

***Board of County Commissioners***

**Conservation Area Impact Permit  
Durham Place Apartments  
CAI-21-08-055**

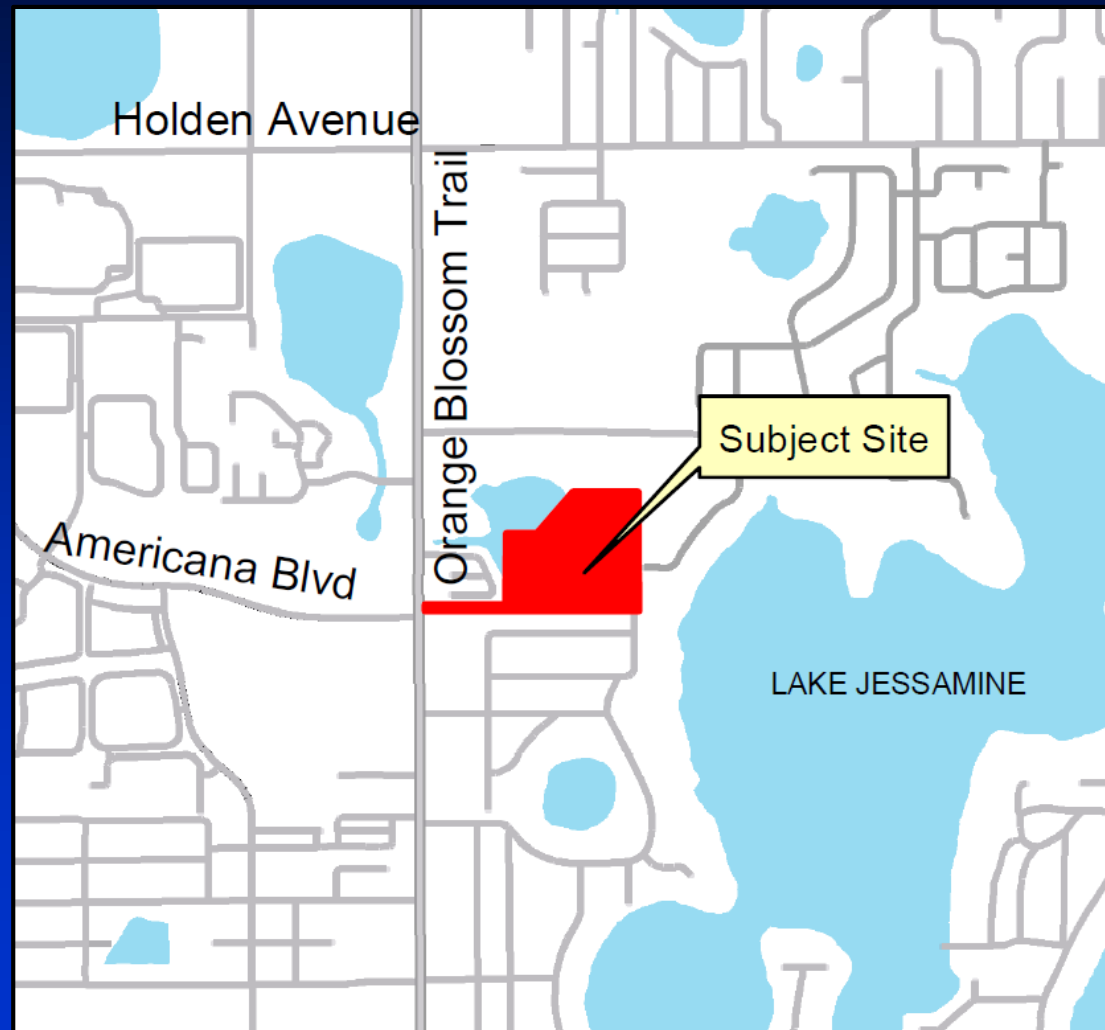
**Applicant: Lake Bumby Properties**

**November 30, 2021**



# Location Map

5215 S. Orange Blossom Trail, Orlando

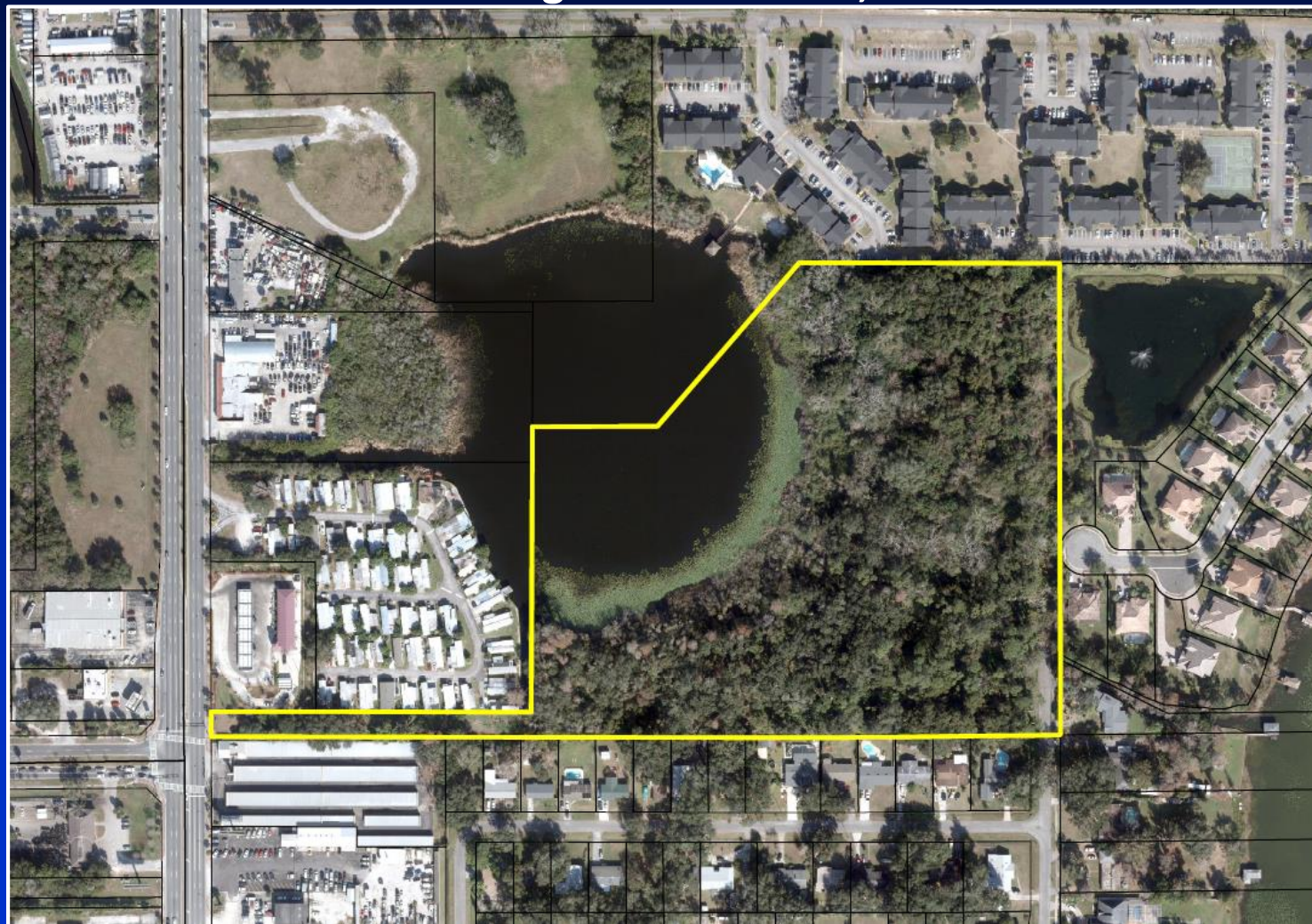


Parcel ID No.: 15-23-29-0000-00-020



# Aerial Photograph

5215 S. Orange Blossom Trail, Orlando



Parcel ID No.: 15-23-29-0000-00-020



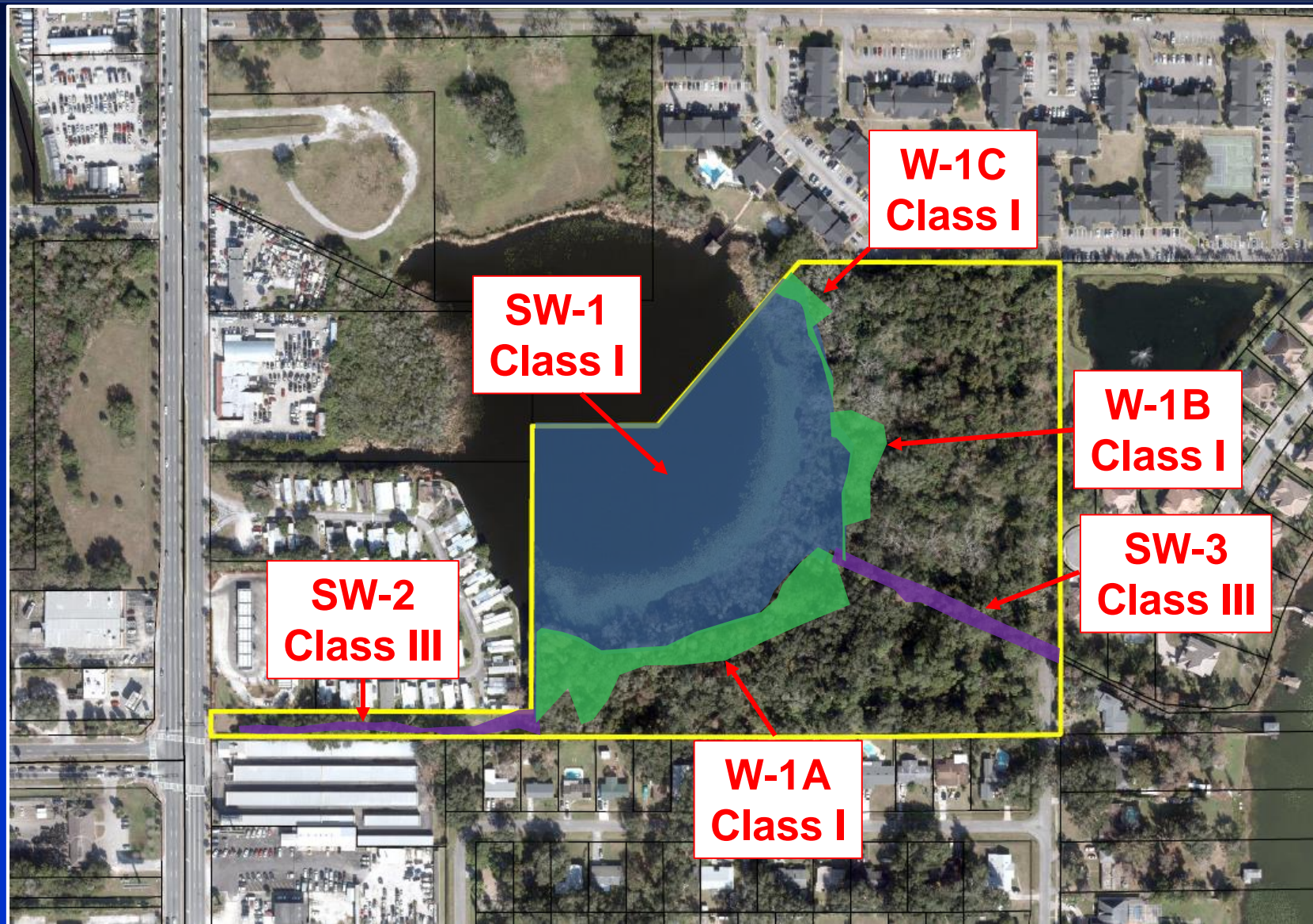
# Background

- **July 27, 2021: BCC approved two variances (parking spaces and roof height) for an affordable multifamily housing project (102 units).**
- **During that hearing, the Conservation Area Determination was discussed.**
- **Staff stated that any Class I impacts would be brought back as a public hearing.**





CAD-21-02-038







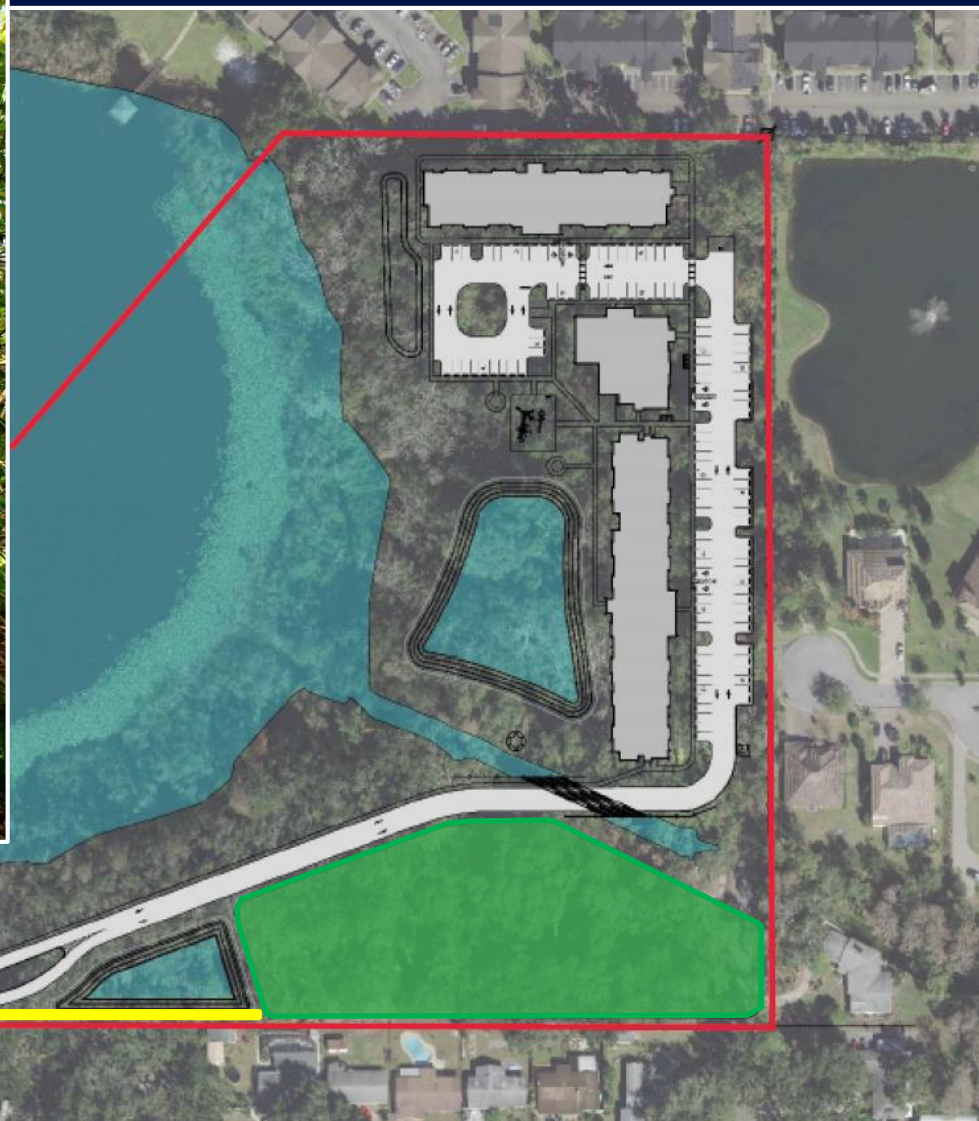
# Current Conditions – W-1A







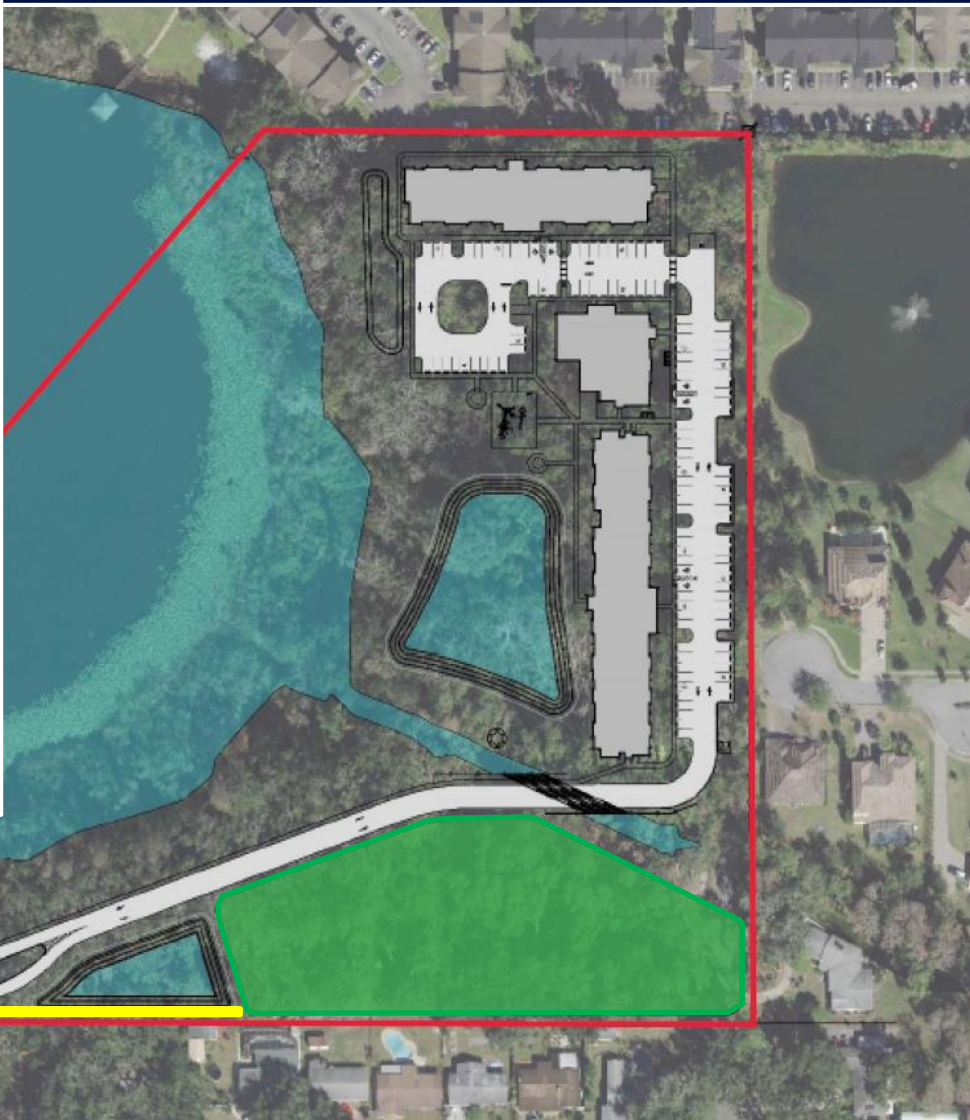
# Current Conditions – SW-1







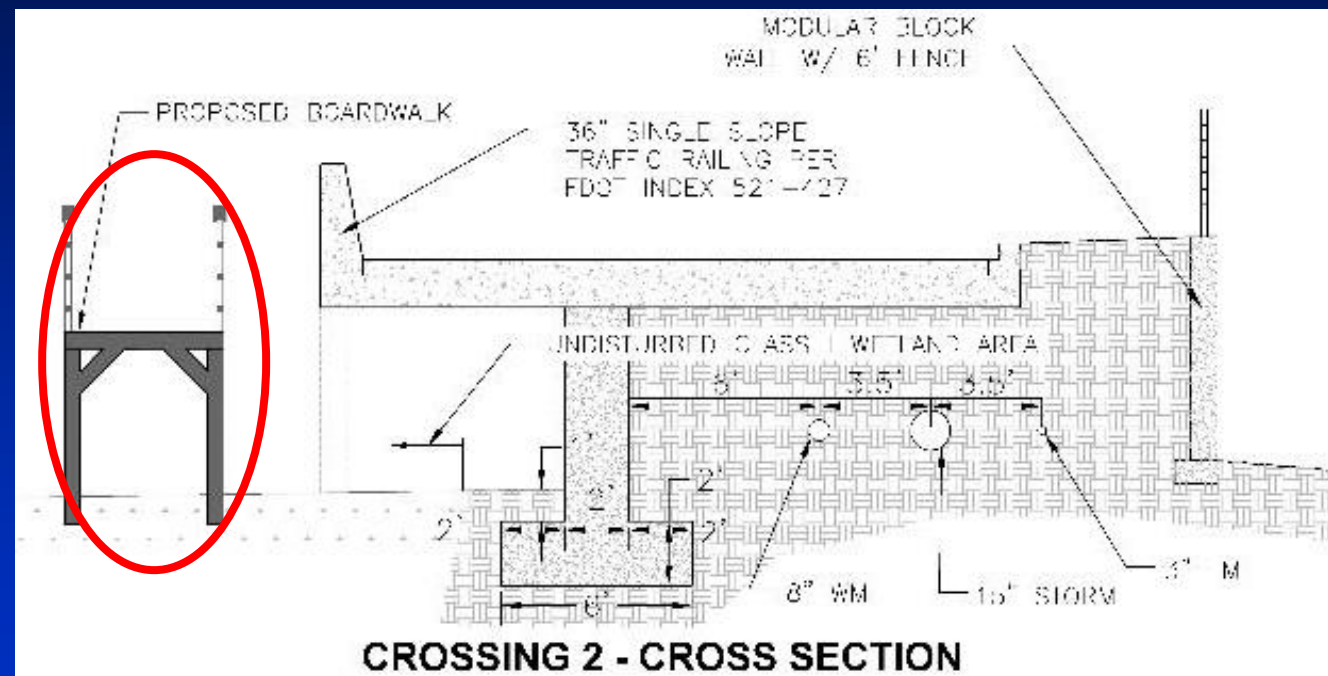
# Current Conditions – SW-2







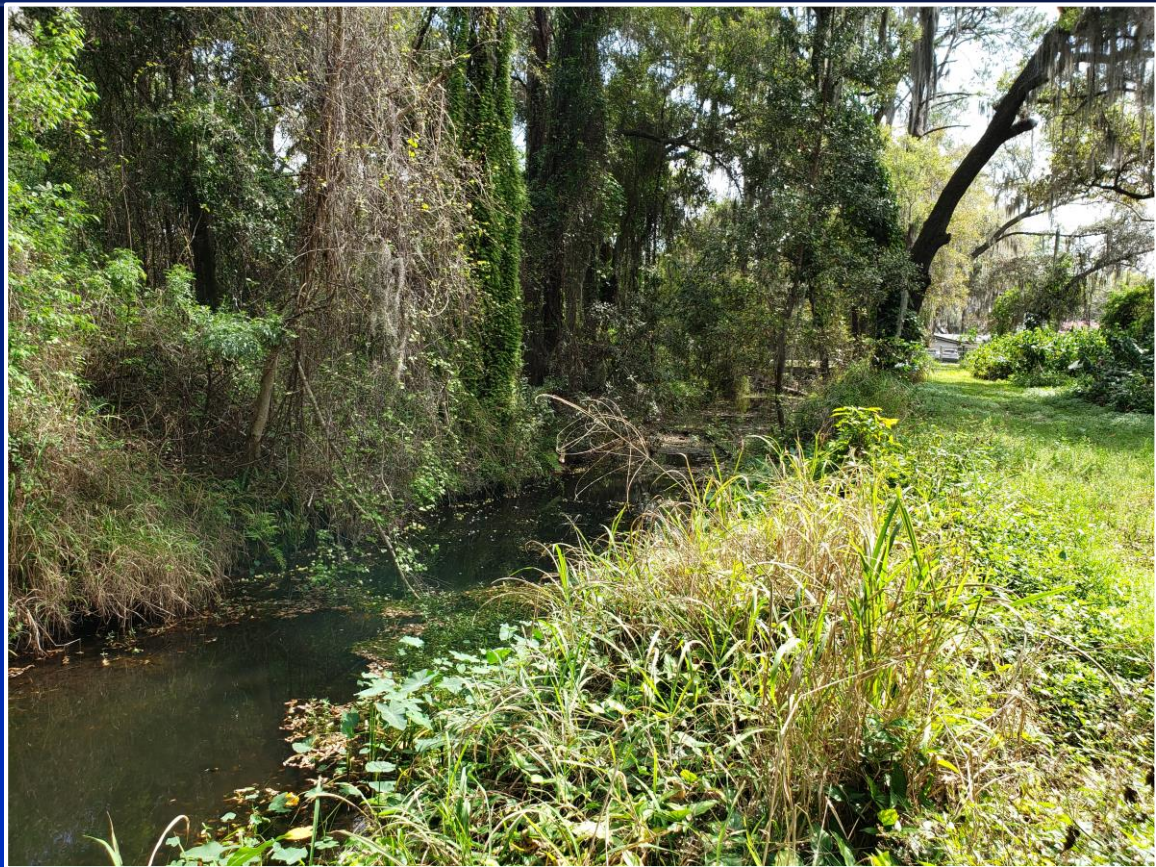
# Site Plan







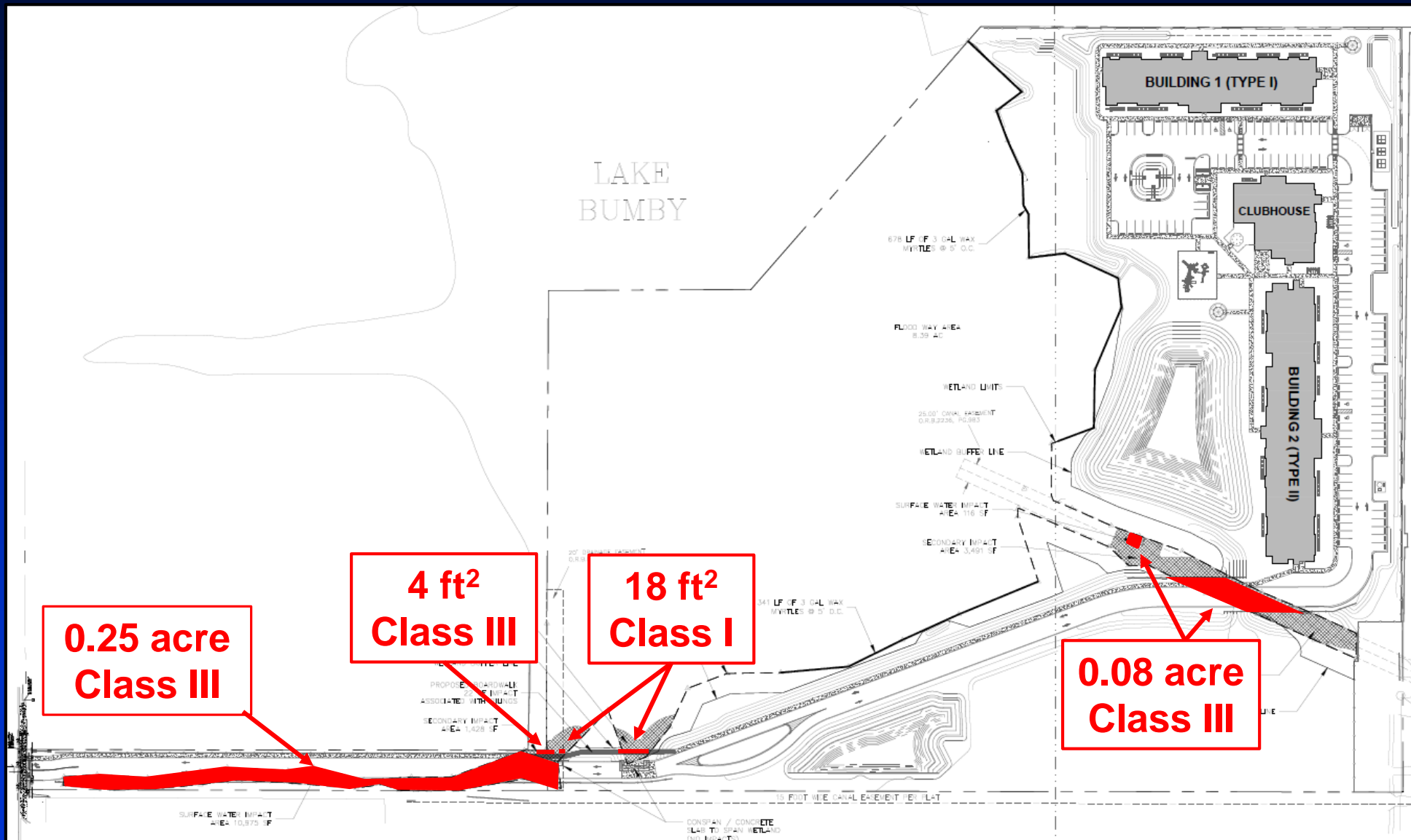
# Current Conditions – SW-3





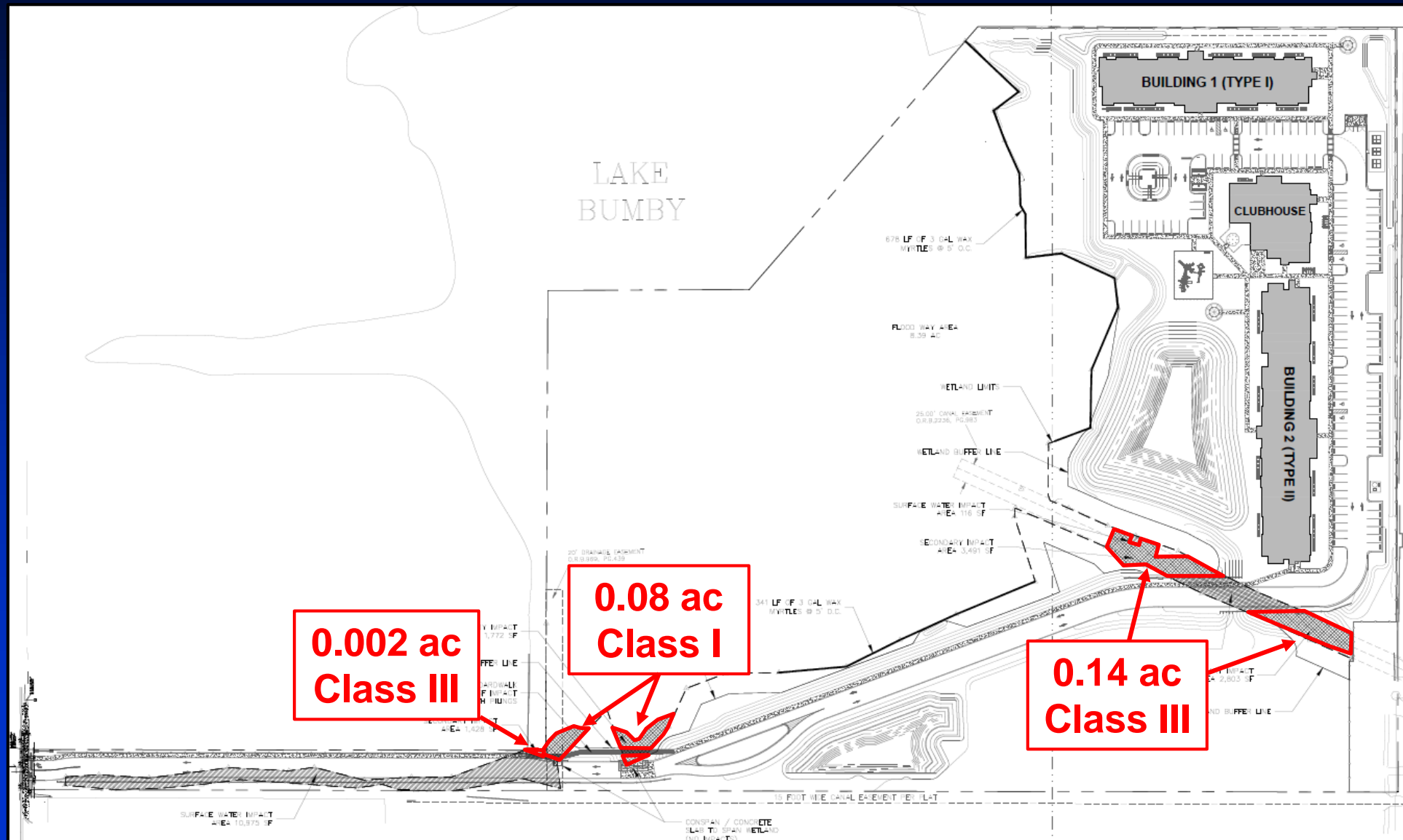


# Site Plan – Direct Impact Summary





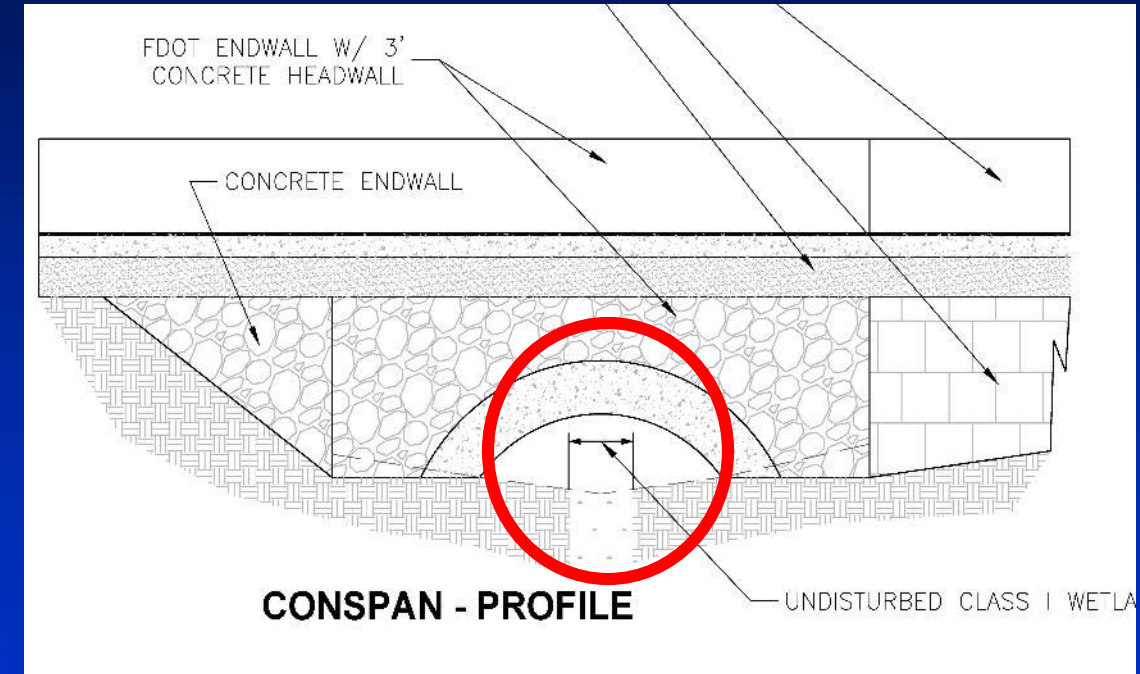
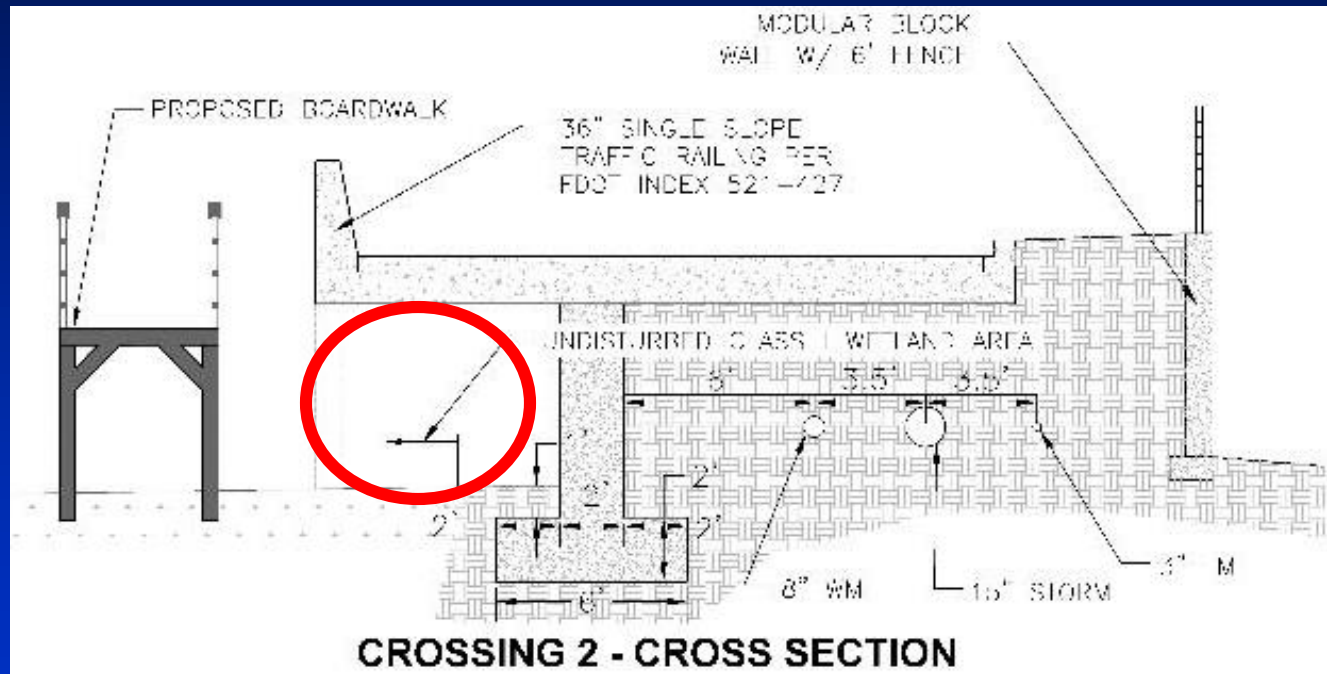
# Site Plan – Secondary Impact Summary







# Avoidance and Minimization



The proposed site plan minimizes the Class I impacts by installing a cantilevered entrance roadway design and conspan structure to avoid additional direct impacts to W-1A.



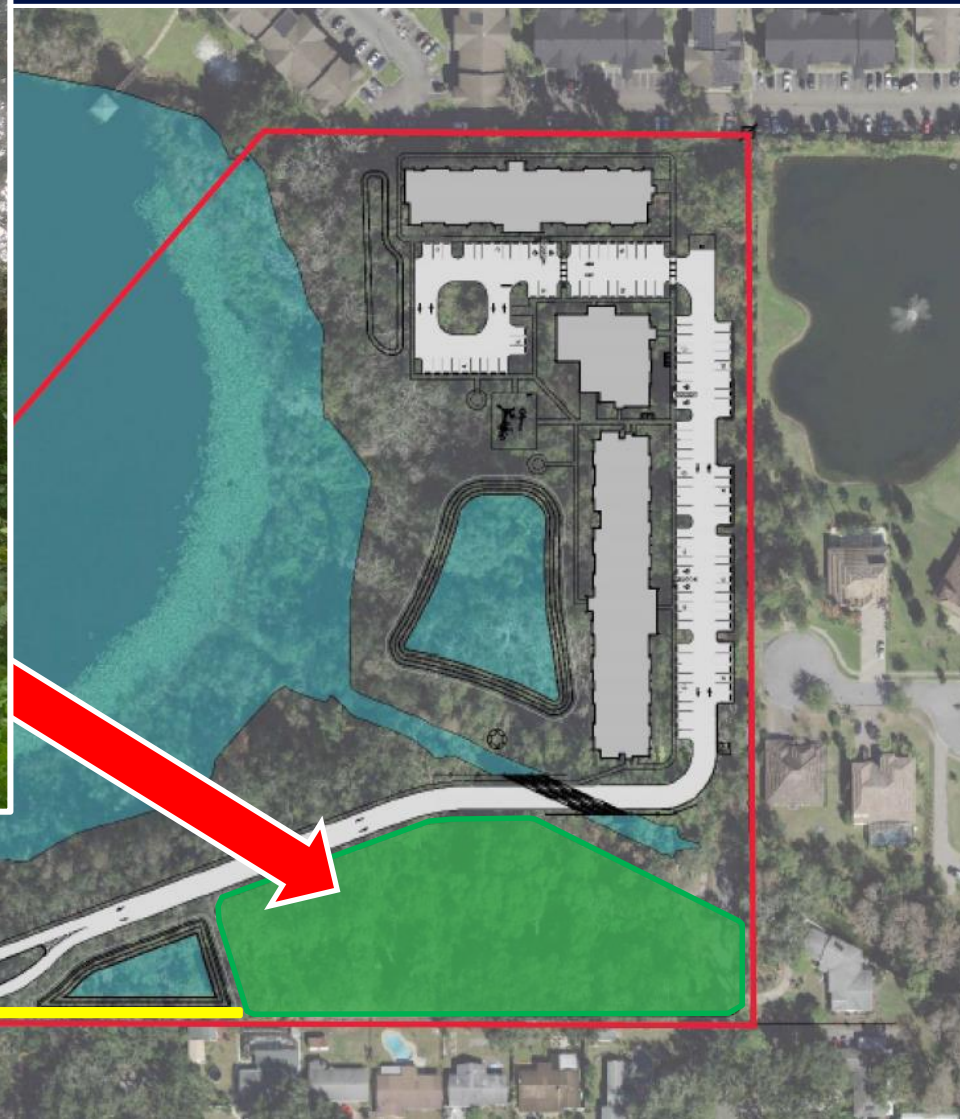


# Avoidance and Minimization

- The following site plan changes were discussed with the applicant in an effort to avoid or minimize direct and secondary impacts:
  - Shift the entrance road further to the south.
  - Obtain site access from Lake Jessamine Drive.
  - Cantilever the pedestrian bridge along the entrance road.
  - Consider changes that could avoid impacts to SW-3.



# Avoidance and Minimization







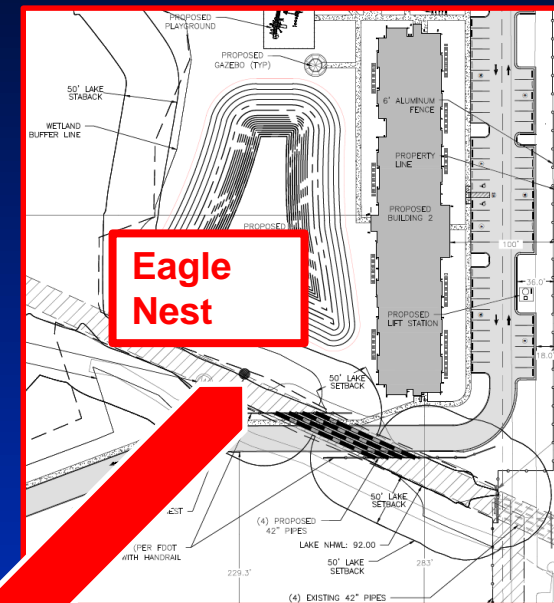
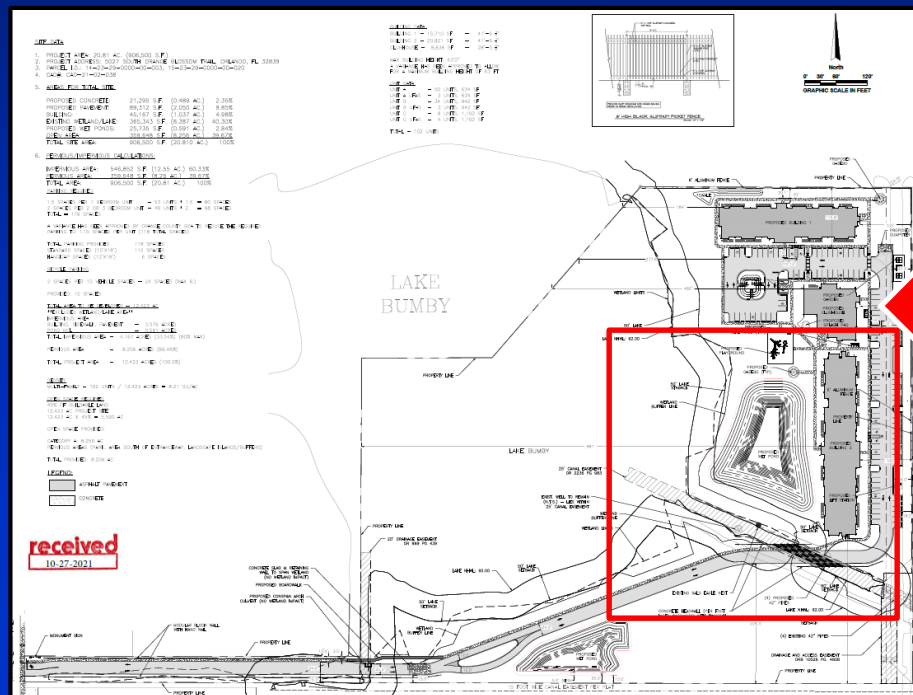
# Avoidance and Minimization

- Cantilever the pedestrian bridge along the entrance road:
  - The applicant's consultant stated that this would result in additional shading impacts to the Class I wetlands.
- Consider changes that could avoid impacts to SW-3:
  - The applicant's consultant responded that the impacts to SW-3 are to gain access to the uplands in the northeast portion of the site and that impacts to this ditch are unavoidable.



# Bald Eagle Nest

- There is a bald eagle nest on the site.
- A Short Term Take Permit was issued by the U.S. Fish and Wildlife Service.
- Requires monitoring.
- Both the nest tree and the nest itself will remain undisturbed post-construction.





# Mitigation

- As mitigation for the project's direct and secondary wetland/surface water impacts, the applicant is proposing to purchase 0.15 state wetland mitigation credits from the TM-Econ Mitigation Bank, Phase 1-3, located in southeastern Orange County.





## Chapter 15, Article X - Review Criteria

- 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.
- Pursuant to Section 15-396(3)(a), 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.
- Pursuant to Section 15-396(c), habitat compensation shall be allowed for Class III conservation areas in all cases.



## **Chapter 15, Article X - Review Criteria**

- **Accordingly, based on the documentation and justifications provided by the applicant, EPD has determined that the applicant has 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 the Class I wetlands and Class III surface waters, 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 recommends approval of CAI Permit No. CAI-21-08-055, 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-21-08-055 for the Lake Bumby Properties (aka Durham Place Apartments) Project, subject to the conditions listed in the staff report. District 3**