

Interoffice Memorandum

DATE: June 29, 2026

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

PHONE: (407) 836-1420

DIVISION: Environmental Protection Division

ACTION REQUESTED:

Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Standard Permit SP-25-05-005 for Cancala Associates, LLC. District 5. (Environmental Protection Division)

PROJECT: Request for Standard Permit Application for Cancala Associates, LLC (Application No. SP-25-05-005)

PURPOSE: The applicant, Cancala Associates, LLC is requesting a Standard Permit (SP) to authorize Class I wetland impacts associated with the construction of a commercial retail building and associated infrastructure. The project site is located on E. Colonial Drive, Orlando, FL 32833 in District 5. The Parcel ID for the property is 22-22-32-0712-12-132.

The project is being reviewed under Chapter 15, Article X, Wetland and Surface Water Protection Ordinance and Article XI, Econlockhatchee River Protection Ordinance.

Site Conditions:

The property is situated to the south of E. Colonial Drive and east of N. 3rd Street. The 1.08-acre property includes:

- Uplands consisting of mostly forested areas with a mixture of native and exotic vegetation;
- Wetland 1 (W-1): a 0.32-acre portion of a larger Class I wetland that extends offsite. The wetland is of moderate quality and is forested with a mixture of native and exotic vegetation, and is hydrologically connected to an unnamed tributary of the Econlockhatchee River;

- Upland buffer: 0.35-acre of onsite uplands adjacent to W-1 that are required in accordance with Chapter 15, Article XI, Econlockhatchee River Protection Area.

Current Request:

The applicant is proposing the following impacts:

- 0.26 acre of direct wetland impacts to a portion of W-1 in order to construct a commercial retail building and associated infrastructure, including parking areas and a stormwater pond;
- 0.44 acre of secondary impacts to the remaining on and off-site portions of W-1; and,
- 0.35 acre of upland buffer impacts.

The total functional loss to wetlands and upland buffers was calculated by staff to be 0.36 units using the Uniform Mitigation Assessment Method (UMAM).

Proposed Mitigation:

To offset the proposed impacts, the applicants have proposed the following:

- Purchase 0.36 mitigation credits at the TM-Econ Mitigation Bank, Phase I-III located in Orange County. EPD determined that the mitigation adequately offsets the proposed impacts.
- Preserve the remaining 0.06 acre of onsite Class I wetlands (W-1) and install a split-rail fence along the landward edge of the remaining on and off-site wetlands. Conservation Area signage is proposed on the landward edge of the remaining onsite wetland.

Analysis of Chapter 15, Article X and Article XI:

EPD staff has evaluated the proposed impacts and site plan in accordance with the review criteria in Orange County Code, Chapter 15, Article X and Article XI. Pursuant to Article X, Section 15-386(b), "An application that qualifies for a Standard Permit...shall demonstrate how the proposed activity will avoid or minimize impacts to wetlands and surface waters to the greatest extent practicable."

In response, the applicant stated that:

- The building size has been reduced to meet rural settlement standards for maximum building size (which is less than the zoning maximum requirement (Zoning requires a Floor Area Ratio (FAR) of 3.0, the Rural Settlement criteria requires a FAR of 1.5, and the proposed building has a FAR of 1.49);
- The size of the parking lot and stormwater pond have been reduced to meet the minimum sizing standards required to service the anticipated parking needs and treat stormwater.

- Due to the small size of the parcel (1.08 acres), required infrastructure, regulatory parking and stormwater design standards, water storage tank requirements, and septic and well setbacks, the proposed configuration is the only practicable way to make reasonable use of the site and there are no other feasible or practical alternatives that would minimize or eliminate impacts to the Class I wetland.

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.

Notification of the public hearing was sent to the applicant and their authorized agent. Notification of the adjacent property owners is not required.

Staff Recommendation:

EPD has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X and Article XI and recommends approval of Standard Permit No. SP-25-05-005, subject to the conditions listed below:

Permit Conditions

1. This permit shall become final and effective upon expiration of the 30-calendar day period following the date of rendition of the BCC's decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.
2. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
3. Construction activities shall be completed in accordance with the approved site plans included with this permit. Construction shall not exceed the measurements identified on the stamp on the plans. The permitted work must be completed within five years from the date of issuance of the permit, unless extended. Requests for permit extension must be submitted to EPD prior to the expiration date and may be approved by staff.
4. The applicant will be required to provide EPD a copy of any applicable wildlife permits from the Florida Fish and Wildlife Conservation Commission (FWC) or U.S. Fish and Wildlife Service (FWS) for any listed species that may be affected prior to construction plan approval.
5. Prior to any filling within the 100-year floodplain, a Flood Plain Permit and/or Excavation Fill Mass Grading Permit (EFMG) may be required from the Orange County Public Works Department authorizing the fill.

6. The permittee(s) shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit and must complete a permit transfer. The permittee(s) shall remain liable for all permit conditions and corrective actions that may be required because of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
7. For projects which disturb one acre or more of land, or which are less than one acre but are part of a larger common plan of development of sale that is greater than one acre, coverage under a National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP) is required. Prior to the start of land disturbing activities, which includes demolition, earthwork and/or construction, the operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit to the Florida Department of Environmental Protection (FDEP) a Notice of Intent (NOI) to obtain coverage under the NPDES CGP pursuant to the requirements of 62-621.300(4)(a) Florida Administrative Code (F.A.C.). As the Operator of the MS4, a copy of the NOI shall also be submitted to the Orange County NPDES Environmental Program Supervisor prior to the start of activities. Copies of the SWPPP, NOI, and FDEP Acknowledgement Letter are to be kept on the project site and made available upon request. Upon completion of all land disturbing activities and after final stabilization of the site is complete, the developer/contractor shall submit to FDEP a Notice of Termination (NOT) to end their coverage under the CGP and provide a copy of the NOT to the Operator(s) of the MS4. A copy of the CGP, NOI and additional information can be found on the FDEP website: <http://dep.state.fl.us/water/stormwater/npdes/construction3.htm>.
8. All excess lumber, scrap wood, trash, garbage, etc. shall be removed from wetlands and/or surface water(s) immediately.
9. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of 62-621.300(2)(a) and 62-620 F.A.C. and Chapter 403, FS. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.
10. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530(70), and 62-4.242, F.A.C. Best Management Practices (BMPs), as specified in the State of Florida, Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed, and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants, into wetlands and/or surface waters due to the permitted activities.

BMPs are performance based; if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee(s) shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 NTU over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFW). A copy of the Designer and Reviewer Manual can be found at the following website: <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>.

11. If applicable, wetlands and/or surface waters located immediately off-site and/or those wetlands and surface waters not proposed for impact shall be protected with appropriate sediment and erosion control BMPs. Remedial actions will be required by EPD if construction activities are found to have impacted wetlands and/or surface waters without authorization.
12. Prior to initiating any construction within wetlands, surface waters, or upland buffers authorized for impact, EPD shall receive documentation indicating that the approved mitigation has been completed.
13. If the permittee does not successfully complete the required mitigation, the permittee shall obtain a permit modification from the Environmental Protection Officer (EPO) to provide alternative mitigation for the wetland and/or surface water impacts prior to the commencement of any construction activities.
14. If the approved mitigation activities require dedication of a Conservation Easement (CE) to Orange County within a subdivision, the permittee(s) shall provide written notification to all subdivision property owners that alteration or encroachment of the Conservation Easement is prohibited unless authorized by Orange County. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to EPD at the time of platting.
15. If the approved mitigation activities require dedication of a CE to Orange County, the recording must be completed prior to initiating any construction within wetlands, surface waters, or upland buffers. The CE must be recorded in the public records of Orange County and, when applicable, notation of the CE shall be made on the corresponding plat. The CE must be dedicated to Orange County and cannot be recorded unless and until the CE is accepted and approved by EPD and the Orange County Real Estate Management Division (REM). The CE must include restrictions on the real properties pursuant to Section 704.06, Florida Statutes (FS) and the requirements set forth below:

- a. Within 30 days of issuance of this permit, the permit holder shall provide to EPD for review and written approval copies of the surveyor's sketch and legal description of the areas to be encumbered by the CE pursuant to the approved mitigation plan. The Orange County Surveyor must approve the final sketch and legal descriptions. The permit holder shall ensure that the CE is executed by the correct grantor who must hold sufficient record title to the land encumbered by the CE. Accordingly, when the permit holder submits the surveyor's sketch and legal descriptions, the permit holder must contemporaneously submit current evidence of title of the proposed easement areas to EPD. The evidence of title is subject to review and approval by REM.
- b. If the impacts are to an upland defined as River Corridor Protection Zone (Chapter 15, Article XI, Section 15-443(1)), or to an upland buffer as defined by Chapter 15, Article XI, Section 15-442(f), or to a wetland or surface water for which mitigation is required and authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a CE in phases, such that impacts are offset prior to the commencement of work within the phase that the impacts are permitted to occur. Such phasing of preservation can only occur if it has been proposed in the mitigation plan and approved by this permit. A surveyor's sketch and legal description of the area to be placed under CE must be submitted in accordance with paragraph (a) above prior to commencement of each phase.
- c. The CE must be in a form approved by the Orange County Attorney's Office (OCAO) and REM. Consistent with Section 704.06 FS, the CE must prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorizes. The CE must contain the provisions set forth in Section 704.06(1)(a) through (h), FS. The CE must contain provisions that grant the County the right to access and inspect the CE area, and to enforce the terms and conditions of the CE. Unless specifically prohibited by law, the CE must include a provision whereby the permit holder shall warrant title and agree to defend the same. The grantor cannot amend the CE without written approval by the County.
- d. If the grantor of the CE is a partnership, the partnership must provide to EPD a partnership affidavit stating that the person executing the CE has the legal authority to convey an interest in the partnership lands.
- e. If any mortgages or financial encumbrances exist on the lands, the permit holder shall ensure an appropriate consent and joinder is executed subordinating the mortgage or financial interest to the CE, which must be reviewed and approved by the OCAO and REM. The consent and joinder of mortgagee must be recorded simultaneously with the CE in the public records of Orange County at the permit holder's sole expense.

- f. Upon approval of the final executed documents by Orange County, the CE and applicable attachments must be recorded in the public records of Orange County, at the permit holder's sole expense.
 - g. At least 45 days prior to whichever comes first: (1) dredging, filling, or clearing of any wetland or surface water for which mitigation is required; (2) clearing any upland within the River Corridor Protection Area or any upland buffer as defined in Chapter 15, Article XI, Section 15-442(f); (3) the sale of any lot or parcel; (4) the recording of the subdivision plat; or (5) use of the infrastructure for its intended use, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the CE.
 - h. If during the review of the submitted evidence of title, REM finds any encumbrances or irregularities that will render the proposed mitigation inadequate to offset the impacts, the permit holder shall submit a revised mitigation plan for EPD staff to review. The revised mitigation plan may require approval by the Board.
16. If the approved mitigation activities require fee-simple donation of land to Orange County, the donation must be completed prior to initiating any construction within wetlands, surface waters, or upland buffers that require mitigation. The applicant shall complete the donation prior to approval of mass grading or construction plans.
17. If the mitigation is on-site or off-site preservation, enhancement, or creation, perpetual monitoring and maintenance is required and must be facilitated in accordance with the monitoring and maintenance plan received and approved by EPD. Remedial actions may be required by EPD if the mitigation area(s) is found to be in decline. The mitigation area(s) (and any associated upland buffer(s)) must meet the following conditions in perpetuity, as applicable:
- a. At least 80 percent areal coverage of the wetland by appropriate wetland species, and
 - b. Less than 5 percent areal coverage of invasive/nonnative vegetation, as identified in the FISC List of Invasive Species (as amended from time to time) and,
 - c. Trash must be removed annually at a minimum, and
 - d. If applicable, groundwater data must be collected annually at a minimum from the approved groundwater monitoring well location(s).
18. If the mitigation is on-site or off-site preservation, enhancement, or creation, the permittee(s) is required to submit annual reports to EPD detailing the monitoring and maintenance activities for the first five years following project completion. After five years, the permittee(s) must provide a report once every five years. Following 15

years of compliant maintenance and monitoring, the permittee(s) may submit a request to EPD to reduce the frequency of reporting. Maintenance and monitoring reports must include the following information:

- a. Site location
 - b. Field sampling design and methodology
 - c. GPS location of fixed transects
 - d. Photographic documentation
 - e. Fish and wildlife observations
 - f. Hydrologic observations
 - g. Summary of annual monitoring and maintenance activities
 - h. Groundwater data, if applicable
19. If fencing and/or signage is required to identify the boundaries of a preserved wetland and/or upland buffer, it shall be designed and installed according to the site plans received and stamped as approved by EPD. The fencing and/or signage shall be installed prior to the Certificate of Occupancy and the Certificate of Completion. Fencing and/or signage must be properly maintained in perpetuity. Note that fencing requires a fence permit from the Orange County Zoning Division. See <https://www.orangecountyfl.net/PermitsLicenses/Permits/FencePermit.aspx> for additional information.
20. Construction activities shall not result in permanent adverse impacts to the hydroperiod of any adjacent wetlands.
21. Removal of native vegetation from wetlands, surface waters, and upland buffers is prohibited, unless specifically authorized by this permit.
22. Please be advised that per Orange County Code Chapter 15, DIVISION 2. - LAND CLEARING AND TREE REMOVAL PERMITTING REQUIREMENTS, no development, land clearing, or other tree cutting or tree removal shall be permitted without first obtaining a tree removal permit and/or building permit with concurrent tree removal approval, unless exempted per section 15-279. Contact Orange County Arborists at 407-836-5807 or Arborist@ocfl.net for questions regarding tree and/or vegetation clearing within the designated uplands on this property.
23. Subject to the terms and conditions herein, the permittees are hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittees binds themselves and their successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease, and the permit may be revoked immediately by the EPO. Notice of the revocation shall be provided to the permit holder promptly thereafter.

24. Where wetlands and/or surface waters are proposed to remain within or immediately adjacent to the project site, the permittees must demarcate the limits of construction with orange safety fencing prior to construction. Initial clearing shall include a path along the limit of construction to facilitate a visual limit of clearing for the installation of the orange safety fence and erosion control devices. After the initial clearing adjacent to the wetlands and/or surface waters is complete, a silt fence and orange safety fence must be installed along the limits of construction next to the wetland and/or surface water boundaries and be maintained through construction.
25. The permittees shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittees shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
26. This permit does not release the permittees from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittees or create in the permittees any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittees or convey any rights or privileges other than those specified in the permit and Chapter 15, Articles X and XI of the Orange County Code.
27. If these permit conditions conflict with those of any other regulatory agency, the permittees shall comply with the most stringent conditions. The permittees shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
28. The permittees are hereby advised that Section 253.77, Florida Statutes (FS), states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittees are responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
29. Should any other regulatory agency require changes to the property or permitted activities, the permittees shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
30. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.

31. EPD staff shall have permission to enter the site at any reasonable time to ensure conformity with the plans and specifications approved by the permit.
32. The permittees shall hold and save the County harmless from all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
33. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittees.
34. The permittees agree that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
35. Pursuant to Section 125.022 FS, issuance of this permit by the County does not in any way create any rights on the part of the applicants 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 applicants fail 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.
36. Pursuant to Section 125.022 FS, the applicants shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

BUDGET: N/A