



Legislation Text

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Interoffice Memorandum

DATE: July 3, 2024

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

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

CONTACT: Renée H. Parker, LEP, Manager, Environmental Protection Officer

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DIVISION: Environmental Protection Division

ACTION REQUESTED:

Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Conservation Area Impact Permit CAI-23-06-030 for Suzzane M. Litton, Charles Pham, and Kenneth and Kris S. Viles. District 4 (Environmental Protection Division)

PROJECT: Suzzane M. Litton, Charles Pham, and Kenneth and Kris S. Viles, Conservation Area Impact Permit Application No. CAI-23-06-030 (Hancock Lone Palm North)

PURPOSE: The applicants, Suzzane M. Litton, Charles Pham, and Kenneth and Kris S. Viles, are requesting a Conservation Area Impact (CAI) Permit to construct a townhome development project with associated infrastructure. The project site is known as Hancock Lone Palm North and is located on Hancock Lone Palm Road, Orlando, FL 32828. The Parcel ID Nos. are 24-22-31-0000-00-045, 24-22-31-0000-00-059, 24-22-31-0000-00-061, 24-22-31-0000-00-062, and 24-22-31-0000-00-069. The subject properties are in District 4.

The project area consists of five parcels, with existing single-family homes and commercial uses. The natural resources on the five properties consist of three Class III surface waters (SW-1, SW-2, and SW-3; totaling 0.783 acre combined) and one Class I wetland (W-1; totaling 3.87 acres onsite and continues offsite). W-1 is a forested system of moderate to moderately high quality, comprised of mostly native tree canopy and subcanopy. SW-1, SW-2, and SW-3 are ponds that are low to moderate in habitat quality and consist of some appropriate native vegetation, with some opportunistic emergent species and algae tolerant of and associated with water quality degradation.

The project is located within the Econlockhatchee River Protection Area and is therefore subject to Chapter 15, Article XI, Econlockhatchee River Protection Ordinance. Pursuant to Section 15-442(f), upland buffers averaging fifty (50) feet in width with a minimum of twenty-five (25) feet in width are required for Class I and II conservation areas. There are 1.25 acres of required upland buffer associated with W-1. The upland buffer along W-1 is forested and comprised of native tree species. The understory contains mainly native vegetation with minimal nuisance/exotic species.

The applicant proposes to impact all of SW-1, SW-2 and SW-3, and 0.43-acre of the required upland buffer adjacent to W-1. No direct impacts to W-1 are proposed. The project is being reviewed under the prior version of Article X, Wetland Conservation Areas, adopted in 1987, since the application was received in June 2023 when that Code was in effect and the applicants were provided direction for their development plan under that Code.

Environmental Protection Division (EPD) staff has evaluated the proposed impacts and site plan with the review criteria in Orange County Code, Chapter 15, Articles X and XI. Pursuant to Section 15-362(5), where wetlands serve a significant and productive environmental function, the public health, safety and welfare require that any alteration or development affecting such lands should be so designed and regulated so as to minimize or eliminate any impact upon the beneficial environmental productivity of such lands, consistent with the development rights of property owners. The applicants have made plan revisions and have reduced the amount of impacts to the W-1 upland buffer from 0.63-acre in the original request to 0.43-acre in the final plans. The reduction was accomplished by relocating parking areas, eliminating a small park, and by utilizing a retaining wall along the proposed stormwater pond rather than a wider backslope. The applicants have proposed a remaining upland buffer 0.82-acre in size.

The proposed mitigation plan includes the purchase of 0.53 credit from the TM-Econ Mitigation Bank, Phases 1-3. In addition, conservation area signage and permanent fencing will be placed along the remaining upland buffer. As a method to further protect the remaining onsite wetlands, the applicants have also agreed to place the remaining onsite portion of W-1 (+/- 3.87 acres), and remainder of the upland buffer (excluding a 5-foot wall maintenance easement) into a conservation easement. EPD has determined that the mitigation is appropriate and sufficient to offset adverse impacts to wetlands that will occur as a result of the proposed project.

In accordance with Chapter 15, Article XI, Section 15-442(a), the applicant conducted a survey of the property for the presence of imperiled species. No imperiled species were identified within the project area. The project is not expected to result in adverse effects to imperiled species.

There are no current enforcement actions taken by EPD or any history of violations on the subject properties.

EPD has evaluated the CAI permit application and required documentation and has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X (previous version adopted in 1987), Wetland Conservation Areas Ordinance and Article XI, Econlockhatchee River Protection Ordinance and recommends approval.

BUDGET: N/A