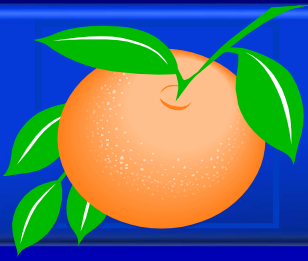


Board of County Commissioners

Public Hearings

March 08, 2022



The Grow Planned Development – Regulating Plan (PD-RP) / The Grow Master Infrastructure PSP

1. Case: PSP-20-06-156

Project Name: The Grow PD – RP / The Grow Master Infrastructure PSP

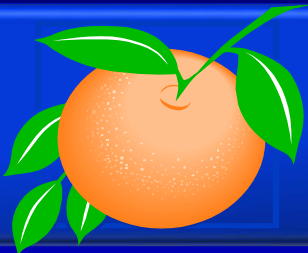
Applicant: Adam Smith, VHB, Inc.

District: 5

Acreage: 1,188.98 acres

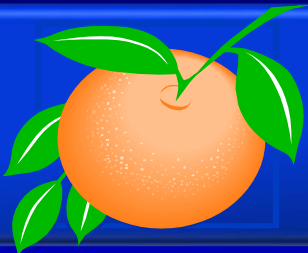
Location: Generally located north of East Colonial Drive and east of South Tanner Road

Request: To subdivide 1,188.98 acres to construct master infrastructure for future development parcels.



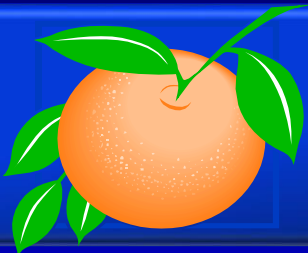
The Grow Planned Development – Regulating Plan (PD-RP) The Grow Master Infrastructure PSP Future Land Use Map





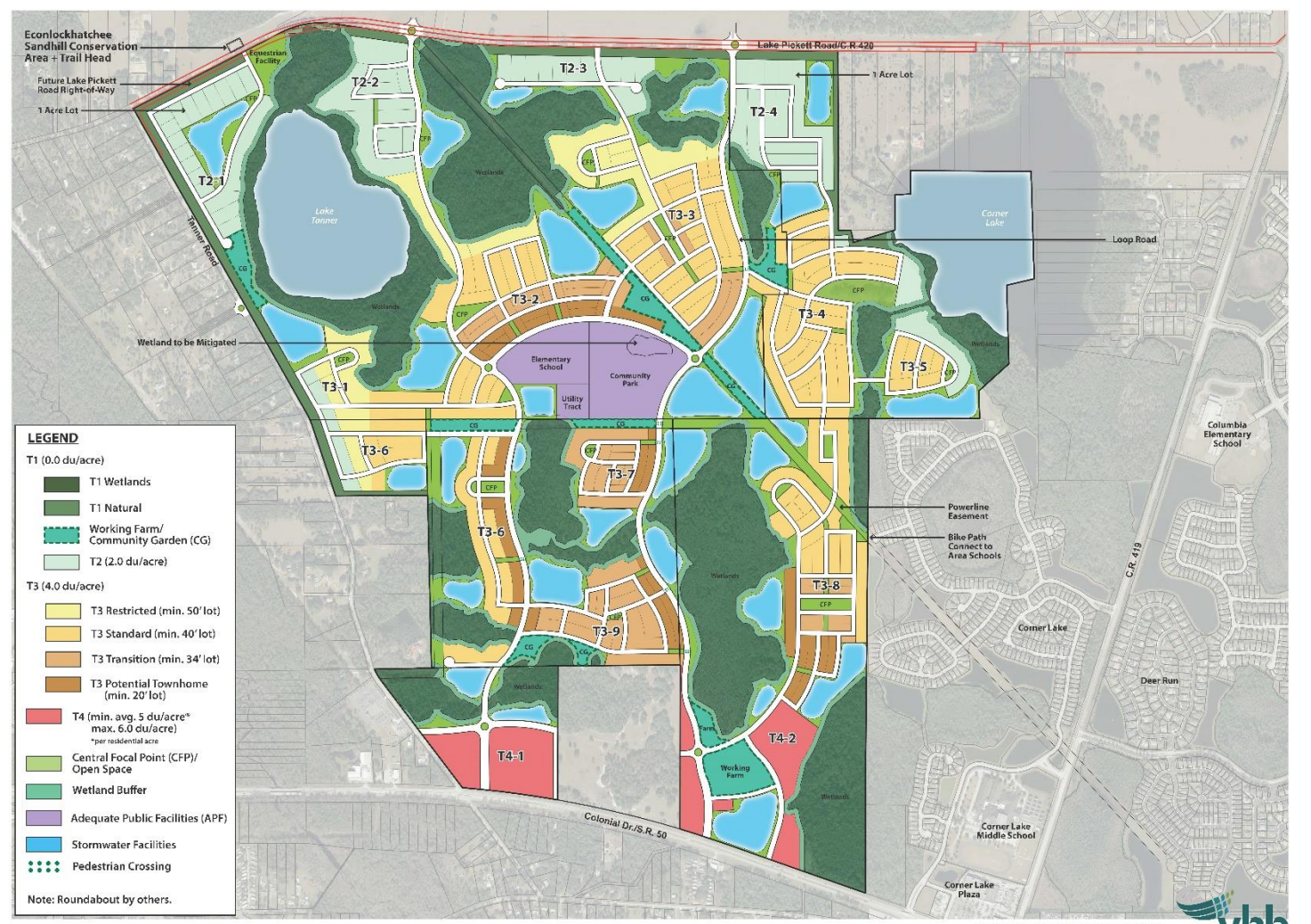
The Grow Planned Development – Regulating Plan (PD-RP) The Grow Master Infrastructure PSP Zoning Map



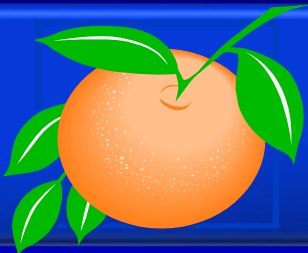


The Grow Planned Development – Regulating Plan (PD-RP)

Original Approved Regulating Plan

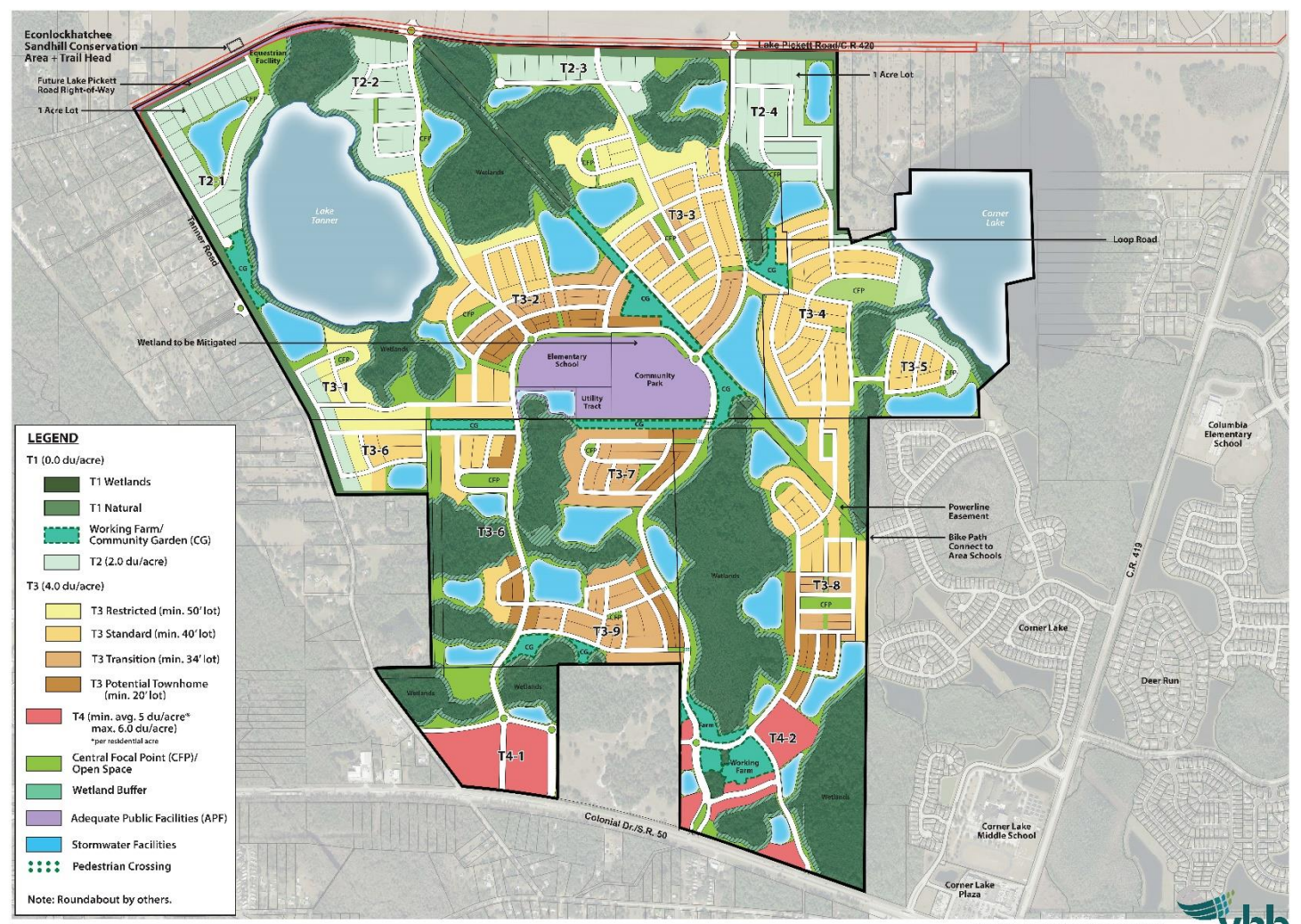


THE GROW PD
FIGURE 2.3(1) REGULATING PLAN
 ORANGE COUNTY • FLORIDA



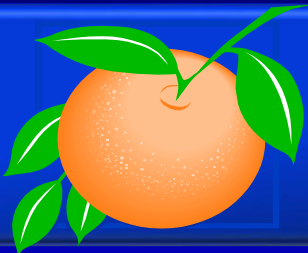
The Grow Planned Development – Regulating Plan (PD-RP)

Non-substantial Change Approved December 15, 2021

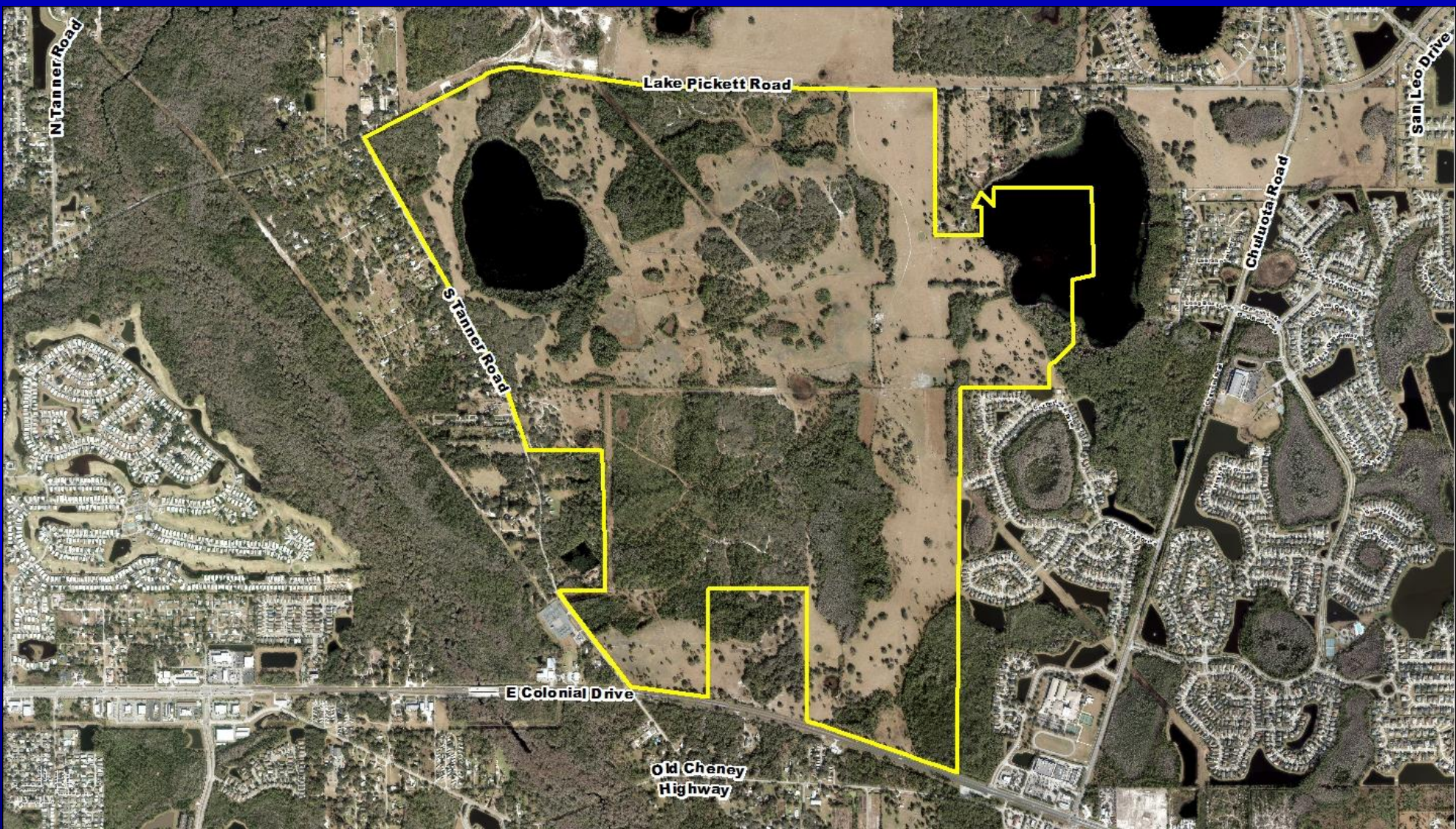


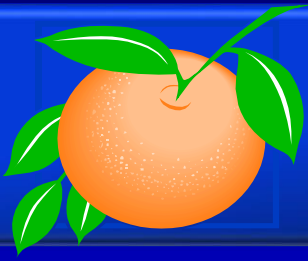
THE GROW PD
FIGURE 2.3(1) REGULATING PLAN
 ORANGE COUNTY • FLORIDA





The Grow Planned Development – Regulating Plan (PD-RP) The Grow Master Infrastructure PSP Aerial Map





Action Requested

Make a finding of consistency with the Comprehensive Plan and APPROVE the Grow Planned Development – Regulating Plan / The Grow Master Infrastructure Plan Preliminary Subdivision Plan, dated “Received February 1, 2022,” subject to the 29 conditions listed under the DRC Recommendation in the staff report.

District 5

Board of County Commissioners

**The Grow
CAI-20-06-043**

Applicants:

American Land Investments of Orange County, LLC

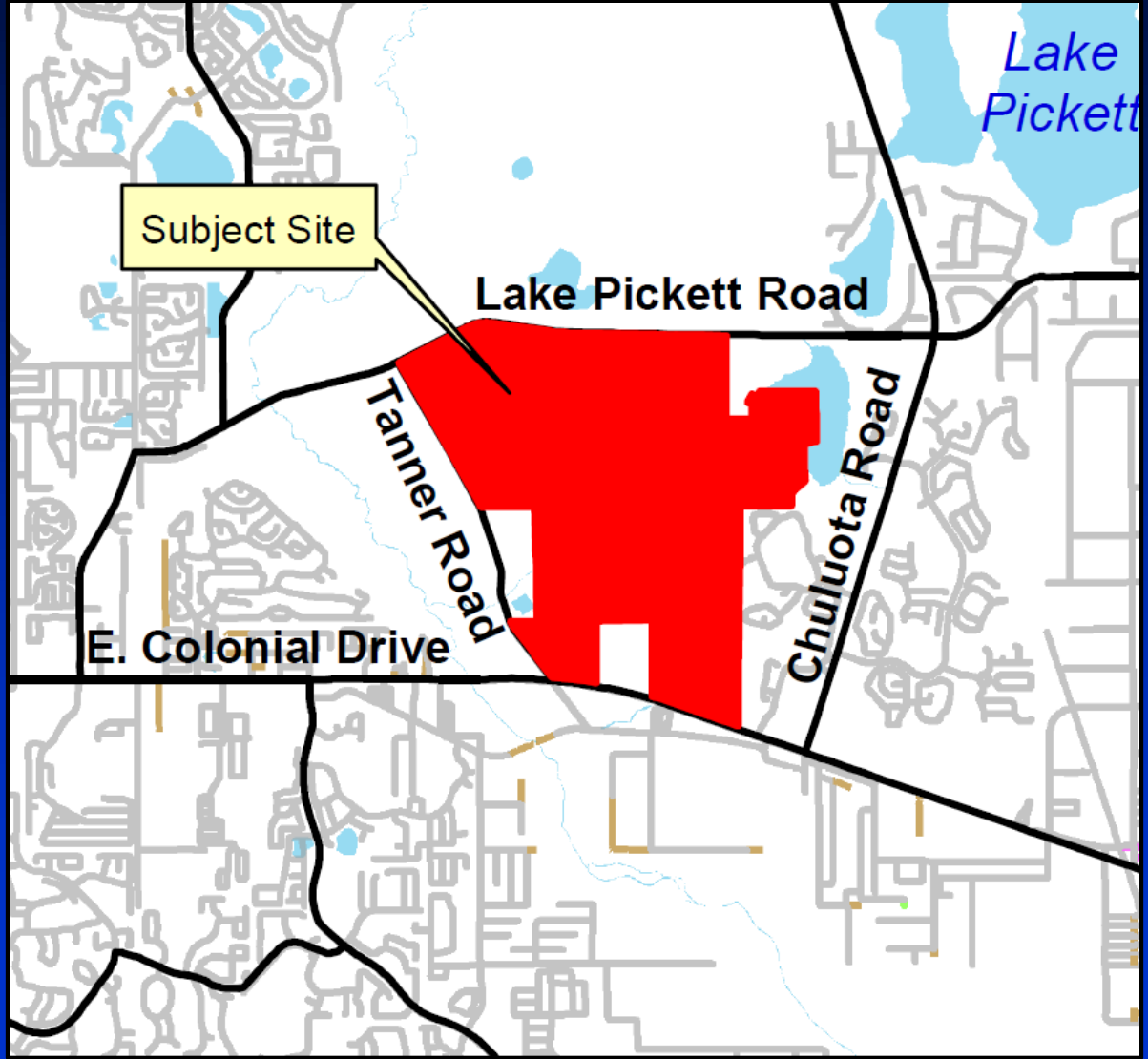
Banksville of Florida, Inc.

Nivesa of Florida, Inc.

March 8, 2022

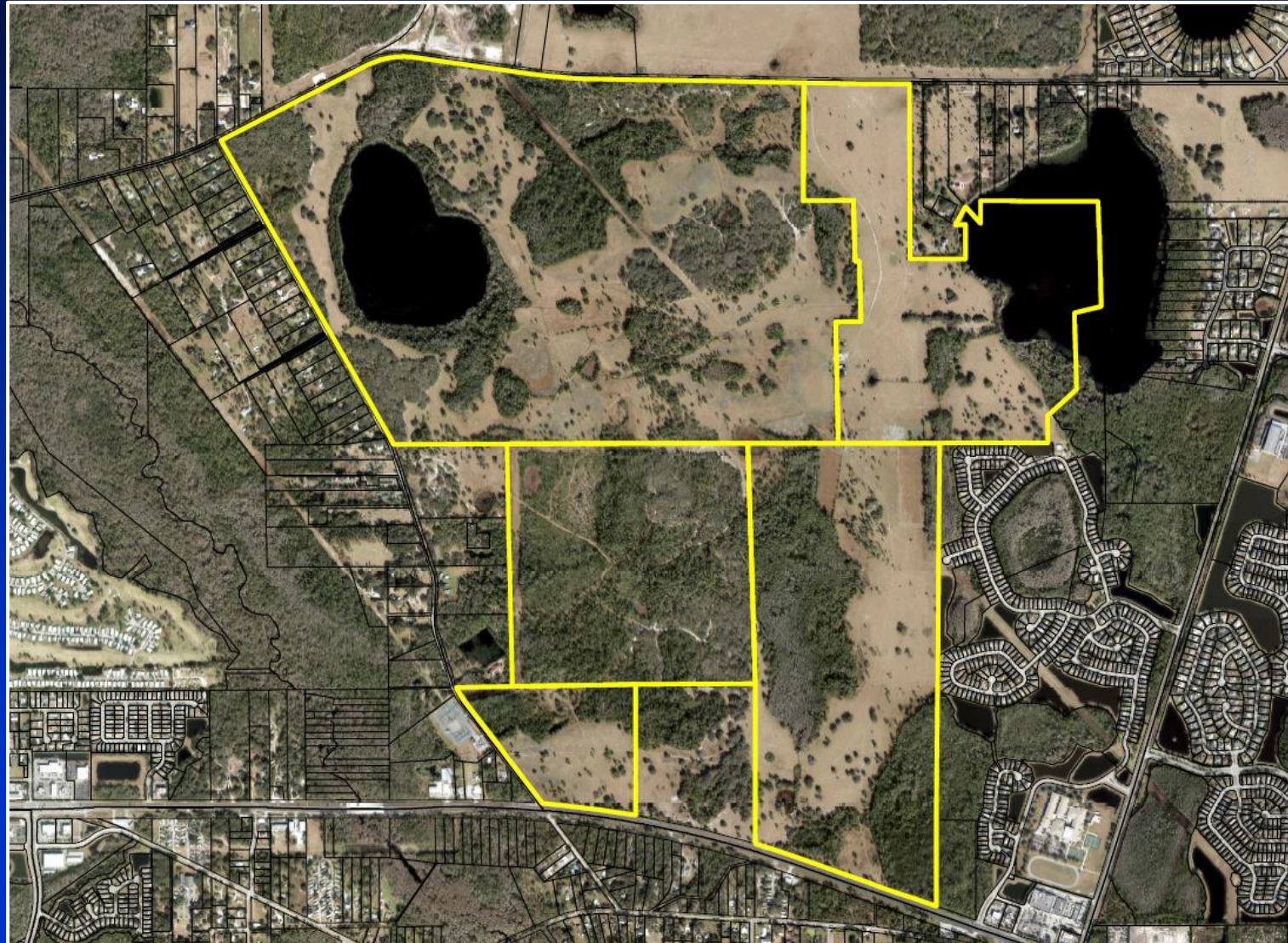


Location Map



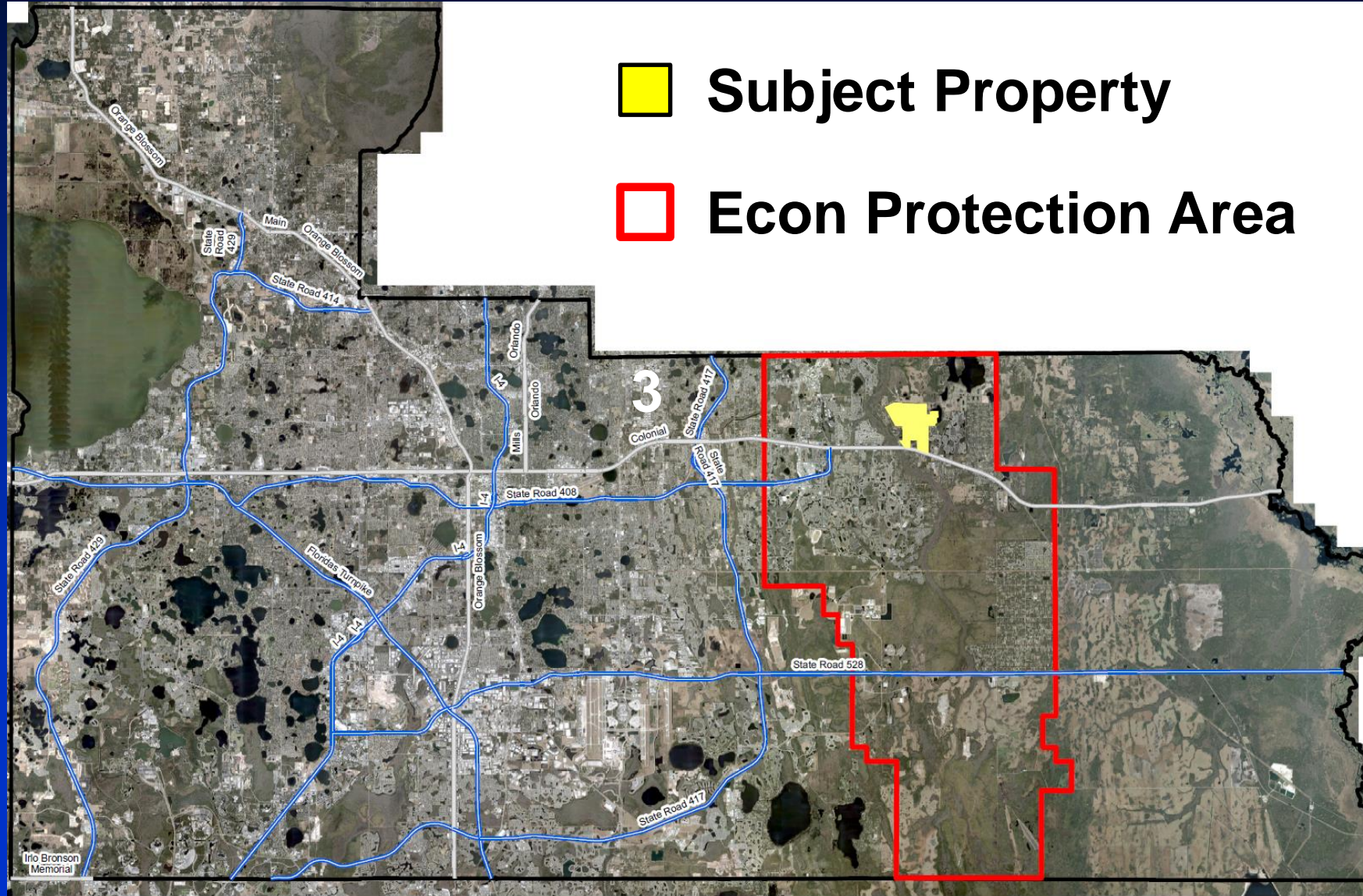


Aerial Photograph



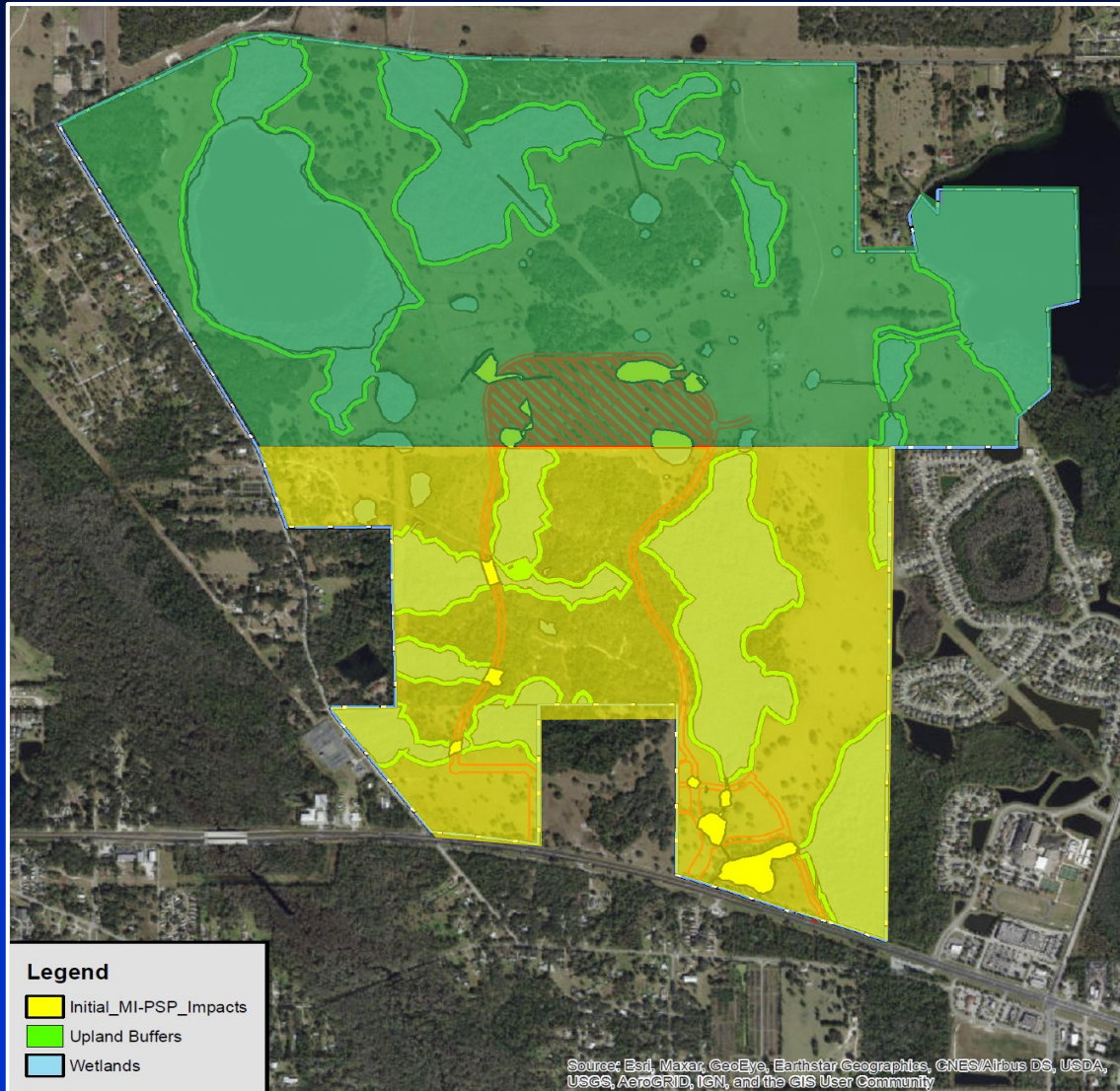



Location Map






Background



 **CAI-20-06-043 and
PSP-20-06-156
(current request)**

 **CAI-21-10-062 and
PSP-21-12-367
(The Grow South)
(under review)**

 **Future phase**

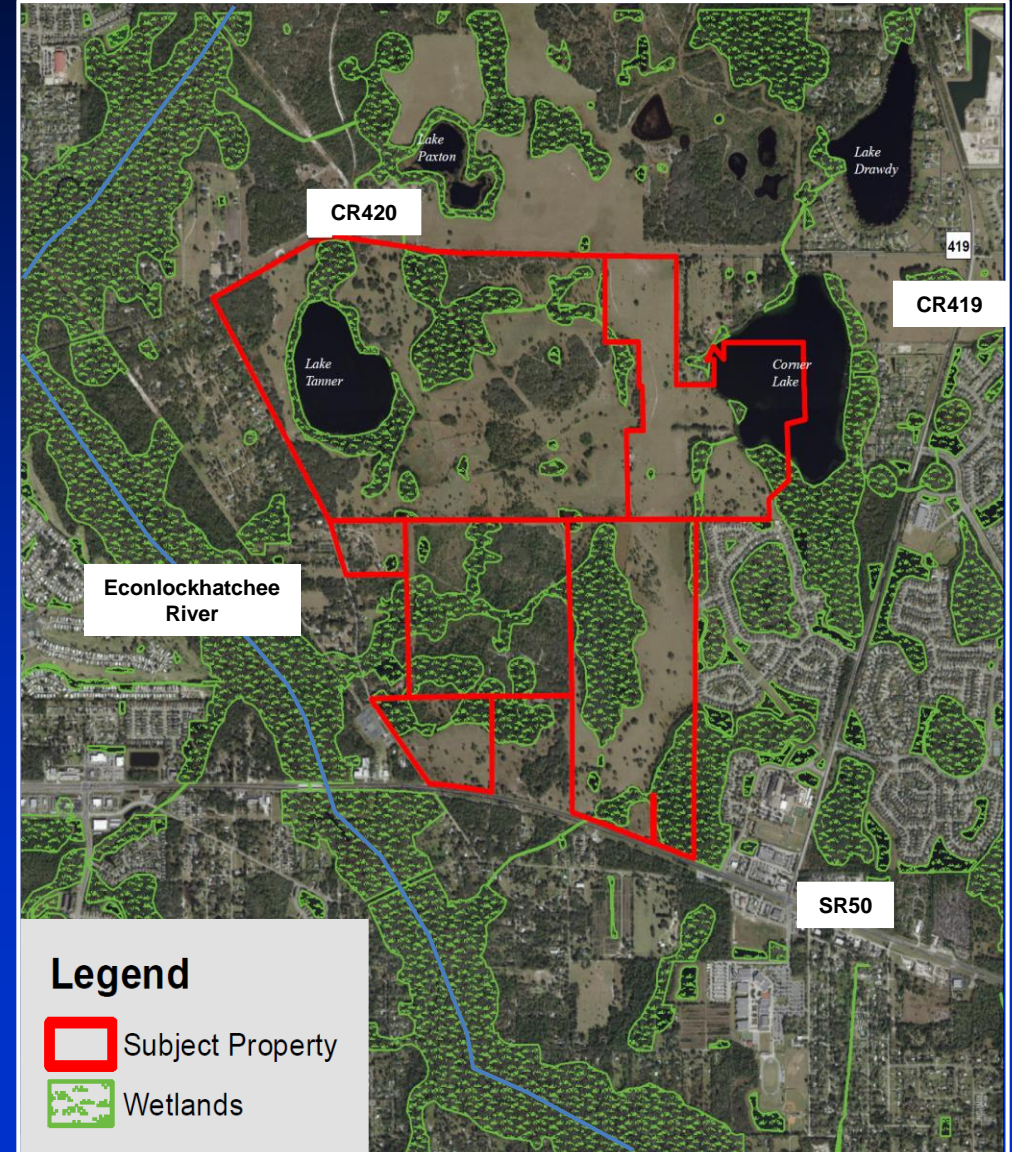


Background

- **September 20, 2016:** The Board approved a Planned Development-Regulating Plan (PD-RP), LUP-16-01-002, for the subject project. LUP-16-01-002 included a depiction of conceptual impacts to wetlands, surface waters, and upland buffers; however, approval of the PD-RP did not constitute approval of wetland or buffer impacts. A CAI permit was still required pursuant to Chapter 15, Article X.
- **September 21, 2016 and September 29, 2016:** Conservation Area Determination CAD-16-02-015 and CAD-16-02-021, respectively, were issued by the Environmental Protection Division (EPD).
- **June 18, 2020:** EPD received CAI-20-06-043 for the roadway network and infrastructure. CAI-20-06-043 was reviewed concurrently with PSP-20-06-156.
- **October 7, 2021:** CAI-21-10-062 (The Grow South) application submitted.
- **December 3, 2021:** PSP-21-12-367 (The Grow South) application submitted.
- **December 15, 2021:** The Development Review Committee approved a non-substantial revised PD-RP.

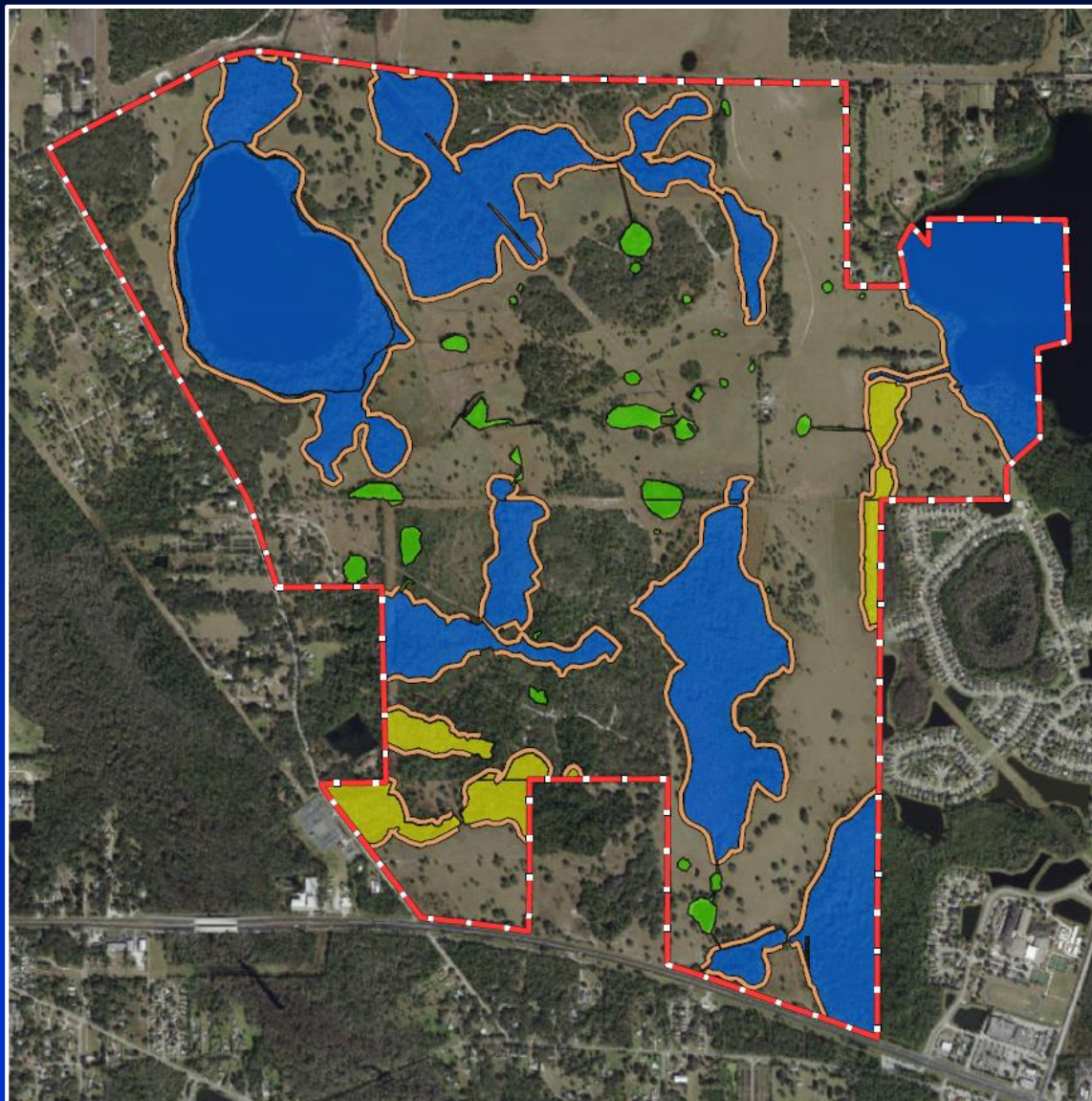


Existing Conditions








Existing Conditions



Project area: 1,189 acres

Uplands: 805.49 acres

Conservation Areas: 383.49 acres

-  **Class I wetlands and surface waters – 332.43 acres**
-  **Class II wetlands – 31.39 acres**
-  **Class III wetlands and surface waters – 19.67 acres**
-  **Required upland buffers – 81.15 acres**



CAI-20-06-043 Request Summary

Impact Classification	Direct Impact (acres)	Secondary Impact (acres)	Reason for Impact
Class I Wetlands	0.94	0.46	Roads, Stormwater structure
Class II Wetlands	0.83	0.25	Roads
Class III Wetlands	5.93	0.84	Roads, School Tract, Park Tract
Class III Surface Waters	0.17		Roads, School Tract, Park Tract
Upland Buffer Impacts	1.88		Roads, Stormwater structure
Total	7.87 acres of wetlands/surface waters 1.88 acres of upland buffers	1.55 acres	

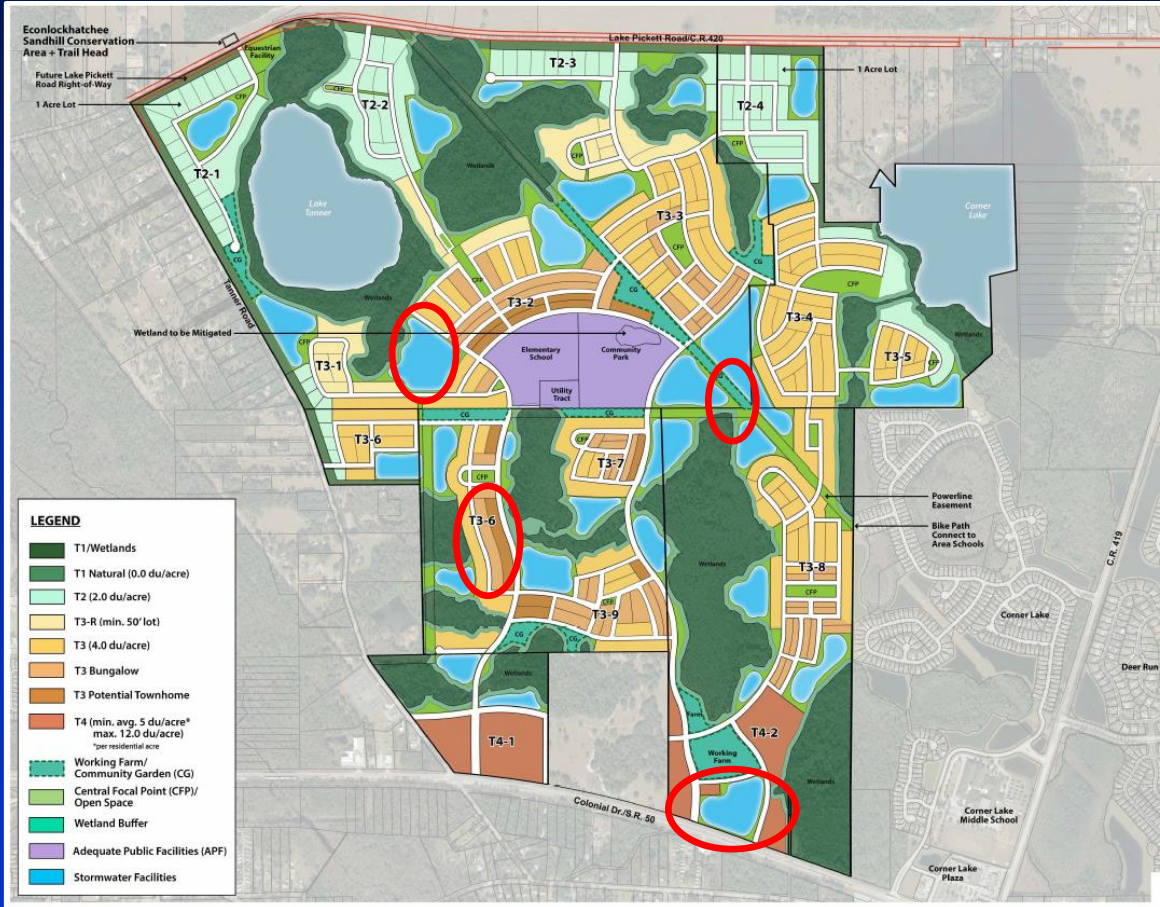


Existing Conditions

- The quality of the Class I and II wetland areas proposed for impact ranges from moderate to moderately high.
- The quality of the Class III wetlands and surface waters proposed for impact ranges from low quality ditches and small depressions to moderate quality marshes and forested systems.
- The upland buffer impacts vary from low quality existing pastureland to more natural, moderate quality uplands.



Regulating Plan



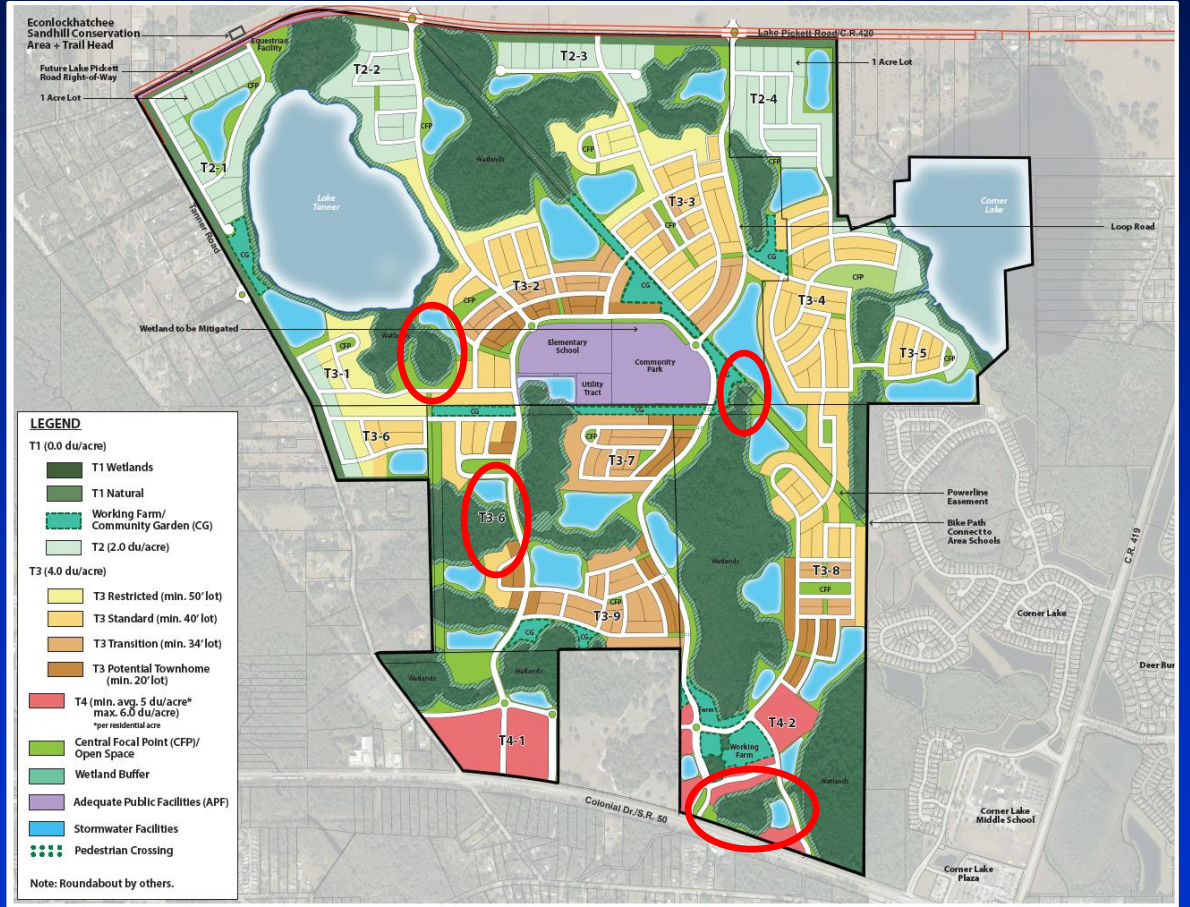
THE GROW PD
FIGURE 2.3(1) REGULATING PLAN
 ORANGE COUNTY • FLORIDA

Hall Development Services Inc.

LIBRA
 CONSULTING GROUP

SCALE IN FEET

9-20-2016 Regulating Plan



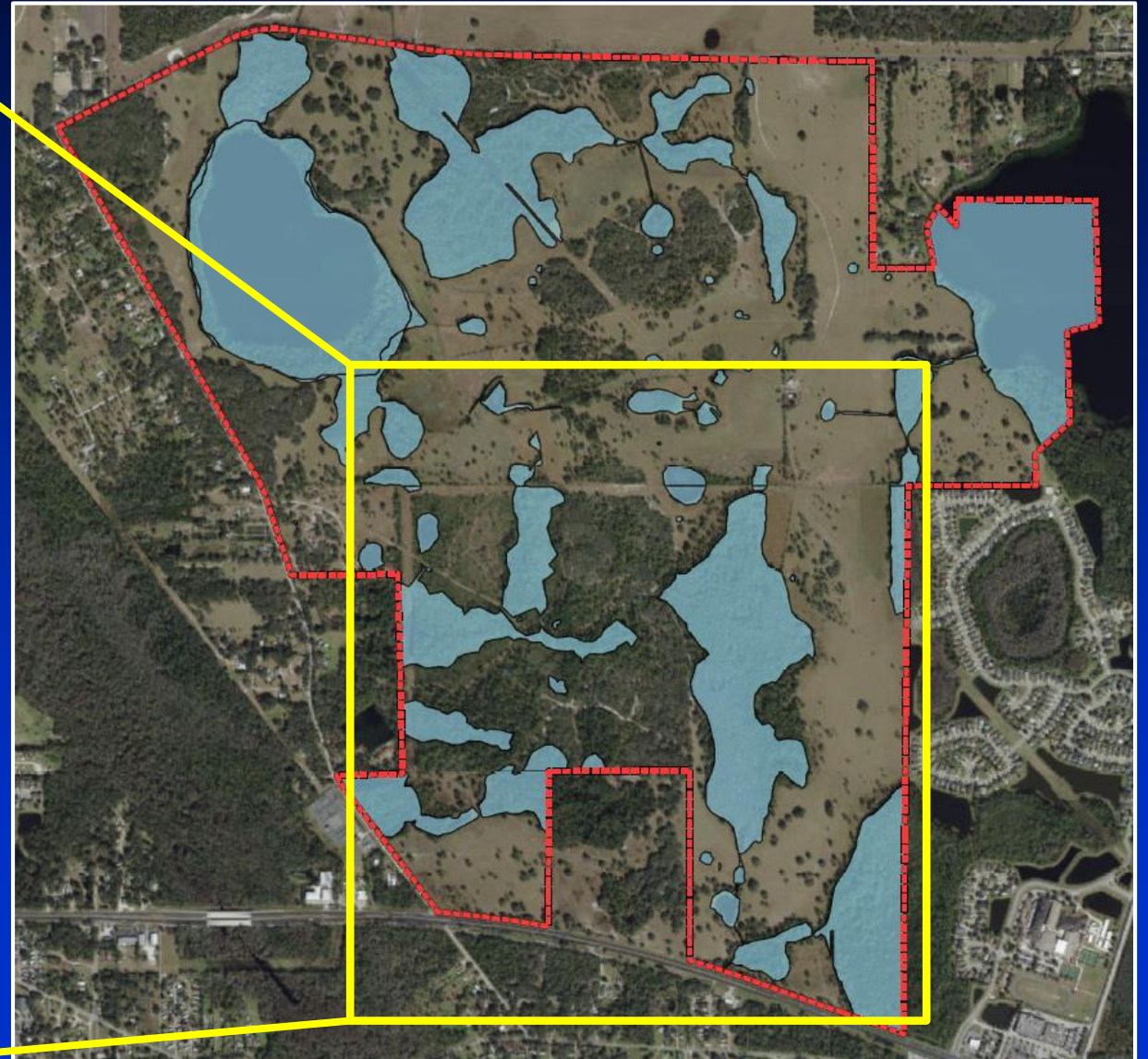
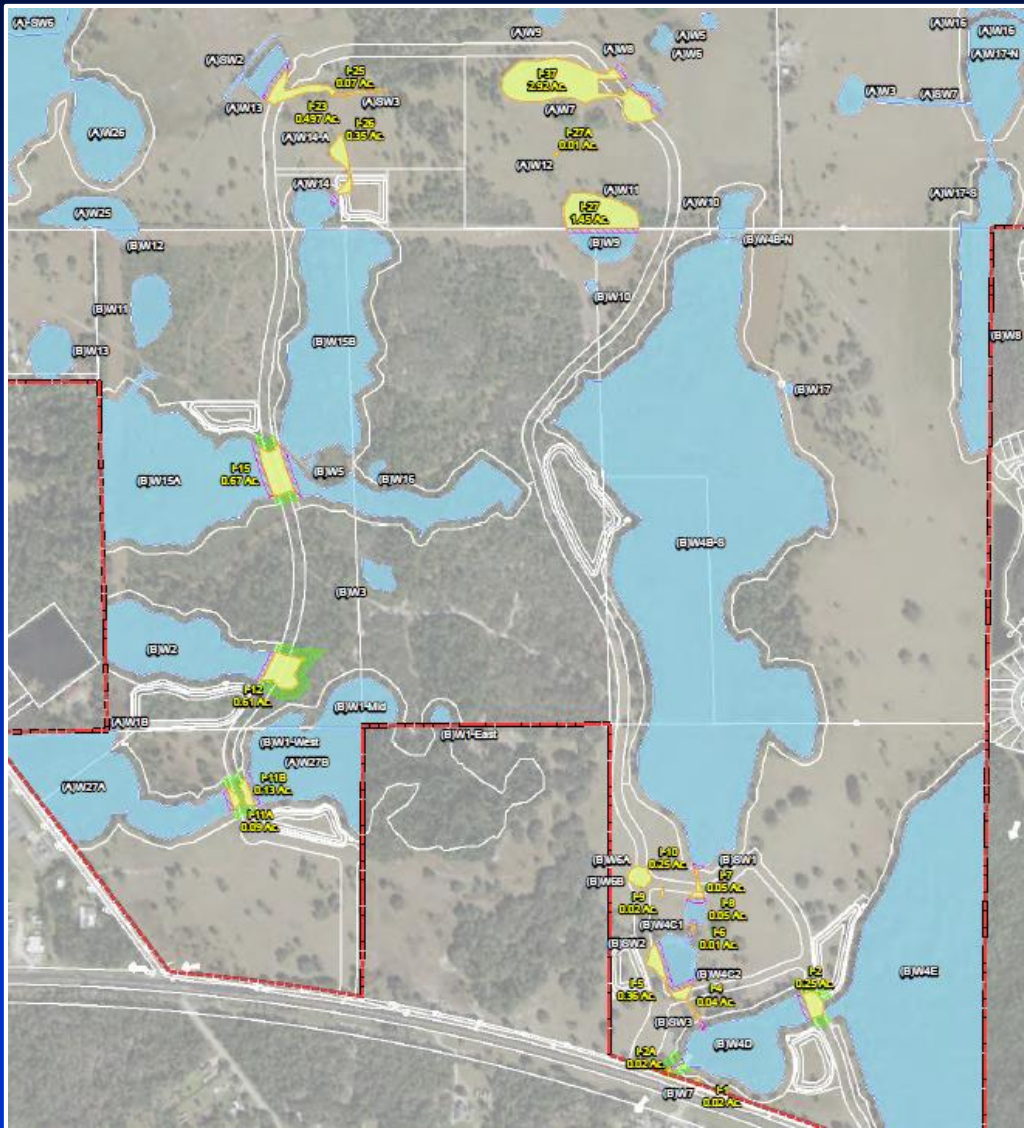
THE GROW PD
FIGURE 2.3(1) REGULATING PLAN
 ORANGE COUNTY • FLORIDA

SCALE IN FEET

12-15-2021 Regulating Plan

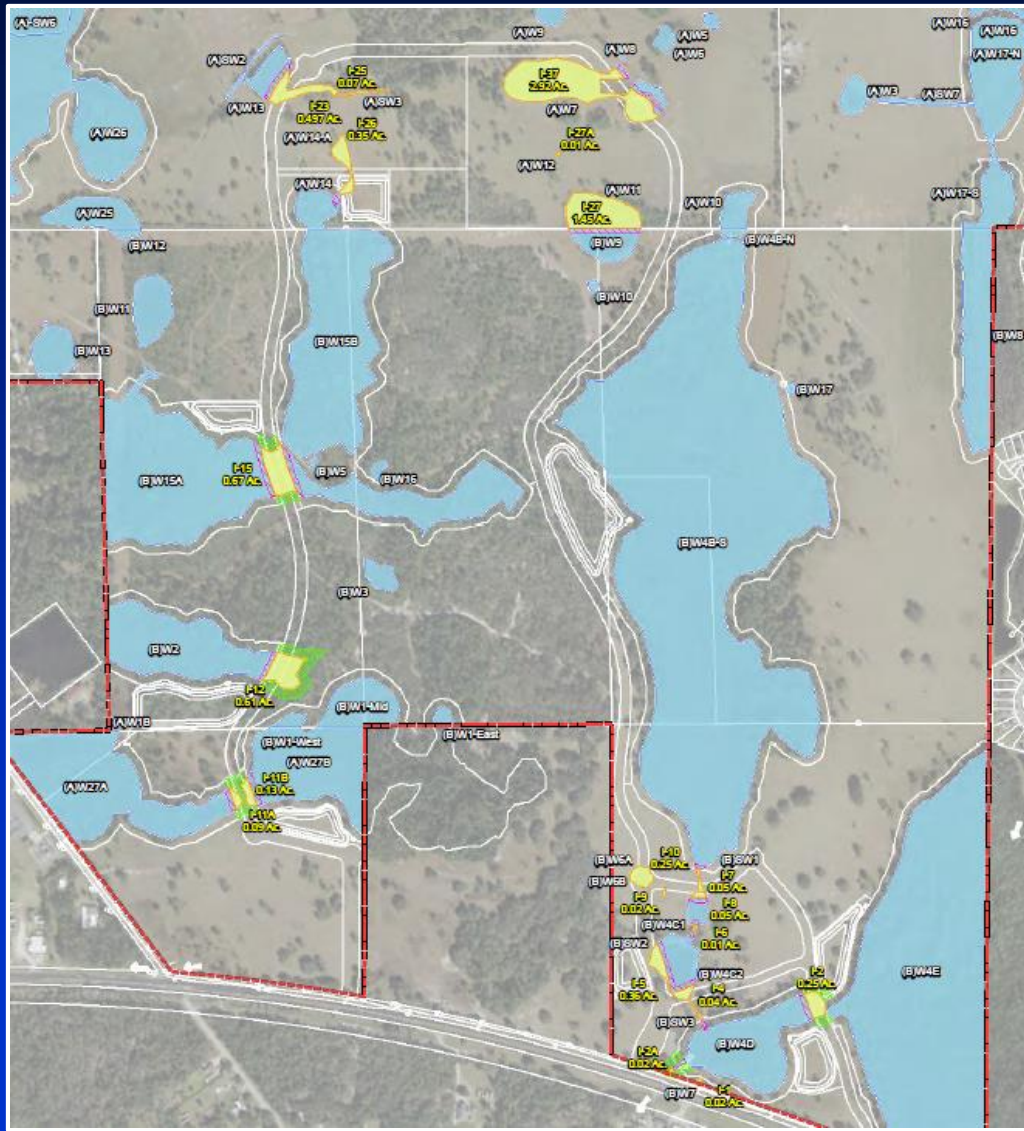




Site Plan





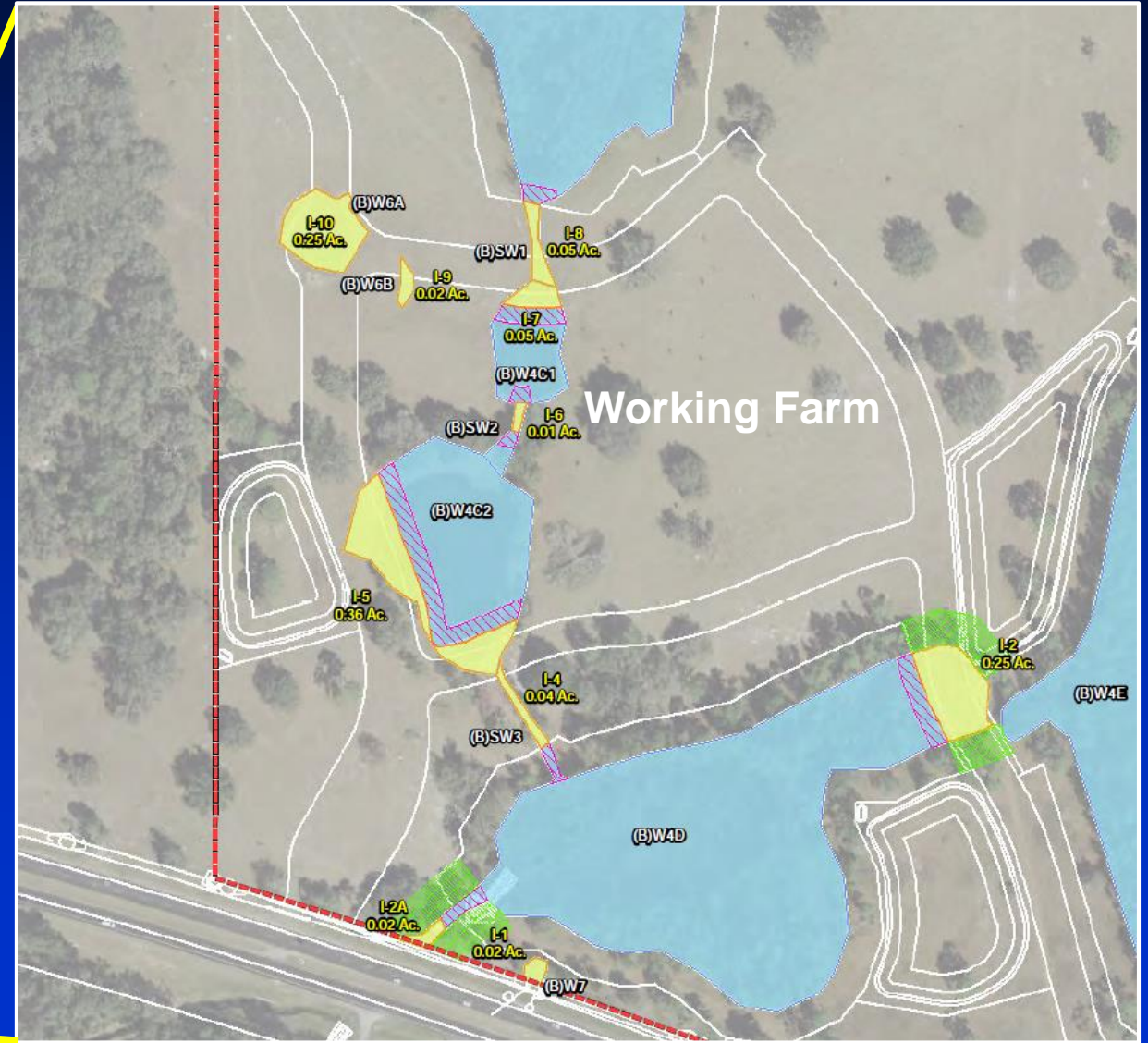
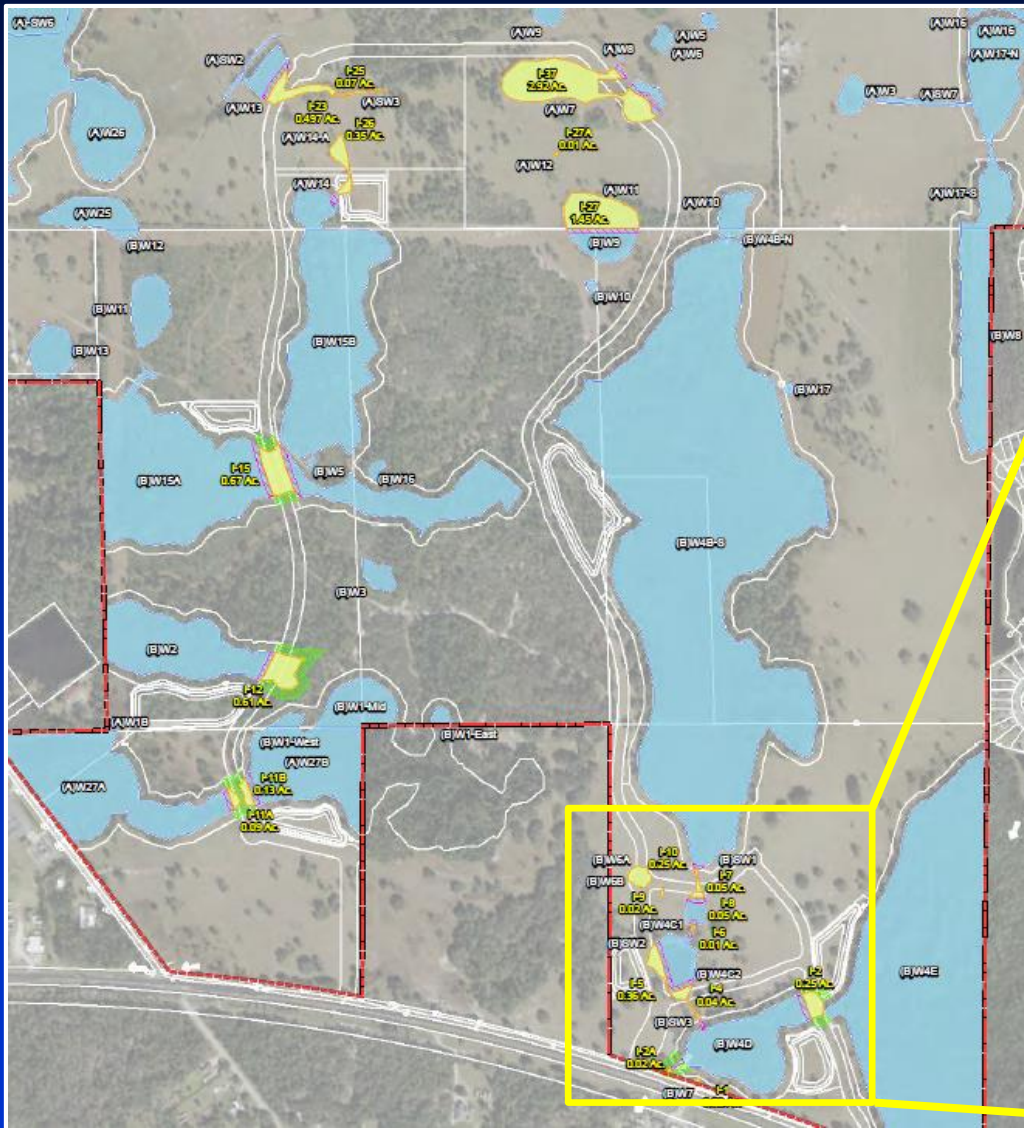
Site Plan



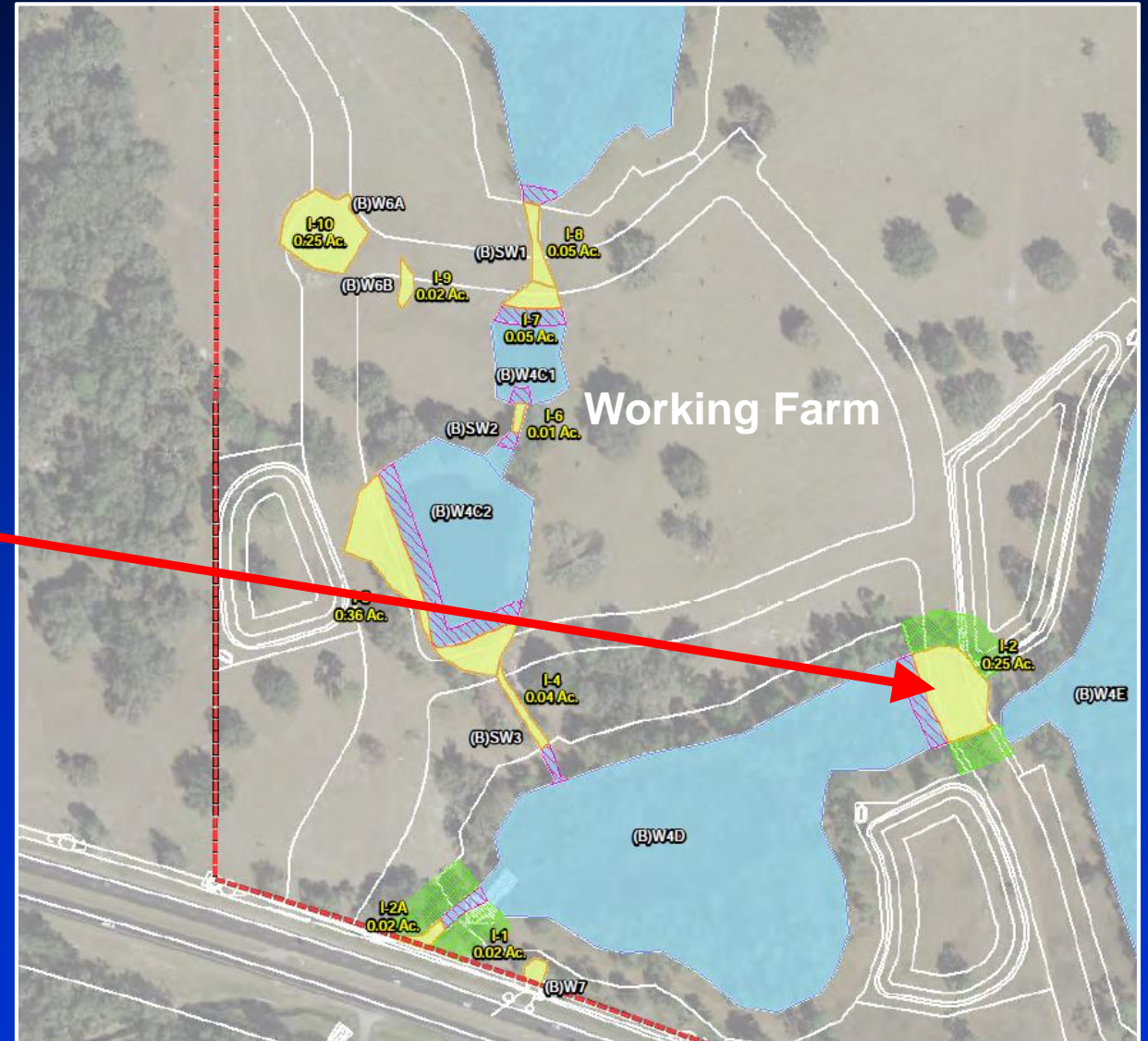
-  Direct wetland impacts
-  Upland buffer impacts
-  Secondary impacts
-  Remaining wetlands



Site Plan

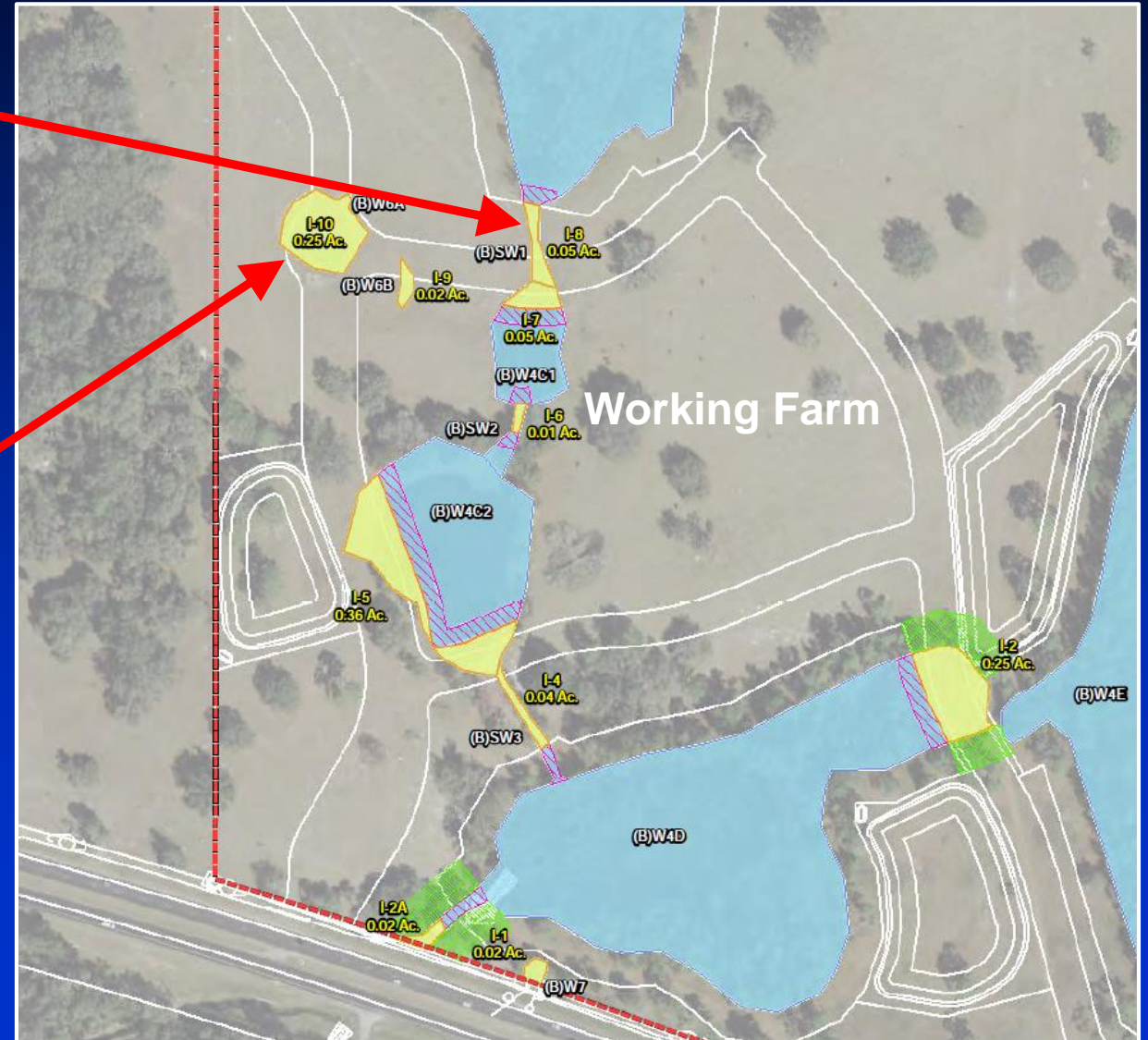


Site Plan

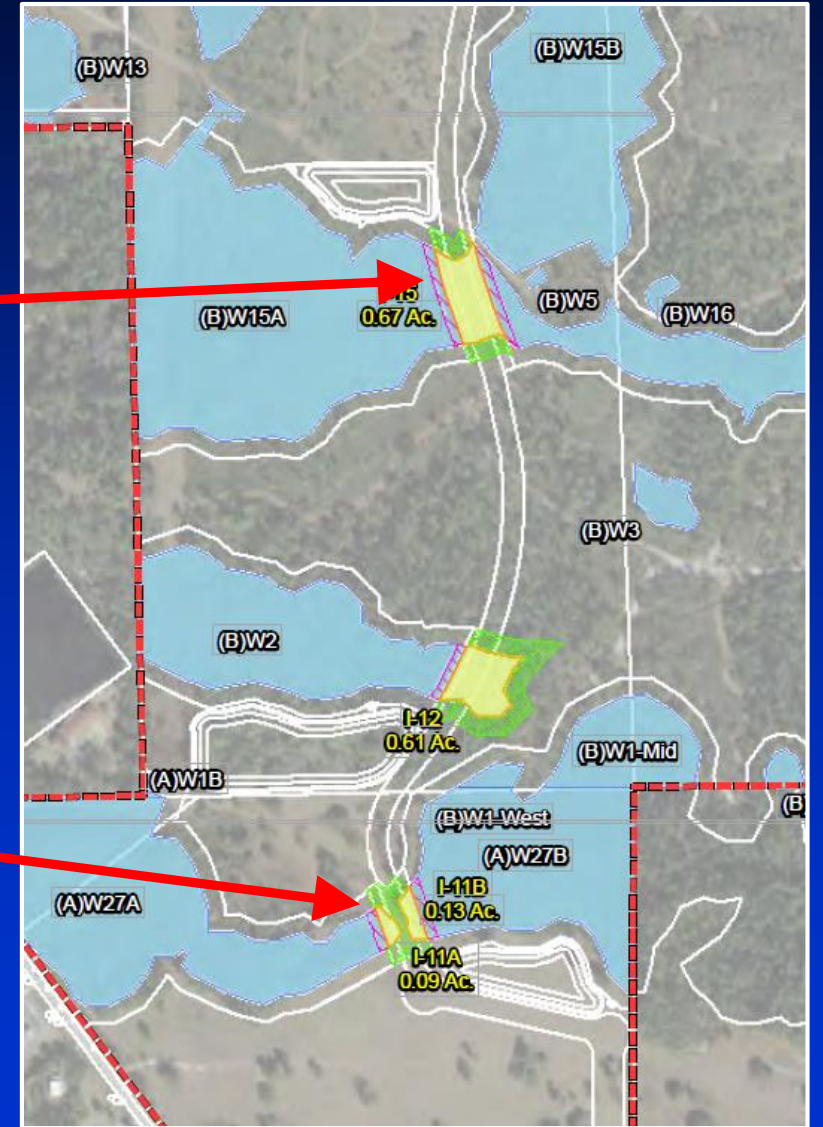




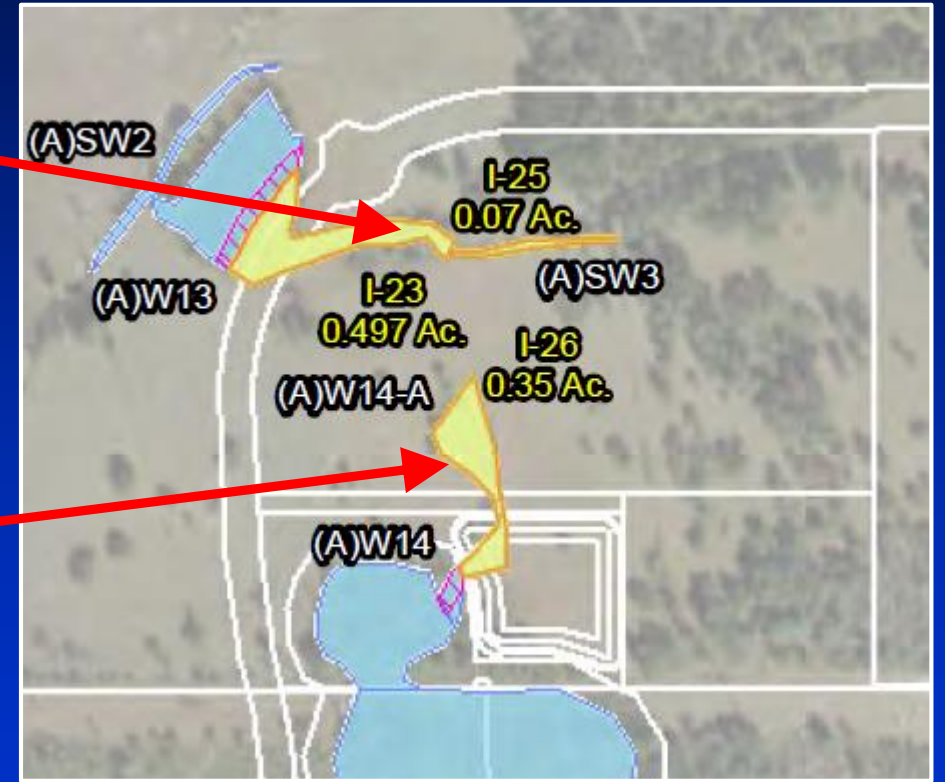
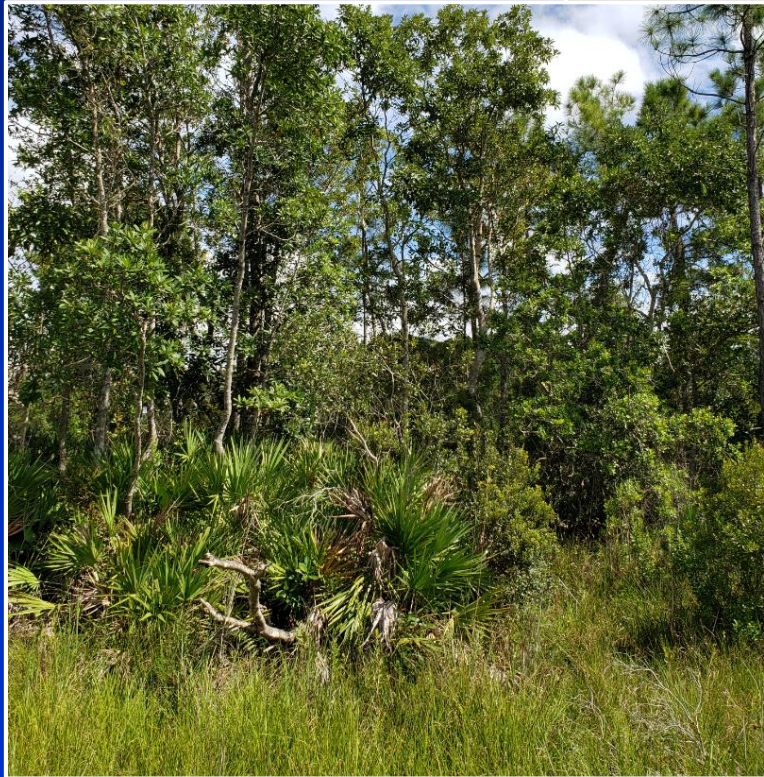
Site Plan



Site Plan

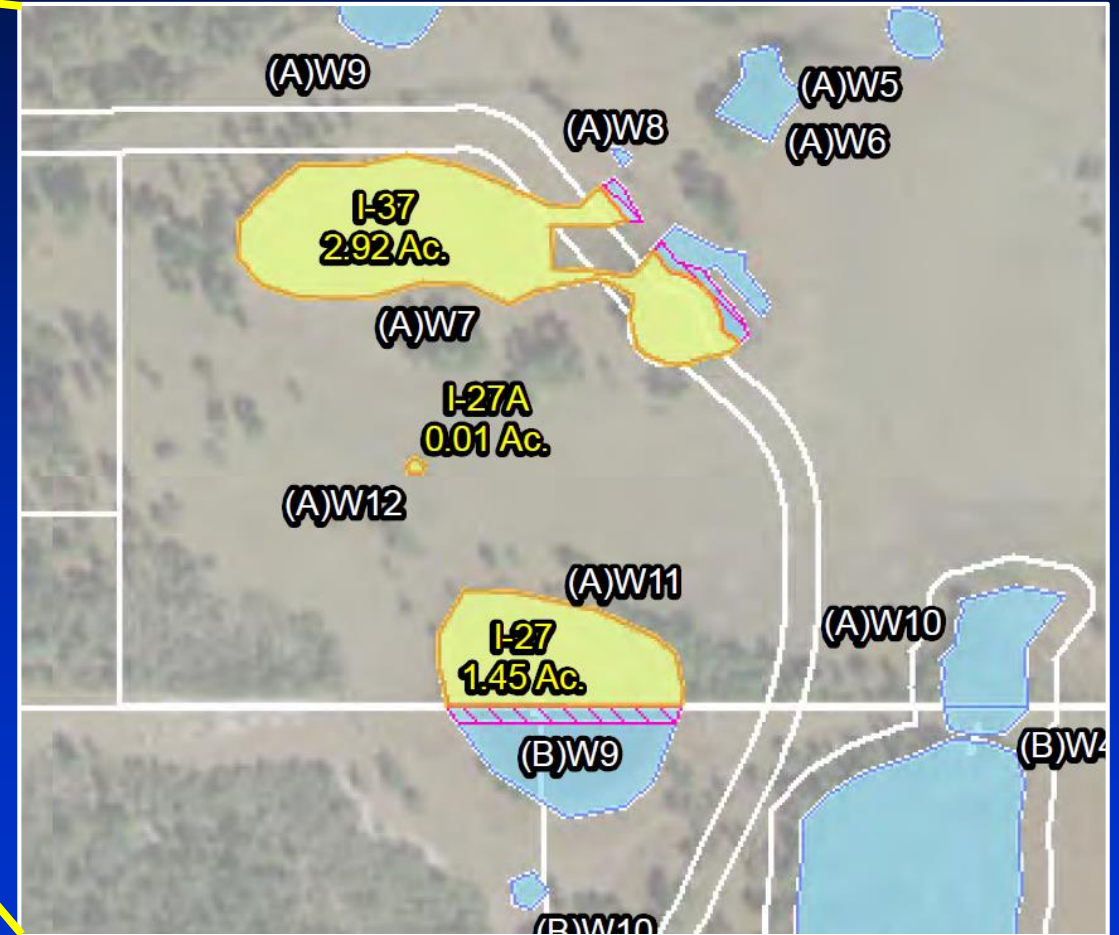


Site Plan

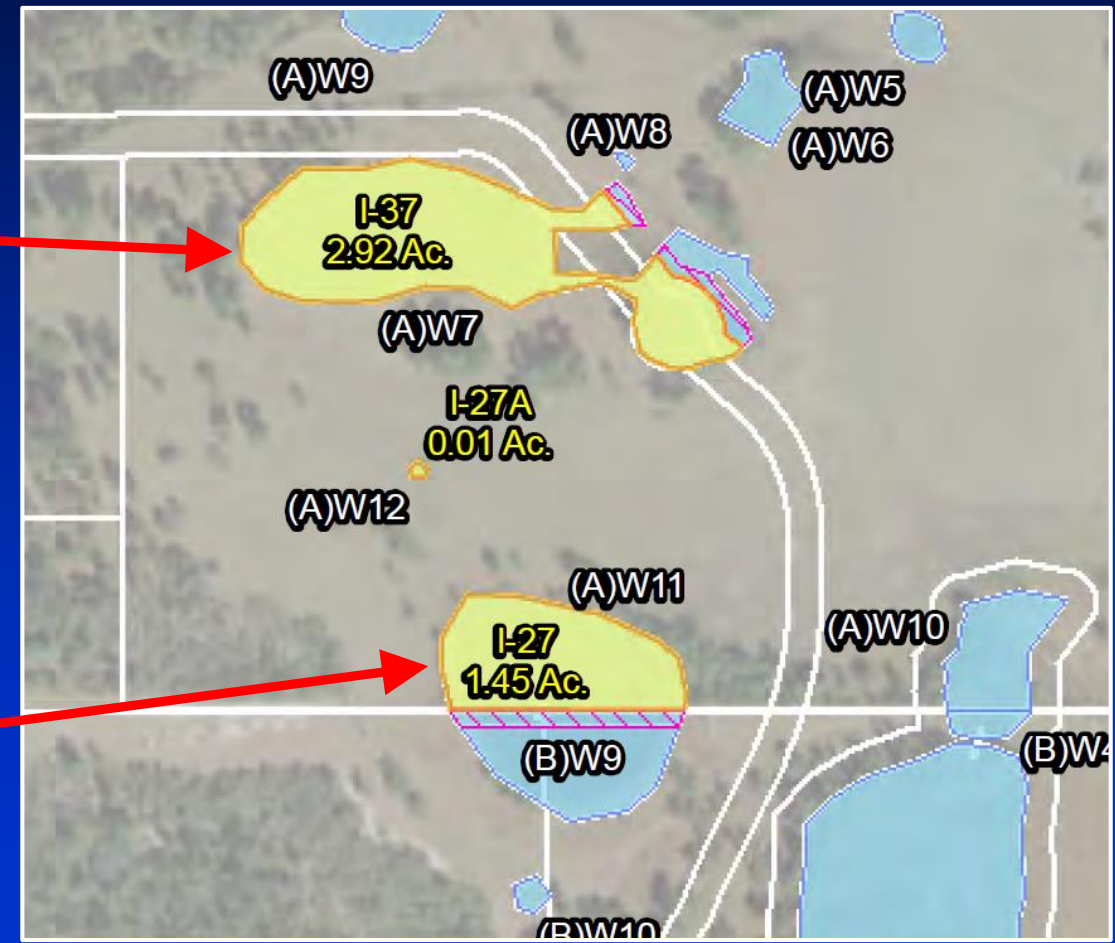




Site Plan – Future Park Tract



Site Plan





Review Criteria

- **Chapter 15, Article X, Wetland Conservation Areas:**

- **Sec. 15-362(5) states: Where wetlands serve a significant and productive environmental function . . . 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.**
- **Sec. 15-396(3)(a-c) states:**
 - **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.**
 - **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 - Habitat compensation shall be allowed for Class III conservation areas in all cases.**



Review Criteria

- **The following site plan changes were discussed with the applicants in an effort to avoid or minimize direct and secondary impacts:**
 - The original CAI application request included an additional 9.95 acres of Class I impacts in order to construct stormwater ponds, a portion of which was within the master infrastructure PSP. The applicants were able to relocate those stormwater ponds in order to avoid Class I wetland impacts.
 - The only Class I impacts currently requested are associated with two roadway crossings. For the roadways, the applicants have designed them to meander around and avoid the larger wetland systems. Where the impacts are unavoidable, the applicants designed the roadways to cross at a narrower portion of the wetland to minimize the amount of impact.
 - The original site plan also included 1.9 acres of Class III impacts within the area proposed for the Working Farm. Through site plan modifications, the applicants have reduced those impacts to 0.47 acre of Class III impacts.



Review Criteria

Classification	Initial Request (acres)	Current Request (acres)	Reduction (acres)
Class I Wetlands	5.93	0.94	4.99
Class II Wetlands	0.94	0.83	0.11
Class III Wetlands	8.33	5.93	2.40
Class III Surface Waters	0.32	0.17	0.15
Upland Buffer Impacts	4.86	1.88	2.98
Total	15.52 acres of wetlands/surface waters 4.86 acres of upland buffer	7.87 acres of wetlands/surface waters 1.88 acres of upland buffer	7.65 acres of wetlands/surface waters 2.98 acres of upland buffer



Review Criteria

- The subject property contains a tract to be used for a future Orange County school and another tract to be used as an Orange County park.
- The area to be utilized for the school includes impacts to 0.85 acre of Class III wetlands and 0.07 acre of Class III surface waters. The area to be utilized for the park includes impacts to 4.38 acres of Class III wetlands.
- There is a recorded Adequate Public Facilities Agreement (APF) between Orange County and the property owners that states the park tract wetlands shall be mitigated by the owners prior to conveyance to the County.
- A site plan has not been developed for the park at this time, but an attempt to avoid wetland impacts will be made through the site planning and design process, at the discretion of the Orange County Parks and Recreation Division.



Review Criteria

▪ Chapter 15, Article XI, Econlockhatchee River Protection Ordinance:

– Sec. 15-442(a)

- The applicants conducted a survey of the property for the presence of species designated as endangered, threatened or species of special concern. Species observed during the assessment include American alligator, gopher tortoise, Florida sandhill crane, little blue heron, white ibis and snowy egret.
- EPD staff confirmed the results of the wildlife survey during review of the two CADs and also multiple site visits associated with the CAI application. EPD observed gopher tortoise burrows, Florida sandhill crane foraging habitat and a nest, and southern fox squirrel.
- The wetland where the sandhill crane nest is located is outside of the current project boundary and no impacts are proposed to that wetland in the application.
- The applicants are required to provide EPD with a management plan (e.g., wildlife relocation/take permits) for any imperiled wildlife species identified onsite prior to disturbance of vegetation or soils.



Review Criteria

- **Chapter 15, Article XI, Econlockhatchee River Protection Ordinance:**
 - **Sec. 15-442(b) through (j)**
 - **Native landscaping**
 - **Separation between stormwater management structures and conservation areas**
 - **Encourage native vegetation**
 - **Wet detention treatment systems required**
 - **50-foot average width upland buffer on all Class I and II conservation areas**
 - **Stormwater management**
 - **Historical resources assessment**
 - **Protection of rare upland habitat**
 - **Cluster design**



Summary of Impacts

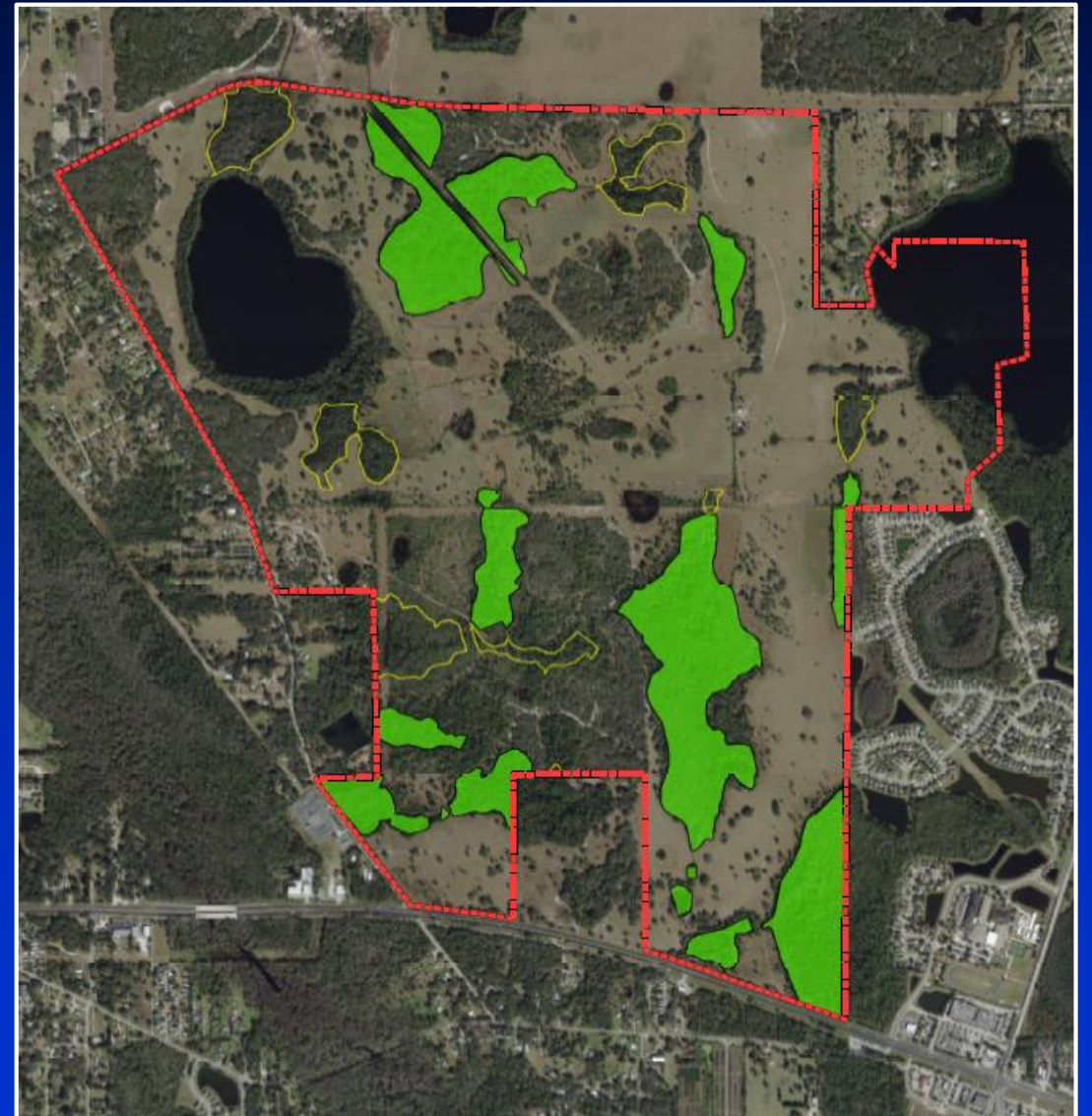
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Upland Buffer Impacts	1.88		Roads, Stormwater structure
Total	7.87 acres of wetlands/surface waters 1.88 acres of upland buffers	1.55 acres	

Mitigation

- As mitigation for the project's impacts, the applicants propose to preserve 173.14 acres of onsite wetlands by placing them into a Conservation Easement dedicated to Orange County.

 Preservation

- 173.14 acres of onsite wetlands
- 72.09 acres of upland buffers





Chapter 15, Articles X & XI – Staff Assessment

- **Based on the documentation and justifications provided, EPD staff has determined that the applicants have demonstrated the proposed site plan allows for reasonable use of the land, that there are no other feasible or practical alternatives available to further minimize or eliminate impacts to onsite wetlands or surface waters, that the plan complies with the applicable criteria in the Econlockhatchee River Protection Ordinance, and therefore the request meets the criteria for approval.**



Finding

- EPD staff has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X, Sections 15-362(5) and 15-396(3)(a) and (c) and Article XI, Section 15-442 and recommends approval of CAI Permit No. CAI-20-06-043, subject to the conditions listed in the staff report.



Action Requested

- **Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Conservation Area Impact Permit CAI-20-06-043 for The Grow, subject to the conditions listed in the staff report. District 5**



Combined Action Requested

- **Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Conservation Area Impact Permit CAI-20-06-043 for The Grow, subject to the conditions listed in the staff report.**

AND

- **Make a finding of consistency with the Comprehensive Plan and APPROVE the Grow Planned Development – Regulating Plan / The Grow Master Infrastructure Plan Preliminary Subdivision Plan, dated “Received February 1, 2022,” subject to the 29 conditions listed under the DRC Recommendation in the staff report. District 5**