

ORANGE COUNTY

PLANNING DIVISION

2018-1 REGULAR

CONTINUED

AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**NOVEMBER 13, 2018
ADOPTION PUBLIC HEARING**

PREPARED BY:

ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

DATE: November 13, 2018

TO: Mayor Teresa Jacobs
-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 – 2018-1 Continued Regular Cycle
Comprehensive Plan Amendments and, Where Applicable, Concurrent
Rezoning Request

The 2018-1 Continued Regular Cycle Comprehensive Plan Amendments are scheduled for a BCC adoption public hearing on November 13, 2018. These proposed amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at adoption hearings on October 18, 2018 (Amendment 2018-1-A-1-1 and Amendment 2018-1-B-FLUE-1). Amendments 2018-1-A-4-1 and Amendment 2018-1-B-FLUE-3 adoption hearings have been scheduled to appear before the BCC on December 18, 2018. The staff reports for the November 13 hearing, including back-up material, have been provided under separate cover. The reports are also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. Please see:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

The 2018-1 Continued Regular Cycle – State-Expedited Review Amendments scheduled for consideration on November 13 include one privately-initiated Future Land Use Map Amendment located in District 1, which also involves a concurrent rezoning request, and one staff-initiated text amendment. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for property greater than ten acres in size, thus requiring Regular Cycle review. The text amendment may include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

These Regular Cycle amendments were earlier considered by the LPA and BCC at transmittal hearings on December 21, 2017, and January 23, 2018, respectively, and have subsequently undergone state review, as described in their staff reports. If adopted, these amendments are expected to become effective in December 2018, provided no administrative challenges are filed pursuant to s.163.3184(5), FS. However, this date was extended until February 19, 2019.

2018-1 Continued Regular Cycle Amendments (Hubbard Place) – BCC Adoption Public Hearings
November 13, 2018
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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 or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.

AAV/sw

Enc: 2018-1 Continued Regular Cycle Amendments (Hubbard Place) – 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 Gologowski, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Eric P. Raasch, AICP, Chief Planner, Planning Division
Read File

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2018 FIRST REGULAR CYCLE CONTINUED AMENDMENTS

AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing book for the continued proposed First Regular Cycle Amendments (2018-1) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on October 18, 2018 for Amendment 2018-1-A-1-1 (Hubbard Place) and Amendment 2018-1-B-FLUE-1 (USA Expansion). Amendments 2018-1-A-4-1 (Bishop Landing) and 2018-1-B-FLUE-3 (PD Densities) also had LPA adoption hearings by the LPA on October 18, 2018, but are scheduled to be heard by the BCC on December 18, 2018 and therefore not included in this book.

The amendments scheduled for BCC consideration on November 13 were heard by the PZA/LPA at a transmittal public hearing on December 21, 2017, and by the BCC at a transmittal public hearing on January 23, 2018.

These 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 March 16, 2018, DEO issued a comment letter, which did not contain any concerns about the requested amendments. Pursuant to s. 163.3184, F.S., the proposed amendments must be heard for adoption within 180 days of the comment letter. However, this date was extended until February 19, 2019.

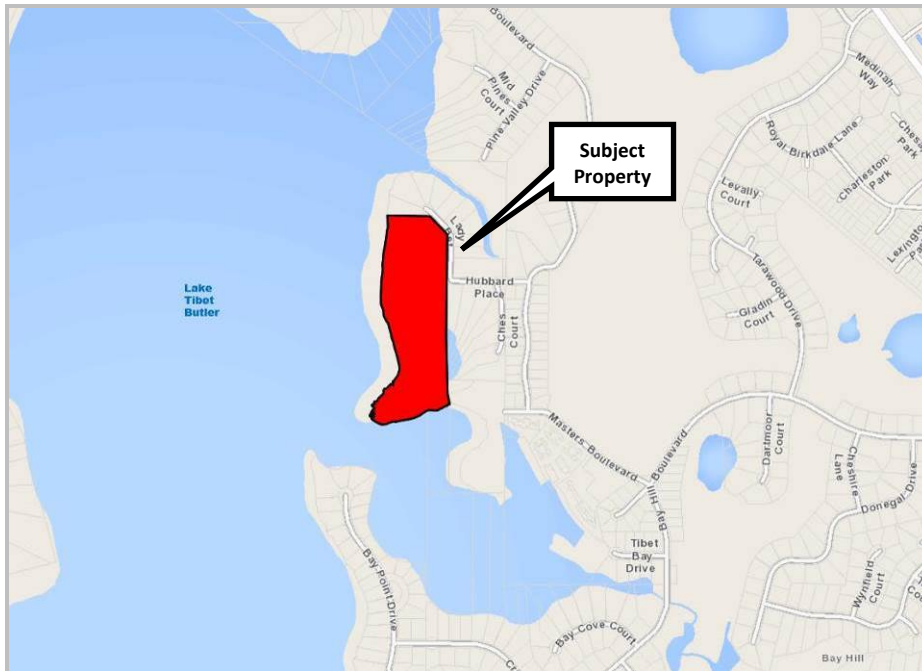
Please note the following modifications to this report:

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

The proposed Future Land Use Map Amendment for November 13 entails a change to the Future Land Use Map for property more than ten acres in size, thus requiring Regular Cycle review. The text amendment may include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan. If adopted, these amendments are expected to become effective 31 days after DEO notifies the County that the plan amendment package is complete, expected in December 2018, provided no challenges are filed 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 or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.

2018-1 Continued 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													
2018-1-A-1-1	LUP-17-12-373	Ruth S. Hubbard 2011 Irrevocable Family Trust, L. Evans Hubbard Trust, Linda S. Hubbard Trust, Michael Evans Hubbard Trust, 2012 Hubbard Family Trust, Leonard Evans Hubbard, and Linda S. Hubbard	Jennifer J. Stickler, P.E., Kimley-Horn and Associates, Inc.	28-23-28-0000-00-002/019/020/022	8997, 9000, 9001, and 9100 Hubbard Pl.; Generally located west of Hubbard Pl. and Lady Bet Dr., east of Lake Tibet Butler	Rural/Agricultural (R)	Low Density Residential (LDR) and Urban Service Area (USA) Expansion	R-1AA (Single-Family Dwelling District)	PD (Planned Development District) (Hubbard Place PD)	16.59 gross ac./13.79 net developable ac.	Jennifer DuBois	Adopt	Do Not Adopt & Do Not Approve (7-2)
District 4													
2018-1-A-4-1	LUPA-18-01-025	Carter-Orange Ward Road Land Trust	Doug Kelly, AICP, GAI Consultants, Inc.	33-24-30-0000-00-023/046	14950 and 14958 Ward Rd.; Generally located north of Simpson Rd. (Osceola County line), east of Gold Bridge Dr., south of Stonewall St., and west of Ward Rd.	Rural/Agricultural (R)	Planned Development-Low Density Residential (PD-LDR) and Urban Service Area (USA) Expansion	A-2 (Farmland Rural District)	PD (Planned Development District) (Bishop PD)	14.83 gross ac.	Misty Mills	Adopt	Adopt (7-0)
2018-1 Continued Regular Cycle State Expedted Review 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	
2018-1-B-FLUE-1	Planning Division	Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA)									Jennifer DuBois	Adopt	Do Not Adopt (6-2)
2018-1-B-FLUE-3	Planning Division	Text amendments to Future Land Use Element Policy FLU6.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County									Misty Mills	Adopt	Adopt (7-0)
ABBREVIATIONS INDEX:		ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; HDR-High Density Residential; PD-Planned Development; EDU-Educational; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; ACMU-Activity Center Mixed Use; RCID-Reedy Creek Improvement District; GC-Growth Center; 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; A-2-Farmland Rural District; R-1AA-Single-Family Dwelling District; PD- Planned Development District; SR-State Road; AC-Acres											



Applicant/Owner:

Jennifer J. Stickler, P.E., Kimley-Horn and Associates, Inc. / Ruth S. Hubbard 2011 Irrevocable Family Trust, L. Evans Hubbard Trust, Linda S. Hubbard Trust, Michael Evans Hubbard Trust, 2012 Hubbard Family Trust, Leonard Evans Hubbard, and Linda S. Hubbard

Location: 8997, 9000, 9001, and 9100 Hubbard Place; generally located west of Hubbard Place and Lady Bet Drive, east of Lake Tibet Butler

Existing Use: Three single-family homes and orange grove

Parcel ID Numbers:

28-23-28-0000-00-002/019/ 020/022

Tract Size: 16.59 gross/14.01 net developable acres

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Request: Rural/Agricultural (R) to Low Density Residential (LDR) and Urban Service Area (USA) expansion	
✓	A community meeting was held November 29, 2017, with eleven (11) attendees.	Positive	Proposed Development Program: Residential subdivision featuring up to thirteen (13) single-family homes	
✓	Staff Report	Recommend Transmittal	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.	
✓	LPA Transmittal December 21, 2017	Recommend Transmittal (9-0)	Historical Resources: The State Division of Historical Resources has informed staff that a prehistoric Native American burial mound (8OR10313-Macey Mound) is located on the subject property. Details are provided in the body of this staff report.	
✓	BCC Transmittal January 23, 2018	Transmit (7-0)	Environmental: Class I wetlands and surface waters are located onsite, including a portion of Lake Tibet Butler. Conservation Area Determination #CAD-17-06-082 has been completed. Conservation Area Impact Permit #CAI-18-06-032 is in progress.	
✓	State Agency Comments	March 2018	Transportation: A traffic study will be required prior to the issuance of a Capacity Encumbrance Letter and building permits.	
✓	LPA Adoption October 18, 2018	Do Not Adopt and Do Not Approve (7-2)	Schools: Capacity Enhancement Agreement (CEA) #OC-18-002 was approved by the Orange County School Board May 22, 2018.	
	BCC Adoption	November 13, 2018	Concurrent Rezoning: LUP-17-12-373 R-1AA (Single-Family Dwelling District) to PD (Planned Development District) (Hubbard Place PD/LUP)	

SITE AERIAL



FUTURE LAND USE – CURRENT



Current Future Land Use:
Rural/Agricultural (R)

Special Area Information:

- Overlay District: The subject property is located within the Dr. Phillips Urban Preservation District.
- The site is located within the Rural Service Area.
- Rural Settlement: N/A
- JPA: N/A
- Airport Noise Zone: N/A
- Other: The subject property is located on Lake Tibet Butler, part of the Butler Chain of Lakes and designated Outstanding Florida Waters.

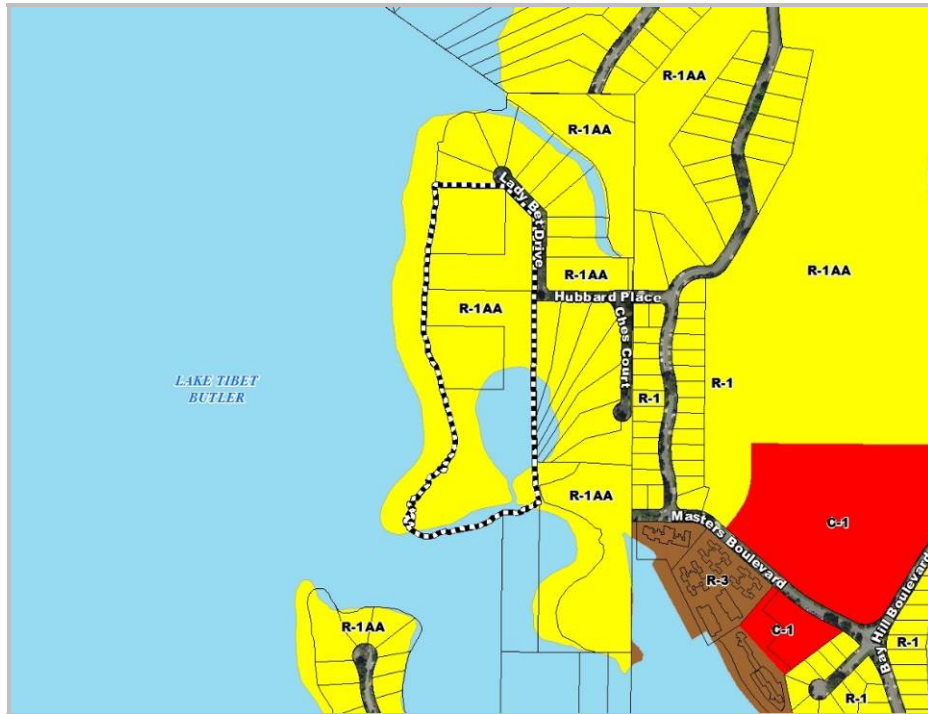
FUTURE LAND USE – PROPOSED



Proposed Future Land Use:
Low Density Residential (LDR) and Urban Service Area (USA) Expansion

Staff-Initiated Text Amendment 2018-1-B-FLUE-1, entailing the proposed incorporation of the subject property into the County's Urban Service Area, will be considered concurrently with this requested amendment.

ZONING – CURRENT



Current Zoning District:

R-1AA (Single-Family Dwelling District)

Existing Uses:

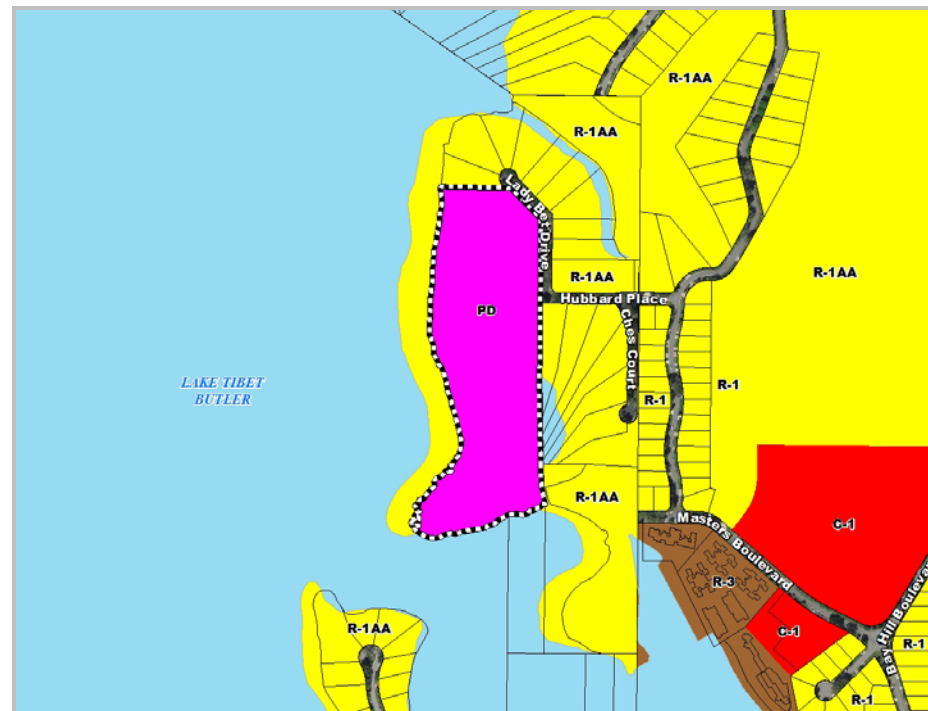
North: Single-family homes

South: Lake Tibet Butler

East: Single-family homes

West: Lake Tibet Butler

ZONING – PROPOSED



Proposed Zoning District:

PD (Planned Development District) (Hubbard Place PD/LUP)

Staff Recommendations

If the requested Future Land Use Map Amendment is approved, the Board will then take action on the requested rezoning. These items must be addressed as two separate motions by the Board. Staff notes that there are two recommendations for PD/LUP Rezoning Case LUP-17-12-373: the August 22, 2018, DRC recommendation and staff's alternative recommendation, presented during the October 18, 2018, LPA adoption hearing.

1. **FUTURE LAND USE MAP AMENDMENT:** Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU1.3, FLU6.5, and FLU8.2, and Policies FLU1.1.1, FLU1.3.1(A) and (C), FLU1.3.2, FLU6.4.14, FLU6.4.16, FLU6.5.2, FLU6.5.4, FLU6.5.5, and FLU8.2.1; and Housing Element Goal H1 and Objective H1.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2018-1-A-1-1, Rural/Agricultural (R) to Low Density Residential (LDR) and Urban Service Area (USA) Expansion.

2. REZONING

(August 22, 2018, DRC Recommendation): Make a finding of consistency with the Comprehensive Plan and **APPROVE** Case LUP-17-12-373, Hubbard Place Planned Development/Land Use Plan (PD/LUP) dated "Received August 24, 2018", subject to the following twenty-three (23) conditions:

1. Development shall conform to the Hubbard Place Land Use Plan (LUP) dated "Received August 24, 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 August 24, 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. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of May 22, 2018.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the four (4) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's

- enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
- Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
7. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this Land Use Plan / Preliminary Subdivision Plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a Capacity Encumbrance Letter or a Capacity Reservation Certificate.
8. Lake Tibet Butler has an established Municipal Service Taxing Unit for the purpose of funding lake management services. This project shall be required to be a participant.
9. 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.
10. Approval of this plan does not constitute approval of a permit for the construction 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.
11. Approval of this plan does not constitute approval of a permit for the construction 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.
12. The applicant shall comply with the Florida Department of Environmental Protection Rule 62-302.700 Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters. No degradation of water quality, other than that allowed in Rule 62-4.242(2) and (3), F.A.C., is to be permitted in Outstanding Florida Waters and Outstanding national Resource Waters, respectively, notwithstanding any other Department rules that allow water quality lowering.
13. Prior to mass grading, clearing, grubbing, or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

14. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in Section 376.308, F.S.
15. A waiver from Section 38-1501 is granted to utilize R-1AA building and site setbacks in lieu of R-CE building and site setbacks for lots greater than or equal to one acre in size.
16. A waiver from Section 38-1501 is granted to allow a rear building setback of fifteen (15) feet in lieu of thirty (30) feet for the northeast corner of the property adjacent to Lady Bet Drive.
17. Neither a Preliminary Subdivision Plan (PSP), nor any permit that authorizes ground disturbance in areas of the property subject to review according to Section 106 of the National Historic Preservation Act due to federal agency involvement shall be approved before the Section 106 process is complete and a mitigation plan or Memorandum of Agreement is executed by the Section 106 consulting parties. The Macey Mound site boundary must be clearly delineated on any permit application and permit that proposes ground disturbance.

All development involving ground disturbing activities on the property, except in areas substantially filled with the pond dredge spoil, shall be monitored by an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology and with experience identifying human remains. Any discovery of human remains shall require all work to stop immediately in the vicinity of the discovery and the notification of proper authorities in accordance with Chapter 872.05, Florida Statutes.
18. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
19. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
20. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
21. All existing structures shall be removed prior to Certificate of Completion (C of C).
22. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
23. Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included

in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed as part of the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located. Temporary addressing must be provided for permits and the C of C must be issued prior to approval and recording of a plat.

3. REZONING

(Alternative Staff Recommendation): Make a finding of consistency with the Comprehensive Plan and **APPROVE** Case LUP-17-12-373, Hubbard Place Planned Development/Land Use Plan (PD/LUP) dated "Received August 24, 2018", subject to the following twenty-four (24) conditions:

1. Development shall conform to the Hubbard Place Land Use Plan (LUP) dated "Received August 24, 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 August 24, 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. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of May 22, 2018.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the four (4) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

7. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this Land Use Plan / Preliminary Subdivision Plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a Capacity Encumbrance Letter or a Capacity Reservation Certificate.
8. Lake Tibet Butler has an established Municipal Service Taxing Unit for the purpose of funding lake management services. This project shall be required to be a participant.
9. 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.
10. Approval of this plan does not constitute approval of a permit for the construction 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.
11. Approval of this plan does not constitute approval of a permit for the construction 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.
12. The applicant shall comply with the Florida Department of Environmental Protection Rule 62-302.700 Special Protection, Outstanding Florida Waters, Outstanding Natural Resource Waters. No degradation of water quality, other than that allowed in Rule 62-4.242(2) and (3), F.A.C., is to be permitted in Outstanding Florida Waters and Outstanding national Resource Waters, respectively, notwithstanding any other Department rules that allow water quality lowering.
13. Prior to mass grading, clearing, grubbing, or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
14. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of

any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in Section 376.308, F.S.

15. A waiver from Section 38-1501 is granted to utilize R-1AA building and site setbacks in lieu of R-CE building and site setbacks for lots greater than or equal to one acre in size.
16. A waiver from Section 38-1501 is granted to allow a rear building setback of fifteen (15) feet in lieu of thirty (30) feet for the northeast corner of the property adjacent to Lady Bet Drive.
17. No development permit that authorizes ground disturbance in the areas of the property that are subject to review by the Division of Historical Resources of the Florida Department of State (the "State") under Chapter 872, Florida Statutes, shall be approved before the State's review process is complete, the boundary of the Macey Mound site has been formally delineated and approved by the State, and a mitigation plan (if deemed necessary by the State) has been reviewed and approved by the State. The Macey Mound site boundary, as delineated and approved by the State, must be clearly depicted on the PSP and on any other development permit application that proposes ground disturbance within twenty-five feet (25') of the approved Macey Mound site boundary. Additionally, should the State approve a mitigation plan that requires the protection of the Macey Mound site in perpetuity, the Macey Mound site shall be clearly depicted on the plat for the property along with a note clearly stating such requirement. Once the State formally approves the mitigation plan (if such a plan was deemed necessary), development permits may be issued for the entire property, provided such permits (and the development proposed thereby) are consistent with the State-approved mitigation plan. If the State did not deem a mitigation plan necessary, no ground disturbance may occur inside of or within twenty-five (25') feet of the delineated Macey Mound site boundary.
18. All development involving ground disturbing activities on the property, except in areas substantially filled with the pond dredge spoil, shall be monitored by an archaeologist, as defined in Section 872.05, Florida Statutes, and with experience identifying human remains. Any discovery of human remains shall require all work stop immediately in the vicinity of the discovery and the notification of proper authorities in accordance with Chapter 872.05, Florida Statutes.
19. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
20. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
21. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
22. All existing structures shall be removed prior to Certificate of Completion (C of C).
23. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
24. Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group

type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed as part of the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located. Temporary addressing must be provided for permits and the C of C must be issued prior to approval and recording of a plat.

Analysis

1. Background and Development Program

The applicant, Jennifer Stickler, is seeking to change the Future Land Use Map (FLUM) designation of the 16.59-acre subject property from Rural/Agricultural (R) to Low Density Residential (LDR), with a corresponding Urban Service Area (USA) expansion. The parcel—comprised of approximately 14.01 upland acres and 2.58 acres of surface water and wetlands, is presently the site of three single-family homes and an orange grove. The applicant is requesting the LDR designation to allow for the redevelopment of the property for a residential subdivision featuring up to thirteen (13) single-family homes and a recreation/open space tract with a community dock.

As shown on the aerial photograph, the subject parcel is bounded to the west and south by Lake Tibet Butler, part of the Butler Chain of Lakes, designated Outstanding Florida Waters (OFW) by the Florida Department of Environmental Protection (FDEP). The property is situated in an area characterized by single-family residential development and lies within close proximity to the Bay Hill Golf Club & Lodge.

At the November 29, 2017, community meeting held for this request, the applicant and the prospective developer, Chuck Whittall of Unicorp National Developments, Inc., stated that the project is expected to consist of eight (8) lakefront lots and one (1) lot with frontage on the canal on the southeast side of the property. Each of these waterfront lots will have a minimum lot area of one (1) acre, consistent with **Future Land Use Element Policy FLU6.4.14**, which mandates that all new residential developments shall provide for a minimum lot size of at least one (1) acre for all lots fronting on any lake within the Butler Chain. As presented at the meeting, there will be four (4) additional interior lots, each with a minimum lot area of one-half (1/2) acre.

Since October 10, 1960, the subject site has possessed the R-1AA (Single-Family Dwelling District) zoning classification—a category that is inconsistent with its current Rural/Agricultural future land use designation, which permits residential development at a minimum net density of one (1) dwelling unit per ten (10) acres. At this time, the applicant wishes to bring the future land use designation of the property into conformance with its residential zoning classification and attain the same LDR future land use designation—which allows development at a maximum net density of four (4) dwelling units per acre—as neighboring residential properties to the north and east. As the site lies within the County's Rural Service Area (RSA), a concurrent expansion of the County's USA boundary will be needed to allow an LDR classification.

Macey Mound

Following the Board of County Commissioners' (BCC's) January 23, 2018, transmittal of this requested amendment to the State for review and comment, the Division of Historical Resources (DHR) notified staff of the presence of a prehistoric Native American burial mound, known as the

Macey Mound (Site 8OR10313), on the subject property. In their letter dated March 14, 2018, attached to this staff report, DHR wrote that their review of the amendment data and the Florida Master Site File indicates that the archaeological site has evidence that it contains human remains and that any future plans for this area should be sensitive to potential adverse impacts to the mound. DHR added that Chapter 872, Florida Statutes, makes it illegal to willfully and knowingly disturb human remains.

On August 21, 2018, DHR informed staff that as the Macey Mound is a cultural resource eligible for listing in the *National Register of Historic Places*, it is subject to the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended. DHR noted that the U.S. Army Corps of Engineers (USACE) controls the timeline for the Section 106 review process and that the proposed Hubbard Place PD was the subject of a pending USACE permit application (SAJ-2018-01823). DHR emphasized the critical importance of avoiding ground disturbing activities within the Permit Area—established by the USACE and likely including a larger area than the limits of the Macey Mound site boundary—that may interfere with the review process.

DHR stated that the Section 106 review process would require consultation between the USACE, DHR, the applicant, and Native American tribes to explore measures to avoid, minimize, or mitigate adverse effects to the Macey Mound. DHR added that unless adverse effects to the site can be fully avoided, the Section 106 process would require the execution of a Memorandum of Agreement (MOA) signed by all appropriate stakeholders to formalize mitigation measures. Given the significance of the Macey Mound, which likely contains unmarked human remains and funerary cultural material, the Orange County Development Review Committee (DRC) unanimously recommended the following Condition of Approval (Condition 17), as suggested by DHR, during their August 22, 2018, meeting:

17. Neither a Preliminary Subdivision Plan (PSP), nor any permit that authorizes ground disturbance in areas of the property subject to review according to Section 106 of the National Historic Preservation Act due to federal agency involvement shall be approved before the Section 106 process is complete and a mitigation plan or Memorandum of Agreement is executed by the Section 106 consulting parties. The Macey Mound site boundary must be clearly delineated on any permit application and permit that proposes ground disturbance.

All development involving ground disturbing activities on the property, except in areas substantially filled with the pond dredge spoil, shall be monitored by an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology and with experience identifying human remains. Any discovery of human remains shall require all work to stop immediately in the vicinity of the discovery and the notification of proper authorities in accordance with Chapter 872.05, Florida Statutes.

Subsequent to the DRC's August 22, 2018, recommendation of the twenty-three (23) aforementioned Conditions of Approval for the Hubbard Place PD/LUP, the USACE determined that the Permit Area, and the Section 106 Area of Potential Effect, do not extend into the northern portions of the property where Site 8OR10313 (the Macey Mound) exists. In an August 31, 2018, email to the applicant and his archaeologist, Betsy Carlson of SEARCH, Inc., the USACE wrote that the Corps' revision of their Determination of Effects based upon this more limited scope would be necessary. Furthermore, the State Historic Preservation Officer's (SHPO's) office would now be the agency responsible for developing and approving an avoidance/preservation/mitigation plan for Site 8OR10313, as the Corps does not have jurisdiction in this area of the property.

Following the USACE's determination, DHR and the County Attorney's Office recommended the modification of Condition 17 as follows, which would result in the creation of two new proposed conditions, which staff recommends numbering as Conditions 17 and 18, with the previous Conditions 18 through 23 to be renumbered as Conditions 19 through 24.

17. No development permit that authorizes ground disturbance in the areas of the property that are subject to review by the Division of Historical Resources of the Florida Department of State (the "State") under Chapter 872, Florida Statutes, shall be approved before the State's review process is complete, the boundary of the Macey Mound site has been formally delineated and approved by the State, and a mitigation plan (if deemed necessary by the State) has been reviewed and approved by the State. The Macey Mound site boundary, as delineated and approved by the State, must be clearly depicted on the PSP and on any other development permit application that proposes ground disturbance within twenty-five feet (25') of the approved Macey Mound site boundary. Additionally, should the State approve a mitigation plan that requires the protection of the Macey Mound site in perpetuity, the Macey Mound site shall be clearly depicted on the plat for the property along with a note clearly stating such requirement. Once the State formally approves the mitigation plan (if such a plan was deemed necessary), development permits may be issued for the entire property, provided such permits (and the development proposed thereby) are consistent with the State-approved mitigation plan. If the State did not deem a mitigation plan necessary, no ground disturbance may occur inside of or within twenty-five (25') feet of the delineated Macey Mound site boundary.

18. All development involving ground disturbing activities on the property, except in areas substantially filled with the pond dredge spoil, shall be monitored by an archaeologist, as defined in Section 872.05, Florida Statutes, and with experience identifying human remains. Any discovery of human remains shall require all work stop immediately in the vicinity of the discovery and the notification of proper authorities in accordance with Chapter 872.05, Florida Statutes.

Staff finds Conditions 17 and 18, as recommended, consistent with **Future Land Use Element Objective FLU6.5** of the Comprehensive Plan, which establishes that Orange County shall ensure the preservation of significant historic and archeological sites and structures through their identification, designation and protection. This proposed conditions are further consistent with related **Policy FLU6.5.2**, which states that the County shall preserve and protect significant historic and archeological resources, sites, and structures in unincorporated Orange County listed in the Florida Master Site File; **Policy FLU6.5.4**, which mandates that the County shall regulate and evaluate proposed developments to minimize adverse impacts of such developments on historic and archeological sites and structures; and **Policy FLU6.5.5**, which stipulates that the County shall require that any proposed developments within archeological sensitivity areas undergo additional archeological investigation with the Department of State, Division of Historical Resources, to determine if significant sites are present.

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 is located in an urbanized area characterized by single-family residential and golf course development. The site also lies in close proximity to several major employers, including Walt Disney World, the Orlando Health Dr. P. Phillips Hospital, Universal Orlando, Sea World, Lockheed Martin, and the Orange County Convention Center. As discussed above, the applicant is seeking the LDR future land use designation to allow for the development of a 13-unit residential subdivision.

The requested FLUM Amendment and associated residential development program are consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The prospective developer's intent to construct up to 13 single-family homes 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. It is staff's belief that the proposed single-family community will contribute to available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**.

As noted above, the subject parcel is bounded to the west and south by Lake Tibet Butler, part of the Butler Chain of Lakes. In addition to the project's aforementioned consistency with **Future Land Use Element Policy FLU6.4.14**, which mandates that all new residential developments shall provide for a minimum lot size of at least one (1) acre for all lots fronting on any lake within the Butler Chain, the request is compatible with **Future Land Use Element Policy FLU6.4.16**, which states that all rezonings within the Urban Service Area with frontage on the Butler Chain of Lakes shall be restricted to residential with accessory recreational uses. Non-residential zonings shall be prohibited. As also discussed previously, the portion of the Butler Chain of Lakes adjacent to the property has been designated as Outstanding Florida Waters by the Florida Department of Environmental Protection (FDEP). In their March 28, 2018, email to staff, FDEP stated that they had conducted a detailed review of the proposed amendment and found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Staff further finds this request consistent with **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options. Staff notes that if approved, the residential project will use infrastructure that is already in place. Per Orange County Utilities (OCU), potable water will be supplied by the Orlando Utilities Commission (OUC), and central sewer service will be provided by OCU, with no facility improvements necessary to maintain level of service standards. Moreover, the project will use the existing transportation network, which serves pedestrians and bicyclists, as well as automobile drivers. The neighborhood is proposed to have gate controlled access to the present road network at the western terminus of Hubbard Place, which is within the Bay Hill neighborhood; also gated. Sidewalks are in place throughout the surrounding neighborhood to help provide for the safety of pedestrians and bicyclists. In addition, the property is located in the immediate vicinity of two major collector roads, Apopka-Vineland Road and Sand Lake Road, which provide direct connection to Interstate-4.

In conjunction with the requested FLUM Amendment and Urban Service Area expansion, the applicant is seeking a concurrent rezoning of the subject property from R-1AA to PD (Planned Development District) to create the Hubbard Place PD, featuring the proposed 13 single-family homesites and an open space/recreation tract with a community dock (Case LUP-17-12-373). On August 22, 2018, the DRC recommended approval of the associated Hubbard Place PD Land Use Plan (LUP), subject to the twenty-three (23) conditions listed above. However, as discussed in the Macey Mound analysis, staff now recommends approval of the Hubbard Place PD/LUP, subject to twenty-four (24) conditions, including the new State-proposed language, to be incorporated as Conditions 17 and 18, with the previous Conditions 18 through 23 to be renumbered as Conditions 19 through 24.

Urban Service Area Expansion

The corresponding Urban Service Area (USA) expansion request, encompassing the entirety of the 16.59-acre subject property, appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

Future Land Use Element Objective OBJ FLU1.3 and its associated policies outline the process by which proposed expansions of the USA shall be evaluated. **Future Land Use Element Policy FLU1.3.1** calls for a comprehensive review to ensure that proposed amendments would allow for the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent land development. **Future Land Use Element Policy FLU1.3.2** provides additional procedural steps and criteria required for consideration of USA expansion requests.

It is staff's position that the proposed USA expansion does not encourage the proliferation of urban sprawl, as required per **Policies FLU1.3.1** and **FLU1.3.2**. As mandated by **Policy FLU1.3.2(f)**, the total linear footage of the perimeter of the property to be added to the USA shall be at least 25 percent contiguous (excluding wetlands and surface water) to the existing USA boundary, as shown on the County's Future Land Use Map. As illustrated on the current future land use map included in this report, the majority of the subject property is surrounded by surface water. Of the site's approximately 1,250 linear feet along dry land, roughly 920 are adjacent to the present USA boundary, yielding a contiguity figure of 73.6 percent.

As previously discussed, the development pattern of the immediate area within the current USA boundary is characterized by suburban single-family residential and golf course development. As such, adoption of this proposed amendment and the subsequent development of a 13-unit single-family residential subdivision would allow for a continuation of the present development trend without creating an enclave or pocket of land within the RSA, as further required by **Policy FLU1.3.2(f)**.

Furthermore, the sprawl indicators outlined in **Policy FLU1.3.1(A)** address the efficient use, availability, and cost of providing infrastructure and services. Staff has determined that the location and proposed intensity of development coincide with the availability of infrastructure and services and do not constitute an inefficient extension. Potable water will be supplied by the Orlando Utilities Commission (OUC), while sanitary sewer service will be provided by Orange County Utilities (OCU). A six-inch OUC potable water main and an eight-inch OCU gravity sewer main are located immediately east of the site on Hubbard Place, which will allow for the efficient provision of utility service. Moreover, as mentioned earlier, the project will connect to the existing road network at the present terminus of Hubbard Place, and a system of interconnected sidewalks is in place throughout the surrounding residential community.

In addition, Orange County Fire Station 31 is located approximately 1.6 miles from the subject property, with an estimated emergency response time of six minutes, per the Orange County Fire Rescue Department. The Orange County Sheriff's Department has also informed staff that the proposed development of 13 single-family homes would result in the need for 0.02 new sworn and 0.01 civilian personnel. Staff notes, though, that the elementary school (Dr. Phillips Elementary), middle school (Southwest Middle), and high school (Dr. Phillips High) that would currently serve the project are operating over capacity. Per Orange County Public Schools (OCPS), developer will be required to enter into a Capacity Enhancement Agreement (CEA) with the Orange County School Board.

Staff has further concluded that the requested amendment is consistent with the requirements in **Policies FLU1.3.1** and **FLU1.3.2** that call for proposed development to protect and conserve natural lands and resources. As discussed previously, Lake Tibet Butler, part of the Butler Chain of Lakes, is designated as Outstanding Florida Waters (OFW) by the Florida Department of Environmental Protection (FDEP) per Rule 62-302.700 of the Florida Administrative Code (F.A.C.). The project must comply with all applicable regulations to prevent the degradation of water quality. In addition, Lake Tibet Butler has an established Municipal Service Taxing Unit (MSTU) for the purpose of funding lake management services. Per the Orange County Environmental Protection Division (EPD), this project shall be required to participate. As noted above, the proposed subdivision is being designed in accordance with the County's Comprehensive Plan policies pertaining to development on the Butler Chain.

Finally, **Future Land Use Element Policy FLU1.3.1(C)** requires the County to consider additional factors when evaluating development proposals for inclusion within the Urban Service Area. Consistent with the components of this policy, staff has previously discussed how the proposed development program would contribute to the achievement of the urban goals and strategies of the Comprehensive Plan.

Future Land Use Element Policy FLU1.2.4 lists all USA expansions approved since October 15, 2002. The requested USA expansion is proposed for incorporation into **Policy FLU1.2.4** as follows, via concurrent Staff-Initiated Text Amendment 2018-1-B-FLUE-1.

Amendment Number	Name	Acreage	Ordinance
<u>2018-1-A-1-1</u>	<u>Hubbard Place</u>	<u>16.59</u>	<u>2018-</u>

Compatibility

The requested FLUM amendment appears to be **compatible** with the 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 trend of the area. As discussed earlier, the subject property is located in an urbanized area characterized by single-family residential and golf course development. In addition, it is situated in close proximity to several major employers and regional transportation corridors, adding to its suitability for residential development. It is staff's belief that the proposed single-family residential project would contribute to the County's larger goals of promoting infill within the Urban Service Area, providing for a range of living options, efficiently using existing infrastructure, and reducing trip lengths. Staff

therefore, recommends adoption of this requested amendment.

Division Comments: Environmental, Public Facilities, and Services

Environmental Protection Division

The Environmental Protection Division (EPD) has noted that Class I wetlands and surface waters are located onsite, including a portion of Lake Tibet Butler. Conservation Area Determination #CAD-17-06-082 was issued for this project on June 18, 2018, and is binding for a period of five (5) years.

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 (BCC).

Approval of this request does not grant permission for the construction or alteration of boat ramps, docks, boardwalks, 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 EPD prior to commencement of such activities.

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. Staff notes that Conservation Area Impact Permit #CAI-18-06-032 is currently in progress to allow the impact of 0.22 acre of Class III surface waters and 0.07 acre of Class III wetlands.

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 Normal High Water Elevation (NHWE) of Lake Tibet Butler was established at 98.52 feet NAVD 88 in the Lake Index of Orange County. The developer shall clearly label and indicate the NHWE contour of the lake on all development plans or permit applications, in addition to any wetland, floodplain, and setback lines.

All development is required to pretreat stormwater 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.

Lake Tibet Butler (in the Butler Chain of Lakes) is designated as Outstanding Florida Waters (OFW) by the Florida Department of Environmental Protection (FDEP) per Rule 62-302.700 of the Florida Administrative Code (F.A.C.). No degradation of water quality is to be permitted, other than that allowed in 62-4.242 F.A.C., notwithstanding any other FDEP rules that allow water quality lowering.

Lake Tibet Butler has an established Municipal Service Taxing Unit (MSTU) for the purpose of funding lake management services. This project shall be required to participate.

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).

Prior to commencement of any earthwork or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

Prior to demolition or construction activities associated with existing structures, please provide EPD with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Please contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.

The subject properties had a prior agricultural land use that may have resulted in soil or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading, or construction plans, the applicant shall provide documentation to ensure compliance with the Florida Department of Environmental Protection (FDEP) Regulation 62-777, Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to EPD and the Development Engineering (DE) Division. If an Environmental Site Assessment (ESA) has been completed for this project, please submit a copy to EPD.

Transportation Planning Division

Based on the current Rural/Agricultural (R) future land use designation of the subject property, the maximum allowable development of four (4) single-family homes would generate five (5) new p.m. peak hour trips. The thirteen (13) single-family homes proposed under the Low Density Residential (LDR) future land use designation will generate fourteen (14) p.m. peak hour trips, resulting in a net increase of nine (9) p.m. peak hour trips.

Per the Transportation Planning Division, the subject site is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained facility or multimodal corridor.

The trip generation of the proposed project does not exceed one (1) percent of the maximum volume at the adopted Level of Service on the affected transportation facilities. However, based on the Concurrency Management System database dated November 27, 2017, there is one failing roadway segment within a one-mile radius of this project. Apopka-Vineland Road from Wallace Road to Palm Lake Drive currently has no available capacity and is operating at Level of Service F. As a result, a traffic study will be required prior to issuance of an approved Capacity Encumbrance Letter and building permits. This information is dated and is subject to change.

Analysis of the short-term or interim Year 2022 conditions indicates deficient roadway conditions on both Apopka-Vineland Road from Sand Lake Road to Palm Lake Drive and Wallace Road from Apopka-Vineland Road to Dr. Phillips Boulevard.

Final permitting of any development on this site will be subject to review and approval under the capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment 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 Plan.

Utilities

The subject property lies within the Orlando Utilities Commission's potable water service area and Orange County Utilities' (OCU's) wastewater and reclaimed water service areas. Per OCU, there is an 8-inch gravity sewer main on Hubbard Place, and they presently have sufficient plant capacity to serve the project. Reclaimed water, however, is currently unavailable in the vicinity of the site.

Orange County Public Schools

Per Orange County Public Schools (OCPS), the elementary school (Dr. Phillips Elementary), middle school (Southwest Middle), and high school (Dr. Phillips High) that would currently serve the project are operating over capacity. Per OCPS, the developer will be required to enter into a Capacity Enhancement Agreement (CEA) with the Orange County School Board. [CEA #OC-18-002 was approved by the School Board on May 22, 2018.](#)

3. Rezoning Analysis

Tract Size: 16.59 gross acres

Impact Analysis

Land Use Compatibility

The applicant is seeking to rezone the 16.59-acre subject property, comprised of four (4) individual parcels, from R-1AA (Single-Family Dwelling District) to PD (Planned Development District) to construct thirteen (13) single-family detached residential dwelling units. The applicant is also seeking approval of two (2) waivers from the Orange County Code related to the reduction of setbacks.

The proposed development program is compatible with existing development in the area and would not adversely impact any adjacent properties.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Rural/Agricultural (R), but a requested amendment of the FLUM to Low Density Residential (LDR)—which allows for a maximum residential density of four (4) dwelling units per net developable acre—is running concurrently with this rezoning. The proposed PD zoning classification and development program are consistent with the LDR FLUM designation and the following CP provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

FLU6.4.14 states that all new residential developments shall provide for a minimum lot size of at least one (1) acre for all lots fronting on any lake within the Butler Chain. This shall not include any existing manmade waterbodies connected to the Butler Chain. This development must be consistent with the future land use designation, FLU1.2.7 or FLU6.1.9, or have vested rights.

OBJ FLU6.5 states that Orange County shall ensure the preservation of significant historic and archeological sites and structures through their identification, designation and protection.

FLU6.5.2 states that Orange County shall preserve and protect significant historic and archeological resources, sites and structures in unincorporated Orange County, which are listed in the Florida Master Site File (See Appendix).

FLU6.5.4 states that Orange County regulate and evaluate proposed developments to minimize adverse impacts of such developments on historic and archeological sites and structures.

FLU6.5.5 states that Orange County shall require that any proposed developments within archeological sensitivity areas undergo additional archeological investigation with the Department of State, Division of Historic Resources, to find out if significant sites are present.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with 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.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

Community Meeting Summary

A community meeting was required for the requested Future Land Use Map Amendment associated with this application. The meeting was held November 19, 2017, at Dr. Phillips Elementary School. Eleven (11) residents attended the meeting and expressed their concerns regarding school capacity and speeding watercraft on Lake Tibet Butler.

Site Data

Existing Use	Undeveloped land / single-family dwellings / farmland
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Adjacent Zoning	N:	R-1AA (Single-Family Dwelling District) (1960)
	E:	R-1AA (Single-Family Dwelling District) (1960)
	W:	R-1AA (Single-Family Dwelling District) (1960)
	S:	R-1AA (Single-Family Dwelling District) (1960)
Adjacent Land Uses	N:	Single-Family Residential
	E:	Single-Family Residential
	W:	Lake Tibet Butler
	S:	Lake Tibet Butler

Applicable PD Development Standards

PD Perimeter Setback:	25 feet
Maximum Building Height:	35 feet / 2 stories
Minimum Lot Size:	10,000 Square Feet (1 acre required along Lake Tibet Butler)
Minimum Lot Width:	85 feet
Minimum Living Area:	1,200 Square Feet (under HVAC)
Minimum Building Setbacks:	
Front Setback:	25 feet
Rear Setback:	30 feet
Side Setback:	7.5 feet
Side Street Setback:	15 feet

Special Information

Subject Property Analysis

The applicant is seeking to rezone four (4) parcels containing 16.59 gross acres from R-1AA (Single-Family Dwelling District) to PD (Planned Development District) to construct thirteen (13) single-family detached dwelling units. Additionally, two (2) waivers from the Orange County Code are requested relating to setbacks. The developer is requesting impacts to Class III surface waters and wetlands to construct the subdivision road. Additionally, the developer has stated that the subdivision is proposed to be gated, which is similar to the majority of the subdivisions within the immediate area.

The applicant is concurrently proceeding with a Future Land Use Map (FLUM) Amendment to change the site's Future Land Use Map (FLUM) designation from Rural/Agricultural (R) to Low Density Residential (LDR) and a corresponding Urban Service Area (USA) expansion to permit the number of units requested. During the State's review of this proposed FLUM Amendment upon transmittal, the Florida Division of Historical Resources (FDHR) identified that the subject property is known to contain an historical Indian mound site, known as the Macey Mound (DHR Project #2018-2352). As the entirety of the subject property is proposed for development, the mound must be surveyed, excavated, any remains interred, and properly remediated before any groundwork can take place. Per the FDHR, A Memorandum of Agreement (MOA) must be signed by all appropriate stakeholders explaining the responsibilities of each stakeholder in dealing with this mound site. Given the unique situation of the property, the DRC has recommended the inclusion of a Condition of Approval pertaining to the Macey Mound (Condition 17), as listed in this staff report. As discussed earlier, though, staff now recommends approval of the Hubbard Place PD/LUP, subject to twenty-four (24) conditions, including the new State-proposed language, to be incorporated as Conditions 17 and 18, with the previous Conditions 18 through 23 to be renumbered as Conditions 19 through 24.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Rural/Agricultural (R), but the applicant is presently proceeding with a concurrent Future Land Use Map Amendment to Low Density Residential (LDR) (Case #2018-1-A-1-1) and a corresponding Urban Service Area (USA) expansion. The proposed use is consistent with the requested FLUM designation and all applicable CP provisions.

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

The subject property had a Conservation Area Determination (CAD) issued on June 18, 2018 (CAD-17-06-082). The CAD determined that 0.37 acre of Class I and 0.10 acre of Class III wetlands exist on the property and that 0.48 acre of Class I and 1.92 acres of Class III surface waters are located on the site.

A Conservation Area Impact (CAI) Permit (CAI-18-06-032) is currently in progress to permit the impact of 0.22 acre of Class III surface waters and 0.07 acre of Class III wetlands.

Transportation / Concurrency

Based on the Concurrency Management System (CMS) database dated December 22, 2017, there is one failing roadway segment within a one-mile radius of this project. Apopka-Vineland Road from Wallace Road to Palm Lake Drive is currently operating at Level of Service "F", and there is no available capacity. This information is dated and is subject to change. A traffic study may be required prior to obtaining a Capacity Encumbrance Letter (CEL) and building permits.

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this Land Use Plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Water / Wastewater / Reclaimed Water

	<i>Existing service or provider</i>
Water:	Orlando Utilities Commission
Wastewater:	Orange County Utilities
Reclaimed water:	Presently unavailable

Schools

A Capacity Enhancement Agreement (CEA) application, #OC-18-002, has been reviewed by Orange County Public Schools and was approved by the Orange County School Board on May 22, 2018.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

4. Policy References

Goal FLU2 – URBAN STRATEGIES. Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

OBJ FLU1.3 – APPLICATION FOR URBAN SERVICE AREA EXPANSION. No new expansions to the Urban Service Area boundary, except for those planned for Horizon West and the Innovation Way Overlay (Scenario 5), shall be permitted unless supported by data and analysis demonstrating consistency with Objectives FLU1.2 and FLU1.3 and associated policies. Orange County shall use the following process to evaluate Urban Service Area expansions, and as a means for achieving its goals with respect to accommodating growth within the USA and implementing the Comprehensive Plan.

OBJ FLU8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies 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.

FLU1.3.1 – All amendments to the Urban Service Area shall include a comprehensive review to ensure the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent development.

FLU1.3.1(A) – Per Section 163.3177(6)(a)(9)(a), Florida Statutes, amendments to the Comprehensive Plan, including Urban Service Area expansion requests, shall discourage urban sprawl. The primary indicators used to evaluate whether a plan or plan amendment encourages the proliferation of urban sprawl are listed below.

1. Promotes, allows, or designates substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need;
2. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development;
3. Promotes, allows, or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments;
4. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems;
5. Fails to adequately protect adjacent agricultural areas and activities, including active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils;

6. Fails to maximize use of existing public facilities and services;
7. Fails to maximize use of future public facilities and services;
8. Allows for land use patterns or timing that disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government;
9. Fails to provide a clear separation between rural and urban uses;
10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities;
11. Fails to encourage a functional mix of uses;
12. Results in poor accessibility among linked or related land uses;
13. Results in the loss of significant amounts of functional open space.

FLU1.3.1(C) – In addition to the sprawl criteria outlined in FLU1.3.1A and FLU1.3.1B, the County shall consider the following factors when evaluating development proposals for inclusion within the Urban Service Area:

1. The extent to which the proposed development contributes to the urban strategies and urban form identified in the CP;
2. Whether the proposal will consist of a Traditional Neighborhood Development (TND), sector plan, or mixed use planned development that uses traditional neighborhood development, including minimum residential densities, school-centered design, diversity of housing types, and price ranges that reduce vehicle dependency, protect natural environmental features, and create a sense of community and place through urban design principles and the arrangement of land uses;
3. The supply of vacant land within the Urban Service Area, the rate of building permit approvals as compared to the absorption of committed and pending land use inventory supply, and the timing and need for development with respect to the current building inventory and supply approved to date;
4. Whether the project demonstrates the ability to meet Orange County's adopted Level of Service (LOS) standards as required by the Concurrency Management provisions of Article XII, Sec. 30-500 of the Orange County Code. Adequate public facilities and services to support the development shall include, but not be limited to, roads, water and sewer facilities, solid waste, recreational lands, stormwater, and schools;
5. Whether the proposal can be deemed to have a prevailing public benefit such as:
 - a. establishment of a new major employer or relocation or expansion of an existing major employer, where such establishment, relocation or expansion is endorsed and/or sponsored by the State of Florida, or
 - b. consistent with Activity Center provisions as identified in the Future Land Use, Urban Design, or Economic elements;
6. The extent to which the proposal furthers workforce housing and the transit readiness of the County;

7. Compatibility with the targeted urban densities/intensities provided for in FLU1.1.4 and provision of the following:
 - a. a sustainable development program allowing for a balanced mix of residential/non-residential uses;
 - b. appropriate timing of development complementing and coinciding with surrounding developments allowing for adequate provision of infrastructure and services;
 - c. jobs to housing balance; and,
 - d. adequate assessment of the environmental impacts of the project as well as how the site integrates with the surrounding built environment at the time of the application.

FLU1.3.2 – An application to expand the Urban Service Area shall be approved only when the application is found to be consistent with the Comprehensive Plan and complies with the following procedural steps and additional criteria, with the exception of those planned for Horizon West and the Innovation Way Overlay (Scenario 5).

- a. The applicant demonstrates that the proposed development is needed to satisfy acreage demands of the projected population and land use needs identified in the CP and will not detract from the CP's urban strategies of infill, mixed use and transit oriented development.
- b. The provision of infrastructure/services to the proposed development shall be a logical and fiscally prudent extension of existing lines, and shall not deplete capacity allocated or reserved for vacant, vested developable land within the Urban Service Area.
- c. The application shall detail existing and planned availability of services and facilities, how these services and facilities will be funded and an accounting for the development potential of vacant land within the Urban Service Area. Services and facilities shall include, but not limited to, potable water provision, wastewater disposal, law enforcement, fire protection/emergency medical service, road capacity, transit service, stormwater management, parks and open space, solid waste disposal, libraries and health care and schools. The identified funding strategies must be consistent with the County's CIP and CIE processes.
- d. To ensure new development can be accommodated, an applicant wishing to request a USA expansion must submit a Small Area Study, whose methodology is based on professionally accepted standards. This Small Area Study must demonstrate the growth-related impacts as it relates to concurrency requirements and the fiscal sustainability of a project over its lifetime. Such information must be submitted as part of a Large Scale or Small Scale Future Land Use Map amendment application process to request an expansion to the USA. For any Urban Service Area expansion or phased large-scale Future Land Use amendment, the County may require the applicant to demonstrate the capacity to provide the necessary infrastructure over the entire build-out period. The developer shall pay the full cost of initial services and facility expansion, unless excess uncommitted infrastructure/service capacity exists.
- e. To discourage urban sprawl, the travel distance between proposed residential development and identified employment centers shall not exceed a ten miles/twenty minute travel distance standard as referenced in Section 73C-40.048(2)(r), Florida Administrative Code (the Adequate Housing Uniform Standard Rule); or the project will

include a mix of uses that allows a jobs/housing balance keeping with planning standards, which typically recommends a 1.5:1 jobs to housing balance.

- f. The total linear footage of the perimeter of the property to be added to the USA shall be at least 25% contiguous (excluding wetlands and surface water) to the existing USA boundary as shown on the County's Future Land Use Map. The perimeter of the property shall be measured as a percentage of the total linear footage of the perimeter of the property proposed for inclusion as compared to the perimeter of the parcel that is contiguous. To discourage urban sprawl and reduce enclaves, the proposed development shall not extend into the Rural Service Area in a ribbon like manner or create enclaves or pockets of Rural Service Area.

If the property is contiguous but the contiguity is less than 25%, the following additional criteria must be met:

- The subject property shall not leave intervening parcels of developable property between the subject property and the Urban Service Area;
 - The proposed development shall meet the minimum required site and building placemaking design standards for Mixed-Use Development Activity Centers, consistent with Policy FLU3.2.6; (Amended 10/10, Ord. 2010-13).
 - The subject property is located within five miles of a regional employment center containing no less than 5,000 existing employees;
 - The proposed development shall meet the design requirements for a Multimodal Transportation District (MMTD) as outlined in FDOT's *Multimodal Transportation Districts and Areawide Quality of Service Handbook*, and the property owner/developer agrees to be included within a proposed MMTD boundary if and when the County proposes an MMTD;
 - The application demonstrates that the proposed development will not adversely affect the County's ability to provide public safety services. This shall include a demonstration that adequate police and fire protection facilities are available (consistent with Policies FR1.2.2 and FR1.2.3), that adequate fire flows are or will be available, and that reflex time for fire and EMS response will be consistent with Policy FR1.2.1;
 - The application contributes to the County's desired urban form strategies and urban form, consistent with Policy FLU1.3.1C(1); and
 - The application meets all other requirements addressed in Policies FLU1.3.1A, FLU1.3.1B, and FLU1.3.1C.
- g. In addition, an application for a USA expansion may be required to include a Listed Species survey. If Listed Species are identified, the application must include information as to whether there have been adequate provisions to protect those species.
- h. The application for a USA expansion should include a commitment to nationally recognized Green Building standards, water and energy conservation measures and as well as to meet other sustainability criteria. Sustainability criteria can include, but are not limited to, the mix and balance of uses, the timing of development (with respect to the Capital Improvements Program (CIP)), the jobs to housing balance, the

environmental impacts of the project, as well as how the site integrates with the surrounding built environment at the time of the application.

FLU6.4.14 – All new residential developments shall provide for a minimum lot size of at least one (1) acre for all lots fronting on any lake within the Butler Chain. This shall not include any existing manmade waterbodies connected to the Butler Chain. This development must be consistent with the future land use designation, FLU1.2.7 or FLU6.1.9, or have vested rights.

FLU6.4.16 – All rezonings within the Urban Service Area with frontage on the Butler Chain of Lakes shall be restricted to residential only with accessory recreational uses. Nonresidential zonings shall be prohibited.

OBJ FLU6.5 – Orange County shall ensure the preservation of significant historic and archeological sites and structures through their identification, designation and protection.

FLU6.5.2 – The County shall preserve and protect significant historic and archeological resources, sites and structures in unincorporated Orange County, which are listed in the Florida Master Site File (See Appendix).

FLU6.5.4 – The County shall regulate and evaluate proposed developments to minimize adverse impacts of such developments on historic and archeological sites and structures.

FLU6.5.5 – The County shall require that any proposed developments within archeological sensitivity areas undergo additional archeological investigation with the Department of State, Division of Historic Resources, to find out if significant sites are present.

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.

GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our 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.

Site Visit Photos

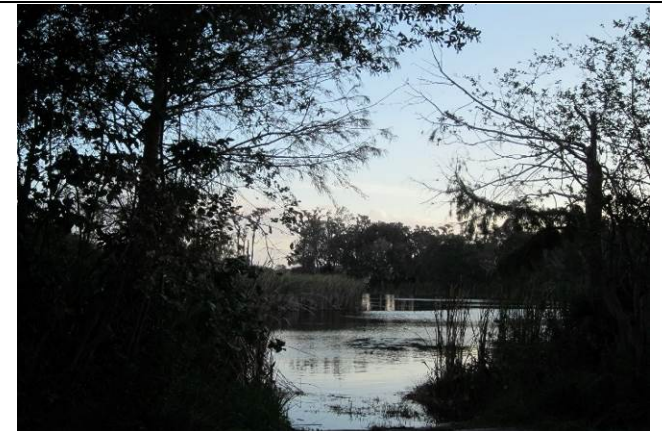
Subject Site



North of Subject Site



South of Subject Site



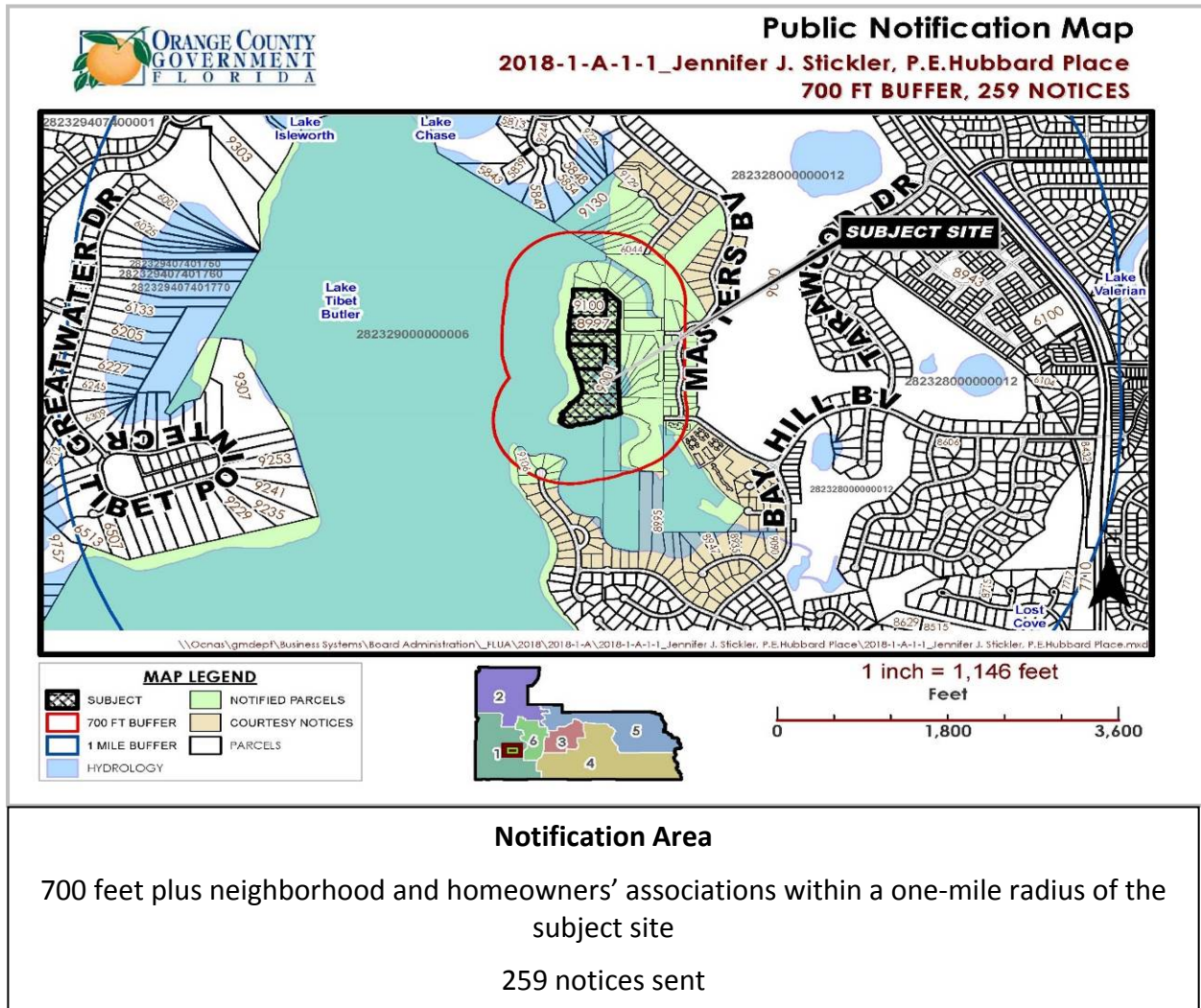
West of Subject Site



East of Subject Site



PUBLIC NOTIFICATION MAP



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Division of Historical Resources Letter Dated March 14, 2018



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Mr. Alberto A. Vargas, March, Manager
Orange County Planning Division
201 South Rosalind Avenue, 2nd Floor
Post Office Box 1393
Orlando, Florida 32802-1398

March 14, 2018

Re: DHR Project File No. 2018-1172
Historic Preservation Review of the Orange County 18-1ESR Comprehensive Plan Amendment
Amendment 2018-1-A-1-1

Dear Mr. Vargas:

According to this agency's responsibilities under Section 163.3184(3)(b) *Florida Statutes*, we reviewed the above document to determine if proposed amendments may adversely impact significant historic resources.

Our office has reviewed Orange County's Comprehensive Plan Amendment 18-1ESR. Our review of the amendment data and the Florida Master Site File indicates that one archaeological site (8OR10313-Macey Mound) that has evidence of containing human remains is located within the 2018-1-A-1-1 amendment area. Any future plans for this area should be sensitive to potential adverse impacts to this resource. Please note that Chapter 872, *Florida Statutes* makes it illegal to willfully and knowingly disturb human remains.

If you have any questions, please contact Deena Woodward, Community Assistance Consultant, by email at Deena.Woodward@dos.myflorida.com, or by telephone at 850.245.6425 or 800.847.7278.

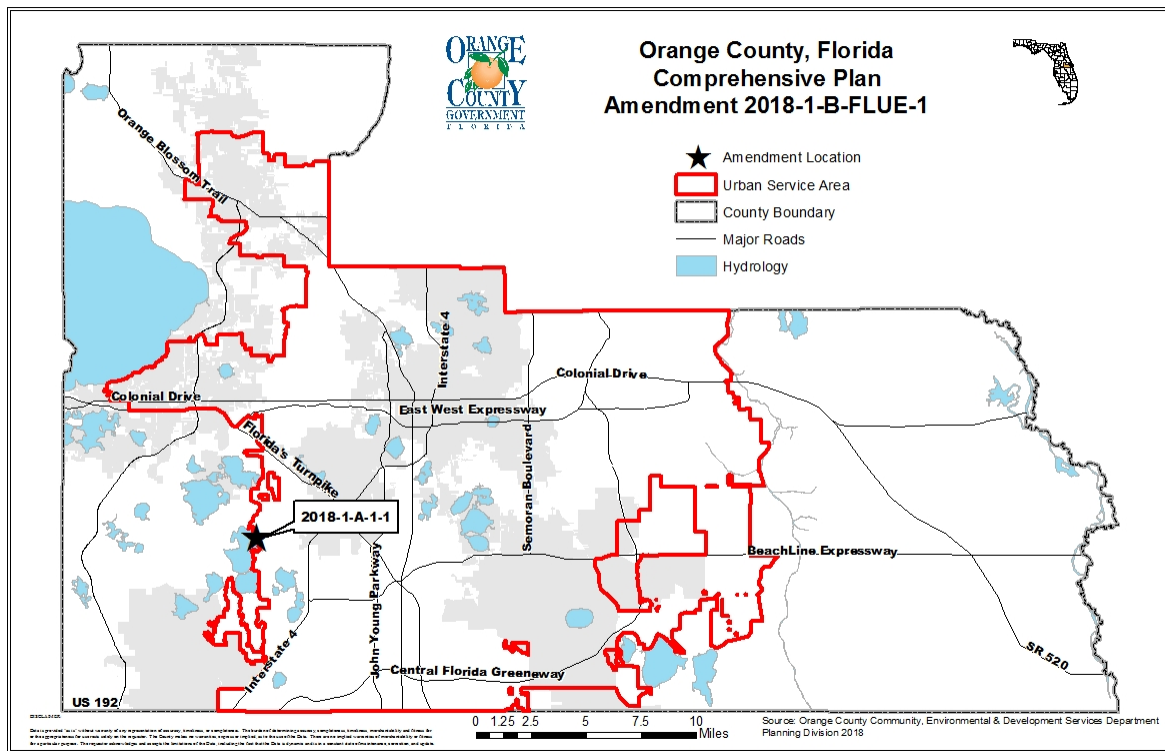
Sincerely,

A handwritten signature in blue ink, appearing to read "Jason A. Parsons".

Timothy A. Parsons, Ph.D.
Director, Division of Historical Resources
& State Historic Preservation Officer

Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6300 • 850.245.6436 (Fax) FLHeritage.com





The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing		Outcome	Title: Amendment 2018-1-B-FLUE-1	
✓	Staff Report	Recommend transmittal	Division: Planning	
✓	LPA Transmittal December 21, 2017	Recommend transmittal (8-0)	Request: Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA)	
✓	BCC Transmittal January 23, 2018	Recommend transmittal (7-0)		
✓	Agency Comments March 2018	No comments or concerns		
✓	LPA Adoption October 18, 2018	Do Not Adopt (6-0)		
	BCC Adoption	November 13, 2018	Revision: (FLU1.2.4)	

Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and **ADOPT** Amendment 2018-1-B-FLUE-1, which would amend Future Land Use Element Policy FLU1.2.4 to include the subject property of Amendment 2018-1-A-1-1 in the Urban Service Area (USA), expanding the USA boundary by 16.59 acres.

A. Explanation

The proposed amendment, if adopted, would increase the Urban Service Area's (USA's) size by 16.59 acres. Staff is recommending that the Board of County Commissioners (BCC) make a finding of consistency with the Comprehensive Plan and adopt Amendment 2018-1-B-FLUE-1, which would incorporate the subject property associated with requested Future Land Use Map Amendment 2018-1-A-1-1 (Hubbard Place) into the USA.

Applications to expand the Urban Service Area (USA), as specified in Policy FLU1.2.4, may be considered by the BCC through amendments to the Comprehensive Plan, when demonstrating consistency with **Future Land Use Element Objectives OBJFLU1.2** and **OBJFLU1.3** and associated policies. It is staff's position that requested Amendment 2018-1-A-1-1 and corresponding USA expansion are consistent with the County's goals for managing development over the next planning period. However, on October 18, 2018, the Local Planning Agency (LPA) recommended denial of Amendment 2018-1-A-1-1 and the exclusion of the 16.59-acre subject site from the initially-proposed 31.42-acre USA expansion, which, at the time, also included the 14.83-acre subject parcel associated with requested Future Land Use Map Amendment 2018-1-A-4-1 (Bishop Landing Ph. 3). Although the LPA voted to recommend adoption of Amendment 2018-1-A-4-1 and the corresponding expansion of the USA by 14.83 acres, these two petitions are now scheduled for public hearings before the BCC on December 18, 2018. Staff notes that the proposed Bishop Landing Ph. 3 USA expansion will be considered as Amendment 2018-1-B-FLUE-4. As the LPA elected to remove the 16.59-acre Hubbard Place site from the originally-requested 31.42-acre USA expansion and the 14.83-acre Bishop Landing Ph. 3 subject parcel has been eliminated from Amendment 2018-1-B-FLUE-1, the LPA's 6-0 recommendation to adopt Amendment 2018-1-B-FLUE-1 is now a *de facto* recommendation of denial.

Although the LPA voted against the incorporation of the Amendment 2018-1-A-1-1 subject property into the USA boundary, staff supports its inclusion. The application to expand the USA is discussed below:

Amendment 2018-1-A-1-1 Hubbard Place

The subject property associated with Amendment 2018-1-A-1-1 proposed for inclusion within the USA is generally located west of Hubbard Place and Lady Bet Drive and east of Lake Tibet Butler and consists of four parcels totaling 16.59 gross acres. The applicant, Jennifer Stickler, is seeking approval of this amendment to allow for the redevelopment of the site for a residential subdivision featuring up to thirteen (13) single-family homes and a recreation/open space tract with a community dock.

The proposed Low Density Residential (LDR) Future Land Use designation and Urban Service Area (USA) Expansion would allow land uses that staff believes are compatible with the existing development pattern and trend of the surrounding area, characterized by single-family residential and golf course activity. Please refer to the staff report for Amendment 2018-1-A-1-1 for specific policy consistency references.

B. Policy Amendments

Following are the policy changes proposed by this amendment. The requested amendment is shown in underlined/strikethrough format. Staff recommends adoption of the amendment.

Future Land Use Element Policies

FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

Amendment Number	Name	Size (acres)	Ordinance Number
* * *	* * *	* * *	* * *
<u>2018-1-A-1-1</u>	<u>Hubbard Place</u>	<u>16.59</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 (FIRST 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 December 21, 2017, 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 January 23, 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

e. On March 16, 2018, the Florida Department of Economic Opportunity (“DEO”) issued a letter to the County relating to the DEO’s review of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

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

g. On November 13, 2018, the Board held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan as described in this ordinance, and decided to adopt them.

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

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

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

* * *

[Amendment 2018-1-B-FLUE-1:]

FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

Amendment Number	Name	Size (acres)	Ordinance Number
* * *	* * *	* * *	* * *
<u>2018-1-A-1-1</u>	<u>Hubbard Place</u>	<u>16.59</u>	<u>2018-</u> <u>[insert ordinance</u> <u>number]</u>

* * *

Section 5. Effective Dates for Ordinance and Amendments.

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

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

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

{Signature Page Follows}

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ADOPTED THIS 13th DAY OF NOVEMBER, 2018.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
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

<i>Appendix A*</i>		
<i>Privately Initiated Future Land Use Map Amendments</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2018-1-A-1-1	Rural/Agricultural (R)	Low Density Residential (LDR) and Urban Service Area (USA) expansion
*The Future Land Use Map (FLUM) shall not depict the above designations until such time as they become effective.		

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Community Meeting Memorandum

DATE: December 5, 2017

TO: Alberto A. Vargas, MArch., Planning Manager

FROM: Jennifer DuBois, Senior Planner

SUBJECT: Amendment 2018-1-A-1-1 (Jennifer J. Stickler, P.E., Kimley-Horn and Associates, Inc., for Ruth S. Hubbard 2011 Irrevocable Family Trust, L. Evans Hubbard Trust, Linda S. Hubbard Trust, Michael Evans Hubbard Trust, 2012 Hubbard Family Trust, Leonard Evans Hubbard, and Linda S. Hubbard) – Community Meeting Synopsis

C: Project File

Location of Project: 8997, 9000, 9001, and 9100 Hubbard Place; generally located west of Hubbard Place and Lady Bet Drive, east of Lake Tibet Butler

Meeting Date and Location: Wednesday, November 29, 2017, at 6:00 PM at Dr. Phillips Elementary School, 6909 Dr. Phillips Boulevard, Orlando, FL 32819

Attendance:

Commissioner	District 1 Commissioner Betsy VanderLey
Commissioner's Aide	District 1 Commissioner's Aide Amy Berman
PZC/LPA Commissioners	District 1 Commissioner Jimmy Dunn and At-Large Commissioner Paul Wean
Orange County Staff	Greg Gologowski and Jennifer DuBois, Planning Division; Tim Hull, Environmental Protection Division; Diana Almodovar, Development Engineering Division
Applicant Team	Jennifer J. Stickler, P.E., Kimley-Horn and Associates, Inc., and Chuck Whittall of Unicorp National Developments, Inc.
Residents	259 notices sent; 11 residents in attendance

Overview of Project: The applicant, Jennifer Stickler, is seeking to change the Future Land Use Map (FLUM) designation of the 16.59-acre subject property from Rural/Agricultural (R) to Low Density Residential (LDR), with a corresponding Urban Service Area (USA) expansion. The parcel—comprised of approximately 13.79 upland acres and 2.8 acres of surface water and wetlands, is presently the site of three single-family homes and an orange grove. The applicant is requesting the LDR designation to allow for the redevelopment of the property for a residential subdivision featuring up to thirteen (13) single-family homes and a recreation/open space tract with a community dock.

Meeting Summary: Senior Planner Jennifer DuBois opened the meeting at 6:00 p.m. and provided an overview of the proposed Future Land Use Map Amendment and the public hearing process. She informed the meeting attendees of the upcoming December 21, 2017, Local Planning Agency

(LPA) and January 23, 2018, Board of County Commissioners (BCC) transmittal public hearing dates. Ms. DuBois explained that if this requested amendment is transmitted to the Florida Department of Economic Opportunity (DEO), it will return for an adoption public hearing before the LPA April 19, 2018, and before the BCC in June 2018, with the date to be determined. She added that if the BCC votes to transmit this amendment application to the DEO, staff anticipates that a PD (Planned Development District) rezoning request will be considered concurrently with the amendment during the adoption hearing stage. Ms. DuBois asked the citizens if they had any questions. As none were raised, she turned the meeting over to the applicant team.

The applicant, Ms. Jennifer Stickler, and the prospective developer of the property, Chuck Whittall of Unicorp National Developments, Inc., presented a conceptual layout for the thirteen (13)-unit single-family residential subdivision, which will also feature an open space/recreation tract with a community dock, boathouse, and gazebo. Mr. Whittall stated that the project is expected to consist of eight (8) lakefront lots and one (1) lot with frontage on the canal on the southeast side of the property. Each of these waterfront lots will have a minimum lot area of one (1) acre, consistent with the County's Comprehensive Plan policies which mandate that all new residential developments shall provide for a minimum lot size of at least one (1) acre for all lots fronting on any lake within the Butler Chain. Mr. Whittall noted that the four (4) proposed interior lots will have a minimum lot area of one-half (1/2) acre.

Mr. Whittall stated that the project will be a high-end residential community. The project will feature brick roads and lighting resembling gas lamps. Entry to the community will be achieved via a gate near the present entrance to the property, at the western terminus of Hubbard Place. He added that he has offered to upgrade the existing gated entrance to the Pointe Tibet neighborhood—through which residents of his subdivision will also pass—to incorporate a new guardhouse with a virtual guard.

In answer to a meeting attendee, staff verified that any waterfront home or accessory building will be required to maintain a minimum setback of fifty (50) feet from the Normal High Water Elevation (NHWE). In response to a neighboring resident, Mr. Whittall confirmed that the subdivision will have an HOA.

With respect to boat docks, Mr. Whittall stated that in addition to the proposed community dock, each home will likely have an individual dock. In response to a question regarding maximum dock length, Tim Hull from the Orange County Environmental Protection Division (EPD) explained that docks are generally not permitted to extend beyond the point where the water depth exceeds five (5) feet. However, Mr. Hull emphasized that each dock application is reviewed on a case-by-case basis.

One meeting attendee expressed concern about boat traffic and speeding on Lake Tibet Butler. He asked whether the area around the shoreline could be designated a no-wake zone. Mr. Hull answered that such designations are granted by the Florida Fish and Wildlife Conservation Commission (FWC). Mr. Hull stated that the Butler Chain of Lakes Advisory Board has an FWC liaison. He informed the neighboring resident that the board meets monthly and encouraged him to participate in the meetings. Ms. DuBois provided the attendee with a copy of Section 327.46, Boating-restricted areas, of the Florida Statutes for reference.

In response to a meeting participant, Mr. Whittall noted that he is presently working on a tree survey with the Florida Department of Environmental Protection (FDEP). He noted that the subdivision is being designed to preserve as many trees as possible.

In regard to infrastructure, Ms. Stickler confirmed that potable water will be supplied by the Orlando Utilities Commission (OUC), and wastewater service will be provided by Orange County Utilities (OCU). Mr. Whittall informed the meeting attendees that the project is expected to feature underground stormwater retention beneath the brick streets.

One meeting attendee voiced concern that the elementary school (Dr. Phillips Elementary), middle school (Southwest Middle), and high school (Dr. Phillips High) that would currently serve the project are operating over capacity. Ms. Stickler answered that Mr. Whittall will be required to enter into a Capacity Enhancement Agreement (CEA) with the Orange County School Board and verified that a CEA application will be submitted to Orange County Public Schools (OCPS).

Ms. DuBois again noted the upcoming public hearing dates and times and provided the contact information for the Mayor and District Commissioners. She encouraged the attendees to contact the Mayor, Commissioners, and staff with any questions or concerns.

Commissioner VanderLey thanked the meeting attendees for their participation.

The meeting concluded at 6:45 p.m. The tone of the meeting was **POSITIVE**.



Interoffice Memorandum

Date: October 19, 2017

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

From: J. Andres Salcedo, P.E., Assistant Director
Utilities Engineering Division *J. Andres Salcedo*
10/20/17

Subject: **Facilities Analysis and Capacity Report**
2018-1 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 10/19/17*
Laura Tatro, P.E., Senior Engineer, Utilities Engineering Division *10.19.17*
Gregory Golgowski, Chief Planner, Planning Division
Nicolas Thalmueller, Planner, Planning Division
File: 37586; 2018-1 Regular Cycle

Potable Water and Wastewater Facilities Analysis for 2018-1 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
2018-1-A-1-1	8-23-28-0000-00-022, 28-23-28-0000-00-002, 28-23-28-0000-00-019, 28-23-28-0000-00-020	PW: Orlando Utilities Commissson WW: Orange County Utilities* RW: Orange County Utilities*	PW: Contact Orlando Utilities Commission WW: 8-inch gravity main located on Hubbard Place RW: Not Currently Available	Low Density Residential (LDR) and Urban Service Area (USA) Expansion	13	0	0	N/A	0.003	N/A	0.003	No	South
2018-1-A-2-1	04-20-27-0000-00-001	PW: City of Mount Dora WW: City of Mount Dora RW: City of Mount Dora	PW: Contact City of Mount Dora WW: Contact City of Mount Dora RW: Contact City of Mount Dora	Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR)	500	0	75,000	N/A	N/A	N/A	N/A	N/A	N/A
2018-1-A-4-1	33-24-30-0000-00-023, 33-24-30-0000-00-046	PW: Orange County Utilities* WW: Orange County Utilities* RW: Orange County Utilities*	PW: 12-inch main on Phifer Lane and 12-inch main on Ward Road WW: 4-inch forcemain located at the intersection of Ward Road and Bishop Landing Way, 8-inch gravity main on Phifer Lane RW: 6-inch main on Phifer Lane and 8-inch main on Ward Road	Planned Development-Low Density Residential (PD-LDR) and Urban Service Area (USA) Expansion	47	0	0	0.013	0.011	0.013	0.011	Yes	South

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.

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



Sheriff Jerry L. Demings

ORANGE COUNTY SHERIFF'S OFFICE

INTEROFFICE MEMORANDUM

October 19, 2017

TO: Nicholas M. Thalmueller
Orange County Planning Division

FROM: Daniel Divine, Manager
Research & Development

SUBJECT: 2018-1 Regular Cycle Comprehensive Policy Plan Amendments (CPPA)

As requested, we have reviewed the impact of the existing and proposed development scenarios related to the 2018-1 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 0.00 support personnel and proposed are 1.14 deputies and 0.56 support personnel to provide the standard level of service (LOS) to these developments.

Comprehensive Policy Plan Amendment 2018-1-A-2-1 is a proposed mixed use development located in Sheriff's Office Patrol Sector One. Sector One is situated in the northwestern portion of Orange County and is approximately 117.420 square miles. In 2016 the Sheriff's Office had 1,303,940 calls for service and 170,213 of these calls were in Sector One. In 2016 the average response times to these calls were 00:16:03 minutes for Code 1 [non emergency service calls]; 00:28:06 minutes Code 2 [non life threatening emergency calls]; and 00:06:26 minutes Code 3 [life-threatening emergency calls].

Comprehensive Policy Plan Amendment 2018-1-A-1-1 is a proposed development of single family dwelling units located in Sector Three. Sector Three is situated in mid-western portion of Orange County and is approximately 82.934 square miles. In 2016 Sector Three had 190,643 calls for service. In 2016 the average response times to these calls were 00:17:58 minutes for Code 1; 00:30:45 minutes for Code 2; and 00:07:14 minutes for Code 3.

Comprehensive Policy Plan Amendment 2018-1-A-4-1 is a proposed development of single family dwelling units located in Sector Four. Sector Four is centrally located and is approximately 70.605 square miles. In 2016 Sector Four had 274,830 calls for service. In 2016 the average response times to these calls were 00:18:25 minutes for Code 1; 00:27:04 minutes Code 2; and 00:05:25 for 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 2013 update to the Law Enforcement Impact Fee

Mr. Nicholas Thalmueller
October 19, 2017
Page 2

Ordinance, the Sheriff's Office Level of Service was 745.28 calls for service per sworn officer per year. Support personnel are calculated by applying 48.8% to the sworn officer requirement. The 'formula' is *land use x unit of development x calls per unit divided by 745.28 = number of deputies required for that development. The 'formula' for the number of support personnel required is the number of deputies * 48.8 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 and the salary for a newly hired deputy with associated equipment and supply costs and the civilian dollar amount for an entry level position with salary and benefits. 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 Larry Zwieg, Major Jeff Stonebreaker, Captain Joseph Carter, CALEA 15.1.3



Orange County Public Schools

School Capacity Report

DATE ISSUED	November 20, 2017		
JURISDICTION	ORANGE COUNTY		
CASE	2018-1-A-1-1		
PROPERTY ID	28-23-28-0000-00-022, 28-23-28-0000-00-002, 28-23-28-0000-00-019, 28-23-28-0000-00-020		
ACREAGE	+/- 13.79 NET		
LAND USE CHANGE	R TO LDR		
PROPOSED USE	Single Family Units: <u>13</u>	Multi Family Units: <u>0</u>	
	Mobile Homes Units: <u>0</u>	Town Homes Units: <u>0</u>	

CONDITIONS AT AFFECTED SCHOOLS (AS OF OCTOBER 16, 2017)

School Information	Dr. Phillips ES	Southwest MS	DR. PHILLIPS HS
Capacity (2017 - 2018)	660	1,215	2,761
Enrollment (2017 - 2018)	706	1,412	3,806
Utilization (2017 - 2018)	107.0%	116.0%	138.0%
Adopted LOS Standard	110.0%	100.0%	100.0%
Students Generated	2	1	2

COMMENTS/CONDITIONS OF APPROVAL:

APPLICANT SHOULD CONTACT OCPS TO OBTAIN A FORMAL SCHOOL CAPACITY DETERMINATION.

For more information on this analysis, please contact:

Julie Salvo, AICP at 407.317.3700 x2022139



Interoffice Memorandum

DATE: October 27, 2017

TO: Alberto Vargas, Manager
Planning Division

THROUGH: John Geiger, PE, Sr. Engineer
Environmental Protection Division

FROM: Sarah Bernier, REM, Sr. Environmental Specialist
Environmental Protection Division

SUBJECT: Facilities Analysis and Capacity Report Request for the
2018-1 Regular Cycle Comprehensive Plan Amendments

As requested, Environmental Protection Division staff reviewed the subject Comprehensive Plan Amendments. We understand that the first public hearing for these requests will be on December 21, 2017 before the Local Planning Agency. Attached are summary charts with the environmental analysis results.

If you have any questions regarding the information provided, please contact Sarah Bernier at 407-836-1471 or John Geiger at 407-836-1504.

Attachment

SB/JG

cc:

Greg Golgowski, Chief Planner, Comprehensive Planning
Nicolas Thalmueller, Planner, Comprehensive Planning
David Jones, Manager, Environmental Protection Division
Elizabeth Johnson, Environmental Programs Administrator, Natural Resource Management

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-1 Regular Cycle Comprehensive Plan Amendments

1) Amendment #2018-1-A-1-1

Hubbard Place PSP-17-09-278

FLU from: Rural (R) to Low Density Residential (LDR) and Urban Service Area (USA) Expansion

Rezoning from: R-1AA (Single-Family Dwelling District) to PD (Planned Development)

Proposed Development: Thirteen (13) single family dwelling units

Owner: Ruth S Hubbard 2011 Irrevocable Family Trust, L Evans Hubbard Trust, Linda S Hubbard Trust, Michael Evans Hubbard Trust, 2012 Hubbard Family Trust, Leonard Evans Hubbard & Linda S. Hubbard

Agent: Jennifer J. Stickler, P.E. Kimley-Horn

Parcels: 28-23-28-0000-00-002, 022, 019, 020

Address: 8997, 9100, 9001, 9000 Hubbard Place

District: 1

Area: 16.59 gross / 13.79 developable acres

EPD Comments:

Class I wetlands and surface waters are located on site, including a portion of Lake Tibet. Conservation Area Determination application CAD-17-06-082 was submitted for this project and it is in progress. The CAD must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to approval of this request, in accordance with Orange County Code Chapter 15, Article X Wetland 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, 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 (BCC).

Approval of this request does not grant permission for the construction or alteration of boat ramps, docks, boardwalks, 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.

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)

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-1 Regular Cycle Comprehensive Plan Amendments

permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C.

The Normal High Water Elevation (NHWE) of Lake Tibet was established at 98.52 feet NAVD 88 in the Lake Index of Orange County. Clearly label and indicate the NHWE contour of the lake on all development plans or permit applications, in addition to any wetland, floodplain and setback lines.

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.

Lake Tibet (in the Butler Chain of Lakes) is designated as Outstanding Florida Waters (OFW) by the Florida Department of Environmental Protection (FDEP) per rule 62-302.700 of the Florida Administrative Code (F.A.C.). No degradation of water quality is to be permitted, other than that allowed in 62-4.242 F.A.C., notwithstanding any other FDEP rules that allow water quality lowering.

Lake Tibet has an established Municipal Service Taxing Unit (MSTU) for the purpose of funding lake management services. This project shall be required to participate.

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).

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

Prior to demolition or construction activities associated with existing structures, provide Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.

The subject properties had a prior agricultural land use that may have resulted in soil or

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-1 Regular Cycle Comprehensive Plan Amendments

groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection Division (EPD) and the Development Engineering (DE) Division. If an Environmental Site Assessment (ESA) has been completed for this project, please submit a copy to EPD.

2) Amendment # 2018-1-A-2-1 (fka 2010-1-A-2-2)

Parks of Mt. Dora

FLU from: Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O-LMDR) **to** Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR)

Rezoning from: A-1 (Citrus Rural District) **to** PD (Planned Development)

Proposed Development: Up to 75,000 sq. ft. of commercial and up to 500 multi-family units

Owner: Parks Of Mt Dora LLC

Agent: Timothy Green, Green Consulting Group

Parcels: 04-20-27-0000-00-001

Address: 6989 N Orange Blossom Trail

District: 2

Area: 63.57 gross acres

EPD Comments:

Wetlands and surface waters are located on site. Conservation Area Determination application CAD-17-09-121 was submitted for this property and it is in progress. The CAD must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to approval of this request, 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 the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C.

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-1 Regular Cycle Comprehensive Plan Amendments

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations apply. These requirements may further reduce the total net developable acreage. Regulations include, but are not limited to: septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

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).

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

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.

The site discharges into the Wolf Branch stream, a body of water designated as impaired by the Florida Department of Environmental Protection (FDEP impairment: mercury in fish tissue). The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code may increase the requirements for pollution abatement treatment of stormwater as part of the Upper Ocklawaha and Wekiva Basin Management Action Plans (BMAP).

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

The subject properties had a prior agricultural land use that may have resulted in soil or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection Division (EPD) and the Development Engineering (DE) Division.

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-1 Regular Cycle Comprehensive Plan Amendments

3) Amendment # 2018-1-A-4-1

Carter-Orange Ward Road

FLU from: Rural (R) to Planned Development-Low Density Residential (PD-LDR) and Urban Service Area (USA) Expansion

Rezoning from: A-2 (Farmland Rural District) to PD (Planned Development)

Proposed Development: Forty-seven (47) single family dwelling units

Owner: Carter-Orange Ward Road Land Trust

Agent: Doug Kelly, AICP, GAI Consultants, Inc.

Parcels: 33-24-30-0000-00-023, 046

Address: 14958 & 14950 Ward Road

District: 4

Area: 14.83 gross acres

EPD Comments:

Prior to demolition or construction activities associated with existing structures, provide Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form. For more information or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

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.

The site discharges into Boggy Creek, a body of water designated as impaired by the Florida Department of Environmental Protection (FDEP impairment: bacteria fecal coliform). The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code may increase the requirements for pollution abatement treatment of stormwater as part of the Lake Okeechobee Basin Management Action Plan (BMAP).

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

This project site has a prior agricultural land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-1 Regular Cycle Comprehensive Plan Amendments

mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions.



Bio-Tech Consulting Inc.

Environmental and Permitting Services

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June 5, 2017

Chuck Whittall
UNICORP
7940 Via Dellagio Way, Suite 200
Orlando, Florida 32819

Proj: Sunset Pointe, Orange County, Florida
Parcel ID's: 28-23-28-0000-00-022, 28-23-28-0000-00-002, 28-23-28-0000-00-019, 28-23-28-0000-00-020
Re: Initial Environmental Assessment

Dear Mr. Whittall,

During May and June of 2017, Bio-Tech Consulting, Inc (BTC). conducted an initial environmental assessment of the approximately ±18-acre Sunset Pointe Site. This site is located at the end of Hubbard Place, east of Bay Hill Golf Club and Lodge (Figure 1). Almost half of the property fronts Lake Tibet. This initial assessment was conducted in order to determine the approximate location of any jurisdictional wetlands/surface waters that exist on the site. In addition to these tasks, the inspection also included a preliminary search of any listed plant or wildlife species on the property.

The property consists of a gated single-family residential compound consisting of three family residences. The property contains a small citrus grove, a fruit gardens, ornamental landscaping, two docks, boathouse and two small beach areas along the shoreline.

The uplands contain of several live oaks (*Quercus virginiana*) scattered throughout the property. Other canopy species include laurel oak (*Quercus laurifolia*), southern magnolia (*Magnolia grandiflora*), cabbage palm (*Sabal palmetto*) and loblolly pine (*Pinus serotina*). The property is maintained and grassed with bahia (*Paspalum notatum*), and St. Augustine (*Stenotaphrum secundatum*). The property contains a variety of landscaping plants, including hibiscus (*Hibiscus* spp.), several camellia species (*Camellia* spp.), rhododendron (*Rhododendron* spp.), gardenia (*Gardenia jasminoides*), crape myrtles (*Lagerstroemia* spp.), variegated ginger (*Alpinia zerumbet*). A small citrus grove and fruit gardens are located on the property and contain various orange, lemon and lime trees (*Citrus* spp.), pecan trees (*Carya illinoensis*), papaya (*Carica papaya*), and pineapple (*Ananas comosus*).

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Orlando, FL 32803

Vero Beach Office
445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
157 Beach Boulevard
Jacksonville Beach, FL 32250

Tampa Office
6011 Benjamin Road
Suite 101 B
Tampa, FL 33634

Key West Office
107 Key Plaza
Suite 259
Key West, FL 33040

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

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Orlando Vero Beach Jacksonville Tampa Key West

The property is surrounded by Lake Tibet with open views. Wetland vegetation consists of scattered pond cypress (*Taxodium ascendens*), wax myrtle (*Myrica cerifera*), Carolina willow (*Salix caroliniana*), wedelia (*Sphagneticola tribolata*), duck potato (*Sagittaria latifolia*), pickerelweed (*Pontedaria cordata*), golden canna (*Canna flaccida*), blueflag iris (*Iris virginica*), wild taro (*Colocasia esculenta*), buttonbush (*Cephalanthus occidentalis*), torpedograss (*Panicum repens*), maidencane (*Panicum hemitomom*), and cattails (*Typha* spp.). A circular cove is located on the southeastern edge of the property. Other single-family homes are also located on this circular cove. The following table describes the wetland communities and approximate acreages.

FLUCFCS	Community Type	Acreage
521	Lakes, >500 acres	2.76 acres
641	Freshwater Marsh	1.22 acres

Wetland fauna observed on site include red shoulder hawk (*Buteo lineatus*), great egret (*Ardea alba*), and little blue heron (*Egretta caerulea*). However, it is expected that other wading bird species utilize the lakeshore for foraging habitat. No upland listed species were observed on-site.

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,



Stephanie Salvilla
Project Manager

Attachments

