms. Hattaway, agreed with Orange County Planning Division's Senior Staff decision. Ms. Watson provided an overview of the project and informed those in attendance that the applicant is seeking to change the future land use designation of the subject site from Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR). Staff summarized the Future Land Use Map Amendment process and the schedule for the LPA and BCC public hearings. Ms. Watson asked the citizens if they had any questions. There were no questions and staff turned the meeting over to the applicant, Kathy Hattaway.

Ms. Hattaway provided an overview of the proposal. She stated the Future Land Use Map Amendment request is to be able to construct a maximum of 500 single-family dwelling units. The units would consist of a combination of age-restricted, short-term rentals, and market rate housing. Ms. Hattaway stated that the proposed owner-occupied homes would comply with the Horizon West Architectural Design Standards. She stated access to the proposed units would be provided through Grove Blossom Way and through an internal road that will be provided to the north through Horizon West Village I because the same property owner owns both properties. Ms. Hattaway stated that a Capacity Enhancement Agreement (CEA) is required from the Orange County School Board for the owner-occupied homes. Ms. Hattaway also stated that a Conservation Area Determination (CAD) was previously done for the property but it has expired a new one has been submitted to the Orange County Environmental Protection Division. Ms. Hattaway informed the residents in attendance that she could not tell them the specific number of unit types at this time but they will be determined when the PD package is submitted after the BCC transmittal public hearing. She also informed the residents that the North Parcels that were part of the original request would be used for stormwater ponds. Ms. Hattaway asked if there were any questions.

#### **Questions and Comments from area residents:**

Question: Why change from short-term rentals and the existing uses?

Answer: Ms. Hattaway stated the new property owner has a different business model.

Question: County Engineer, Ms. Diana Almodovar, asked what is happening in Lake County, west of the subject property.

Answer: Ms. Hattaway stated that a Planned Development, Summer Bay P.U.D, and agricultural uses are located to the west of the subject property.

Comment: Ms. Almodovar stated that County will have to request right-of-way dedication for Grove Blossom Way.

Question: Mr. David Hume, Grove Resort representative asked if the proposed project warrants signalization at Avalon Road and Grove Blossom Way.

Question: Ms. Almodovar stated a traffic study paid for by the property owner would need to be done by the Orange County Traffic Engineering Division, but as it stands today, the proposed development does not warrant signalization.

Question: Mr. Hume stated that previously the Grove Resort showed an east-west internal street connection to the proposed property and he wanted to know if the internal road would still be built.

Answer: Ms. Hattaway stated the property owner does not have any need for the connection.

Comment: Ms. Hattaway stated that the proposed neighborhoods within the PD would have to be separated from each other—short-term rentals and market rate homes. The uses could not be mixed with each other.

Comment: Ms. Hattaway stated she was asking for Low-Medium Density Residential (LMDR) to limit the request to about five (5) units per acre and that they did not want to build at the maximum of ten (10) units per acre.

Question: What is age-restricted and what is short-term rentals?

Answer: Ms. Hattaway informed the resident that age-restricted is 55+ and short-term rentals can be rented for less than 180 days.

Comment: Commissioner VanderLey stated that the County is watching the City of Orlando's Airbnb Ordinance. The County wants to see how it is working before they draft their own.

The meeting concluded at approximately 6:44 PM.



## Community Meeting Memorandum

**DATE:** May 6, 2018  
**TO:** Greg Golgowski, Chief Planner  
**FROM:** Misty Mills, Planner II  
**SUBJECT:** Amendment 2017-2-A-1-7 – Community Meeting Notes  
**C:** Project file

---

**Location of Project:** 10900 Turkey Lake Road; Generally located south of Sand Lake Reserve Drive, east of Big Sand Lake, west of Turkey Lake Road.

**Meeting Date and Location:** Thursday, May 10, 2018 Bay Meadows Elementary School

**Attendance:**

District Commissioner	Commissioner Betsy VanderLey
	Amy Berman Assistant to Commissioner VanderLey
Orange County staff	Misty Mills and Gregory Golgowski, Planning Division
Applicant team	Momtaz Barq, P.E. (applicant) and Jonathan Huels
Residents	116 notices sent; 30 residents in attendance

**Overview of Project:** The applicant has requested to amend the Future Land Use designation of the 52.04- gross acre/16.82 net acre site. The petitioned site is currently undeveloped. The request is to amend the future and use map designation from **Planned Development Timeshare/ Medium Density Residential/Hotel/ Office (PD-TS/MDR/Hotel/O)** to **Planned Development Timeshare/ Medium-High Density Residential/ Hotel/ Office (PD-TS/MHDR /Hotel/O)**. The applicant is proposing to construct 424 multi-family residences as part of the Turkey Lake Road Condos Planned Development.

**Meeting Summary:** Mrs. Mills provided an overview of the future land use amendment process. She noted that the first public hearing is scheduled for Thursday, June 21, 2018, in the Council Chambers. Jonathan Huels, explained that proposal to change the future land use designation from Planned Development Timeshare/ Medium Density Residential/Hotel/ Office (PD-TS/MDR/Hotel/O) to Planned Development Timeshare/ Medium-High Density Residential/ Hotel/ Office (PD-TS/MHDR/Hotel/O) to allow the an increased in the approved density on the subject site. He explained the entitlements on the site that were approved in 2001. He noted that from the time of approval until the 2017 Conservation Area Determination the petitioned site decreased by 2.98 acres. Due to the decrease in net developable acres the agent explained, the applicant would impact the conservation area to recapture the wetlands or could change the density to recapture what was lost.

Approximately 30 residents were in attendance. The residents inquired about a number of

items including: passage of time from approval and loss of developable acreage, the market for apartments in the area, water rights, impacts to schools, traffic on Turkey Lake Road, traffic noise, and I-4 Ultimate.

One resident expressed opposition to the request, explaining that the property has been owned since 2005 and has had twelve years to build and had the time to construct to building. There were questions about water rights to Big Sand Lake. Mr. Huels stated that this was not part of the application and would be a separate request, and could not give an answer to if the applicant would request water rights.

The primary concern was traffic on Turkey Lake Road. Diana Almodovar, Manager for Development Engineering, Public Works, explained that the applicant submitted a traffic study that will demonstrate the needs and impacts within one (1) mile from the project. The agent explained that impacts from the project were determined in 2001 and that they have entitlements in place and impact fees have been paid.

The District Commissioner concluded the open question and answer session at 6:45 and allowed those in attendance to ask individual questions until the meeting concluded at 7:00.

The meeting adjourned at 7:00 p.m. The overall tone of the meeting was **neutral**.

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

August 28, 2018

The Honorable Teresa Jacobs  
Mayor, Orange County  
201 South Rosalind Avenue, 5th Floor  
Orlando, Florida 32801

Dear Mayor Jacobs:

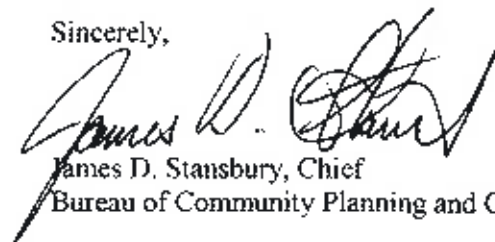
The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Orange County (Amendment No. 18-5ESR), which was received on July 31, 2018. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

We appreciate the opportunity to work with the County's staff in the review of the amendment. If you have any questions concerning this review, please contact Jennie Leigh Copps, at (850) 717-8534, or by email at [jennie.copps@deo.myflorida.com](mailto:jennie.copps@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JS/jle

Enclosure(s): Procedures for Adoption

cc: Alberto A. Vargas, MArch., Manager, Orange County Planning Division  
Hugh W. Harling, Jr., P.E., Executive Director, East Central Florida Regional Planning Council

Florida Department of Economic Opportunity | Caldwell Building | 207 E. Hall Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.



**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, in color format, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

**Suggested effective date language for the adoption ordinance for expedited review:**

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective. "

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Rick Scott  
GOVERNOR



Cissy Proctor  
EXECUTIVE DIRECTOR

July 31, 2018

**RECEIVED**  
**AUG 03 2018**  
**Planning Manager**

Mr. Alberto A. Vargas, MArch, Manager  
Orange County Planning Division  
201 South Rosalind Avenue, 2<sup>nd</sup> Floor  
Post Office Box 1393  
Orlando, Florida 32802-1393

Dear Mr. Vargas, MArch:

Thank you for submitting the Orange County's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Orange County 18-5ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than **August 30, 2018**.

If you have any questions please contact Anita Franklin, Plan Processor at (850) 717-8486 or Kelly Corvin, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8503.

Sincerely,

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

**MEMORANDUM**

**TO:** Florida Department of Environmental Protection  
Florida Department of Education  
Florida Department of State  
Florida Department of Transportation District 5  
East Central Florida Regional Planning Council  
St Johns River Water Management  
South Florida Water Management District  
Florida Fish and Wildlife Conservation Commission  
Florida Department of Agriculture and Consumer Services

**DATE:** July 31, 2018

**SUBJECT:** COMMENTS FOR PROPOSED EXPEDITED STATE REVIEW PLAN AMENDMENT

**LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #: ORANGE CO 18-05ER**

**STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: Kelly Corvin/(850)717-8503**

The referenced proposed comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment directly to your agency. See attached transmittal letter. Be sure to contact the local government if you have not received the amendment. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.facebook.com/FLOED](https://www.facebook.com/FLOED)

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RECEIVED  
Div. of Economic Opportunity  
JUL 31 2018  
Div. of Economic Opportunity  
LOCAL PLANNING AGENCY

July 24, 2018

Mr. Ray Eubanks, Plan Processing Administrator  
Florida Department of Economic Opportunity (DEO)  
State Land Planning Agency  
Caldwell Building  
107 East Madison – MSC 160  
Tallahassee, Florida 32399

**Re: Orange County Transmittal of the 2018-2 Regular Cycle State-Expedited Review Comprehensive Plan Amendments**

Dear Mr. Eubanks:

The Orange County Board of County Commissioners (BCC) is pleased to transmit to the Florida Department of Economic Opportunity (DEO) this 2018-2 transmittal packet, which consists of Regular Cycle – State-Expedited Review amendments to the Orange County 2010-2030 Comprehensive Plan. This is the second amendment package of the calendar year 2018 and therefore is referred to as 2018-2 for Orange County filing purposes. Transmittal public hearings for these amendments were held on June 21, 2018, and July 10, 2018, before the Local Planning Agency (LPA) and BCC, respectively. One paper and two electronic copies (CD) of the proposed amendments are enclosed.

**Regular Cycle Amendments**

Per 163.3184(3), Florida Statutes, please note the following:

The Regular Cycle – State-Expedited Review amendments included seven privately-initiated Future Land Use Map amendments, one privately-initiated text amendment, and two staff-initiated map and/or text amendments. All of the proposed amendments were on a regular agenda.

**Privately-Initiated Map Amendments**

- |              |  |
|--------------|--|
| 2018-2-A-1-1 | Kathy Hattaway, Poulos & Bennett, LLC, for Daniel A. and Susan Berry/Thistledown Farm, Inc.<br>Village (V) to Horizon West, Village of Bridgewater Special Planning Area (SPA)                             |
| 2018-2-A-1-2 | Kathy Hattaway, Poulos & Bennett, LLC, for BB Groves, LLC<br>Growth Center/ Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR) |
| 2018-2-A-1-3 | Miranda F. Fitzgerald, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A., for Fairwinds Credit Union<br>Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR)                           |
| 2018-2-A-1-4 | Miranda F. Fitzgerald, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A., for Kerina Wildwood, Inc., Kerina Village, Inc., Kerina Inc., and Kerina Parkside Master, Inc.                                |

- Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R) to Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)
- 2018-2-A-1-6 VHB, Inc., for Daryl M. Carter Trustee and Carter-Orange 105 Sand Lake Land Trust  
 Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)
- 2018-2-A-1-7 Momtaz Barq, P.E., Terra-Max Engineering, Inc., for Macomb Oakland Sand Lake, LLC  
 Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O) to Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)
- 2018-2-A-5-1 Julie Salvo, AICP, Orange County Public Schools, for Hamilton, LLC  
 Rural/Agricultural (R) to Educational (EDU)

**Privately-Initiated Text Amendment**

- 2018-2-P-1-5 Marc Skorman for Audrey L. Arnold Revocable Trust, Audrey L. Arnold and James P. Arnold Life Estate, Ron Marlow and Kathy Darlene Marlow, and Billy Kenneth Williams, and Lynn A. Williams  
 Text amendment to proposed Future Land Use Element Policy FLU2.5.5 and creating Policy FLU2.5.5.1 related to the proposed Lake Mabel Rural Residential Enclave

**Staff-Initiated Amendments**

- 2018-2-B-FLUE-1 Text amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County
- 2018-2-B-FLUE-2 Text amendment to the Horizon West Village policies for perimeter remnant parcels

Orange County certifies that the proposed amendments, including associated data and analysis and all supporting documents, have been submitted to the parties listed below simultaneously with submittal to DEO, pursuant to 163.3184(3)(b)2, Florida Statutes. The amendment package is available for public inspection at the Orange County Planning Division as well as online at:

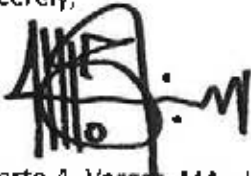
<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning> or [www.tinyurl.com/OCCompPlan](http://www.tinyurl.com/OCCompPlan)

Agency	Contact
Department of Agriculture and Consumer Services	Comprehensive Plan Review
Department of Education	Tracy D. Suber, Education Consultant-Growth Management Liaison
Department of Environmental Protection	Suzanne E. Ray
Department of State	Deena Woodward, Historic Preservation Planner

Florida Fish and Wildlife Conservation Commission Governor's Office of Tourism, Trade, and Economic Development Department of Transportation, District Five	Scott Sanders Sherri Martin, Sr. Analyst  Heather S. Garcia, Planning & Corridor Development Manager
East Central Florida Regional Planning Council St. Johns River Water Management District South Florida Water Management District	Andrew Landis, Regional Planner Steven Fitzgibbons, Intergovernmental Planner Terry Manning, AICP, Policy and Planning Analyst

We look forward to working with DEO staff during your review of the amendment packet. If you have any questions, please contact Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at 407.836.5624 or via email at [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

Sincerely,



Alberto A. Vargas, MArch., Manager  
Orange County Planning Division

AAV/GG/tlp

enc: 2018-2 Regular Cycle State-Expedited Review Amendments DEO Transmittal Binder

c w/enclosures: Chris Testerman, AICP, Assistant County Administrator  
Jon V. Weiss, P.E., Director, Community, Environmental, and Development Services Dept.  
Joel Prinsell, Deputy County Attorney  
Roberta Alfonso, Assistant County Attorney  
John Smogor, Planning Administrator, Planning Division  
Gregory Golgowski, Chief Planner, Planning Division  
Sue Watson, Planner II, Planning Division

## Watson, Sue

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**From:** Gologowski, Gregory F  
**Sent:** Monday, August 27, 2018 4:19 PM  
**To:** Watson, Sue; Mills, Misty D  
**Subject:** FW: Orange County, DEO #18-5ESR Comments on Proposed Comprehensive Plan Amendment Package

---

**From:** Oblaczynski, Deborah <doblaczy@sfwmd.gov>  
**Sent:** Monday, August 27, 2018 3:04 PM  
**To:** Vargas, Alberto A <Alberto.Vargas@ocfl.net>  
**Cc:** Gologowski, Gregory F <Gregory.Gologowski@ocfl.net>; Corvin, Kelly D. <Kelly.Corvin@deo.myflorida.com>; Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com) <DCPexternalagencycomments@deo.myflorida.com>; Steve Fitzgibbons (SFitzgibbons@sjrwmd.com) <SFitzgibbons@sjrwmd.com>; Hugh Harling Jr. (hharling@ecfrpc.org) <hharling@ecfrpc.org>  
**Subject:** Orange County, DEO #18-5ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. Vargas:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Orange County (County). The amendment package includes seven map and text amendments to the Comprehensive Plan. The County is within the boundaries of both the District and the St. Johns River Water Management District with whom we have coordinated our review. The St. Johns River Water Management District has provided their comments in a separate response. The proposed changes do not appear to adversely impact the water resources within the South Florida Water Management District; therefore, the District has no comments on the proposed amendment package. However, the District offers the following technical guidance comment regarding wetlands and surface waters:

- The proposed amendments indicate a potential for impacts to wetlands and groundwater recharge. The proposed changes may increase surface or groundwater withdrawals. Environmental Resource Permits from the District will be required for amendments 2108-2-A-1-2 Lake Austin, 2018-2-A-1-3 World Resort, 2018-2-A-1-4 Kerina Parkside; 2018-2-A-1-6 Hannah Smith; and 2018-2-A-1-7 Turkey Lake Road Condos. The applicants for development of the subject properties will need to demonstrate that the criteria in the Environmental Resource Permit Applicant's Handbook Volumes I & II, including reduction and elimination of wetland impacts, will be met. Pre-application meetings with District regulatory staff is encouraged to identify issues early in the permitting process.

The District offers its technical assistance to the County in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski  
Policy & Planning Analyst  
Water Supply Implementation Unit  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406

(561) 682-2544 or [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)



## Watson, Sue

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**From:** Golgowski, Gregory F  
**Sent:** Wednesday, September 05, 2018 2:27 PM  
**To:** Watson, Sue  
**Subject:** FW: Orange County 18-5ESR Proposed

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**From:** Plan\_Review <Plan.Review@dep.state.fl.us>  
**Sent:** Thursday, August 30, 2018 9:05 AM  
**To:** Golgowski, Gregory F <Gregory.Golgowski@ocfl.net>; DCPexternalagencycomments@deo.myflorida.com  
**Cc:** Plan\_Review <Plan.Review@dep.state.fl.us>  
**Subject:** Orange County 18-5ESR Proposed

To: Greg Golgowski, Chief Planner

Re: Orange County 18-5ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to [plan.review@dep.state.fl.us](mailto:plan.review@dep.state.fl.us). If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



## Watson, Sue

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**From:** Golgowski, Gregory F  
**Sent:** Thursday, August 23, 2018 4:07 PM  
**To:** Watson, Sue  
**Subject:** FW: Orange County proposed comprehensive plan amendment 18-5ESR

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**From:** Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>  
**Sent:** Thursday, August 23, 2018 3:18 PM  
**To:** Vargas, Alberto A <Alberto.Vargas@ocfl.net>; Golgowski, Gregory F <Gregory.Golgowski@ocfl.net>  
**Cc:** DCPexternalagencycomments <DCPexternalagencycomments@deo.myflorida.com>; Oblaczynski, Deborah <doblaczy@sfwmd.gov>  
**Subject:** Orange County proposed comprehensive plan amendment 18-5ESR

Dear Mr. Vargas ,

St. Johns River Water Management District (District) staff have reviewed Orange County proposed comprehensive plan amendment 18-5ESR in accordance with the provisions of Chapter 163, *Florida Statutes*. Based on review of the submitted materials, District staff have no comments on the proposed amendment. If you have any questions or need additional information, please contact me.

Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at [sfitzgibbons@sjrwmd.com](mailto:sfitzgibbons@sjrwmd.com).

Sincerely,  
Steve Fitzgibbons

Steven Fitzgibbons, AICP  
Intergovernmental Planner  
Governmental Affairs Program  
St. Johns River Water Management District  
7775 Baymeadows Way, Suite 102  
Jacksonville, FL 32256  
Office (386) 312-2369  
E-mail: [sfitzgibbons@sjrwmd.com](mailto:sfitzgibbons@sjrwmd.com)  
Website: [www.sjrwmd.com](http://www.sjrwmd.com)  
Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



[www.sjrwmd.com/epermitting](http://www.sjrwmd.com/epermitting)

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

### Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an

expectation of confidentiality or privacy.

- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>



**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: May 3, 2018

To: Nicolas Thalmueller, Planner  
Orange County Planning Division

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

Subject: Facilities Analysis and Capacity Report 2018-2 Regular Cycle Amendments  
Development Comprehensive Plan Amendments – Fire Rescue Summary

Amendment #	OC Fire Station First Due	Distance from Fire Station	Emergency Response Time
2018-2-A-1-1	34	1.7 miles	3 min
2018-2-A-1-2	32	3.3 miles	7 min
2018-2-A-1-3*	56	3.0 miles	3 min
2018-2-A-1-4*	36	2.3 miles	6 min
2018-2-A-1-5	35	2.8 miles	5 min
2018-2-A-1-6	36	2.2 miles	6 min
2018-2-A-1-7	54	1.4 miles	6 min
2018-2-S-5-1 (new)	82	3.0 miles	9 min

\*Amended – no change for Fire

Please contact our office if you have any questions or need additional information.

BKM



*Sheriff Jerry L. Demings*

# ORANGE COUNTY SHERIFF'S OFFICE

## INTEROFFICE MEMORANDUM

May 8, 2018

TO: Nicholas M. Thalmueller  
Orange County Planning Division

FROM: Daniel Divine, Manager  
Research & Development

SUBJECT: 2018-2 Regular Cycle Comprehensive Policy Plan Amendments (CPPA)

As requested, we have reviewed the impact of the existing and proposed development scenarios related to the 2018-2 Regular Cycle Comprehensive Policy Plan Amendments (CPPA). Based on the existing and proposed development scenarios, the Sheriff's Office staffing needs for existing are 0.01 deputies and 0.01 support personnel and proposed are 12.42 deputies and 5.64 support personnel to provide the standard level of service (LOS) to these developments.

**Comprehensive Policy Plan Amendment 2018-2-A-5-1** consists of proposed high school practice fields. This proposed development is in Sheriff's Office Patrol Sector Two. Sector Two is located in the eastern portion of Orange County and is approximately 404.632 square miles, our largest sector geographically. In 2017 Sector Two had 273,502 calls for service. In 2017 the average response times to these calls were 00:20:34 minutes Code 1; 00:32:40 minutes Code 2; and 00:06:47 minutes Code 3.

**Comprehensive Policy Plan Amendment 2018-2-A-1-1** is a proposed single family dwelling unit, **2018-2-A-1-4** is a proposed development consisting of single and multi family dwellings, senior living units, commercial and office uses, **2018-2-A-1-5** is a proposed assisted living facility, **2018-2-A-1-6** is a proposed residential and commercial use development, and **2018-2-A-1-7** is a proposed mixed use development of timeshare, residential and office units. These developments are located within Sector Three. Sector Three is situated in mid-western portion of Orange County and is approximately 82.934 square miles. In 2017 Sector Three received 186,180 calls for service. In 2017 the average response times to these calls were 00:19:57 minutes for Code 1; 00:31:36 minutes for Code 2; and 00:07:17 minutes for Code 3.

**Comprehensive Policy Plan amendment #2018-2-A-1-3** comprises proposed multi-family dwelling units located in Sector Five. Sector Five is situated in the Southwestern portion of Orange County and is approximately 22.664 square miles. In 2017 Sector Five had 130,323 calls for service. In 2017 the average response times to these calls were 00:10:35 minutes for Code 1; 00:12:32 minutes Code 2; and 00:04:18 minutes Code 3.

Mr. Nicholas Thalmueller  
May 8, 2018  
Page 2

**Comprehensive Policy Plan amendment 2018-2-A-1-2** is a proposed single family dwelling use development located in Sector Six. Sector Six is located in the Southern portion of Orange County and is approximately 31.233 square miles. The Cities of Bay Lake and Lake Buena Vista are within this sector. In 2017 Sector Six had 97,087 calls for service. In 2017 the average response times to these calls were 00:09:36 minutes for Code 1; 00:14:14 minutes Code 2; and 00:06:27 minutes Code 3.

The Orange County Sheriff's Office measures service requirements based on the number of calls for service generated and the number of staff needed to respond to those calls. All development generates impact, but at varying levels. In the 2017 update to the Law Enforcement Impact Fee Ordinance, the Sheriff's Office Level of Service was 278 calls for service per sworn officer per year. Support personnel are calculated by applying 45.4% to the sworn officer requirement. The 'formula' is *land use x unit of development x calls per unit divided by 278 = number of deputies required for that development. The 'formula' for the number of support personnel required is the number of deputies \* 45.4 percent.* These calculations are obtained from Orange County's Law Enforcement Impact Fee Study and Ordinance.

We have attached reports based on the existing and proposed development scenarios which show staffing needs. Impact fees address capital cost only. All other costs must be requested from the Board of County Commissioners including salaries and benefits.

As stated before, all new development creates new calls for service, which in turn creates a need for new additional manpower and equipment. If calls for service increase without a comparable increase in manpower our response times are likely to increase.

If you wish to discuss this information, please contact me or Belinda Atkins at 407 254-7470.



D.P.D.

DPD/bga

Attachments

c: Undersheriff Rey Rivero, Chief Deputy Nancy Brown, Chief Deputy Larry Zwieg, Major Angelo Nieves, Major Rick Meli, Captain Paul Yoast, CALEA 15.1.3



**Interoffice Memorandum**

Date: May 11, 2018

To: Alberto A. Vargas, MArch, Manager  
Orange County Planning Division

From: J. Andres Salcedo, P.E., Assistant Director  
Utilities Engineering Division

*J. Andres Salcedo  
5/11/18*

**Subject: Facilities Analysis and Capacity Report  
2018-2 Regular Cycle Comprehensive Plan Amendments**

Orange County Utilities (OCU) staff reviewed the proposed development programs as submitted by the Planning Division and have concluded improvements to the County's water and wastewater treatment plants are not required to provide an adequate level of service consistent with the Comprehensive Plan's Potable Water, Wastewater and Reclaimed Water Element for those properties within OCU's service area. The Comprehensive Plan includes a 10-Year Water Supply Facilities Work Plan addressing the needs of our service area. Supporting documentation is provided in the attached Potable Water and Wastewater Facilities Analysis table.

As of today OCU has sufficient plant capacity to serve the subject amendments. This capacity is available to projects within OCU's service area and will be reserved upon payment of capital charges in accordance with County resolutions and ordinances. Transmission system capacity will be evaluated at the time of Master Utility Plan review and permitting, or at the request of the applicant.

OCU's groundwater allocation is regulated by its consumptive use permits (CUP). OCU is working toward alternative water supply (AWS) sources and agreements with third party water providers to meet the future water demands within our service area. While OCU cannot guarantee capacity to any project beyond its permitted capacity, we will continue to pursue the extension of the CUP and the incorporation of AWS and other water resources sufficient to provide service capacity to projects within the service area.

If you need additional information, please contact me or Lindy Wolfe at 407 254-9918.

- cc: Raymond E. Hanson, P.E., Director, Utilities Department
- Teresa Remudo-Fries, P.E., Deputy Director, Utilities Department
- Lindy Wolfe, P.E., Assistant Manager, Utilities Engineering Division *LW 5/8/18*
- Laura Tatro, P.E., Senior Engineer, Utilities Engineering Division *LT 5/8/18*
- Gregory Gologowski, Chief Planner, Planning Division
- Nicolas Thalmueller, Planner, Planning Division
- File: 37586; 2018-2 Regular Cycle

**Potable Water and Wastewater Facilities Analysis for 2018-2 Regular Cycle Comprehensive Policy Plan Amendments**

Amendment Number	Parcel ID	Service Type and Provider	Main Size and General Location	Proposed Land Use	Maximum Density, Dwelling Units	Maximum Density, Hotel Rooms	Maximum Density Non-residential SF	PW Demand (MGD)	WW Demand (MGD)	Available PW Capacity (MGD)	Available WW Capacity (MGD)	Reclaimed Water Required for Irrigation	OCU Service Area
2018-2-A-1-1 (Tilden Road)	10-23-27-0000-00-033 (portion of) and 10-23-27-0000-00-034 (portion of)	PW: City of Winter Garden/Orange County Utilities* WW: City of Winter Garden/Orange County Utilities* RW: City of Winter Garden/Orange County Utilities*	PW: Contact City of Winter Garden/See notes** WW: Contact City of Winter Garden/See notes** RW: Contact City of Winter Garden/See notes**	Village (V) (Village of Bridgewater)	161	0	0	0.044	0.036	0.044	0.036	Yes	West
2018-2-A-1-2 (Lake Austin)	30-24-27-0000-00-003 (portion of) and 31-24-27-0000-00-036	PW: Orange County Utilities* WW: Orange County Utilities* RW: Orange County Utilities*	PW: 24-inch watermain in Grove Blossom Way right-of-way WW: 15-inch gravity sewer in Grove Blossom Way right-of-way RW: 12-inch reclaimed water main in Grove Blossom Way right-of-way	South Parcel: Growth Center/Resort/Low-Medium Density Residential/Planned Development (GC/R/LMDR/PD); North Parcel: Horizon West, Village I Special Planning Area (SPA)-Greenbelt (GB)	500	0	0	0.138	0.113	0.138	0.113	Yes	South
2018-2-A-1-3 (World Resort)	35-24-28-5844-00-732/741/870	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: See notes** WW: See notes** RW: See notes**	Activity Center Residential (ACR)	650	0	0	0.179	0.146	0.179	0.146	Yes	South
2018-2-A-1-4 (Kerina Parkside)	10-24-28-0000-00-005/053, 10-24-28-6670-11-000, and 15-24-28-5844-00-050/071/130/142/211	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: See notes** WW: See notes** RW: See notes**	Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)	1,000	0	150,000	0.289	0.236	0.289	0.236	Yes	South
2018-2-P-1-5 (Arnold Groves Senior Living)	32-23-28-0000-00-003; 32-23-28-0000-00-006; 32-23-28-0000-00-005; and 32-23-28-0000-00-001	PW: Orange County Utilities* WW: Orange County Utilities* RW: Orange County Utilities*	PW: 24-inch watermain in Winter Garden Vineland Road right-of-way WW: 16-inch forcemain in Winter Garden Vineland Road right-of-way RW: 16-inch reclaimed water main in Winter Garden Vineland Road right-of-way	Rural Hamlet	30	0	121,193	0.019	0.016	0.019	0.016	Yes	South
2018-2-A-1-6 (Hannah Smith)	11-24-28-0000-00-020, 14-24-28-0000-00-012/018, 14-24-28-1242-60-000/66-000/66-001, and 15-24-28-7774-00-023/024	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: See notes** WW: See notes** RW: See notes**	Planned Development-Commercial/Medium Density Residential (PD-C/MDR)	1,800	0	415,142	0.533	0.436	0.533	0.436	Yes	South
2018-2-A-1-7 (Turkey Lake Road Condos)	11-24-28-0000-00-010	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 10-inch and 12-inch watermain within the Turkey Lake Road right-of-way WW: 20-inch force main within the Turkey Lake Road right-of-way RW: 16-inch reclaimed water main within the Turkey Lake Road right-of-way	Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)	424	0	683,892	0.179	0.147	0.179	0.147	Yes	South
2018-2-A-5-1 (East River High School)	20-22-32-0000-00-003	PW: Orange County Utilities* WW: Orange County Utilities* RW: Not Currently Available*	PW: 16-inch watermain within East River Falcons Way right-of-way WW: 4-inch forcemain within East River Falcons Way right-of-way RW: Not currently available	Educational (EDU)	0	0	0	0.000	0.000	0.000	0.000	No	East

**NOTES:**

No plant improvements are needed to maintain LOS standards. This evaluation pertains solely to water and wastewater treatment plants. Connection points and transmission system capacity will be evaluated at the time of Master Utility Plan review and permitting, or at the request of the applicant.

\*The site is outside the Urban Service Area, but water and wastewater mains are located in the vicinity of the site. If the Urban Service Area boundary is expanded to encompass this site, or if the extension of water and wastewater mains outside the Urban Service Area to serve this site is already compatible with Policies PW1.4.2, PW1.5.2, and the equivalent wastewater policies, water and wastewater demands and connection points to existing OCU transmission systems will be addressed as the project proceeds through the DRC and construction permitting process.

\*\*2018-2-A-1-1, 2018-2-A-1-3, 2018-2-A-1-4, 2018-2-A-1-6: Water, wastewater, and reclaimed water demands and connection points for the land within OCU's service area will be addressed as the project proceeds through the DRC and construction permitting processes. The property included in 2018-2-A-1-1 is divided between City of Winter Garden's utility service area and Orange County Utilities' utility service area.

Abbreviations: PW - Potable Water; WW - Wastewater; RW - Reclaimed Water; WM - Water Main; FM - Force Main; GM - Gravity Main; MUP - Master Utility Plan; TBD - To be determined as the project progresses through Development Review Committee, MUP and permitting reviews; TWA - Toho Water Authority; RCID - Reedy Creek Improvement District



**Appendix 2:**  
**Environmental Assessment Report**  
**Bio-Tech Consulting, Inc.**  
**February 2018**



February 14, 2018

Sean Ells

**Columnar Holdings**

283 Cranes Roost Boulevard, Suite 1806  
Altamonte, Florida 32701

**Proj: Ayers Parcels – Orange County, Florida**  
**Sections 30 & 31, Township 24 South, Range 27 East**  
**(BTC File #337-21)**

**Re: Environmental Assessment Report**

Dear Mr. Ells:

During November and December of 2017, Bio-Tech Consulting, Inc. (BTC) conducted an environmental assessment of the approximately 273.73-acre Ayers Parcels project site. This site is located on the west side of Avalon Road, just north of U.S. Hwy 192 and east of the Lake-Orange County Line; within Sections 30 & 31, Township 24 South, Range 27 East in Orange County, Florida (Figures 1, 2 & 3). This environmental assessment included the following elements:

- Review of soil types mapped within the site boundaries;
- Evaluation of land use types/vegetative communities present;
- Field review for occurrence of protected flora and fauna; and,
- Delineation of on-site wetland communities.

**SOILS**

According to the Soil Survey of Orange County, Florida, prepared by the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), eight (8) soil types exist within the subject property (Figure 4). These soil types include the following:

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

Aquatic & Land  
Management Operations  
3825 Rouse Road  
Orlando, FL 32817

407.894.5969  
877.894.5969  
407.894.5970 fax

- **Archbold fine sand, 0 to 5 percent slopes (#2)**
- **Basinger fine sand, depressional (#3)**
- **Candler fine sand, 0 to 5 percent slopes (#4)**
- **Immokalee fine sand (#20)**
- **Pomello fine sand, 0 to 5 percent slopes (#34)**
- **Sanibel muck (#42)**
- **Tavares fine sand, 0 to 5 percent slopes (#46)**
- **Tavares - Millhopper fine sands, 0 to 5 percent slopes (#47)**

The following presents a brief description of each of the soil types mapped for the subject site:

**Archbold fine sand, 0 to 5 percent slopes (#2)** is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the flatwoods. The surface layer of this soil type generally consists of dark gray fine sand about 2 inches thick. In most years, the seasonal high water table for this soil type is at a depth of 42 to 60 inches for about 6 months and recedes to a depth of 60 to 80 inches for the rest of the year. It is at a depth of 24 to 40 inches for about 1 month to 4 months during wet periods. Permeability of this soil type is very rapid throughout.

**Basinger fine sand, depressional (#3)** is a nearly level, very poorly drained soil found in shallow depressions and sloughs and along edges of freshwater marshes and swamps. The surface layer of this soil type generally consists of black fine sand about 7 inches thick. The water table for this soil type is above the surface for 6 to 9 months or more each year and is within 12 inches of the surface for the rest of the year. Permeability of this soil type is rapid throughout.

**Candler fine sand, 0 to 5 percent slopes (#4)** is a nearly level to gently sloping, excessively drained soil found on the uplands. The surface layer of this soil type generally consists of very dark grayish brown fine sand about 5 inches thick. The seasonal high water table for this soil type is at a depth of more than 80 inches. Permeability of this soil type is rapid in the surface and subsurface layers and is rapid to moderately rapid in the subsoil.

**Immokalee fine sand (#20)** is a nearly level, poorly drained soil found on broad flatwoods. The surface layer of this soil type generally consists of black fine sand about 5 inches thick. In most years the seasonal high water table for this soil type is within 10 inches of the surface for 1 to 3 months. It recedes to a depth of 10 to 40 inches for more than 6 months. Permeability of this soil type is rapid in the surface and subsurface layers and in the substratum. It is moderate in the subsoil.

**Pomello fine sand, 0 to 5 percent slopes (#34)** is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the flatwoods. The surface layer of this soil type generally consists of gray fine sand about 3 inches thick. In most years, the seasonal high water table for this soil type is at a depth of 24 to 40 inches for 1 to 4 months and recedes to a depth of 40 to 60 inches during dry periods. Permeability of this soil type is very rapid in the surface and subsurface layers, moderately rapid in the subsoil, and rapid in the substratum.

**Sanibel muck (#42)** is a nearly level, very poorly drained soil found in depressions, freshwater swamps and marshes and in poorly defined drainageways. Typically the surface layer of this soil type consists of black muck about 11 inches thick. In most years undrained areas mapped with this soil type are ponded for 6 to 9 months or more except during extended dry periods. Permeability of this soil type is rapid throughout.

**Tavares fine sand, 0 to 5 percent slopes (#46)** is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the uplands. The surface layer of this soil type generally consists of very dark gray fine sand about 6 inches thick. The seasonal high water table for this soil type is at a depth of 40 to 80 inches for more than 6 months, and recedes to a depth of more than 80 inches during extended dry periods. Permeability of this soil type is very rapid throughout.

**Tavares - Millhopper fine sands, 0 to 5 percent slopes (#47)** are nearly level to gently sloping, moderately well drained soils found on low ridges and knolls on the uplands and on the flatwoods. Typically the surface layer of Tavares and Millhopper soils is dark grayish brown fine sand about 6 inches thick. The seasonal high water table for Tavares soil is at a depth of 40 to 72 inches for more than 6 months, and recedes to a depth of more than 80 inches during extended dry periods. The seasonal high water table for Millhopper soil is at a depth of 40 to 60 inches for 1 to 4 months, and recedes to a depth of 60 to 72 inches for 2 to 4 months. Permeability of Tavares soil is very rapid. Permeability of Millhopper soil is rapid in the surface and subsurface layers and is moderately rapid or moderate in the subsoil.

The Florida Association of Environmental Soil Scientists (FAESS) considers the main component of Basinger fine sand, depressional (#3) and Sanibel muck (#42) to be hydric. Additionally, the FAESS also considers certain inclusions present within Immokalee fine sand (#20) to be hydric. This information can be found in the [Hydric Soils of Florida Handbook](#), Third Edition, March 2000.

## LAND USE TYPES/VEGETATIVE COMMUNITIES

The Ayers Parcels project site currently supports eight (8) land use types/vegetative communities. These land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 2004) (Figure 5). The on-site upland land use types/vegetative communities are classified as Improved Pastures (211), Unimproved Pasture (212), Abandoned Citrus Groves (224), and Xeric Oak (421). The on-site wetland/surface water land use types/vegetative communities are classified as Lakes (520), Bay Swamp (611), Freshwater Marshes (641), and Wet Prairies (643). The following provides a brief description of the on-site land use types/vegetative communities:

### Uplands:

#### **211 Improved Pasture**

Two (2) small areas of open land with patches of bahia grass (*Paspalum notatum*) and remnant scrub species are present in the southwestern portion of the project site. These areas are periodically utilized by cattle, have large expanses of open sand and are occasionally maintained via bush-hogging for pasture. This land use/vegetative community would be classified as Improved Pasture (211), per the FLUCFCS. Other vegetative species observed within this community include a scattered canopy of sand pine (*Pinus clausa*), sand live oak (*Quercus geminata*), and myrtle oak (*Quercus myrtlifolia*), with some prickly-pear cactus (*Opuntia humifusa*), hairy indigo (*Indigofera hirsuta*), rose natal grass (*Melinis repens*), Spanish needles (*Bidens alba*), dixie deer lichen (*Cladonia subtenuis*), chalky bluestem (*Andropogon virginicus*), and Florida rosemary (*Ceratiola ericoides*).

#### **212 Unimproved Pasture**

One (1) small area of unimproved pasture exists in the northeastern portion of the site along Avalon Road. This land use/vegetative community would be classified as Unimproved Pasture (212), per the FLUCFCS. Vegetative species present within this area include scattered live oak (*Quercus virginiana*) and slash pine (*Pinus elliotii*), with an understory of bermudagrass (*Cynodon dactylon*), crabgrass (*Digitaria serotina*), Mexican clover (*Richardia scabra*), dogfennel (*Eupatorium capillifolium*), lantana (*Lantana camara*), prickly-pear cactus (*Opuntia humifusa*), beggarticks (*Bidens alba*), ragweed (*Ambrosia artemisiifolia*), broomsedge (*Andropogon virginicus*), rose natalgrass (*Melinis repens*), guineagrass (*Panicum maximum*), gopher apple (*Licania michauxii*), bahiagrass (*Paspalum notatum*) and hairy indigo (*Indigofera hirsuta*).

## **224 Abandoned Citrus Groves**

In the northeast corner of the project site, along the northern boundary is an area of citrus grove that has been abandoned and out of production for some time. This land use/vegetative community would be classified as Abandoned Citrus Groves (224), per the FLUCFCS. Vegetative species present within this area include remnant citrus trees (*Citrus* sp.), bahiagrass (*Paspalum notatum*), Bermuda grass (*Cynodon dactylon*), crabgrass (*Digitaria serotina*), Mexican clover (*Richardia scabra*), dogfennel (*Eupatorium capillifolium*), lantana (*Lantana camara*), prickly-pear cactus (*Opuntia humifusa*), beggarticks (*Bidens alba*), ragweed (*Ambrosia artemisiifolia*), broomsedge (*Andropogon virginicus*), rose natal grass (*Melinis repens*), guinea grass (*Panicum maximum*), gopher apple (*Licania michauxii*), and hairy indigo (*Indigofera hirsuta*).

## **421 Xeric Oak**

The majority of the project site consists of a scrubby oak upland community. This land use/vegetative community would be classified as Xeric Oak (421), per the FLUCFCS. Vegetation observed within the community type includes a canopy of sand live oak (*Quercus geminata*), turkey oak (*Quercus laevis*), myrtle oak (*Quercus myrtlifolia*), and Chapman's oak (*Quercus chapmanii*), with an understory of saw palmetto (*Serenoa repens*), garberia (*Garberia heterophylla*), Florida bonamia (*Bonamia grandiflora*), tough bumelia (*Sideroxylon tenax*), sandhill wireweed (*Polygonella robusta*), sandyfield hairsedge (*Bulbostylis stenophylla*), ware's hairsedge (*Bulbostylis warei*), chalky bluestem (*Andropogon virginicus*), wiregrass (*Aristida beyrichiana*), bottlebrush threeawn (*Aristida speciformis*), American beautyberry (*Callicarpa americana*), tough bully (*Sideroxylon tenax*), winged sumac (*Rhus copallinum*), dwarf pawpaw (*Asimina pygmae*), netted pawpaw (*Asimina reticulata*), tar flower (*Bejaria racemosa*), rushfoil (*Croton michauxii*), Britton's beargrass (*Nolina brittoniana*), lady's nightcap (*Bonamia grandiflora*), Florida rosemary (*Ceratiola ericoides*), small's jointweed (*Polygonella myriophylla*), Queens delight (*Stillingia sylvatica*), elliot's milkpea (*Galactia elliotii*), prickly-pear cactus (*Opuntia humifusa*), and deer lichen (*Cladonia rangiferina*).

## **Wetlands/Surface Waters:**

### **520 Lakes**

The majority of Lake Oliver falls within the limits of the project site. This 31.31 acre lake is situated in the northeastern portion of the site and would be classified as Lakes larger than 10 acres but less than 100 acres (520), per the FLUCFCS. Vegetative species identified within and along the edge of this surface water system includes pennywort (*Hydrocotyle umbellata*), spatterdock (*Nuphar advena*), torpedo grass (*Panicum repens*), arrowhead (*Sagittaria latifolia*)

maidencane (*Panicum hemitomon*), spike rush (*Eleocharis baldwinii*), soft rush (*Juncus effusus*), sedges (*Carex* sp. and *Cyperus* sp.) southern crabgrass (*Digitaria* sp.), broomsedge (*Andropogon virginicus*), primrose willow (*Ludwigia octovalvis*), cattail (*Typha* sp.), pickerelweed (*Pontederia cordata*), and duck potato (*Sagittaria lancifolia*).

### **611 Bay Swamp**

Several areas of a bay swamp wetland community exist throughout the site. Many of these areas surround the on-site lake and freshwater marshes. This land use/vegetative community would be classified as Bay Swamp (611), per the FLUCFCS. Vegetative species observed within this community include a canopy of sweetbay (*Magnolia virginiana*), red bay (*Persea borbonia*), and loblolly bay (*Gordonia lasianthus*), with some scattered slash pine (*Pinus elliottii*). Understory consists of wax myrtle (*Morella cerifera*), gallberry (*Ilex glabra*), Virginia chain fern (*Woodwardia virginica*), cinnamon fern (*Osmunda cinnamomea*), muscadine vine (*Vitis rotundifolia*), pickerelweed (*Pontederia cordata*), cardinal airplant (*Tillandsia fasciculata*), ballmoss (*Tillandsia recurvata*), spanish moss (*Tillandsia usneoides*), spikerush (*Eleocharis* sp.), needleleaf witchgrass (*Dichantherium aciculare*), hemlock witchgrass (*Dichantherium portericense*), ear leaf greenbrier (*Smilax auriculata*), sarsaparilla vine (*Smilax pumila*), St. Andrew's cross (*Hypericum hypericoides*), rusty lyonia (*Lyonia ferruginea*), coastal plain staggerbush (*Lyonia fruticosa*), fetterbush (*Lyonia lucida*), highbush blueberry (*Vaccinium corymbosum*), darrow's blueberry (*Vaccinium darrowii*), shiny blueberry (*Vaccinium myrsinites*), swamp fern (*Blechnum serrulatum*), royal fern (*Osmunda regalis*), lizard's tail (*Saururus cernuus*), and smartweed (*Polygonum punctatum*).

### **641 Freshwater Marsh**

A number of shallow freshwater marshes are present throughout the site. This land use/vegetative community would be classified as Freshwater Marsh (641), per the FLUCFCS. Existing vegetation observed within these marshes includes a groundcover of pickerelweed (*Pontederia cordata*), common buttonbush (*Cephalanthus occidentalis*), Virginia chain fern (*Woodwardia virginica*), royal fern (*Osmunda regalis*), flatsedge (*Cyperus* sp.), Carolina redroot (*Lachnanthes carolina*), beaksedge (*Rhynchospora* sp.), bushy bluestem (*Andropogon* sp.), maidencane (*Panicum hemitomon*), yellow pondlily (*Nuphar advena*), and blue maidencane (*Amphicarpum muehlenbergianum*); with a subcanopy of wax myrtle (*Morella cerifera*) and saw palmetto (*Serenoa repens*) on the perimeter, and a widely scattered canopy of slash pine (*Pinus elliottii*), dahoon holly (*Ilex cassine*), sweet bay (*Magnolia virginiana*), laurel oak (*Quercus laurifolia*), and water oak (*Quercus nigra*). The overall species composition varies slightly from wetland to wetland.

### 643 Wet Prairies

A small portion of a wet prairie community extends onto the project site from the western boundary. This land use/vegetative community would be classified as Wet Prairies (643), per the FLUCFCS. Vegetation observed within this community includes a scattered canopy of slash pine (*Pinus elliottii*), slash pine (*Pinus elliottii*), and laurel oak (*Quercus laurifolia*), with a mostly open groundcover of predominantly grassy vegetation, including sand cordgrass (*Spartina bakeri*), maidencane (*Panicum hemitomon*), blue maidencane (*Amphicarpum muehlenbergianum*), yellow-eyed grass (*Xyris elliottii*), bushy bluestem (*Andropogon sp.*), and bahia grass (*Paspalum notatum*) with a few areas of low growing saw palmetto (*Serenoa repens*).

### PROTECTED SPECIES

Utilizing methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); Wildlife Methodology Guidelines (1988); and Florida Fish and Wildlife Conservation Commission's (FFWCC) Gopher Tortoise Permitting Guidelines (April 2008 - revised January 2017), an assessment for "listed" floral and faunal species occurring within the subject site boundaries was conducted on November 16, 17, 21, 22, 29, and December 27, 2017. The survey covered approximately 60% of the subject site's developable area, included both direct observations and indirect evidence, such as tracks, burrows, tree markings and vocalizations that indicated the presence of species observed. The assessment focused on species that are "listed" by the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (May 2017) that have the potential to occur in Orange County (Table 1).

Three (3) plant species listed as "Endangered" by the Florida Department of Agriculture and Consumer Services (FDACS) were observed within the subject site boundaries. These species are Britton's beargrass (*Nolina brittoniana*), lady's nightcap (*Bonamia grandiflora*), and small's jointweed (*Polygonella myriophylla*). However, it should be noted that the FDACS protection of listed plant species centers around preventing the illegal collection, transport and sale of "listed" plants. The FDACS only issues permits for collection purposes and neither regulates nor prohibits the destruction of state-listed flora species as a result of development activities. Additionally, two (2) fern species were identified that are listed as "commercially exploited" by the Florida Department of Agriculture and Consumer Services (FDACS). The harvesting of these species, cinnamon fern (*Osmunda cinnamomea*) and royal fern (*Osmunda regalis*), for commercial gain, is not allowed. However, the listing of these species poses no restrictions towards the development of the subject site. The following is a list of those wildlife species identified during the evaluation of the site:



### **Reptiles and Amphibians**

brown anole (*Norops sagrei*)  
eastern diamondback rattlesnake (*Crotalus adamanteus*)  
eastern racer (*Coluber constrictor*)  
Florida leopard frog (*Lithobates sphenoccephalus sphenoccephalus*)  
Florida scrub lizard (*Sceloporus woodi*)  
**gopher tortoise (*Gopherus polyphemus*)**  
green anole (*Anolis carolinensis*)  
green tree frog (*Hyla cinerea*)  
southern toad (*Anaxyrus terrestris*)

### **Birds**

American Crow (*Corvus caurinus*)  
American Robin (*Turdus migratorius*)  
Black Vulture (*Coragyps atratus*)  
Blue Jay (*Cyanocitta cristata*)  
Common Nighthawk (*Chordeiles minor*)  
Carolina Wren (*Thryothorus ludovicianus*)  
Eastern Kingbird (*Tyrannus tyrannus*)  
Eastern Phoebe (*Sayornis phoebe*)  
**Florida Sandhill Crane (*Antigone canadensis pratensis*)**  
Gray Catbird (*Dumetella carolinensis*)  
Great Horned Owl (*Bubo virginianus*)  
**Little Blue Heron (*Egretta caerulea*)**  
Mourning Dove (*Zenaida macroura*)  
Northern Cardinal (*Cardinalis cardinalis*)  
Northern Mockingbird (*Mimus polyglottos*)  
Red-bellied Woodpecker (*Melanerpes carolinus*)  
Red-shouldered Hawk (*Buteo lineatus*)  
Red-tailed Hawk (*Buteo jamaicensis*)  
Snowy Egret (*Egretta thula*)  
Tufted Titmouse (*Baeolophus bicolor*)  
Turkey Vulture (*Cathartes aura*)

### **Mammals**

Coyote (*Canis latrans*)  
eastern cottontail (*Sylvilagus floridanus*)  
eastern gray squirrel (*Sciurus carolinensis*)  
marsh rabbit (*Sylvilagus palustris*)  
nine-banded armadillo (*Dasyopus novemcinctus*)

### **Mammals Continued**

northern raccoon (*Procyon lotor*)  
Virginia opossum (*Didelphis virginiana*)  
white-tailed deer (*Odocoileus virginianus*)  
wild boar (*Sus scrofa*)

Three (3) of the above wildlife species, gopher tortoise (*Gopherus polyphemus*), Little Blue Heron (*Egretta caerulea*), and Florida Sandhill Crane (*Grus canadensis pratensis*) were identified in the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (May 2017). The following provides a brief description of these species as they relate to the site.

#### ***Gopher Tortoise (Gopherus polyphemus)***

*State Listed as "Threatened"*

Numerous gopher tortoise burrows (*Gopherus polyphemus*) have been identified within the on-site upland areas. Currently the gopher tortoise is classified as a "Category 2 Candidate Species" by the U.S. Fish and Wildlife Service (USFWS), and as of September 2007, is now classified as "Threatened" by FFWCC, and as "Threatened" by FCREPA. The basis of the "Threatened" classification by the FFWCC for the gopher tortoise is due to habitat loss and destruction of burrows. Gopher tortoises are commonly found in areas with well-drained soils associated with xeric pine-oak hammock, scrub, pine flatwoods, pastures and abandoned citrus groves. Several other protected species known to occur in Orange County have a possibility of occurring in this area, as they are gopher tortoise commensal species. These species include the eastern indigo snake (*Drymarchon corais couperi*), Florida mouse (*Podomys floridanus*), and the gopher frog (*Rana capito*). However, none of these species were observed during the survey conducted.

The subject site was surveyed for the existence of gopher tortoises through the use of pedestrian and vehicle transects (Figure 6). The survey covered approximately 60% of the suitable habitat present within the subject site boundaries and those properties within 25-feet. A moderate population of active/inactive gopher tortoise burrows were observed and recorded using GPS technology.

The FFWCC provides three (3) options for developers that have gopher tortoises on their property. These options include: 1) avoidance (i.e., 25-foot buffer around burrow), 2) preservation of habitat, and 3) off-site relocation. As such, resolution of the gopher tortoise issue will need to be permitted through FFWCC prior to any construction activities.

### **Indigo Snake (*Drymarchon couperi*)**

*Federally Listed as “Threatened” by USFWS*

The indigo snake (*Drymarchon couperi*) is a federally listed threatened species. The basis for this listing was a result of dramatic population declines caused by over-collecting for the domestic and international pet trade as well as mortalities caused by rattlesnake collectors who gassed gopher tortoise burrows to collect snakes. Since its listing, habitat loss and fragmentation by residential and commercial expansion have become much more significant threats to the eastern indigo snake. This species is widely distributed throughout central and south Florida and primarily occurs in sandhills habitat in northern Florida and southern Georgia.

No evidence of indigo snakes was observed within the subject site during the wildlife survey conducted by BTC. However, the site does contain an abundance of gopher tortoise burrows and xeric habitat to support this species. Additionally, based upon the USFWS’s August 2017 Revised Consultation Key for the Eastern Indigo Snake, the property is located within Orange County and will result in the removal of greater than 25 acres or more of eastern indigo snake habitat, a key determination would result in a finding of “likely to adversely affect.” Based on the required permit conditions that would allow the above finding, a survey specific to indigo snakes may be required. The survey can be accomplished from October 1<sup>st</sup> thru April 30 for a minimum of five (5) surveys with 2 days of optimal weather (overnight low temperature above 60° F). At a minimum, the Corps permit will be conditioned for the use of the USFWS’s “Standard Protection Measures for the Eastern Indigo Snake.” It will also be conditioned “such that all gopher tortoise burrows, active or inactive, will be excavated prior to site manipulation in the vicinity of the burrow. If an eastern indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity.” Any permit will also be conditioned “such that holes, cavities, and snake refugia other than gopher tortoise burrows will be inspected each morning before planned site manipulation of a particular area, and, if occupied by an eastern indigo snake, no work will commence until the snake has vacated the vicinity of proposed work.”

### **Florida Sandhill Crane (*Antigone canadensis pratensis*)**

*State Listed as “Threatened” by FFWCC*

A pair of adult Sandhill Cranes was observed foraging within one of the on-site freshwater marsh systems. The Florida Sandhill Crane is a subspecies of Sandhill Crane that occurs exclusively and is resident to Florida (Stys 1997). Of the six (6) subspecies of Sandhill Crane, the Greater Sandhill Crane (*Grus canadensis tabida*) is the only other subspecies of Sandhill Crane that occurs regularly in Florida (Stys 1997). This subspecies is a winter migrant, arriving in Florida during late fall (October/November) and leaving in late February (Stys 1997). Since the Florida Sandhill Crane and Greater Sandhill Crane cannot be distinguished from one another in the field,

Stys (1997) recommends conducting surveys between May and September to validate the presence of this protected species. Due to the time of year the recent survey was conducted (November & December), it cannot be assumed that the observed cranes were the State listed subspecies.

Although the adult Cranes were observed foraging on the site, no nests were identified within or in close proximity to the subject site. If nesting does occur, FFWCC typically requires a 400-foot buffer around nests in order to prevent nest disturbance and potential nest abandonment. Since Cranes do not re-use the same nest year after year this 400-foot buffer is only temporary during the nesting season (i.e., anytime from January through June). Since no nests were observed on-site or nearby, there will be no development constraints unless a nest is found. An aerial nest survey is highly recommended prior to the site's construction activities commencement in order to more accurately determine the presence/absence of on-site Sandhill Crane nests as their nests are difficult to see from ground surveys.

***Little Blue Heron (Egretta caerulea)***

*State Listed as "Threatened" by FFWCC*

For the purposes of this report, the Little Blue Heron, a species of 'wading bird,' has been consolidated into one (1) group. The species is listed in the state of Florida as "Threatened" due to historically aggressive hunting practices and habitat loss. Currently, the majority of wading bird habitat tends to be federally protected wetlands under the 'Clean Water Act' and the Florida's 'Wetland Resource Permitting Program.'

The Little Blue Heron was observed foraging within Lake Oliver near the eastern property boundary at the time of the survey. This species is listed as a colonial nesting bird. There is no protection requirement for this species unless it is observed nesting on the site. There were no birds observed nesting during the investigation conducted. As such, it does not appear that this species would be adversely affected by development of the site.

***Bald Eagle (Haliaeetus leucocephalus)***

*State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

In August of 2007, the US Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and FFWCC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus Leuchocephalus*)).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. Under FFWCC's new management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660 feet or less from the nest tree, depending on what activities or structures are already near the nest. A FFWCC Eagle permit is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330 feet of a nest during the nesting season, October 1 through May 15 or when eagles are present at the nest.

In addition to the on-site evaluation for "listed" species, BTC conducted a review for any FFWCC recorded Bald Eagle nests on or within the vicinity of the project site. This review revealed that there are no Bald Eagle nests through the 2016-2017 nesting season, within one mile (1.0) of the Ayers Parcels project site. Thus, no developmental constraints are anticipated with respect to Bald Eagle nests.

## **USFWS CONSULTATION AREAS**

The U.S. Fish and Wildlife Service has established "consultation areas" for certain listed species. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers. The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically very regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The following paragraphs include a list of the USFWS Consultation Areas associated with the subject property. Also included, is a brief description of the respective species habitat and potential for additional review:

***Everglade Snail Kite (Rostrhamus sociabilis)***  
*Federally Listed as “Endangered” by USFWS*

The subject site falls within the USFWS Consultation Area for the Everglade Snail Kite. Currently the Everglade Snail Kite is listed as “Endangered” by the USFWS. Everglade Snail Kites are similar in size to Red-shouldered Hawks. All Everglade Snail Kites have deep red eyes and a white rump patch. Males are slate gray, and females and juveniles vary in amounts of white, light brown, and dark brown, but the females always have white on their chin. Kites vocalize mainly during courtship and nesting. They may occur in nearly all of the wetlands of central and southern Florida. They regularly occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John’s River marshes and Grassy Waters Preserve.

Although a portion of the project site contains wetlands/surface waters, no Everglade Snail Kites were observed within the subject site during the wildlife survey conducted by BTC. As there is some suitable habitat within the limits of the subject site, a formal survey may be required by the USFWS or another agency to determine if any Everglade Snail Kites utilize any portions of the site.

***Florida Scrub-Jay (Aphelocoma coerulescens)***  
*Federally Listed as “Threatened” by USFWS*

Currently the Florida Scrub-Jay is listed as threatened by the USFWS. Florida Scrub-Jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90 % of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Florida Scrub-Jays were observed within the subject site during the wildlife survey conducted by BTC. However, as there is some suitable habitat within the limits of the subject site, a formal survey may be required USFWS or another agency to determine if any Florida Scrub-Jays utilize any portions of the site.

***Red-cockaded Woodpecker (*Picoides boreali*)***  
Federally Listed as “Endangered” by USFWS

The Red-cockaded Woodpecker (*Picoides boreali*) is a federally endangered species by the USFWS. The basis for the listing is loss and degradation of suitable habitat. This species is commonly found in open park-like pine forests maintained by periodic fire, such as mature long-leaf pine ecosystem. The Red-cockaded Woodpecker is a federally and state protected endangered species that is protected and should not be injured, harmed, molested or killed.

No Red-Cockaded Woodpeckers were observed within the subject site during the wildlife survey conducted by BTC. As there is no suitable habitat within the limits of the subject site, it is not anticipated that a formal survey would be required by the USFWS or another agency to determine if any Red-Cockaded Woodpeckers utilize any portions of the site.

***Audubon’s Crested Caracara (*Polyborus plancus audubonii*)***  
Federally Listed as “Threatened” by USFWS

The subject site falls within the USFWS Consultation Areas for the species Audubon’s Crested Caracara (*Polyborus plancus audubonii*). Currently the Crested Caracara is listed as threatened by the USFWS due primarily to habitat loss. The Crested Caracara commonly occurs in dry or wet prairie areas with scattered cabbage plams, lightly wooded areas with saw palmetto, scrub oaks and cypress. The Crested Caracara also uses improved or semi-improved pasture with seasonal wetlands. Crested Caracaras construct new nests each nesting season, often in the same tree as the previous year.

No Audubon’s Crested Caracaras were observed within the subject site during the wildlife survey conducted by BTC. As there is no suitable habitat within the limits of the subject property, it is not anticipated that a formal survey would be required by the USFWS or another agency to determine if any Audubon’s Crested Caracaras utilize any portions of the site.

***Sand Skink (*Neoseps reynoldsi*)***  
Federally Listed as “Threatened” by USFWS

The subject site falls within the Sand Skink Consultation Area for the USFWS. The sand skink (*Neoseps reynoldsi*) is listed as “Threatened” by the USFWS and FFWCC. The sand skink exists in areas vegetated with sand pine (*Pinus clausa*) - rosemary (*Ceratiola ericoides*) scrub or a long leaf pine (*Pinus palustris*) - turkey oak (*Quercus laevis*) association. Habitat destruction is the primary threat to this species’ survival. Citrus groves, residential, commercial and recreational facilities have depleted the xeric upland habitat of the sand skink. All properties within the limits of the USFWS consultation area that are located at elevations greater than 80’ and contain

suitable (moderate-to-well drained soils) soils are believed by USFWS to be areas of potential sand skink habitat.

The entire Ayers Parcels project site is above the 80-foot above sea level requirement and portions contain appropriate soils types and also areas of suitable vegetative communities/habitat for the Florida sand skink. Due to these factors, it is advisable to conduct a formal sand skink survey, as it may be required by federal, state, and/or local government permitting agencies. The survey will need to be conducted between March 1 and May 15, in which 2' x 2' boards will be placed in the open sandy areas at a density of approximately 40 boards per acre and checked once per week for four (4) consecutive weeks. The main objective of the survey is to determine whether sand skinks inhabit the project site.

## **ENVIRONMENTAL CONSTRAINTS**

The extent of the on-site wetlands/surface waters were delineated by BTC in accordance with local, state and federal guidelines. The flag locations will need to be reviewed and approved by the various regulatory agencies during the permitting process. Permitting through the Orange County Environmental Protection Division (OCEPD), the South Florida Water Management District (SFWMD), and the US Army Corp of Engineers (USACOE) would be required to develop the subject site. The project site resides in the Reedy Creek Drainage Basin.

### **Orange County Environmental Protection Division**

A Conservation Area Determination (CAD) will be required from the Orange County Environmental Protection Division (OCEPD) to determine the extent of any wetlands and surface waters that exist within the subject site. Any impacts to the on-site wetlands will require a Conservation Area Impact permit from the OCEPD, as well as mitigation for all permitted impacts.

The majority of the subject site's wetland/surface water systems may be considered as Class I Conservation Areas, per Chapter 15, Article X, Section 15-364 of Orange County's Development Code and Section 15-396(3)(a), based on potential hydrologic connections. Any impacts to Class I systems will need to be approved by the Board of County Commissioners (BCC):

*“Class I conservation areas.* The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. The protection, preservation and continuing viability of Class I conservation areas shall be the prime objective of the basis for review of all proposed alterations, modifications, or removal of



these areas. When encroachment, alteration or removal of Class I conservation areas is permitted, habitat compensation or mitigation as a condition of development approval shall be required.”

The property’s remaining wetlands would be considered as Class II & Class III Conservation Areas per Chapter 15, Article X, Section 15-364 of Orange County’s Development Code and Section 15-396(3)(b)(c):

“*Class II conservation areas.* Habitat compensation for Class II conservation areas should be presumed to be allowed unless habitat compensation is contrary to the public interest.”

“*Class III conservation areas.* The removal, alteration or encroachment within a Class III conservation area shall be allowed in all cases. Habitat compensation or mitigation as a condition of development approval shall be required.”

### **South Florida Water Management District**

An Environmental Resource Permit (ERP) will be required through the South Florida Water Management District (SFWMD) for all wetland/surface water impacts (both direct and secondary) in association with the proposed Ayers Parcels development site. Impacts to the project’s wetland/surface water communities would be permittable by the SFWMD as long as the issues of elimination and reduction of impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

### **US Army Corps of Engineers**

Permitting will also be required for the project’s wetland/surface water impacts by the US Army Corps of Engineers (USACOE). As the ERP is no longer a joint application between the SFWMD and the USACOE, the Corps will not be notified/copied upon submittal of the ERP application to the District. As with the District, it is anticipated that all impacts to the project’s wetland/surface water communities would be permittable by the USACOE as long as the issues of elimination and reduction of impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,



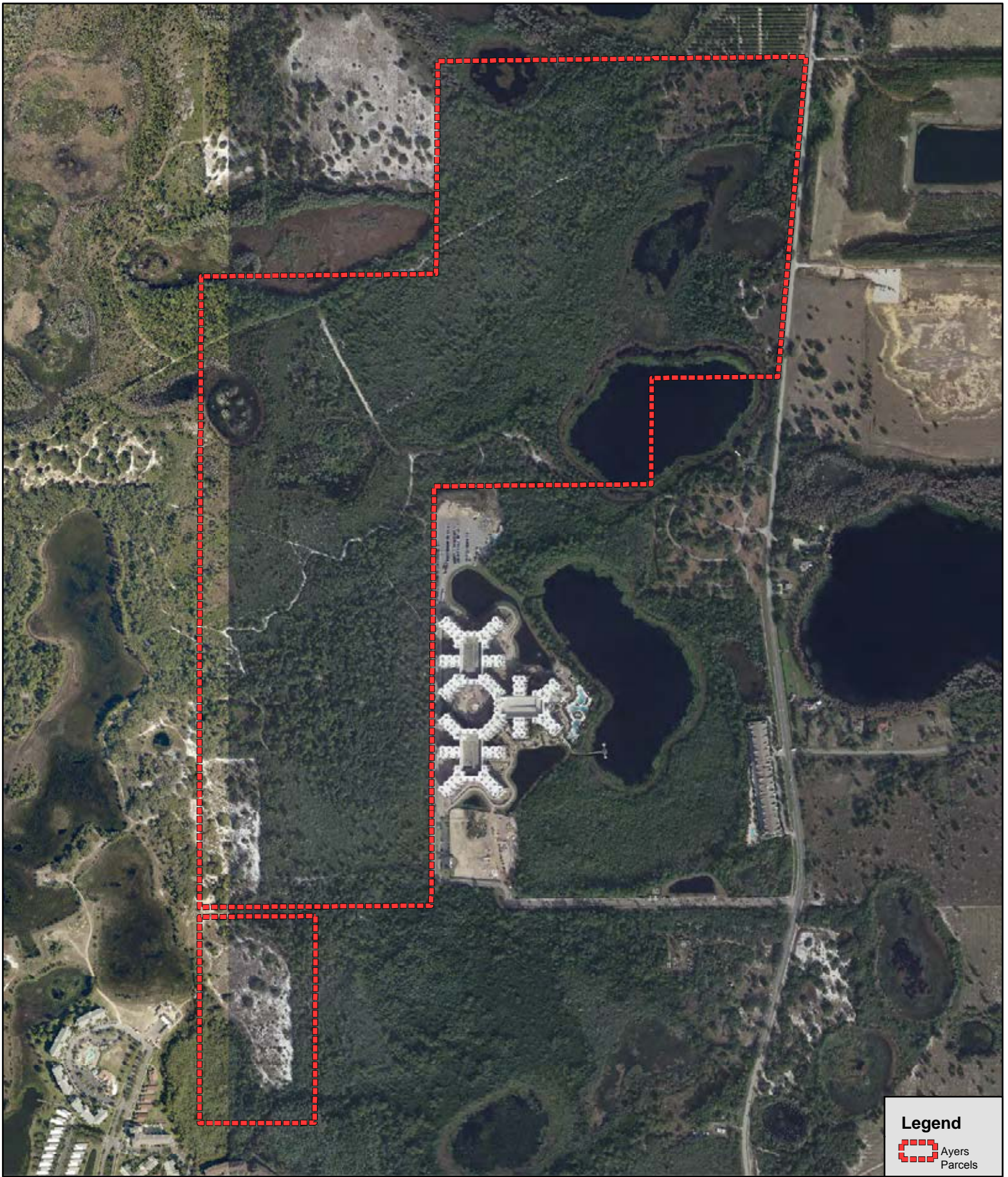
Steffenie Widows  
Field Biologist




Stephen Butler  
Project Manager

Attachments

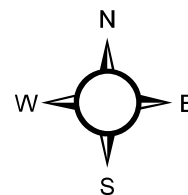




**Legend**  
 Ayers  
Parcels

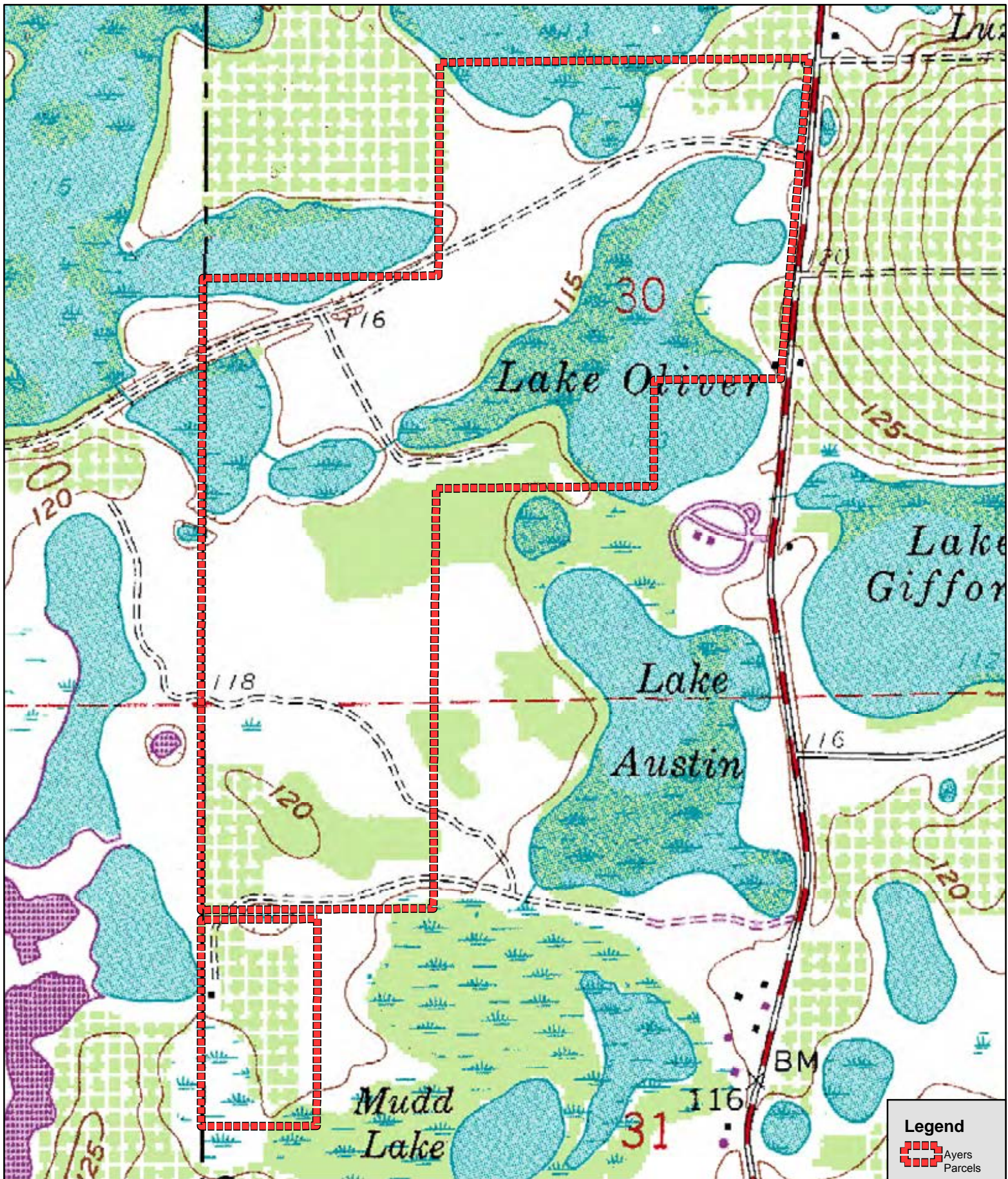
**Bio-Tech Consulting Inc.**  
Environmental and Permitting Services  
2002 E. Robinson St. Orlando, FL 32803  
Ph: 407-894-5969 Fax: 407-894-5970  
www.bio-techconsulting.com

Ayers Parcels  
Orange County, Florida  
Figure 2  
2017 Aerial Photograph

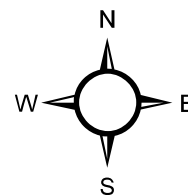


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Date: 11/28/2017

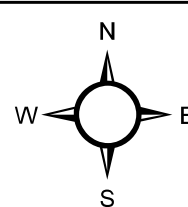
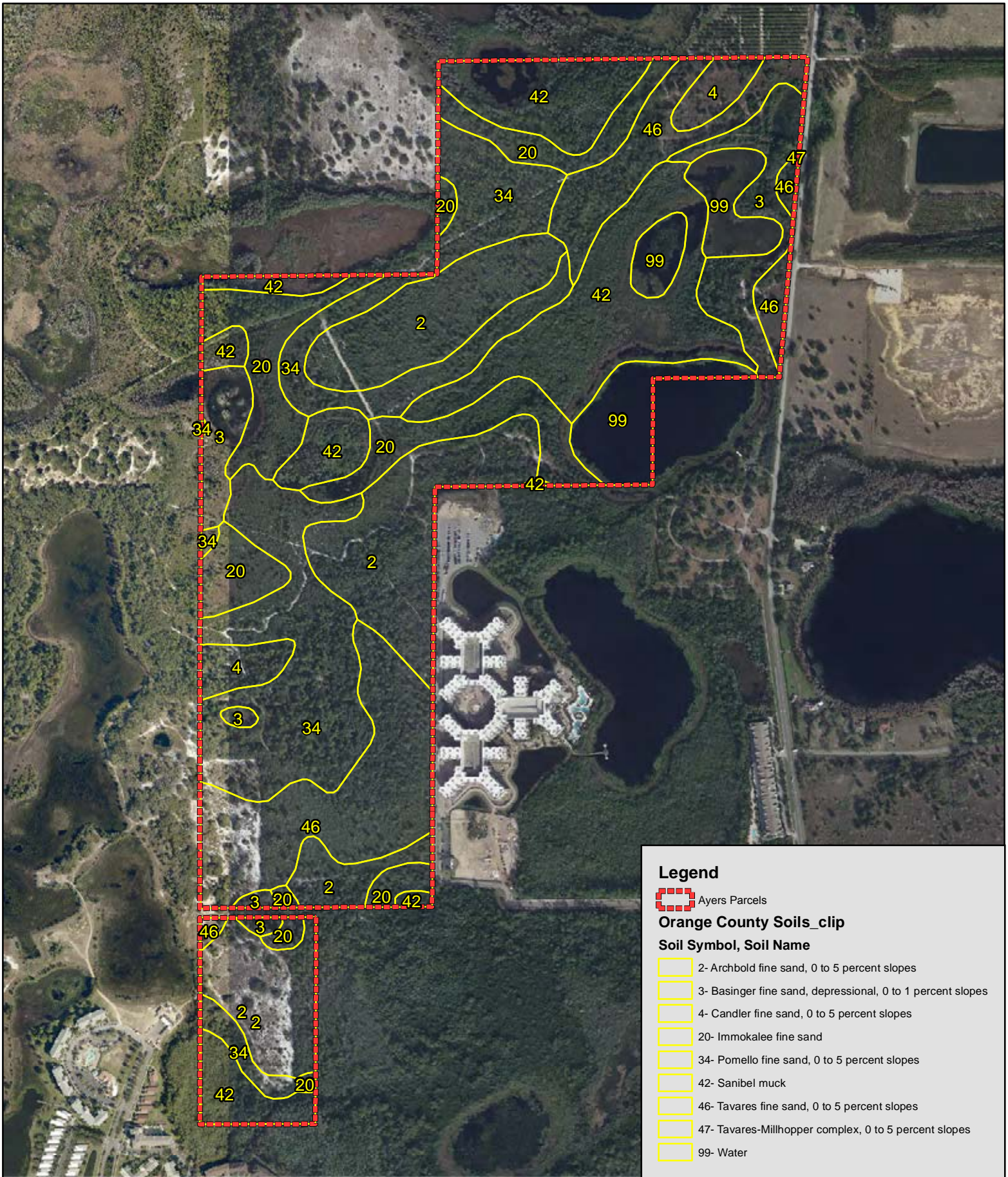


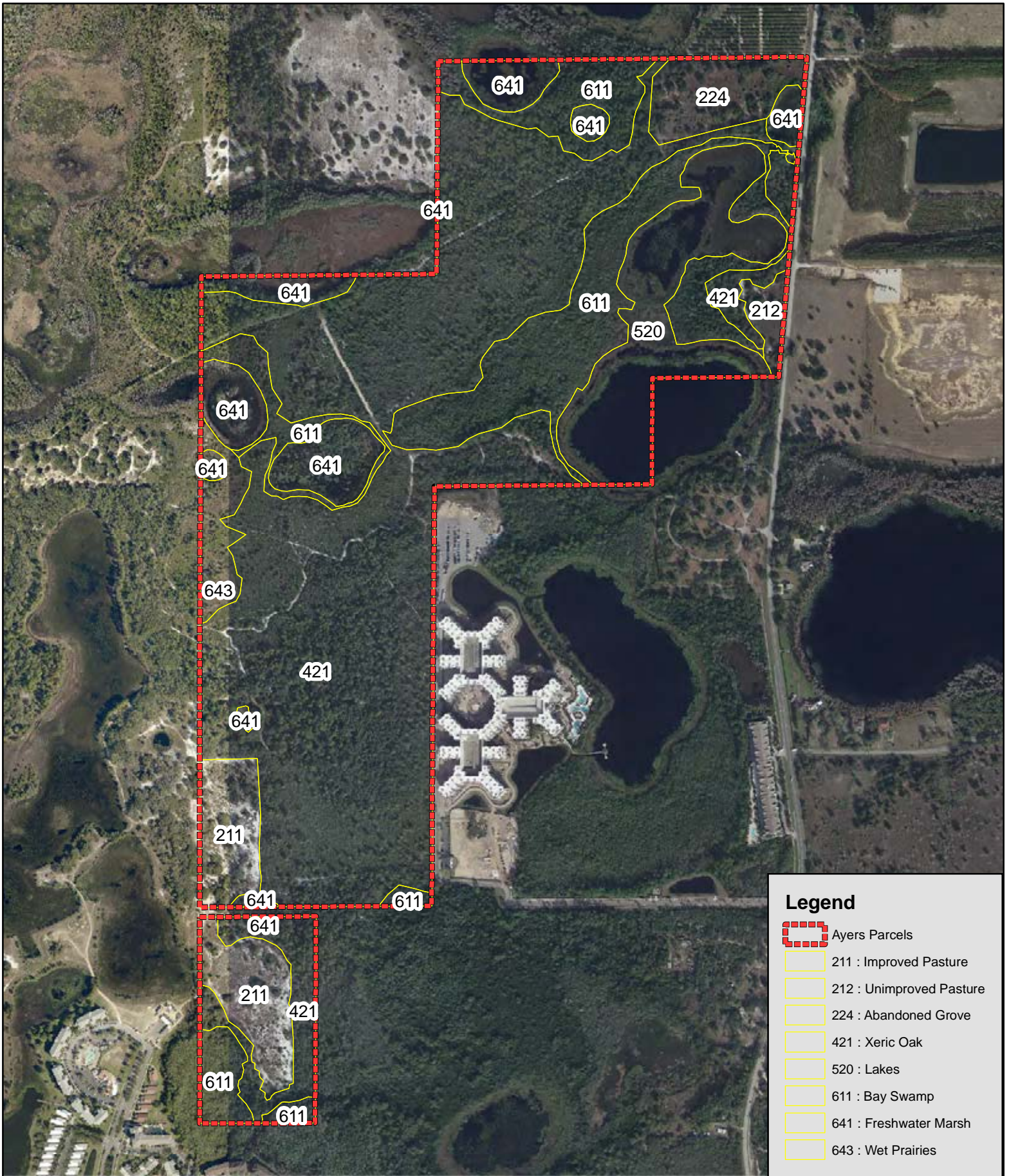
Ayers Parcels  
 Orange County, Florida  
 Figure 3  
 USGS Topographic Map



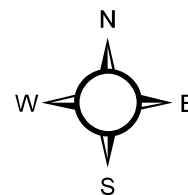
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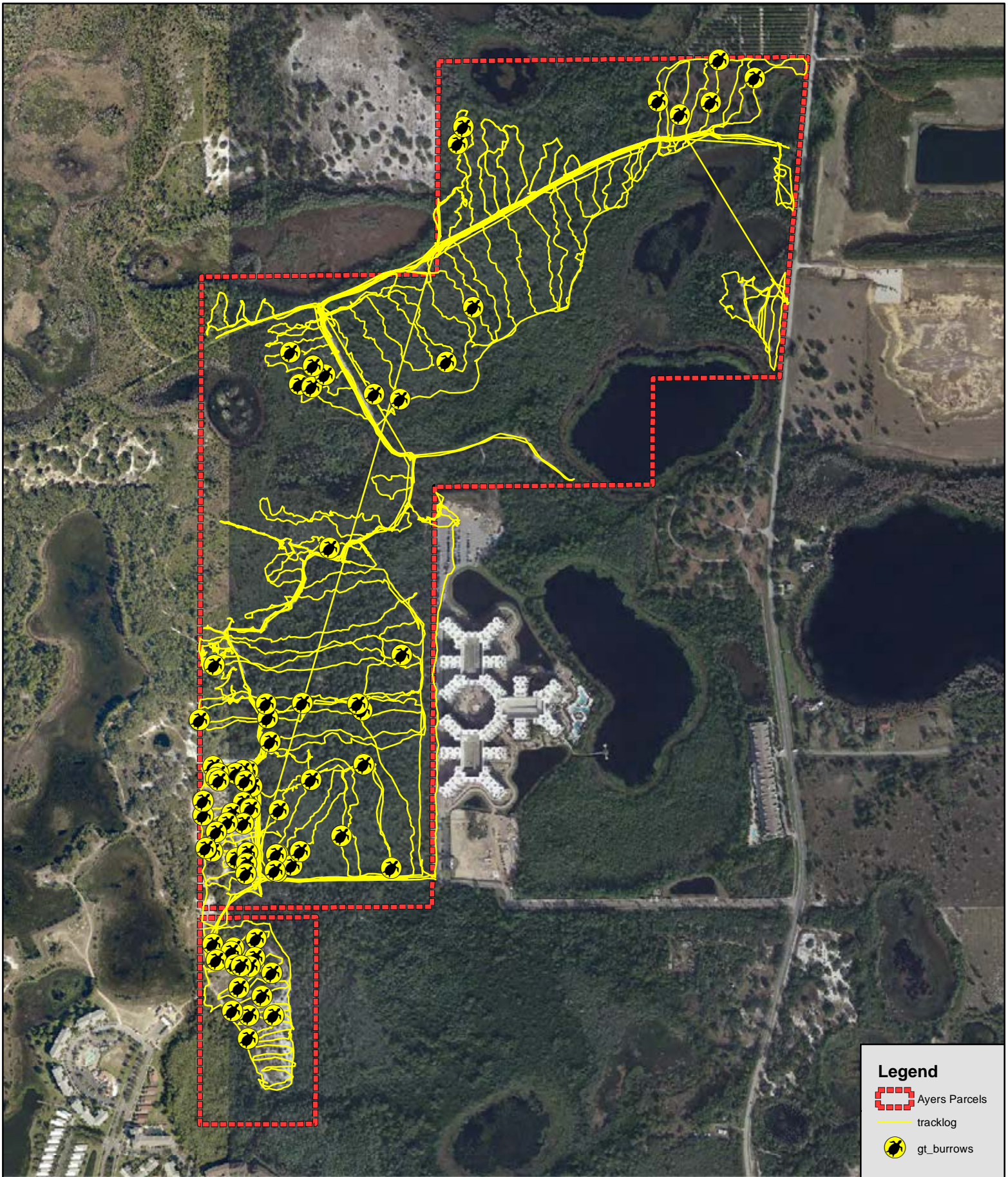


Ayers Parcels  
Orange County, Florida  
Figure 5  
FLUCFCS Map

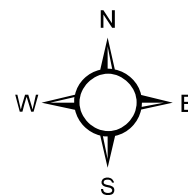


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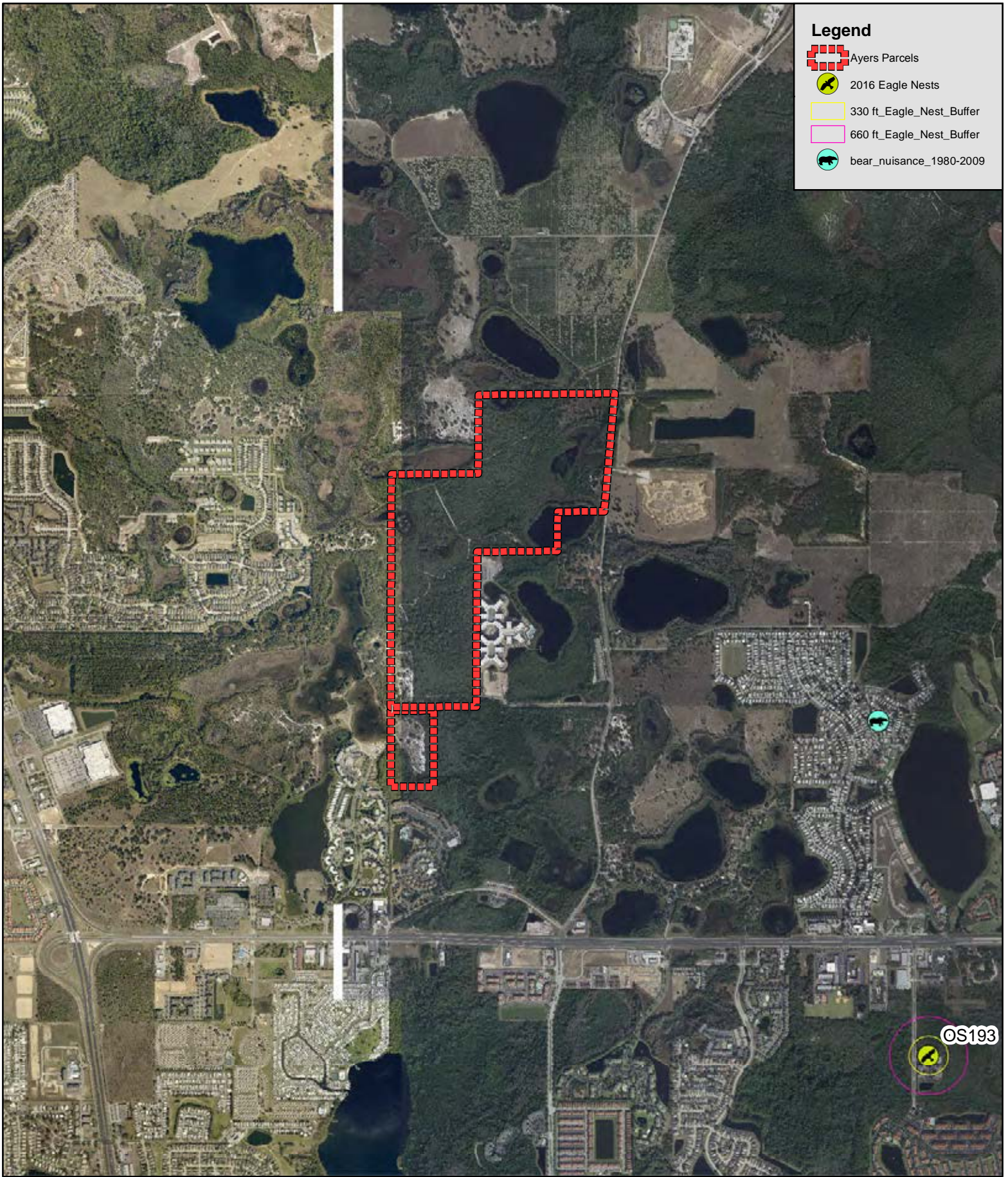


Ayers Parcels  
 Orange County, Florida  
 Figure 6  
 Wildlife Survey Map








Project #:337-21  
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 Date: 1/19/2018

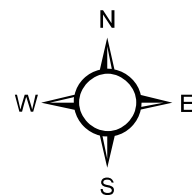




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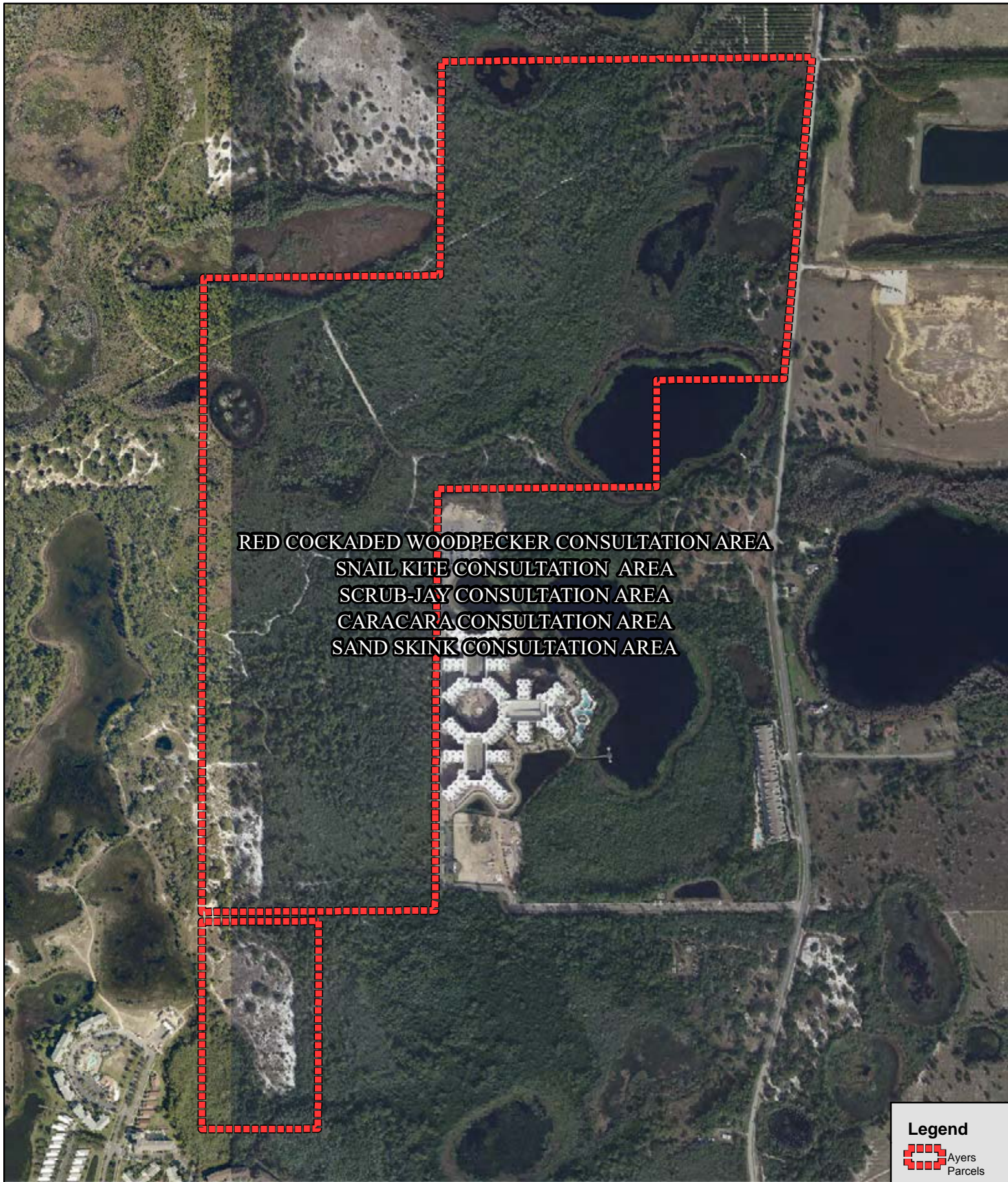
-  Ayers Parcels
-  2016 Eagle Nests
-  330 ft\_Eagle\_Nest\_Buffer
-  660 ft\_Eagle\_Nest\_Buffer
-  bear\_nuisance\_1980-2009

Ayers Parcels  
 Orange County, Florida  
 Figure 7  
 Wildlife Proximity Map




2,000  
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Project #:337-21  
 Produced By: SEB  
 Date: 11/28/2017

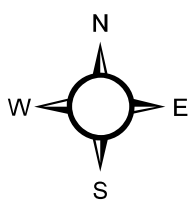


**RED COCKADED WOODPECKER CONSULTATION AREA**  
**SNAIL KITE CONSULTATION AREA**  
**SCRUB-JAY CONSULTATION AREA**  
**CARACARA CONSULTATION AREA**  
**SAND SKINK CONSULTATION AREA**

**Legend**

 Ayers  
Parcels

1,000  
 \_\_\_\_\_ Feet



Ayers Parcels  
 Orange County, Florida  
 Figure 8  
 USFWS Consultation Areas Map

Project #:337-21  
 Produced By: SEB  
 Date: 11/28/2017

<b>Table 1:</b>		<b>Potentially Occuring Listed Wildlife and Plant Species in Orange County, Florida</b>	
<b>Scientific Name</b>	<b>Common Name</b>	<b>Federal Status</b>	<b>State Status</b>
<b>REPTILES</b>			
<i>Alligator mississippiensis</i>	American alligator	SAT	FT(S/A)
<i>Drymarchon corais couperi</i>	eastern indigo snake	LT	FT
<i>Gopherus polyphemus</i>	gopher tortoise	C	ST
<i>Lampropeltis extenuata</i>	short-tailed snake	N	ST
<i>Pituophis melanoleucus mugitus</i>	Florida pine snake	N	ST
<i>Plestiodon reynoldsi</i>	sand skink	LT	FT
<b>BIRDS</b>			
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	LT	FT
<i>Athene cunicularia floridana</i>	Florida burrowing owl	N	ST
<i>Caracara cheriway</i>	Crested Caracara	LT	FT
<i>Egretta caerulea</i>	little blue heron	N	ST
<i>Egretta tricolor</i>	tricolored heron	N	ST
<i>Falco sparverius paulus</i>	southeastern American kestrel	N	ST
<i>Grus canadensis pratensis</i>	Florida sandhill crane	N	ST
<i>Haliaeetus leucocephalus</i>	bald eagle	N	**
<i>Mycteria americana</i>	wood stork	LT	FT
<i>Pandion haliaetus</i>	osprey	N	SSC*
<i>Picoides borealis</i>	red-cockaded woodpecker	LE	FE
<i>Platalea ajaja</i>	roseate spoonbill	N	ST
<i>Sterna antillarum</i>	least tern	N	ST
<b>MAMMALS</b>			
<i>Sciurus niger shermani</i>	Sherman's fox squirrel	N	SSC
<b>VASCULAR PLANTS</b>			
<i>Bonamia grandiflora</i>	Florida bonamia	LT	E
<i>Calopogon multiflorus</i>	Many-flowered Grass-pink	N	T
<i>Centrosema arenicola</i>	Sand Butterfly Pea	N	E
<i>Chionanthus pygmaeus</i>	Pygmy Fringe Tree	LE	E
<i>Centrosema arenicola</i>	sand butterfly pea	N	N
<i>Coelorachis tuberculosa</i>	piedmont jointgrass	N	N
<i>Deeringothamnus pulchellus</i>	beautiful pawpaw	LE	E
<i>Eriogonum longifolium</i> var <i>gnaphalifolium</i>	scrub buckwheat	LT	E
<i>Helianthus debilis</i> ssp <i>tardiflorus</i>	beach sunflower	N	N
<i>Ilex opaca</i> var <i>arenicola</i>	scrub holly	N	N
<i>Illicium parviflorum</i>	star anise	N	E
<i>Lechea cernua</i>	nodding pinweed	N	T
<i>Lupinus aridorum</i>	scrub lupine	LE	E
<i>Matelea floridana</i>	Florida spiny-pod	N	E
<i>Monotropa hypopithys</i>	piresap	N	E
<i>Najas filifolia</i>	Narrowleaf Naiad	N	T
<i>Nemastylis floridana</i>	Celestial Lily	N	E
<i>Nolina atopocarpa</i>	Florida beargrass	N	T
<i>Nolina brittoniana</i>	Britton's beargrass	LE	E
<i>Ophioglossum palmatum</i>	hand fern	N	E
<i>Panicum abscissum</i>	cutthroat grass	N	E
<i>Paronychia chartacea</i> ssp <i>chartacea</i>	paper-like nailwort	LT	E
<i>Persea humilis</i>	scrub bay	N	N
<i>Pecluma plumula</i>	Plume Polypody	N	E
<i>Polygonella myriophylla</i>	Small's jointweed	LE	E
<i>Prunus geniculata</i>	scrub plum	LE	E
<i>Pteroglossaspis ecristata</i>	Giant Orchid	N	T
<i>Stylisma abdita</i>	scrub stylisma	N	E
<i>Warea amplexifolia</i>	clasping warea	LE	E
<i>Zephyranthes simpsonii</i>	redmargin lily	N	T

## **FEDERAL LEGAL STATUS**

**LE**-Endangered: species in danger of extinction throughout all or a significant portion of its range.

**LT**-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.

**SAT**-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.

**C**-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.

**XN**-Non-essential experimental population.

**N**-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

## **STATE LEGAL STATUS - ANIMALS**

**FE**- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service

**FT**- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service

**FXN**- Federal listed as an experimental population in Florida

**FT(S/A)**- Federal Threatened due to similarity of appearance

**ST**- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

**SSC**-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC\* for *Pandion haliaetus* (Osprey) indicates that this status applies in Monroe county only.)

**N**-Not currently listed, nor currently being considered for listing.

*\*\* State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

## **STATE LEGAL STATUS - PLANTS**

**E**-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

**T**-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.

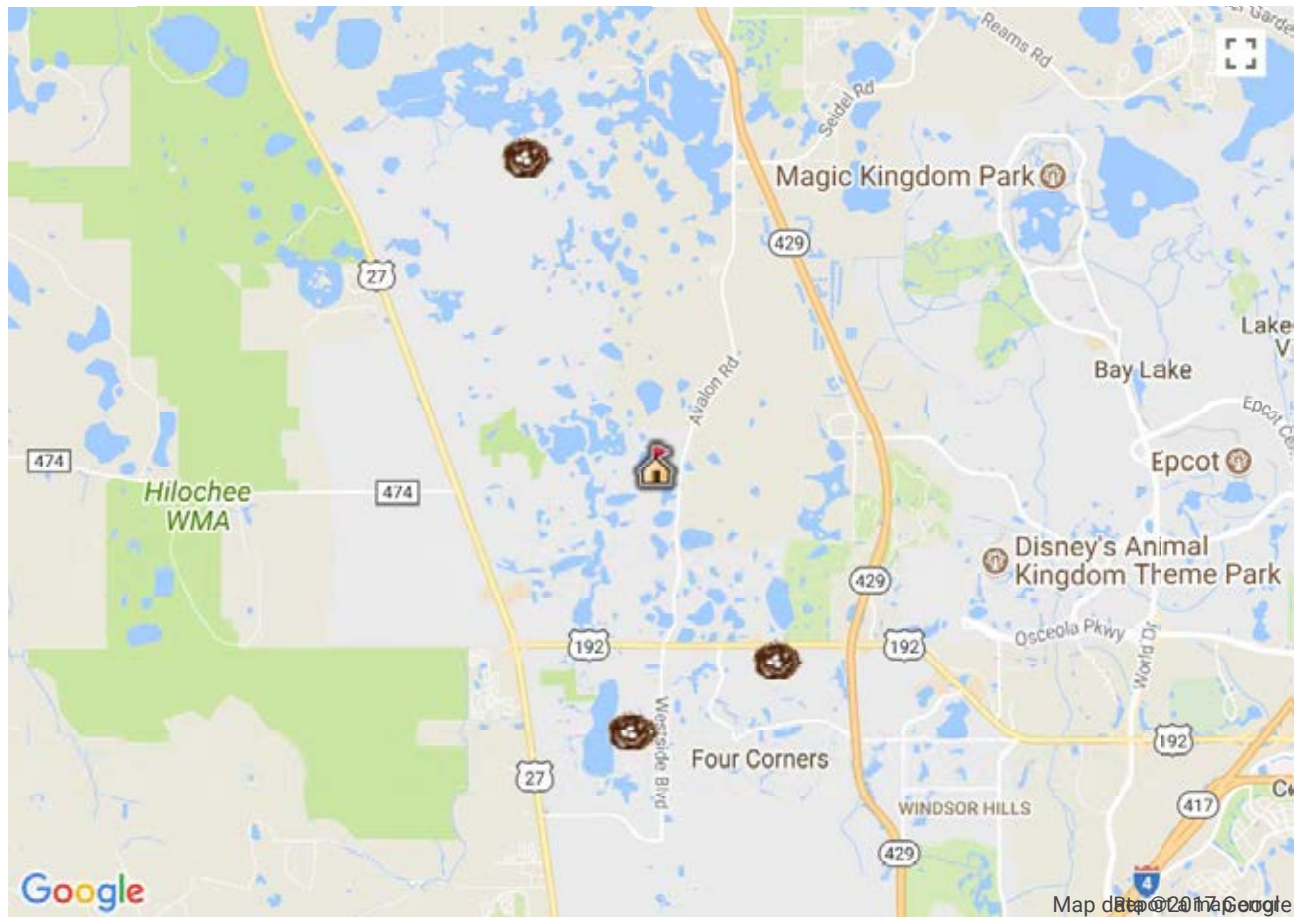
**N**-Not currently listed, nor currently being considered for listing.

This report was generated using the bald eagle nest locator at <https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx> on 11/28/2017 2:19:09 PM.

**Search Entered:** Within 5 miles of latitude 28.3686661666667 and longitude -81.6495518666667; All Search Results

3 record(s) were found; 3 record(s) are shown

**Bald Eagle Nest Map:**



**Bald Eagle Nest Data Search Results:**

Results per page:

Nest ID	County	Latitude	Longitude	Township	Range	Section	Gaz Page	Last Known Active	Last Surveyed	Act 12	Act 13	Act 14	Act 15	Act 16	Dist. (Mi)
LA182	Lake	28 25.06	81 40.30	24S	26E	12	85	2014	2014	*	*	Y	*	*	3.64
OS104	Osceola	28 19.85	81 39.21	25S	27E	07	85	2005	2012	-	*	*	*	*	2.62
OS193	Osceola	28 20.50	81 37.73	25S	27E	05	85	2012	2012	Y	*	*	*	*	2.25

"Y" denotes an active nest

"N" denotes an inactive nest

"-" denotes an unobserved nest

"U" denotes a nest that was visited but status was undetermined

"\*" denotes a nest that was not surveyed

October 1, 2017

Momtaz Barq  
**Terra-Max Engineering, Inc.**  
1507 South Hiawasse Road, Suite 211  
Orlando, FL 32835

**Proj: Turkey Lake Apartments – Orange County, Florida**  
**Section 11, Township 24 South, Range 28 East**  
**(BTC File #544-13.05)**

**Re: Environmental Assessment**

Dear Mr. Barq:

In October of 2017, Bio-Tech Consulting, Inc. (BTC) conducted an updated environmental assessment of the approximately 52-acre Turkey Lake Apartments project site. The site is located at 10900 Turkey Lake Road and is bounded by Turkey Lake Road to the east and Big Sand Lake to the west, in Section 11, Township 24 South, Range 28 East, Orange County, Florida (Figures 1, 2, and 3). This environmental assessment included the following:

- Review of soil types mapped within the site boundaries;
- Evaluation of land use types/vegetative communities present;
- Field review for occurrence of protected flora and fauna; and,
- An overview of potential development constraints.

### SOILS

According to the Soil Survey of Orange County, Florida, prepared by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), three (3) soil types occur within the subject property boundaries (Figure 4). Soils identified to occur on the property include the following:

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

Aquatic & Land  
Management Operations  
3825 Rouse Road  
Orlando, FL 32817

407.894.5969  
877.894.5969  
407.894.5970 fax

- **Basinger fine sand, depressional (#3)**
- **Immokalee fine sand (#20)**
- **St. Lucie fine sand, 0 – 5% slopes (#38)**

The following presents a brief description of each of the soil types mapped for the subject property:

**Basinger fine sand, depressional (#3)** is a nearly level and very poorly drained soil type. It is typically found in shallow depressions and sloughs along the edges of freshwater marshes and swamps. The surface layer of this soil type generally consists of black fine sand about 7 inches thick. The seasonal high water table for this soil type is above the surface for 6-9 months or more each year and is within 12 inches of the surface for the rest of the year. Permeability of this soil type is rapid throughout the surface and subsurface layers, and is rapid to moderately rapid in the subsoil.

**Immokalee fine sand (#20)** is nearly level and poorly drained. It is typically found within broad flatwoods having slopes of 0 – 2%. The surface layer of this soil type generally consists of black fine sand about 5 inches thick. The seasonal high water table for this soil type is typically within 10 inches of the surface for 1 – 3 months, and it recedes to a depth of 10 – 40 inches for more than 6 months. Permeability of this soil type is rapid in the surface and subsurface layers and is moderate in the subsoil.

**St. Lucie fine sand, 0 to 5% slopes (#38)** are typically located in deep, nearly level to gently sloping, and excessively drained upland. The surface layer of Candler soil consists of gray fine sand about 2 inches thick. The seasonal high water table is at a depth of more than 72 inches or more in this soil. The permeability is very rapid in the surface and subsurface layers and very rapid to rapid in the subsoil.

The Florida Association of Environmental Soil Scientists (FAESS) considers Basinger fine sand, depressional (#3) to be a hydric soil types. Additionally, the FAESS considers inclusions existing within Immokalee fine sand (#20) to be hydric in nature. This information can be found in the Hydric Soils of Florida Handbook, Third Edition (March 2000).

## **LAND USE TYPES/VEGETATIVE COMMUNITIES**

The Turkey Lake Apartments project site currently supports four (4) distinct land use types/vegetative communities within its boundaries (Figure 5). These areas were identified utilizing the Florida Land Use, Cover Forms Classification System, Level III (FLUCFCS,

FDOT, January 1999). These land use types/vegetative communities include uplands and wetland/other surface water systems. The upland communities within the subject property consist of Disturbed Lands (740). The wetland/other surface water communities consist of Lakes (520), Reservoir (530) and Shoreline (652). The following provides a brief description of each land use types/vegetative communities identified on the site:

### **Uplands:**

#### **740 Disturbed Lands**

The majority of the subject site's upland component is comprised of Disturbed Lands (740), per the FLUCFCS. This area was historically a mobile home park with several paved streets that has been abandoned for some time. Vegetative species identified in this area includes bahia grass (*Paspalum notatum*), prickly-pear cactus (*Opuntia humifusa*), grape-vine (*Vitis* spp.), American beautyberry (*Callicarpa americana*), Mexican clover (*Richardia* spp.), saw palmetto (*Serenoa repens*), ragweed (*Ambrosia artemisiifolia*), purple passionflower (*Passiflora incarnata*), dog fennel (*Eupatorium capillifolium*), cabbage palm (*Sabal palmetto*), American pokeweed (*Phytolacca americana*), caesarweed (*Urena lobata*), saltbush (*Baccharis halimifolia*), rattlebox (*Crotalaria* spp.), Virginia creeper (*Parthenocissus quinquefolia*), blackberry (*Rubus cuneifolius*), lantana (*Lantana camara*), beggarticks (*Bidens alba*), llima (*Sida cordifolia*), bracken fern (*Pteridium aquilinum*), heartwing dock (*Rumex hastatulus*), guineagrass (*Panicum maximum*) and hairy indigo (*Indigofera hirsuta*); with scattered slash pine (*Pinus elliotii*), and live oak (*Quercus virginiana*).

### **Wetlands and Surface Waters:**

#### **520 Lakes**

The western limits of this property contain a portion of a large water body identified as Big Sand Lake. This lake system is defined by the FLUCFCS as Lakes (520). The lake is an open water area with emergent vegetation scattered including Carolina willow (*Salix caroliniana*), Peruvian primrose willow (*Ludwigia peruviana*), buttonbush (*Cephalanthus occidentalis*), broomsedge (*Andropogon* spp.), saltbush (*Baccharis halimifolia*), cattail (*Typha* spp.), pickerelweed (*Pontederia cordata*), duck potato (*Sagittaria latifolia*), spatterdock (*Nuphar advena*), white waterlily (*Nymphaea odorata*), and marsh pennywort (*Hydrocotyle* spp.).



### **530 Reservoir**

There is an area in the south-central portion of the site that is characterized as a Reservoir (530), per the FLUCFCS. This area is comprised of a man-made pond that was utilized for the historic mobile home park. Vegetative species identified within this surface water community includes Carolina willow (*Salix caroliniana*), cattail (*Typha* spp.), maidencane (*Panicum hemitomon*), Peruvian primrose willow (*Ludwigia peruviana*), saltbush (*Baccharis halimifolia*), blackberry (*Rubus* spp.), royal fern (*Osmunda regalis*), grape-vine (*Vitis* spp.), greenbriar (*Smilax* spp.), Chinese tallow (*Sapium sebiferum*), wax myrtle (*Myrica cerifera*), broomsedge (*Andropogon* spp.), dogfennel (*Eupatorium capillifolium*), spikerush (*Eleocharis* spp.), sedges (*Carex* spp. and *Cyperus* spp.), marsh pennywort (*Hydrocotyle umbellata*) and blackberry (*Rubus cuneifolius*).

### **652 Shoreline**

There is an extensive band of herbaceous wetlands located between Big Sand Lake and the upland portion of the project site. This system is characterized as Shoreline (652), per the FLUCFCS. The vegetative species identified in this shoreline include wax myrtle (*Myrica cerifera*), Carolina willow (*Salix caroliniana*), Peruvian primrose willow (*Ludwigia peruviana*), buttonbush (*Cephalanthus occidentalis*), broomsedge (*Andropogon* spp.), dogfennel (*Eupatorium capillifolium*), saltbush (*Baccharis halimifolia*), St. John's wort (*Hypericum* spp.), cattail (*Typha* spp.), sand cordgrass (*Spartina bakerii*), maidencane (*Panicum hemitomon*), blue maidencane (*Amphicarpum muhlenbergianum*), yellow-eyed grass (*Xyris* spp.), flattop goldenrod (*Euthamia graminifolia*), pickerelweed (*Pontederia cordata*), duck potato (*Sagittaria latifolia*), Carolina redroot (*Lachnanthes caroliana*), spatterdock (*Nuphar advena*), white waterlily (*Nymphaea odorata*), goldenrod (*Solidago* spp.), spikerush (*Eleocharis* spp.), sedges (*Carex* spp. and *Cyperus* spp.) marsh pennywort (*Hydrocotyle umbellata*), bahiagrass (*Paspalum notatum*) and blackberry (*Rubus cuneifolius*).

## **PROTECTED SPECIES**

Using the methodologies outlined in the Florida Fish and Wildlife Conservation Commission's (FFWCC's) Wildlife Methodology Guidelines (revised September 2012), an assessment for "listed" floral and faunal species occurring within the subject property boundaries was conducted. The survey covered approximately 100% of the subject property. During this assessment, particular attention was given to those listed species that have the potential to occur in Orange County (Table 1). The review included direct observations, as well as evidence of a particular species' presence such as tracks, burrows, tree markings and birdcalls. The listed plant and wildlife assessment was conducted in October 2017. No plant species listed by either the Florida Department of Agriculture (FDA) or U.S. Fish and Wildlife Service (USFWS) was

identified on the site during the assessment conducted. However, one (1) species was identified that is listed as “commercially exploited” by the Florida Department of Agriculture and Consumer Services (FDACS). Harvesting of this species, royal fern (*Osumunda regalis*), for commercial gain is not allowed. However, the listing of this species poses no restrictions towards the development of the subject property. The following is a list of those wildlife species observed or otherwise noted during the evaluation of the site:

### **Birds**

Black Vulture (*Coragyps atratus*)  
Common Grackle (*Quiscalus quiscula*)  
Northern Cardinal (*Cardinalis cardinalis*)  
Northern Mockingbird (*Mimus polyglottos*)  
Turkey Vulture (*Cathartes aura*)

### **Mammals**

armadillo (*Dasypus novemcinctus*)  
eastern cottontail (*Sylvilagus floridanus*)  
eastern gray squirrel (*Sciurus carolinensis*)  
Virginia opossum (*Didelphis virginiana*)

### **Reptiles and Amphibians**

black racer (*Coluber constrictor*)  
green anole (*Anolis caroliniana*)  
green treefrog (*Hyla cinerea*)

None of the above identified species are listed in the FFWCC’s Official Lists - Florida’s Endangered Species, Threatened Species and Species of Special Concern (January, 2013) The following provides a brief description of species that relate to development of the property.

### ***Bald Eagle (Haliaeetus leucocephalus)***

*State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

In August of 2007, the U.S. Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC’s imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act and FFWCC’s Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*)).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. Under FFWCC's new management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660-feet or less from the nest tree, depending on what activities or structures are already near the nest. A FFWCC Eagle permit is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330-feet of a nest during the nesting season, October 1 through May 15 or when Eagles are present at the nest.

In addition to the on-site review for "listed" species, BTC conducted a review of the FFWCC's recorded Bald Eagle (*Haliaeetus leucocephalus*) nest sites on or in the vicinity of the subject property. This review revealed one (1) Bald Eagle nest, through the 2015 nesting season, within one (1.0) mile of the subject site. This nest, OR-047, is located approximately 4,500 feet southwest of the project site. The location of this nest should have no effect on development of the subject property.

## **USFWS CONSULTATION AREAS**

The U.S. Fish and Wildlife Service has established "consultation areas" for certain listed species. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers. The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The Turkey Lake Apartments site is located within four (4) USFWS Consultation Areas which include the Red Cockaded Woodpecker (*Picoides boreali*), Everglade Snail Kite (*Rostrhamus sociabilis*), Florida Scrub-Jay (*Aphelocoma coerulescens*) and Sand Skink (*Neoseps reynoldsi*).

The following provides a brief description of this respective species, its habitat and the potential for additional review:

***Red Cockaded Woodpecker (Picoides boreali)***  
*Federally Listed as “Endangered”*

The Red Cockaded Woodpecker (*Picoides boreali*) is a federally endangered species by the USFWS. The basis for the listing is loss and degradation of suitable habitat. This species is commonly found in open park-like pine forests maintained by periodic fire, such as mature long-leaf pine ecosystem. The Red Cockaded Woodpecker is a federally protected, endangered species that is protected and should not be injured, harmed, molested or killed.

No Red Cockaded Woodpeckers were observed within the subject site during the wildlife survey conducted by BTC. There is no suitable habitat for this species and no nesting trees were found within the project boundaries. As such, it is anticipated that no further action should be required pertaining to the Red Cockaded Woodpecker.

***Everglade Snail Kite (Rostrhamus sociabilis)***  
*Federally Listed as “Endangered” by USFWS*

The subject site falls within the USFWS Consultation Area for the Everglade Snail Kite. Currently the Snail Kite is listed as “Endangered” by the USFWS. Snail Kites are similar in size to Red-shouldered Hawks. All Snail Kites have deep red eyes and a white rump patch. Males are slate gray, and females and juveniles vary in amounts of white, light brown, and dark brown, but the females always have white on their chin. Kites vocalize mainly during courtship and nesting. They may occur in nearly all of the wetlands of central and southern Florida. They regularly occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John’s River marshes and Grassy Waters Preserve.

No Snail Kites were observed within the subject site during the wildlife survey conducted by BTC. There is minimal suitable habitat for this species within the project boundaries. As such, it is anticipated that no further action should be required pertaining to Snail Kites.

**Florida Scrub-Jay (*Aphelocoma coerulescens*)**  
Federally Listed as “Threatened” by USFWS

Currently the Florida Scrub-Jay is listed as threatened by the USFWS. Florida Scrub Jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90 % of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Scrub Jays were observed on the subject site during the cursory survey conducted by BTC. There is no suitable habitat for this species within the project boundaries. As such, it is anticipated that no further action should be required pertaining to Florida Scrub-Jays.

**Sand Skink (*Neoseps reynoldsi*)**  
Federally Listed as “Threatened” by USFWS

The subject site falls within the Sand Skink Consultation Area for the United States Fish and Wildlife Service (USFWS). The sand skink is listed as “Threatened” by the USFWS. The sand skink exists in areas vegetated with sand pine (*Pinus clausa*) - rosemary (*Ceratiola ericoides*) scrub or a long leaf pine (*Pinus palustris*) - turkey oak (*Quercus laevis*) association. Habitat destruction is the primary threat to this species’ survival. Citrus groves, residential, commercial and recreational facilities have depleted the xeric upland habitat of the sand skink. All properties within the limits of this consultation area that are located at elevations greater than 80’ and contain suitable (moderate-to-well drained soils) soils are believed by USFWS to be areas of potential sand skink habitat.

The entire project site is located at an elevation below the minimum 80’ and therefore no further action should be required pertaining to sand skinks.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,

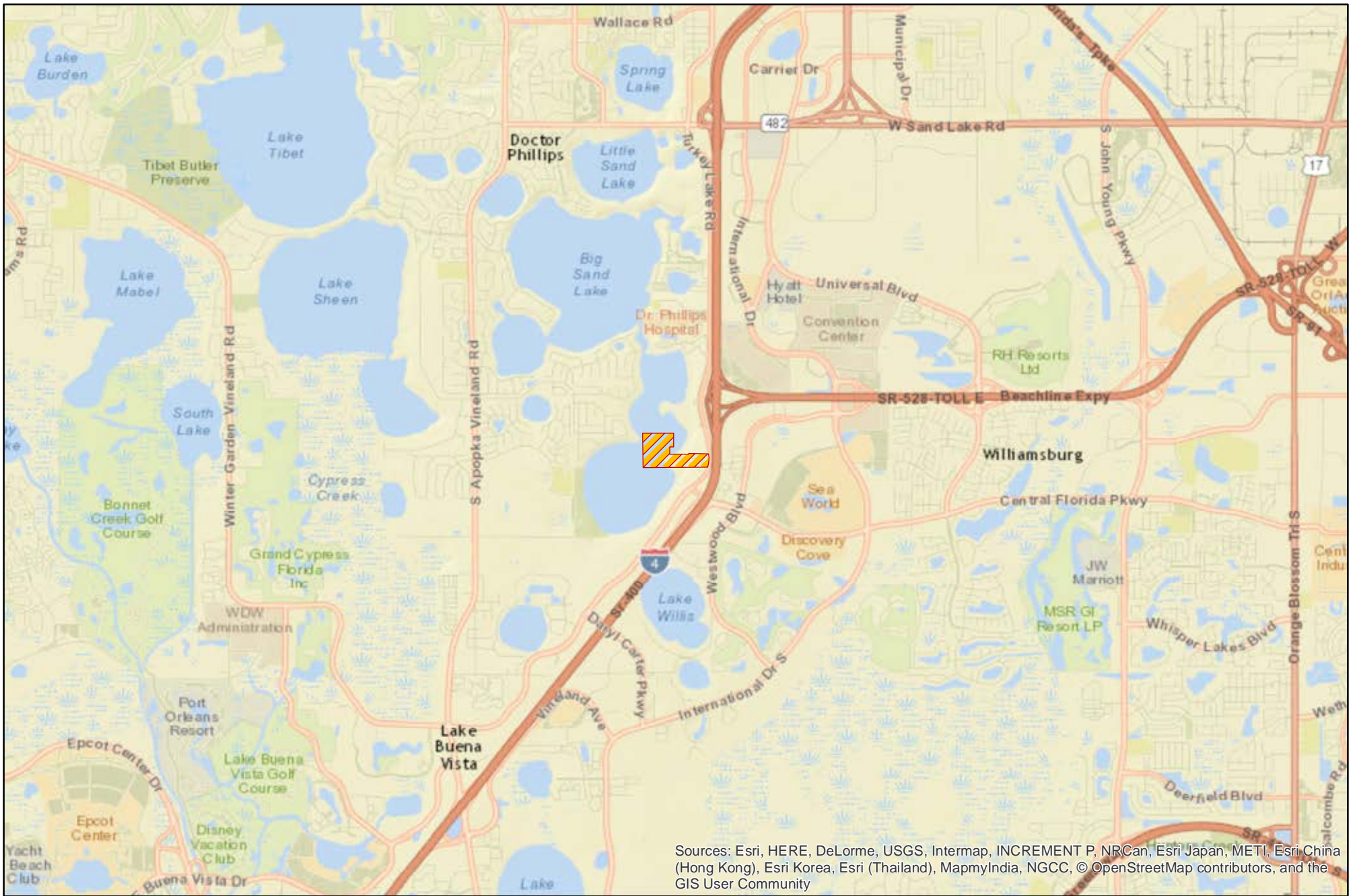


Daniel Gough  
Project Manager

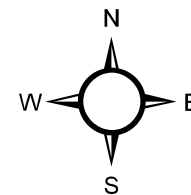


John Miklos  
President

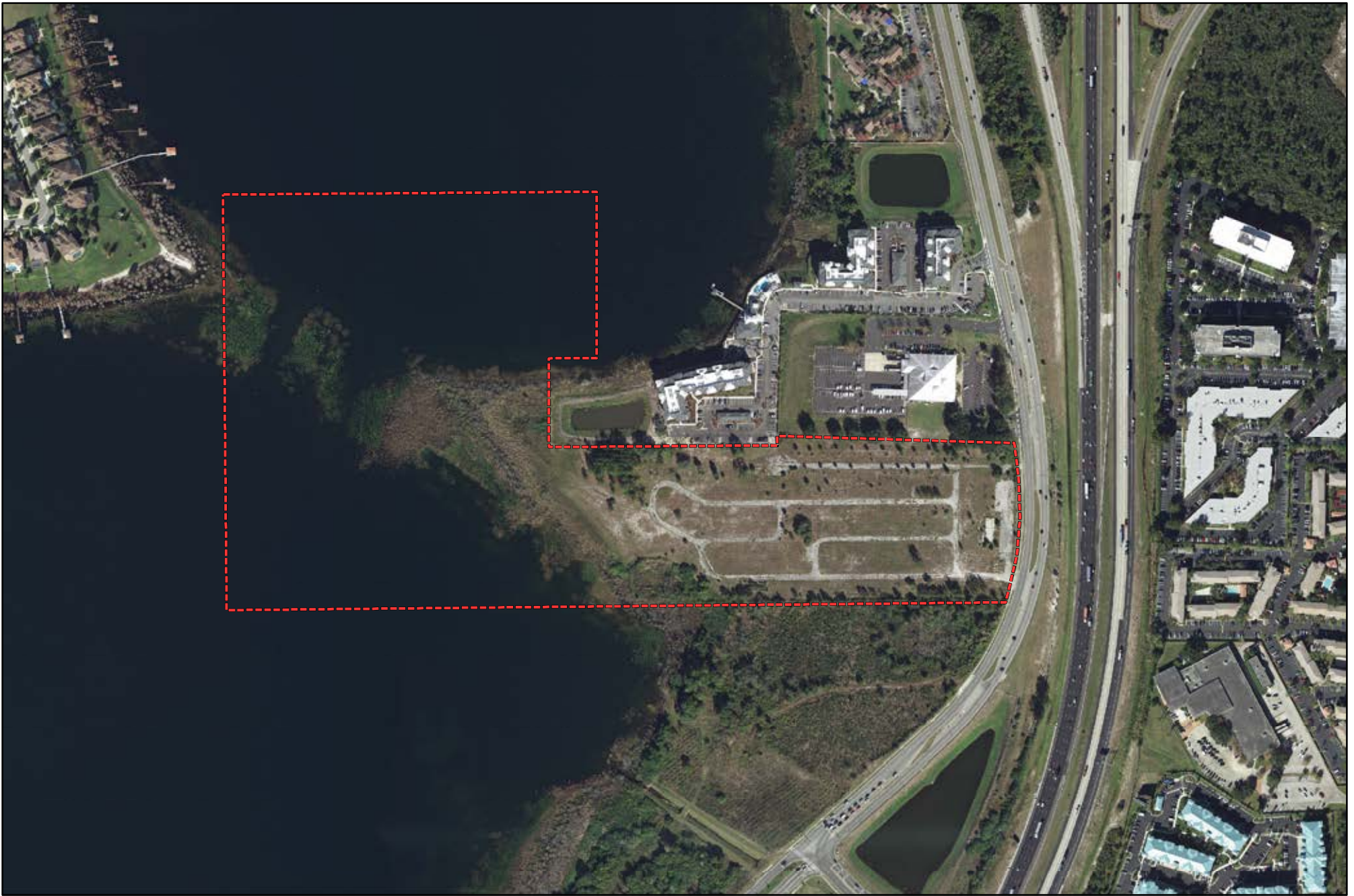
Attachments



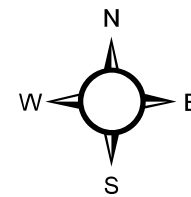
Turkey Lake Apartments  
 Orange County, Florida  
 Figure 1  
 Location Map



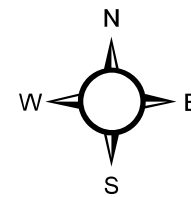
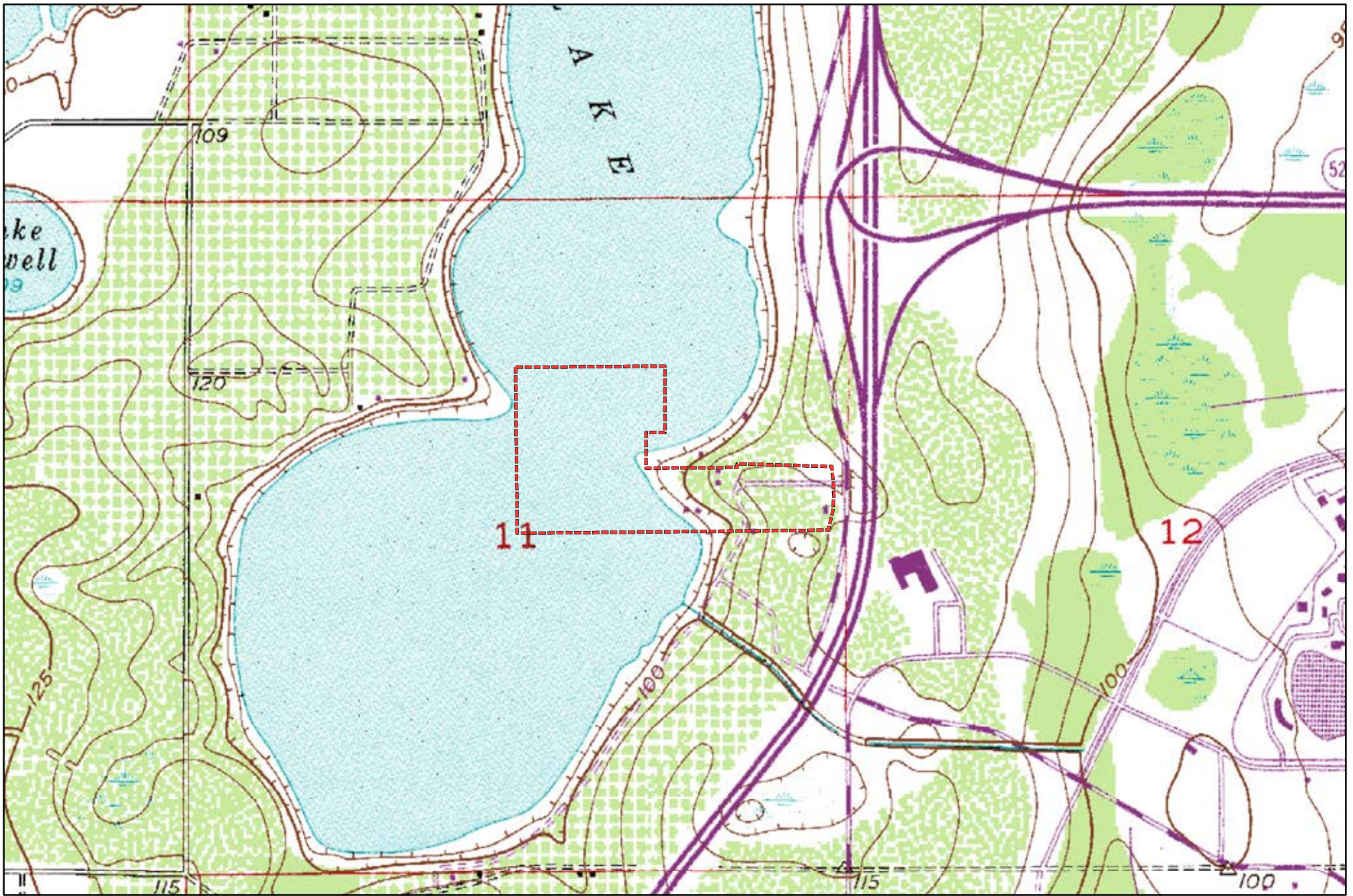
6,750 Feet  
 Project #: 544-13  
 Produced By: DBG  
 Date: 8/28/2017



Turkey Lake Apartments  
Orange County, Florida  
Figure 2  
2016 Aerial Photograph

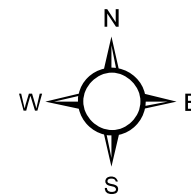






## Soils Legend

- <all other values>
- 3 - Basinger fine sand, depressional, 0 to 1 percent slopes
- 20 - Immokalee fine sand
- 38 - St. Lucie fine sand, 0 to 5 percent slopes

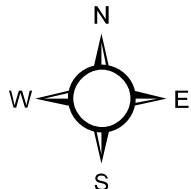


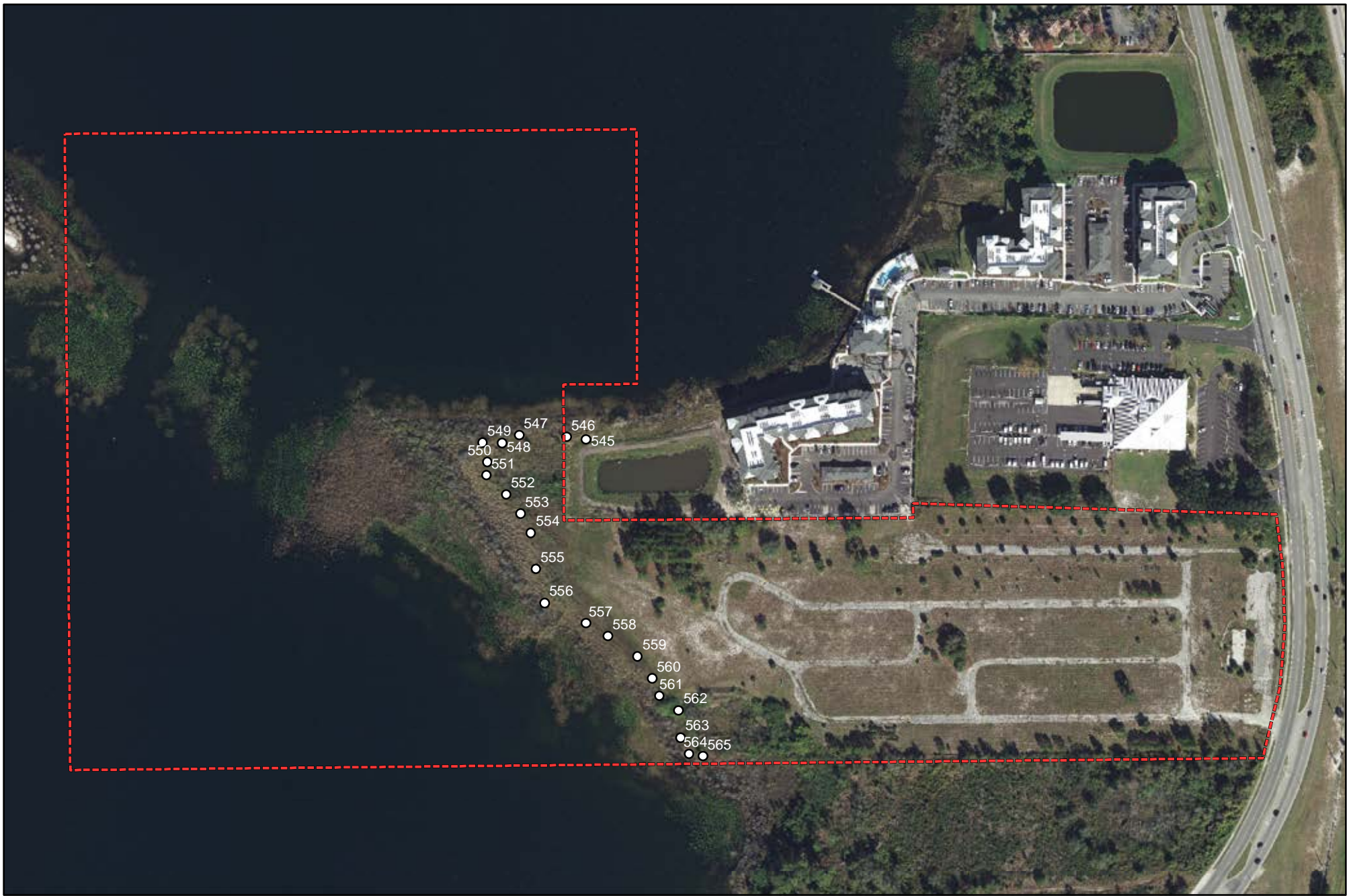


**Legend**

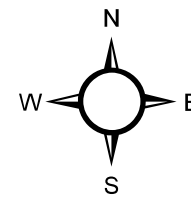
- Turkey Lake Apt.
- 520, Lakes
- 530, Reservoir
- 652, Shoreline
- 740, Disturbed Lands

Turkey Lake Apartments  
 Orange County, Florida  
 Figure 5  
 FLUCFCS Map





Turkey Lake Apartments  
 Orange County, Florida  
 Figure 6  
 Wetland Flags



360 Feet  
 Project #: 544-13  
 Produced By: DBG  
 Date: 9/26/2017

<b>Table 1:</b>		<b>Potentially Occuring Listed Wildlife and Plant Species in Orange County, Florida</b>	
<b>Scientific Name</b>	<b>Common Name</b>	<b>Federal Status</b>	<b>State Status</b>
<b>REPTILES</b>			
<i>Alligator mississippiensis</i>	American alligator	SAT	FT(S/A)
<i>Drymarchon corais couperi</i>	eastern indigo snake	LT	FT
<i>Gopherus polyphemus</i>	gopher tortoise	C	ST
<i>Lampropeltis extenuata</i>	short-tailed snake	N	ST
<i>Pituophis melanoleucus mugitus</i>	Florida pine snake	N	ST
<i>Plestiodon reynoldsi</i>	sand skink	LT	FT
<b>BIRDS</b>			
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	LT	FT
<i>Athene cunicularia floridana</i>	Florida burrowing owl	N	ST
<i>Caracara cheriway</i>	Crested Caracara	LT	FT
<i>Egretta caerulea</i>	little blue heron	N	ST
<i>Egretta tricolor</i>	tricolored heron	N	ST
<i>Falco sparverius paulus</i>	southeastern American kestrel	N	ST
<i>Grus canadensis pratensis</i>	Florida sandhill crane	N	ST
<i>Haliaeetus leucocephalus</i>	bald eagle	N	**
<i>Mycteria americana</i>	wood stork	LT	FT
<i>Pandion haliaetus</i>	osprey	N	SSC*
<i>Picoides borealis</i>	red-cockaded woodpecker	LE	FE
<i>Platalea ajaja</i>	roseate spoonbill	N	ST
<i>Sterna antillarum</i>	least tern	N	ST
<b>MAMMALS</b>			
<i>Sciurus niger shermani</i>	Sherman's fox squirrel	N	SSC
<b>VASCULAR PLANTS</b>			
<i>Bonamia grandiflora</i>	Florida bonamia	LT	E
<i>Calopogon multiflorus</i>	Many-flowered Grass-pink	N	T
<i>Centrosema arenicola</i>	Sand Butterfly Pea	N	E
<i>Chionanthus pygmaeus</i>	Pygmy Fringe Tree	LE	E
<i>Centrosema arenicola</i>	sand butterfly pea	N	N
<i>Coelorachis tuberculosa</i>	piedmont jointgrass	N	N
<i>Deeringothamnus pulchellus</i>	beautiful pawpaw	LE	E
<i>Eriogonum longifolium</i> var <i>gnaphalifolium</i>	scrub buckwheat	LT	E
<i>Helianthus debilis</i> ssp <i>tardiflorus</i>	beach sunflower	N	N
<i>Ilex opaca</i> var <i>arenicola</i>	scrub holly	N	N
<i>Illicium parviflorum</i>	star anise	N	E
<i>Lechea cernua</i>	nodding pinweed	N	T
<i>Lupinus aridorum</i>	scrub lupine	LE	E
<i>Matelea floridana</i>	Florida spiny-pod	N	E
<i>Monotropa hypopithys</i>	piresap	N	E
<i>Najas filifolia</i>	Narrowleaf Naiad	N	T
<i>Nemastylis floridana</i>	Celestial Lily	N	E
<i>Nolina atopocarpa</i>	Florida beargrass	N	T
<i>Nolina brittoniana</i>	Britton's beargrass	LE	E
<i>Ophioglossum palmatum</i>	hand fern	N	E
<i>Panicum abscissum</i>	cutthroat grass	N	E
<i>Paronychia chartacea</i> ssp <i>chartacea</i>	paper-like nailwort	LT	E
<i>Persea humilis</i>	scrub bay	N	N
<i>Pecluma plumula</i>	Plume Polypody	N	E
<i>Polygonella myriophylla</i>	Small's jointweed	LE	E
<i>Prunus geniculata</i>	scrub plum	LE	E
<i>Pteroglossaspis ecristata</i>	Giant Orchid	N	T
<i>Stylisma abdita</i>	scrub stylisma	N	E
<i>Warea amplexifolia</i>	clasping warea	LE	E
<i>Zephyranthes simpsonii</i>	redmargin lily	N	T

## **FEDERAL LEGAL STATUS**

**LE**-Endangered: species in danger of extinction throughout all or a significant portion of its range.

**LT**-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.

**SAT**-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.

**C**-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.

**XN**-Non-essential experimental population.

**N**-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

## **STATE LEGAL STATUS - ANIMALS**

**FE**- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service

**FT**- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service

**FXN**- Federal listed as an experimental population in Florida

**FT(S/A)**- Federal Threatened due to similarity of appearance

**ST**- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

**SSC**-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC\* for *Pandion haliaetus* (Osprey) indicates that this status applies in Monroe county only.)

**N**-Not currently listed, nor currently being considered for listing.

*\*\* State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

## **STATE LEGAL STATUS - PLANTS**

**E**-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

**T**-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.

**N**-Not currently listed, nor currently being considered for listing.



**COMMUNITY, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT  
CONCURRENCY MANAGEMENT OFFICE**

**SCOTT SKRABAN, MPA, CONCURRENCY MANAGEMENT OFFICIAL**

201 South Rosalind Avenue, 2nd Floor

Reply To: Post Office Box 1393

Orlando, Florida 32802-1393

Telephone 407-836-5617 ■ Fax 407-836-2930 ■ <http://www.ocfl.net>

March 30, 2018

Mr. Momtaz Barq  
Terra-Max Engineering, Inc.  
1507 South Hiawasse Road, Suite 211  
Orlando, Florida 32835

**SUBJECT: Declaration of State Emergency Extension Requests  
Executive Orders 17-146, 17-177 (178), 17-230, 17-235, 17-259, 17-285, 17-287,  
17-304, 17-329, 17-330, 18-017, and 18-047  
Transportation Capacity Reservation Certificate No. 12-033  
Transportation Impact Fee Zone: 004  
CASTILLA VILLAGE**

**ACTION: APPROVED**  
New Expiration Date: **March 4, 2022**

Dear Mr. Barq:

This letter is in response to your request for an extension of the above referenced Transportation Capacity Reservation Certificate (TCRC) expiration date.

In 2011, the legislature enacted legislation that tolls permit expirations during, and extends them following, as state of emergency declared by the Governor. This provision is codified in Section 252.363, Florida Statutes. The Reservation Certificate holder must submit the written notification within 90 days after the expiration of the declaration of emergency. Please note that normally each extension provides sixty-days and six months beyond the current expiration date, however, given the number of executive orders issued by the Governor this year and due to the overlapping nature of many of those executive orders, the length of time available under each state of emergency varies, please reference the table below:

Executive Order Number	State of Emergency Declaration	Executive Order Extension Timeframe
17-146	Opioid	22 days + 6 months
17-177 (178)	Opioid Extension	20 days
17-230	Opioid Extension 2	23 days
17-235	Irma	6 days + 6 months
17-259	Maria	28 days + 6 months
17-285	Opioid Extension 3	23 days
17-287	Irma Extension	30 days
17-304	Maria Extension	25 days
17-329	Opioid Extension 4	25 days
17-330	Irma Extension 2	7 days
18-017	Maria Extension 2	27 days
18-047	Opioid Extension 4	25 days

**Total = 261 days & 18 months**

March 30, 2018

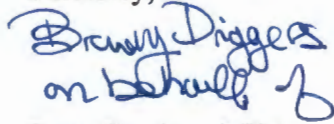
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These extensions are in addition to any extensions granted by HB 7023, HB 503, HB 7207, SB 1752, SB 360, or any other Executive Order.

Our records indicate that an approved Transportation Capacity Reservation Certificate was established on April 24, 2013, reflecting an expiration date of February 27, 2018. This account has previously been granted additional extensions, providing the account with an expiration date of December 16, 2019. The executive order extensions have been granted and your new expiration date is: **March 4, 2022**. Please be advised, if all or any portion of the reserved capacity is not permitted within the reservation period, the non-permitted portion of the reserved capacity will be transferred to the available capacity bank on March 5, 2022.

If you should have any questions, please do not hesitate to contact the Concurrency Management Office at (407) 836-5617.

Sincerely,



Scott Skraban, MPA

Concurrency Management Official

Community, Environmental & Development Services Department

SS/nc



**Appendix 6:**  
**Traffic Study by Traffic & Mobility Consultants, Inc.**  
**February 22, 2018**

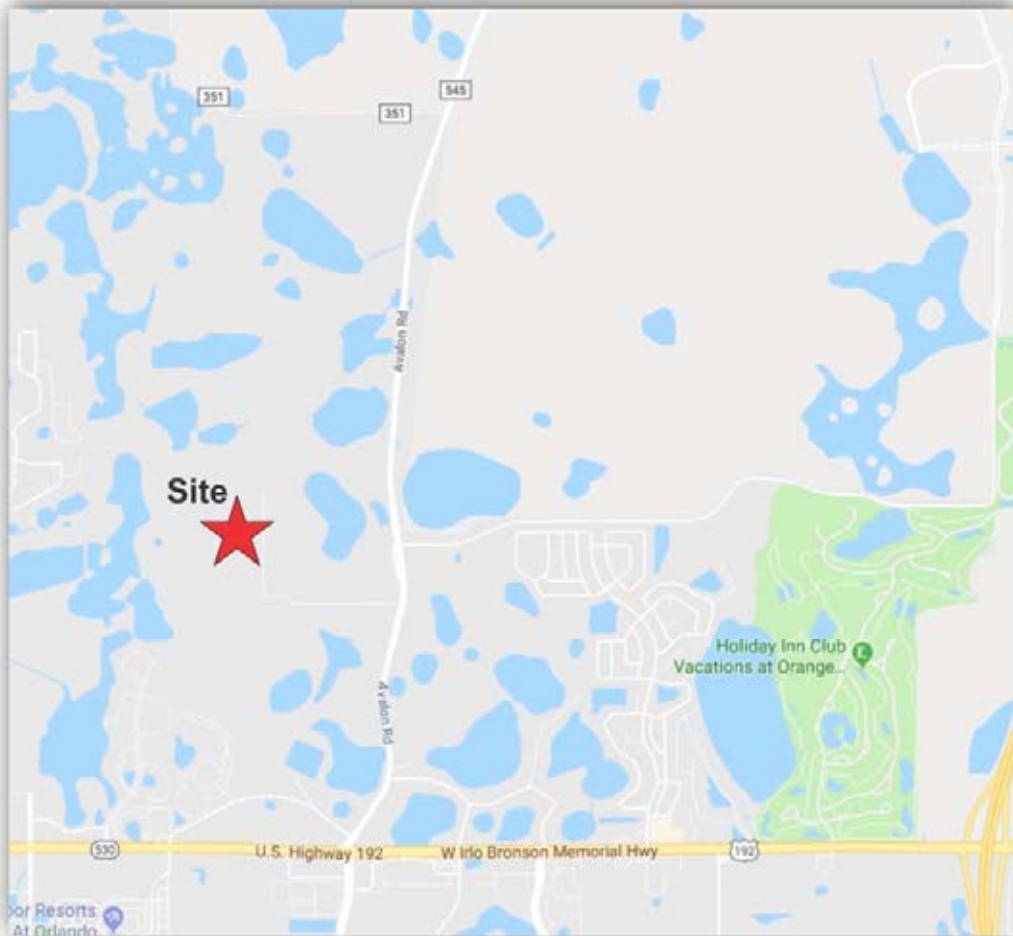
**MEMORANDUM**

February 22, 2018

**Re: Lake Austin PD**  
Preliminary TFA Review  
Project № 18027

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This analysis was prepared in support of a proposed amendment to the County’s Comprehensive Plan changing the designation of the Lake Austin PD from Short Term Rental and associated commercial uses to a Residential PD. The property is located west of Avalon Road (CR 545) and north of US 192, in Orange County, as illustrated in **Figure 1**



**Figure 1 – Site Location**

The current FLU designation allows a maximum development of 3,332 short term rental units along with 20,000 square feet of ancillary administration space and 10,000 square feet of retail space. The proposed amendment will reduce the maximum development intensity of the site to 500 single family residential units.

A comparative trip generation analysis was prepared to determine if the amendment will result in increased or reduced traffic on the transportation network. The trip generation of the currently approved Short-Term Rental use was calculated based on the rates established in the previously approved Development of Regional Impact (DRI). The office and commercial space was assumed to be ancillary to the use. As for the proposed residential use, the trip generation was calculated using information published in the ITE *Trip Generation Manual, 10<sup>th</sup> Edition*, as summarized in **Table 1**.

**Table 1  
Trip Generation Analysis**

ITE Code	Land Use	Size	Rates		Trips	
			Daily	Peak	Daily	Peak
<b>Existing - Activity Center Mixed Use (ACMU)</b>						
n/a	Short-Term Rental	3,332 Units	4.27*	0.43*	14,228	1,433
<b>Proposed - Activity Center Residential (ACR)</b>						
210	Residential	500 DU	9.14	0.95	4,570	475
<b>Net Change in Trips</b>					<b>-9,658</b>	<b>-958</b>

\* Short Term Rental trip generation rate obtained from previous DRI/ADA.

Trip generation analysis based on ITE *Trip Generation Manual, 10th Edition*.

It is evident from the analysis above that the proposed comprehensive plan amendment will significantly reduce the trip generation intensity of the site. Therefore, the proposed amendment will not have an adverse impact on the transportation facilities.

It should be noted that the project will be required to undergo further analysis through the transportation concurrency process as further development approvals are pursued for the proposed development program on the site.

## **ATTACHMENTS**

# Single-Family Detached Housing (210)

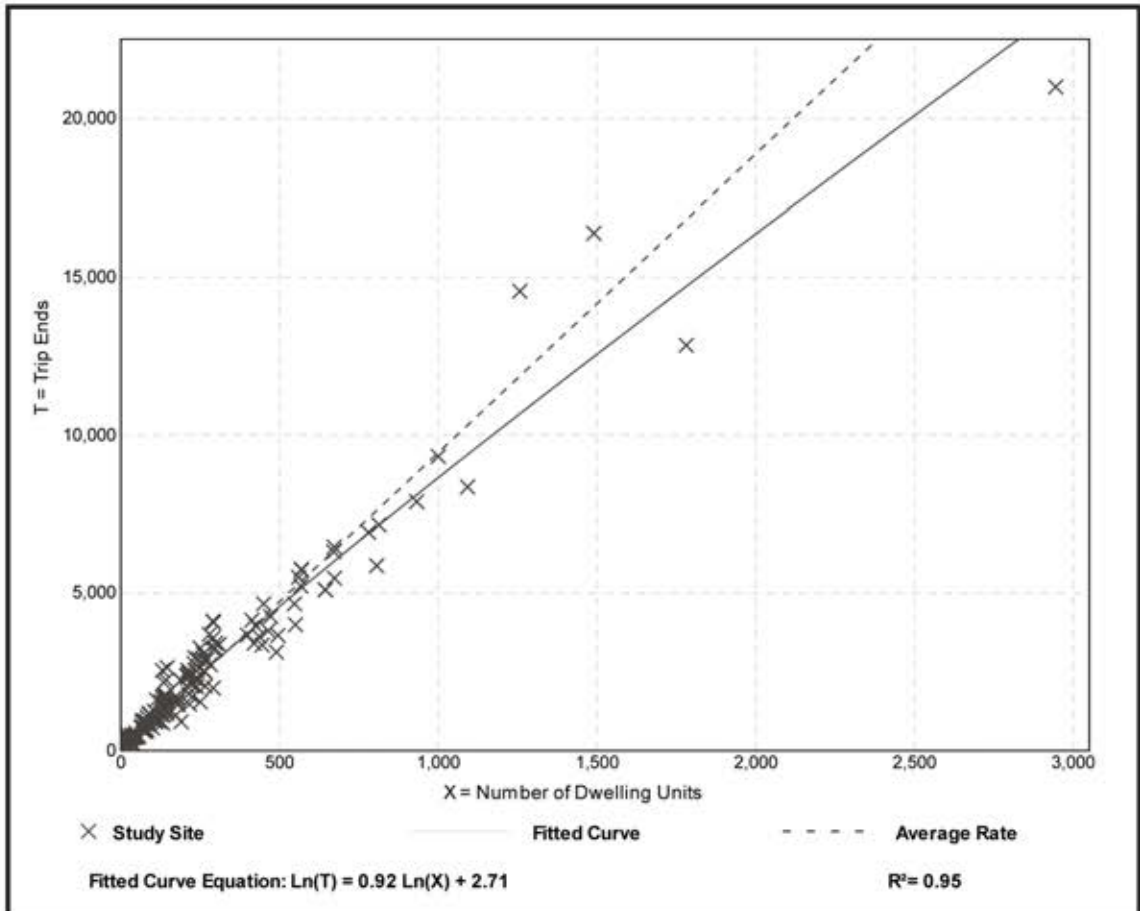
Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 159  
Avg. Num. of Dwelling Units: 264  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.44	4.81 - 19.39	2.10

## Data Plot and Equation



# Single-Family Detached Housing (210)

**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 190  
 Avg. Num. of Dwelling Units: 242  
 Directional Distribution: 63% entering, 37% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.99	0.44 - 2.98	0.31

## Data Plot and Equation

