

ORANGE COUNTY

PLANNING DIVISION

2022-2 REGULAR

CYCLE

AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY

COMMISSIONERS

OCTOBER 11, 2022
TRANSMITTAL PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

October 11, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners (BCC)

FROM: Alberto A. Vargas, MArch., Manager, Planning Division 

THROUGH: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services Department

SUBJECT: 2022-2 Regular Cycle Comprehensive Plan
Amendments 2022-2-A-4-2, 2022-2-B-FLUE-5, and 2022-2-B-FLUE-6
(Boggy Creek Multifamily)
Board of County Commissioners (BCC) Transmittal Public Hearing

2022-2 Regular Cycle Comprehensive Plan Amendments 2022-2-A-4-2 and 2022-2-B-FLUE-5 and 2022-2-B-FLUE-6 are scheduled for a BCC transmittal public hearing on October 11, 2022. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on September 15, 2022.

The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

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

The 2022-2 Regular Cycle Amendments scheduled for consideration on October 11 include a privately-initiated map amendment located in District 4 and two associated staff-initiated map and text amendments. The privately-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over 10 acres in size. The staff-initiated map and text amendments include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

In summary, the action items addressed by this memo for October 11 are:

- Amendment 2022-2-A-4-2 (Boggy Creek Multifamily)
- Amendment 2022-2-B-FLUE-5 (Policy FLU8.1.4)
- Amendment 2022-2-B-FLUE-6 (Policy FLU1.2.4)

Following the BCC transmittal public hearing, the proposed amendments will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and/or

2022 SECOND REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING

INTRODUCTION

This is the Board of County Commissioners (BCC) transmittal public hearing staff report for proposed Second Regular Cycle Amendments 2022-2-A-4-2, 2022-2-B-FLUE-5, and 2022-2-B-FLUE-6 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). These amendments were heard by the Local Planning Agency (LPA) at a transmittal public hearing on September 15, 2022.

The 2022-2 Regular Cycle Amendments include a privately-initiated map amendment located in District 4 and two associated staff-initiated map and text amendments. Since this is the transmittal stage for these amendments, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendments and provide comments, expected in November 2022. Adoption public hearings are tentatively scheduled for the LPA on December 15, 2022 and the BCC on January 10, 2023.

Once the Regular Cycle amendments have been adopted by the BCC, they will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in February 2023, provided no challenges are brought forth 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 Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

**2022-2 State Expedited Review Comprehensive Plan Amendments
Privately-Initiated Future Land Use Map Amendment**

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 4													
2022-2-A-4-2 (Boggy Creek Multifamily)	Expected	14857 Boggy Creek LLC and CD Boggy Creek Land Trust	Derek Ramsburg, PE; Kimley-Horn and Associates, Inc.	34-24-30-6368-00-572 and 34-24-30-6368-00-680	14857 and 14893 Boggy Creek Rd.; Generally located east of the Boggy Creek Road corridor, at the intersection of Boggy Creek Rd. and the Simpson Rd. right-of-way, north of the Orange County-Osceola County line	Rural/Agricultural (R)	Planned Development-Medium-High Density Residential/Commercial (PD-MHDR/C)	A-2 (Farmland Rural District)	PD (Planning Development District)	11.57 gross ac.	Maria Cahill, AICP	Transmit	Transmit (6-0)

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High 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; GC-Growth Center; V-Village; 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; PD-Planned Development; SR-State Road; AC-Acres

**2022-2 Regular Cycle 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	LPA Rec
2022-2-B-FLUE-5 (FLU8.1.4)	Planning Division	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2022-2-A-4-2	Maria Cahill, AICP	Transmit	Transmit (6-0)
2022-2-B-FLUE-6 (USA Expansion)	Planning Division	Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA), associated with Amendment 2022-2-A-4-2	Maria Cahill, AICP	Transmit	Transmit (6-0)

ABBREVIATIONS INDEX:

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REGULAR CYCLE AMENDMENTS Tab 2

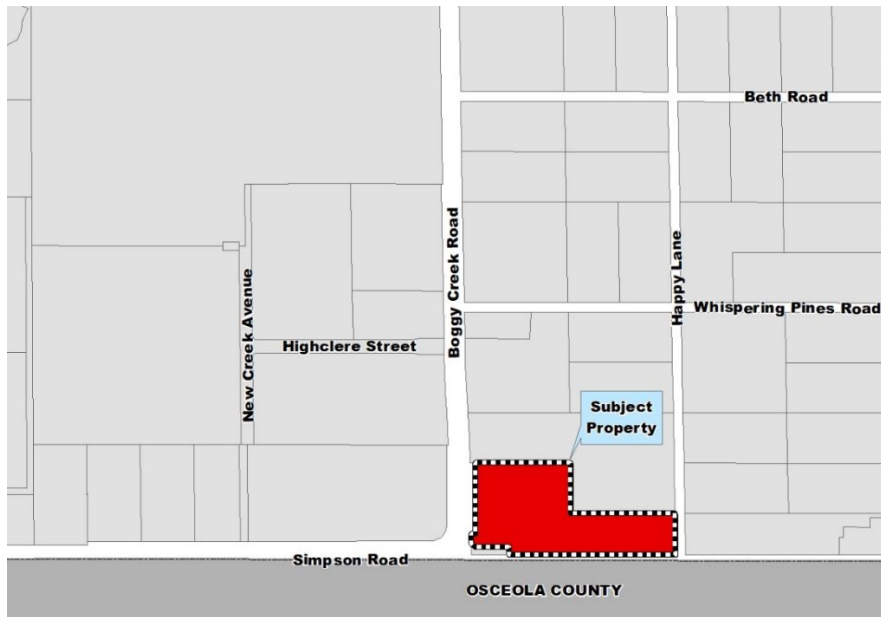
Privately-Initiated Regular Cycle Future Land Use Map (FLUM) Amendment and Associated Staff-Initiated Map and Text Amendments

Amendment		Page
1.	2022-2-A-4-2 Boggy Creek Multifamily	Rural/Agricultural (R) to Planned Development-Medium-High Density Residential/Commercial (PD-MHDR/C) and Urban Service Area (USA) Expansion
-and-		
	2022-2-B-FLUE-5 PD Density and Intensity	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2022-2-A-4-2
-and-		
	2022-2-B-FLUE-6 USA Expansion	Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA), associated with Amendment 2022-2-A-4-2

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Applicant/Owner:

Derek Ramsburg, P.E., Kimley-Horn and Associates, Inc. on behalf of 14857 Boggy Creek LLC and CD Boggy Creek Land Trust

Location: 14857 and 14893 Boggy Creek Road; generally located east of the Boggy Creek Road corridor at the intersection of Boggy Creek Road and the Simpson Road right-of-way, north of the Orange County-Osceola County line to the south

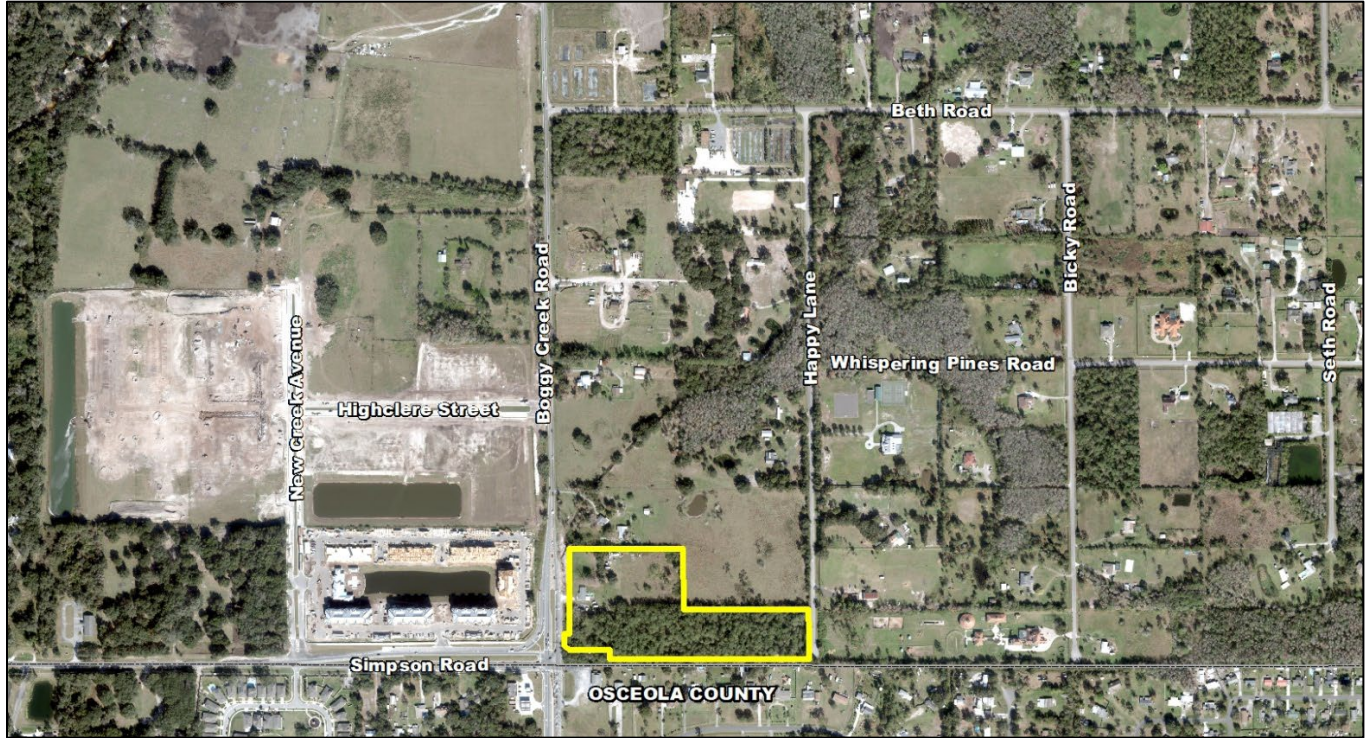
Existing Use: Single-family residence and undeveloped land

Parcel ID Numbers:

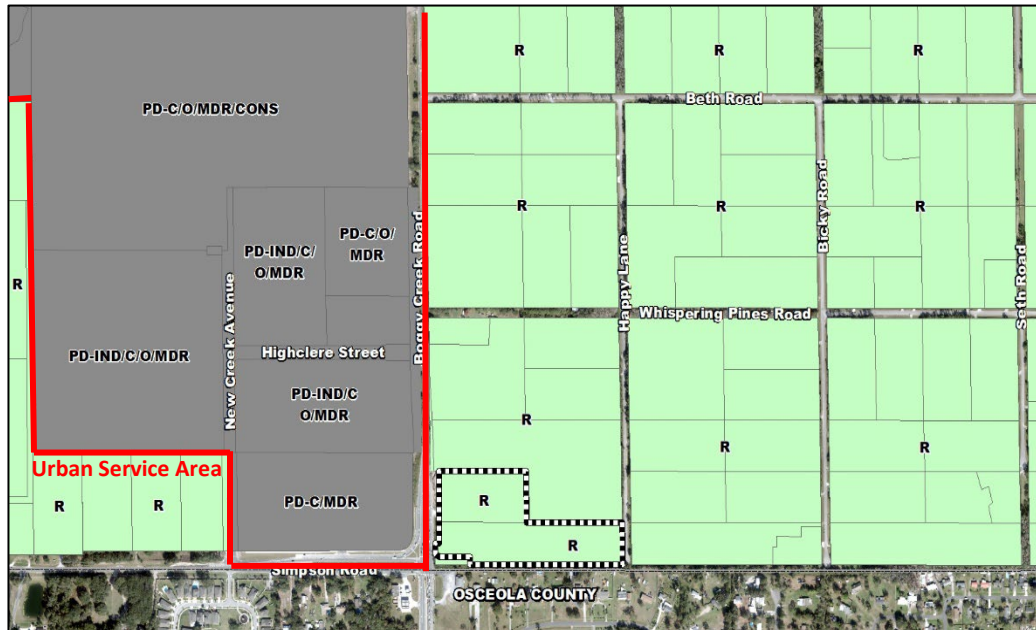
34-24-30-6368-00-572/680

The following meetings and hearings have been held:		Project Information
Report/Public Hearing	Outcome	
✓ Community meeting held July 13, 2022, with 12 attendees	Concerns with traffic, flooding, and compatibility with the area's rural character	Request: Rural/Agricultural (R) to Planned Development-Medium-High Density Residential/Commercial (PD-MHDR/C) and Urban Service Area (USA) expansion
✓ Staff Report	Recommend Transmittal	Proposed Development Program: Up to 288 multi-family dwelling units and 5,000 sq. ft. of commercial uses
✓ LPA Transmittal September 15, 2022	Recommend Transmittal	Division Comments: Environmental, Public Facilities, and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. Environmental: Conservation Area Determination CAD-21-11-257 for the southern parcel (34-24-30-6368-00-680) has been reviewed, and EPD is awaiting the final survey. A CAD for the northern parcel (34-24-30-6368-00-572) is needed, and the submittal of a Conservation Area Impact (CAI) Permit application is expected. Transportation: The proposed use will generate 162 pm peak hour trips, resulting in a net increase of 161 pm peak hour trips. The subject property is located adjacent to Boggy Creek Road, which is being widened from two to four lanes. Completion of construction is expected by 2024. Based on the Concurrency Management System (CMS) database dated May 2, 2022, this roadway currently operates at Level of Service F, and capacity is not available to be encumbered. Additional study and/or mitigation may be required at the time of concurrency. All other roadway segments within the project's impact area operate at acceptable levels of service. Schools: Capacity is presently not available at the elementary, middle, or high schools that would serve the project.
BCC Transmittal	October 11, 2022	
State Agency Comments	November 2022	
LPA Adoption	December 15, 2022	
BCC Adoption	January 10, 2023	Concurrent Rezoning: A proposed rezoning from A-2 (Farmland Rural District) to PD (Planned Development District) is expected.

AERIAL



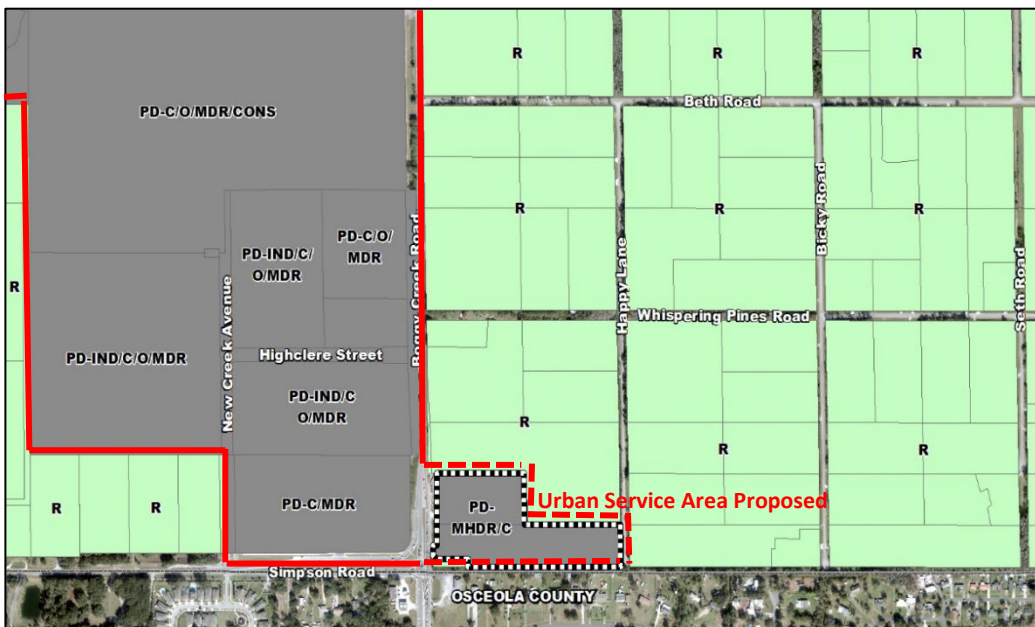
FUTURE LAND USE - CURRENT



Current Future Land Use Designation:

Rural/Agricultural (R)

FUTURE LAND USE - PROPOSED



Proposed Future Land Use Designation:

Planned Development-Medium-High Density Residential/Commercial (PD-MHDR/C)

ZONING - CURRENT



Current Zoning District:

A-2 (Farmland Rural District)

Existing Uses

North: Single-family residences and grazing land

South: Single-family residences and 7-Eleven (under construction) (Osceola County)

East: Single-family residences and agricultural uses

West: Bogy Creek Crossing PD (under construction)

Staff and Local Planning Agency Recommendations

1. **Future Land Use Map Amendment 2022-2-A-4-2:** Make a finding that the information contained in the application for the proposed amendment is sufficiently complete; that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and **TRANSMIT** amendment 2022-2-A-4-2 to the state reviewing agencies.
2. **FUTURE LAND USE TEXT AMENDMENT 2022-2-B-FLUE-5:** Make a finding the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and **TRANSMIT** Amendment 2022-2-B-FLUE-5 to the state reviewing agencies, to include the development program for Amendment 2022-2-A-4-2 in Future Land Use Element Policy FLU8.1.4.
3. **FUTURE LAND USE TEXT AMENDMENT 2022-2-B-FLUE-6:** Make a finding the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and **TRANSMIT** Amendment 2022-2-B-FLUE-6 to the state reviewing agencies, to include the subject property of Amendment 2022-2-A-4-2 in the Urban Service Area (USA), thereby expanding the USA boundary by 11.57 acres.

Analysis

1. Background and Development Program

The applicant, Derek Ramsburg, P.E., representing 14857 Boggy Creek LLC and CD Boggy Creek Land Trust, is seeking to change the Future Land Use Map (FLUM) designation of an 11.57-acre site located at 14857 and 14893 Boggy Creek Road and is requesting a corresponding 11.57-acre expansion of the County’s Urban Service Area (USA) boundary. The subject property, comprised of two individual parcels, is part of the Orlando-Kissimmee Farms subdivision, created in 1926. The site’s existing FLUM designation is Rural/Agricultural (R). The requested FLUM designation is Planned Development-Medium-High Density Residential/Commercial (PD-MHDR/C), with an Urban Service Area (USA) expansion (associated staff-initiated **Amendment 2022-2-B-FLUE-6**).

Future Land Use Map amendments requesting the Planned Development future land use designation must specify maximum densities and intensities for the proposed project. If the requested amendment is adopted, the desired mixed-use development program of up to 288 multi-family residential units and 5,000 square feet of commercial space will be incorporated into **Future Land Use Element Policy FLU8.1.4** of the Comprehensive Plan, addressed in related staff-initiated **Amendment 2022-2-B-FLUE-5**.

The subject property is now developed with a single-family residence and accessory structures on the northern parcel, while the southern parcel is a heavily-wooded vacant lot. The site is located within the Rural Service Area (RSA) and has a future land use designation of Rural/Agricultural (R). Per **Future Land Use Element Policy FLU6.1.3**, this designation permits a net density of one (1) dwelling unit per ten (10) acres. The property presently has a zoning classification of A-2 (Farmland Rural District). If this proposed FLUM amendment is transmitted to the state, the applicant intends to submit a PD (Planned Development District) rezoning application for concurrent consideration with the amendment during the adoption public hearing stage.

Table 1 Existing and Proposed Development

	Existing	Proposed
Service Area	Rural Service Area (RSA)	Urban Service Area (USA)
Future Land Use	Rural/Agricultural	Planned Development-Medium-High Density Residential/Commercial (PD-MHDR/C)
Zoning	A-2 (Farmland Rural District)	PD (Planned Development District)
Density	1 dwelling unit per 10 acres	Up to 25 dwelling units per acre 288 units
Intensity	Not applicable	1.5 FAR 5,000 sq. ft. of commercial uses

The subject property is located on the east side of Boggy Creek Road, adjacent to the Osceola County line. Boggy Creek Road is proposed to be widened from the existing two lanes to four lanes, with the completion of construction expected by October 2024.

Development in the area is rural in character but is transitioning to suburban. Properties to the north, south, and east of the subject property have a future land use designation of Rural/Agricultural (R). These parcels are typically improved with single-family residences on lots that range from 4.2 to 13 acres in size. The 22.66-acre site to the north of the subject property is the location of the proposed Bennett Place PD (Future Land Use Map Amendment 2021-1-A-4-1 and concurrent rezoning petition LUP-21-01-006). The Bennett Place project entails the desired development of up to 350 multi-family residential units and 15,000 square feet of commercial space and is scheduled for consideration of adoption on the same dates as the Boggy Creek Multifamily transmittal public hearings. Uses to the west of the subject property are approved with the Planned Development future land use designation, and each site has an approved development program. These uses include single-family residences, townhomes, multi-family, office, commercial, and an assisted living facility. The Boggy Creek Crossing PD/LUP is currently under construction. These uses are separated from the subject property by Boggy Creek Road. About two miles north of the site is the edge of the Orlando International Airport (OIA), and northeast is Lake Nona’s Medical City.

The County is divided into two major service areas, the *Urban Service Area (USA)* and the *Rural Service Area (RSA)*. The Urban Service Area (USA) boundary is used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development. The original Urban Service Area (USA) boundary was established in 1980; it included 113,976 acres with planned services until the year 2000.

The Rural Service Area is that area which is excluded from the Urban Service Area and contains agricultural and rural residential developments which do not require urban levels of service. **Future Land Use Element Policy FLU6.1.1** establishes the Rural/Agricultural (R) future land use designation as a category permitted in the Rural Service Area.

A virtual community meeting was held July 13, 2022. There were approximately twelve (12) residents in attendance. The primary concerns of those in attendance were the increase in traffic along Boggy Creek Road, additional development in the area and flooding impacts from that development, and the potential for suburban-style development to further encroach into the Orlando-Kissimmee Farms subdivision.

Boggy Creek Area Amendment History and Proposed Development

The subject property is located in an area known as the Boggy Creek Area. In 2005, an application was submitted with a request to amend the Comprehensive Plan and the Future Land Use Map to create the 1,272-acre “Boggy Creek Enclave”. However, the eastern 622 acres was proposed to remain a large-lot single-family residential community, while the western portion was of a different character with relatively large land holdings. The western portion was considered suitable for urban development. The application request included expanding the Urban Service Area boundary to include the entire enclave and changing the future land use designation from Rural/Agricultural to Boggy Creek Neighborhood District, with policies in the Comprehensive Plan. Along with the policies, a conceptual master plan identifying land uses, densities, roadways, and parks was proposed. The overall goal was to ensure consistent development and interior pedestrian and vehicular circulation. It was noted that the eastern portion of the Boggy Creek Enclave was to remain in its current development framework and “limit future attempts at urban scale development applications in the eastern portion of the Boggy Creek Enclave.” This proposal was not adopted. Since that time, development has occurred piecemeal as individual applications for Future Land Use Map amendments and Urban Service Area boundary expansions have been submitted.

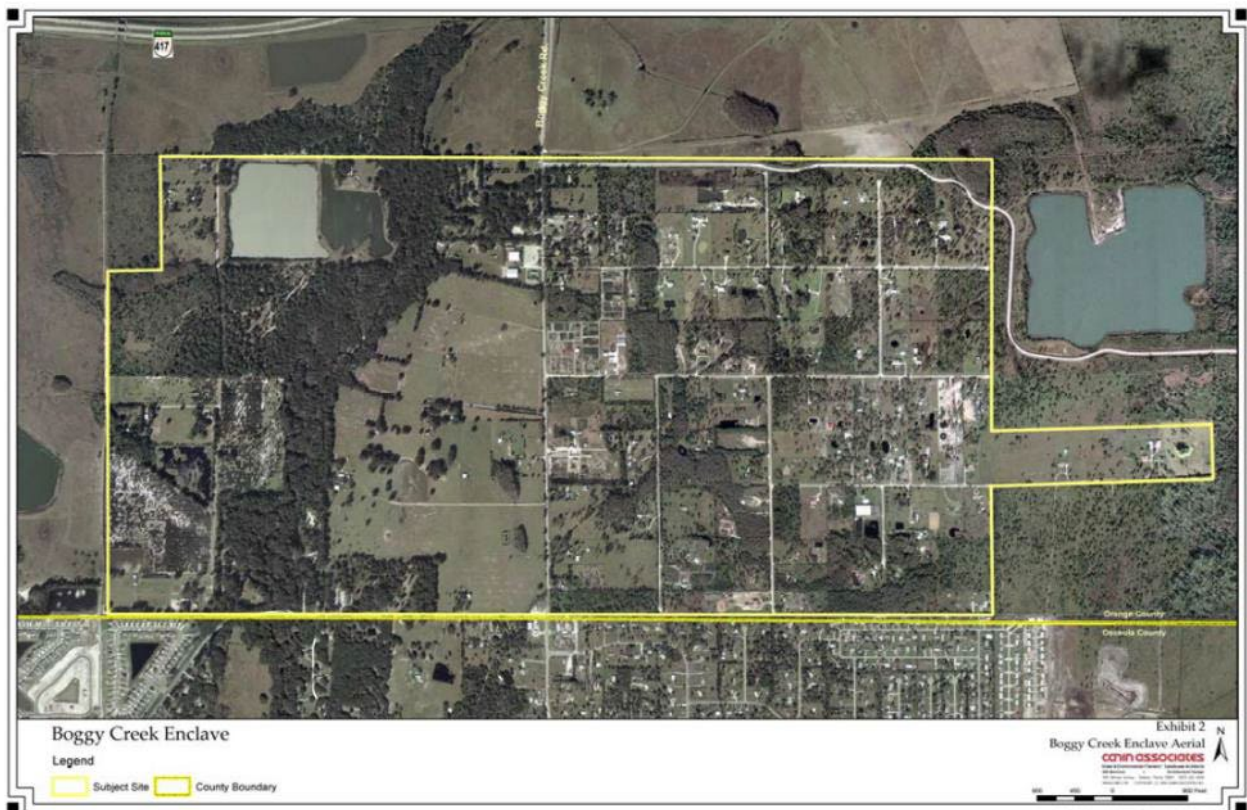


Figure 1 Boggy Creek Enclave. Source: Canin Associates Justification Statement, 2005

The map and table below depict recent Future Land Use Map amendments within Orange County, along with proposed annexations into the City of Orlando and development in the City of Orlando near the subject site. As shown on the map, development is occurring in the area surrounding the subject property, changing the landscape of the area from rural to suburban. Until recently, proposed development was along the west side of Boggy Creek Road. Two annexation requests are pending

with the City of Orlando for two properties along Boggy Creek Road and New Hope Road. Additionally, the Poitras development was approved in 2008 for an approximately 1,807-acre site.

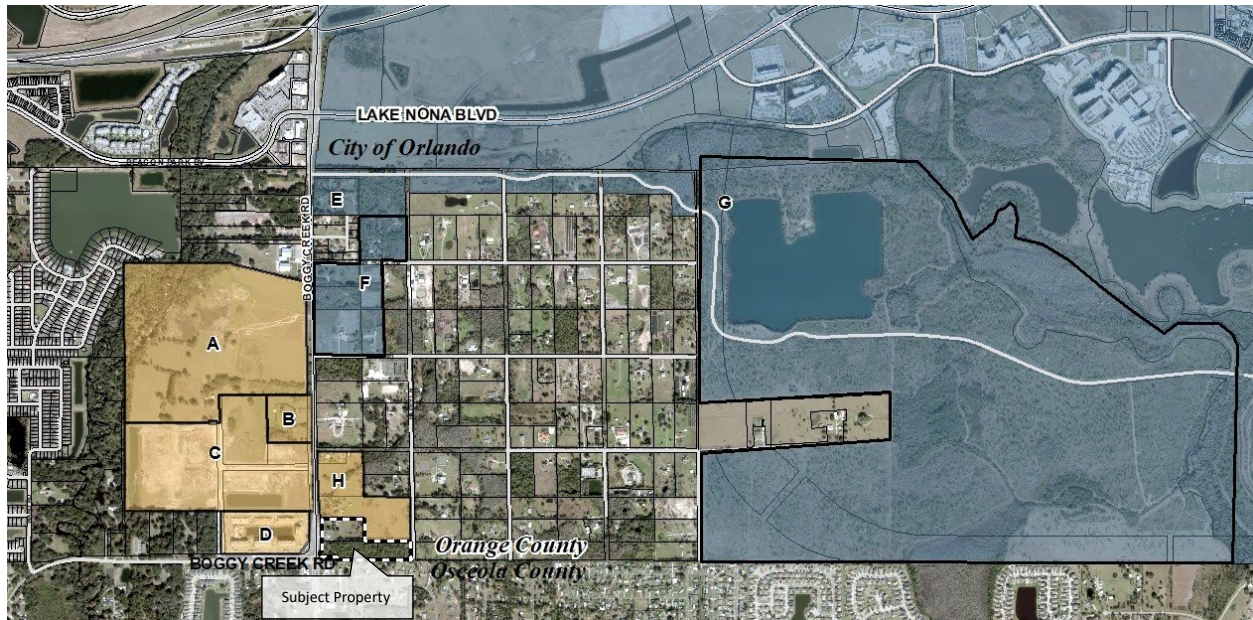


Table 2 Previous and Proposed Amendments in the Boggy Creek Area

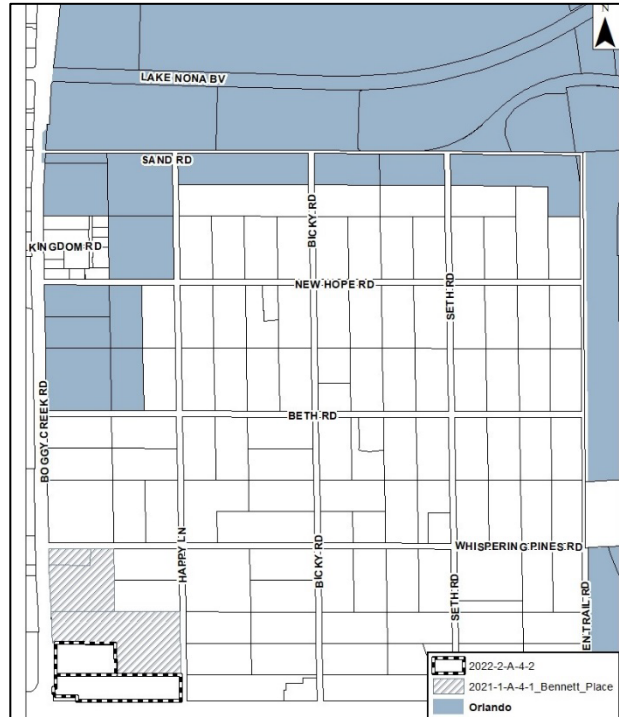
Map Letter	Name	Previous and Proposed	Development Program
A	Nona West	Planned Development-Commercial/ Office/Medium Density Residential/Conservation (PD-C/O/MDR/CONS)	150,000 sq. ft. of retail commercial uses, 150,000 sq. ft. of office uses, 762 multi-family residential units, 188 townhome units, 29-unit (58-bed) ALF, and 22.8 acres of conservation land
B	Bonnemaison	Planned Development-Commercial/ Office/Medium Density Residential (PD-C/O/MDR)	50,000 sq. ft. of retail commercial, 100,000 sq. ft. office space, and 170 multi-family residences
C	Tyson Ranch	Planned Development-Industrial/ Commercial/Office/Medium Density Residential (PD-IND/C/O/MDR)	100,000 sq. ft. commercial, 275,000 sq. ft. of office, 250 hotel rooms, 450 multi-family dwelling units, and 300 single-family dwelling units
D	Boggy Creek Crossing	Planned Development-Medium Density Residential (PD-MDR)	310 multi-family dwelling units
E	Boggy Creek Properties	Proposed Annexation Urban Village Land Use	Not provided
F	Beth Road Annexation	Proposed Annexation Urban Village Land Use	78,700 sq. ft. of non-residential uses, 380 multi-family units, and 92 townhomes
G	Poitras City of Orlando (entire site not shown on map)	Urban Village Conservation	2,400,000 sq. ft. of non-residential uses, 4,192 residential units, fire station, and airport support district including a vertiport.

H	Bennett Place	Planned Development-Commercial/ Medium Density Residential (PD- C/MDR)	Up to 350 multi-family units and 15,000 sq. ft. of commercial.
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Annexations into the City of Orlando

On May 17, 2021, the City of Orlando approved the annexation¹ of approximately 36.5 acres of property located at 6301 and 6347 Beth Road, 6350 and 6351 New Hope Road, and 14221 and 14262 Boggy Creek Road. Included with the annexation request, was the request to change the future land use from Orange County’s Rural to the City of Orlando’s Urban Village designation and to rezone from A-2 to the City of Orlando’s Planned Development with Aircraft Noise Overlay for development of 78,700 square feet of non-residential uses, 380 multi-family units, and 92 townhomes.

Also on May 17, 2021, the City of Orlando approved the annexation² of approximately 7.54 acres of property located at 14041 Boggy Creek Road. Included with the annexation request, was the request to change the future land use from Orange County’s Rural to the City of Orlando’s Urban Village designation. As of the date of the approval, there were no specific plans for the site. The property will be incorporated in the Lake Nona PD at a later time.



2. Amendment Analysis

The following Comprehensive Plan Goals, Objectives, and Policies appear to be most pertinent to the review of this amendment and are specifically discussed in the paragraphs below.

Future Land Use Element Goal FLU1, Objective FLU1.1, and Policies FLU1.1.1, FLU1.1.2, FLU1.1.2 A, FLU1.1.4 A, and FLU1.1.4 B describe Orange County’s urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area. The **Medium-High Density Residential (MHDR)** future land use designation is intended for urban-style multi-family residential development within the Urban Service Area with a density of up to thirty-five (35) dwelling units per net acre. The **Commercial (C)** future land use designation includes neighborhood- and community-scale commercial and office development that serves the surrounding population, with a maximum floor area ratio (FAR) of 1.50. The Planned Development (PD) future land use designation promotes adjacent land use compatibility and physical integration and design.

Adoption of the proposed **PD-MHDR/C** future land use designation and approval of an associated rezoning petition to create the Boggy Creek Multifamily Planned Development (PD)—anticipated

¹ City of Orlando Ordinance No. 2021-17

² City of Orlando Ordinance No. 2021-30

during the adoption public hearing stage—will allow for a mix of multi-family residential and commercial uses on the subject property, with specific design and development standards established to help ensure compatibility with neighboring development.

Staff finds the proposed amendment consistent with **Future Land Use Element Policies FLU8.1.2, FLU8.1.3, and FLU8.1.4**, which address Planned Developments (PDs). PDs are intended to incorporate a broad mix of uses under specific design standards, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map. Additionally, these policies require showing the designation on the Future Land Use Map and adopting the site-specific development plan into Policy FLU8.1.4.

Future Land Use Element Objective FLU1.4 and Polices FLU1.4.1 and FLU1.4.2 contain location and development criteria that must be used to guide the distribution, extent, and location of urban land uses and encourage compatibility with existing neighborhoods. **Policy FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities to achieve a stable and diversified population and community. **Policy FLU1.4.2** ensures that land use changes are compatible with and serve existing neighborhoods. The requested mixed-use development program meets the intent of the aforementioned policies by promoting a range of “living environment and employment opportunities”. The proposal entails the development of up to 288 multi-family residential uses to balance and support the requested commercial retail uses that will create additional employment opportunities in Orange County.

Future Land Use Element Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The development trend in this area is showing a change from rural uses to urban uses, as reflected in the previously-approved Future Land Use Map amendments along the west side of Boggy Creek Road, as proposed by the Boggy Creek Enclave study, which—while not adopted—serves as a guiding document for this area of the County. The recent proposed annexations into the City of Orlando along the east side of Boggy Creek Road, along with the Poitras development approved by Orlando in 2008, suggest increased development pressure from Orlando in the Orlando-Kissimmee Farms subdivision.

In a larger context, the property is near the south access to the Orlando International Airport (OIA) and approximately two miles from Lake Nona/Medical City. Lake Nona/Medical City has created a significant employment center for this area of the County, home to Nemours Children’s Hospital, Veterans Administration Hospital, UCF Medical School, and other medical-related businesses. Boggy Creek Road itself serves as a functional extension of SR 436 through OIA and provides direct access to the Kissimmee/St. Cloud area of Osceola County, giving it the potential to become an important urban corridor.

Future Land Use Element Policy FLU8.2.10 ensures land use compatibility with residential-zoned areas and protection of the residential character of those areas through performance standards. These standards may be incorporated as conditions of approval as part of the Planned Development rezoning request.

Future Land Use Element Policy 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. The subject site is located in an area that is transitioning from rural to suburban. The request, if approved, would allow multi-family residential and commercial uses in an area with development that is primarily rural single-family residential.

Future Land Use Element Policies FLU1.3.1 and FLU1.3.2 ensure the efficient provision of infrastructure, protection of the environment, land use compatibility with adjacent land development, consistency with the Comprehensive Plan and compliance with procedural steps, and additional criteria for the expansion of the Urban Service Area boundary, which is provided in greater detail below.

Policy FLU2.3.7 states that access management controls, including joint driveways, frontage roads, and cross-access agreements shall be applied to all development proposals. The applicant states he will work with the County to establish cross access agreements and required roadway improvements along Boggy Creek Road.

In summary, the proposed amendment allows for the transition of a rural land use to suburban land uses, consistent with previous amendments in the surrounding area.

Future Land Use Element Objective OBJ FLU1.3 and its associated policies outline the process by which proposed expansions of the Urban Service Area 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 proposed Urban Service Area expansions.

Consistent with **FLU1.3.1** and **FLU1.3.2**, the subject property abuts, and at least 25% of the property is contiguous to, the existing Urban Service Area boundary and does not protrude in a ribbonlike manner into the Rural Service Area. As previously discussed, the development trend for the immediate area within the current Urban Service Area boundary is characterized by suburban-style development. As such, adoption of this proposed amendment would allow for an continuation of the existing development trend.

Additionally, the sprawl indicators outlined in **FLU1.3.1 A** include criteria to determine whether a proposed amendment will impact 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.

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 urban goals and strategies of the Comprehensive Plan.

Amendment 2022-2-B-FLUE-5 (Policy FLU8.1.4 Amendment)

Future Land Use Element Policy FLU8.1.4 lists the development program for Planned Development (PD) and Lake Pickett (LP) Future Land Use Map designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** via a staff-initiated text amendment (Amendment 2022-2-B-FLUE-5). The maximum development program for Amendment 2022-2-A-4-2, if adopted, would be 288 multi-family residential units and 5,000 square feet (sq. ft.) of commercial uses.

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2022-2-A-4-2</u> <u>Boggy Creek Multifamily</u>	<u>Planned Development-Medium-High Density Residential/Commercial (PD-MHDR/C) and Urban Service Area (USA) expansion</u>	<u>Up to 288 multi-family residential units, and 5,000 sq. ft. of commercial uses</u>	<u>2023-</u>

Amendment 2022-2-B-FLUE-6 (Urban Service Area Expansion)

Section 163.3177(6)(a).9, Florida Statutes, requires that the future land use element shall discourage the proliferation of urban sprawl. This section contains indicators to evaluate a request for the expansion of an Urban Service Area, contained in Section 163.3177(6)(a).9.a(l)-(XIII). These requirements are established in **Future Land Use Element Objective FLU1.3**. This objective states that no new expansions to the Urban Service Area boundary shall be permitted unless supported by data and analysis demonstrating consistency with the Objectives FLU1.2 and FLU1.3 and associated policies.

The Urban Service Area (USA) expansion request for Parcels 34-24-30-6368-00-572 and 34-24-30-6368-00-680 appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

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>2022-2-A-4-2</u>	<u>Boggy Creek Multifamily</u>	<u>11.57</u>	<u>2023-</u>

Compatibility

The subject property is part of what is currently a rural enclave surrounded by existing and planned suburban development. As detailed above, previous Future Land Use Map Amendments and Planned Developments have been approved for a variety of urban uses to the west of the site. The development trend within the portion of the area within the County’s Urban Service Area and the portion controlled by the City of Orlando is to allow for a transition from rural to suburban land uses. The current mixed-use proposal is consistent with this trend.

The requested amendment would allow land uses that are compatible with the permitted uses along the west side of Boggy Creek Road. The proposal is to construct up to 288 multi-family residential units and 5,000 square feet of commercial uses. The requested development program is consistent with the current trend along the west side of Boggy Creek Road and is compatible with activity in the larger context of Lake Nona and Poitras in the City of Orlando.

Staff recognizes, though, that the proposed project site is part of an existing rural area that continues to the east of the subject property with typical lots sizes of 4 acres developed with single-family residences. The commercial uses along the east side of Boggy Creek Road are consistent with uses allowed within the Rural Service Area, agricultural related and landscaping business/nursery. The proposed development program is consistent with the development occurring along the west of Boggy Creek Road, the proposed development on parcels recently annexed into the City of Orlando along the east of Boggy Creek Road, in an area that was part of the County's Rural Service Area until annexation. The development trend in the area is for mixed-use development along the western side of Boggy Creek Road. The request is consistent with this trend and the development to the north that was recently annexed into the City of Orlando. With this in consideration, staff is concerned with ensuring that the residents in the Kissimmee Farms subdivision retain their rural lifestyle.

Division Comments: Environmental, Public Facilities, and Services

Environmental:

Note: Following the receipt of the Environmental Protection Division's (EPD's) comments, Conservation Area Determination CAD-21-11-257 is still awaiting the final survey. CAD-21-11-257 is only for the southern parcel (34-24-30-6368-00-680). The first CAD EPD comment specifies that a CAD is needed for the northern parcel (34-24-30-6368-00-572), as well.

EPD Comments:

- An Orange County Conservation Area Determination (CAD) is required prior to amendment transmittal to determine the developable acreage.
- Any wetland encroachments will require submittal of an application for a Conservation Area Impact (CAI) Permit.

FLUM Amendment Comments:

1. **Conservation Area Determination Required** – An Environmental Assessment Report by Bio-Tech Consulting, Inc. dated January 20, 2022 identified wetlands within both parcels. An Orange County Conservation Area Determination (CAD) must be completed as soon as possible to verify the developable acreage, per Chapter 15, Article X Wetland Conservation Areas. There is no record that a CAD or Conservation Area Impact (CAI) Permit application has been received by EPD for Parcel 34-24-30-6368-00-572. Protection of wetlands and wetland buffers with easements or tracts will be determined during the wetland permitting process.
2. **Incomplete CAD** - An application for an Orange County Conservation Area Determination (CAD-21-11-257) for Parcel 34-24-30-6368-00-680 was received by EPD on November 8, 2021. A Conservation Area Classification letter was sent to the applicant on November 23, 2021 and expired on February 21, 2022. EPD did not receive a formal response within 15 working days of the classification letter issue date, therefore, this CAD review is inactive.
3. **Conservation Area Impacts** - Any wetland encroachments will require submittal of an application for a Conservation Area Impact (CAI) Permit to the Orange County Environmental Protection Division, as outlined in Chapter 15, Article X Wetland Conservation Areas.
4. **Habitat Permit Compliance** - Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible for determining the presence of these concerns and verifying and obtaining, if necessary, any required habitat

permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

- 5. Jurisdictional Coordination** - This environmental review only addresses Orange County environmental regulatory code. However, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it, or they may have other natural resource protection requirements. Therefore, it is imperative that this proposed request be addressed on a multi-agency basis.

Additional Comments:

- 1. Existing Septic and Wells** - If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District about the system permit application, modification, or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. *Reference Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.*
- 2. Demolition** - Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. *Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Section 108 Notification procedure and requirements, Subsection A(1).*
- 3. Solid Waste Disposal** - Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.
- 4. Erosion Control** - Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2 inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. *Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).*

Schools

The applicant was issued a formal school capacity determination by Orange County Public Schools, OC-22-014 Boggy Creek Multifamily, which expires September 20, 2022. This determination is based on 250 multifamily units and indicates that there is no capacity at the supporting elementary, middle, or high schools. A relief elementary school is scheduled for 2022 for Wyndham Lakes Elementary

School, and a relief middle school is scheduled for 2024 for South Creek Middle School. No relief schools are planned for Cypress Creek High School.

Please note that the school capacity application and determination is based on 250 multifamily units, and the application will need to be amended for consistency with the Future Land Use Map Amendment application which requests up to 288 multifamily units.

Utilities

The proposed Boggy Creek Multifamily development is located within the Potable Water Service Area of the Orlando Utilities Commission (OUC) and within the Wastewater Service Area of Orange County Utilities (OCU). No reclaimed water is available to the subject property.

Fire Rescue

The proposed Boggy Creek Multifamily development is estimated to exceed the travel time benchmark of 9 minutes. Orange County Fire Rescue has plans for a new Fire Station 78, which will be located 3 miles from the subject property and will reduce the travel time to 6 minutes and within the travel time benchmarks adopted by Orange County.

Transportation

PROJECT SPECIFICS	
Parcel ID:	34-24-30-6368-00-572 and 34-24-30-6368-00-680
Location:	Generally located south of Lake Nona Boulevard on the Boggy Creek Road corridor at the intersection of Boggy Creek Road and Simpson Road right of way along the Osceola County/Orange County border
Acreage:	11.57 gross
Request FLUM:	From: Rural To: Planned Development - Medium High Density Residential/Commercial (PD-MHDR/C)
Request Zoning:	From: A-2 To: PD (Planning Development District)
Existing Development:	Vacant
Development Permitted Under Current FLUM:	1 Dwelling (1 DU/ 10 acres)
Proposed Density/Intensity:	288 Multifamily Units and 5,000 SF of Commercial

Trip Generation (ITE 11th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: 1 Dwelling (1 DU/ 10 acres)	1	100%	1
Proposed Use: 288 Multifamily Units and 5,000 SF of Commercial	144	100%	144
	33	56%	18

Net New Trips (Proposed Development less Allowable Development): 161

Future Roadway Network

Road Agreements: None

Planned and Programmed Roadway Improvements: Boggy Creek Road (South) from the Osceola County Line to SR 417 will be widened from a two-lane roadway to a four-lane roadway from the Orange/Osceola County line to SR 417. The widening will include sidewalks, bicycle lanes, roadway lighting, and median landscaping. It is estimated that this project is 73% complete. Construction is estimated to be complete October 2024 (5/2022). This information is dated and subject to change. Urban Service Area (USA) expansion: If the Orange County BCC approves to expand the USA eastward towards Happy Lane, then a study to expand the USA will become effective January 2023.

Right of Way Requirements: None

Summary

The applicant is requesting to change ~11.57 acres from Rural to PD-MHDR/C and rezone from A-2 to PD to allow for 288 multifamily units and 5,000 square feet of commercial.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in an **increase** in the number of pm peak trips and therefore **will impact** the area roadways. However, based on the Concurrency Management System Database, several roadways within the project’s impact area **do not operate** at acceptable levels of service and capacity is **not available** to be encumbered.

- The subject property is not located within the County’s Alternative Mobility Area.
- The subject property is not located along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate one (1) pm peak hour trip.
- The proposed use will generate 162 pm peak hour trips resulting in a net **increase** of 161 pm peak hour trips.
- The subject property is located on the east side of Boggy Creek Road just north of the Osceola County Line. Based on the Concurrency Management System (CMS) database dated 5/02/2022, one (1) roadway currently operates at Level of Service F and capacity is **not available** to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.
- An analysis of existing conditions reveals that all roadway segments within the study area, except one (1) are currently **operating** at adequate LOS.

- Analysis of projected conditions 2025 (2027) base conditions indicates that Boggy Creek Road from the Osceola County Line to the Central Florida Greenway is projected to be deficient due to background traffic growth. The proposed FLU amendment is considered significant on the deficient roadway segment.
- Analysis of projected conditions 2040 (2042) base conditions indicates that Boggy Creek Road from the Osceola County Line to S. Access Road (2 segments) is projected to be deficient due to background traffic growth. The proposed FLU amendment is considered significant on the deficient roadway segment.
- The development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

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

3. Policy References

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development. The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

Policy 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, Growth Centers, and to a limited extent, Rural Settlements.

Policy FLU1.1.2 The Future Land Use Map shall reflect the most appropriate densities for residential development.

Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay, and Growth Centers may include specific provisions for maximum and minimum densities.

The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.

Policy FLU1.1.2 A. The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single-family to small lot single-family development.	0 to 4 du/ac
Low-Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single-family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multi-family residential densities within the USA.	0 to 20 du/ac
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood-serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac

Policy FLU1.1.4 In addition to the residential densities listed in FLU1.1.2(A), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(B). The Future Land Use and Zoning Correlation table is found in FLU8.1.1.

B. URBAN MIXED USE OPTIONS – The following Future Land Use designations allow for a mix of uses. Per a settlement agreement with the State Department of Community Affairs, Orange County’s Planned Development Future Land Use designation requires an adopted text amendment to specify the maximum intensity and density of a project. See Policy FLU8.1.4. Mixed-Use Corridors are a staff-initiated option intended to complement the County’s Activity Center policies.

FLUM Designation	General Description	Density/Intensity
Urban Mixed Use– Urban Service Area		
Planned Development (PD)	<p>The PD designation ensures adjacent land use compatibility and physical integration and design. The development program established at Future Land Use approval may be single or multiple use. See FLU8.1.4.</p> <p>Innovation Way is another large planning area similar in some respects to the planning process for Horizon West. Developments within the Innovation Way Overlay (Scenario 5) are processed as Planned Developments. Innovation Way is being implemented through the policies found in Goal 5 of the Future Land Use Element.</p>	Must establish development program at Future Land Use amendment stage per FLU8.1.4.

OBJ FLU1.2 URBAN SERVICE AREA (USA) CONCEPT; USA SIZE AND MONITORING. Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The Urban Service Area shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development.

Policy 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.

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, 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.
- Policy FLU1.3.1** All proposed amendments (i.e. expansions) 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.
- Policy 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.
- Policy FLU1.3.3** All applications must be accepted as complete by the County for the application to be processed pursuant to Objective FLU1.3. The determination of completeness shall include the use of data that meets generally acceptable professional standards as well as addressing all issues required by this process. An accepted application does not bind staff or the Local Planning Agency (LPA) to an affirmative recommendation, or the Board of County Commissioners (BCC) in its final decision on the Future Land Use Amendment request. An application request can be denied based on inadequate or inconsistent data with respect to the County's commitment to the 2030 vision.
- OBJ FLU1.4** The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 Comprehensive Plan.
- Policy FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- Policy FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- Policy FLU2.3.7** Access management controls, including but not limited to joint driveways, frontage roads and cross-access agreements along collector and arterial roadways, shall be applied to all development and redevelopment proposals consistent with the Land Development code.
- Policy FLU6.1.3** Residential uses in areas designated Rural shall be limited to a maximum density of 1 DU/10 acres.
- Density shall refer to the total number of units divided by developable land area, excluding natural water bodies and conservation areas (wetlands areas). Agriculturally zoned areas that do not have active agricultural use may be the subject of amendments to the comprehensive plan in order that such areas may be rezoned to an appropriate residential category. Cluster zoning shall not be permitted in the Rural Service Area except where required for protection of significant environmental features, such as Wekiva Study Area, Class I conservation areas, or rare upland habitat.
- Policy FLU6.1.5** Agriculturally zoned land shall be rezoned to an appropriate residential district

prior to subdivision for residential purposes.

Policy FLU8.1.1

The following future land use and zoning correlation table shall be used to determine zoning 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 allowed by the Future Land Use Map designation regardless of zoning.

Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

Orange County’s **Future Land Use and Zoning Correlation Table** is referenced herein as follows:

Zoning and Future Land Use Correlation		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>

Urban Residential		

Medium-High Density Residential (MHDR)	(0 to 35 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V

Urban and/or Non-Residential		

Commercial (C)	1.50 FAR unless otherwise restricted or increased by County policy or code	C-1, C-2, C-3, P-O, PD

Policy FLU8.1.2

Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the Planned Development land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map.

Policy FLU8.1.4

The following table details the maximum densities and intensities for the Planned Development (PD) and Lake Pickett (LP) Future Land Use designations that have been adopted subsequent to January 1, 2007.

Policy FLU8.2.1

Future Land use changes shall be required to be compatible with the existing development and development trends 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.

Policy FLU8.8.2

A request for a Future Land Use Map amendment and/or a text amendment to the Comprehensive Plan shall be considered only upon the submittal of a completed application satisfying the County's application requirements. Prior to submittal of the application, the applicant shall participate in a pre-application meeting with the appropriate County staff.

Per Sec. 163.3187(1), F.S., Orange County will continue its practice of processing amendments involving a use of 10 acres or fewer as small scale development amendments, subject to processing any such amendments as regular cycle amendments instead when circumstances warrant, and continue its practice of proposing those of larger acreage, including those of up to 50 acres, as regular cycle amendments. However, upon consultation with the applicable District Commissioners, the Planning Division may determine that certain amendments involving a use of greater than 10 acres and no more than 50 acres may be processed instead as small scale development amendments when circumstances warrant. Except for amendments involving a use of greater than 10 acres and no more than 50 acres, the Planning Division shall have the authority to determine the appropriate review cycle for each proposed amendments and shall develop publicly available criteria for making such determinations that is consistent with Sec. 163.3187(1), F.S. For any application, the County staff shall have the authority to request pertinent additional information and/or documentation related to an application during the course of its review.

- A. The County shall be entitled to charge a reasonable application fee. An application fee waiver policy shall be adopted by the County, with any such waiver request reviewed and approved by the Board of County Commissioners (BCC) on a case-by-case basis.
- B. The County staff may deem a submitted application that has not been transmitted to the Department of Economic Opportunity (DEO) withdrawn if it remains inactive for two consecutive cycles. Consistent with Sec. 163.3184(3)(c)1, F.S., if the County has transmitted the amendment to the DEO and the amendment is not adopted within 180 days after the County receives comments from the DEO and other reviewing agencies, the application will be considered withdrawn unless extended by agreement with notice to the DEO and any affected person that may have provided comments on the proposed amendment. The 180-day limitation does not apply to an amendment processed pursuant to Sec. 380.06, F.S.

Subject Parcels



Site Photos

North – Bennett Place Property



East -



South – Osceola County Vacant Commercial



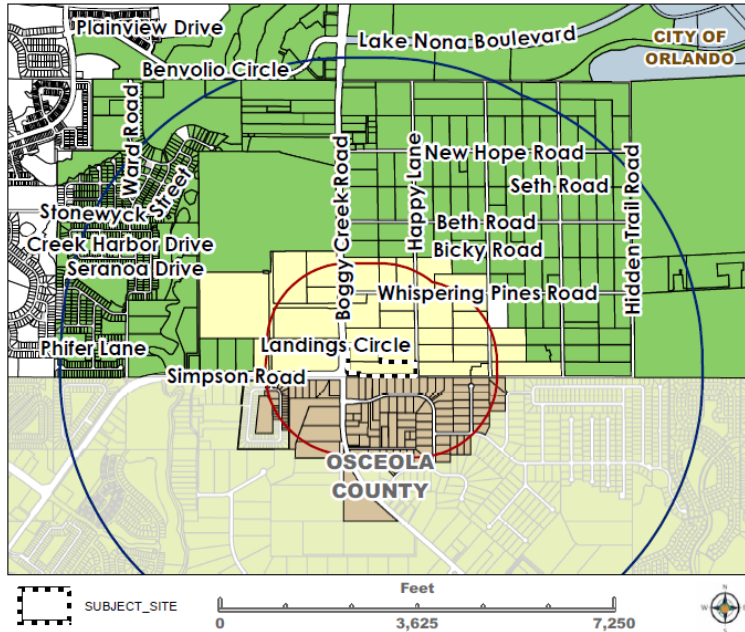
West – Boggy Creek Crossings





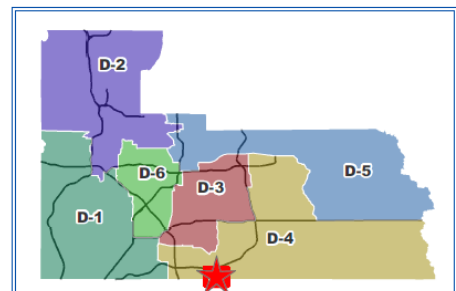
Public Notification Map

2022-2-A-4-2



MAP LEGEND	
	SUBJECT_SITE
	1500 FT BUFFER
	1 MILE BUFFER
	PARCELS
	NOTIFIED PARCELS
	Osceola Parcels
	COURTESY PARCELS
	COURTESY_PARCELS

BUFFER DISTANCE: 1500
 # OF NOTICES: 155



Notices were mailed to the owners of those parcels within the 1,500 foot buffer area within Orange County (yellow) and Osceola County (brown). Courtesy notification was provided to the owners of the courtesy parcels (green) within the one-mile buffer area.



INTERNAL DOCUMENT

January 20, 2022

Stephen Selby
US Living
618 South Street, Suite 534
Orlando, Florida 32801

Proj: Boggy Creek PD Site – Orange County, Florida
Section 3, Township 25 South, Range 30 East
(BTC File#597-26)
Re: Environmental Assessment Report

Dear Mr. Selby:

During January 2022, Bio-Tech Consulting, Inc. (BTC) conducted an environmental assessment of the approximately 11.5-acre Boggy Creek PD Site. This site is located at the physical address of 14857 Boggy Creek Road within Section 3, Township 25 South, Range 30 East, Orange County, Florida (**Figures 1, 2 & 3**). This preliminary environmental assessment includes the following elements:

- review of soil types mapped within the site boundaries;
- evaluation of land use types/vegetative communities present;
- field review for occurrence of protected species of flora and fauna, and
- summary of development constraints.

SOILS

According to the Soil Survey of Orange County, Florida prepared by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), one (1) soil type occurs within the site boundaries (**Figure 4**). The following presents a brief description of the soil types present within the site boundary:

Orlando: Main Office
3025 East South Street
Orlando, FL 32803

Vero Beach Office
4445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
1157 Beach Boulevard
Jacksonville Beach, FL 32250

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

Key West Office
1107 Key Plaza
Suite 259
Key West, FL 33040

Aquatic & Land
Management Operations
3825 Rouse Road
Orlando, FL 32817

407.894.5969
877.894.5969
407.894.5970 fax

Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes (#44) is a nearly level, poorly drained soil found on broad flatwoods. The surface layer of this soil type generally consists of black fine sand about 4 inches thick. The seasonal high water table for this soil type is within 10 inches of the surface for 1 to 4 months. It recedes to a depth of 10 to 40 inches for more than 6 months. Permeability of this soil type is rapid in the surface and subsurface layers and in the substratum. It is moderate to moderately rapid in the subsoil.

The Florida Association of Environmental Soil Scientists (FAESS) does not consider any of the main components of the soil types associated with the property to be hydric. Further, the Association considers the inclusions present Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes (#44) soil type associated with the property to be hydric. This information can be found in the Hydric Soils of Florida Handbook, Fourth Edition (March, 2007).

LAND USE TYPES/VEGETATIVE COMMUNITIES

The subject site currently supports five (5) land use types/vegetative communities (Figure 5). These land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 1999). The upland land use types/vegetative communities are classified as Fixed Single-Family Units, (111) Pine-Mesic Oak (414), and Disturbed Lands (740). The wetland/surface water land use type/vegetative community is classified as Streams and Waterways (510) and Mixed Wetland Hardwoods (617). The following provides a brief description of the land use types/vegetative communities:

Uplands:

111 – Fixed Single-Family Units

Two separate residences exist on the property along Boggy Creek Road. These homesites contain fixed block houses with detached sheds, garages, and barns surrounded by fences. Both homesites are currently occupied and are most consistent with the Fixed Single-Family Units (111) FLUCFCS classification. Vegetative species identified within this community type includes slash pine (*Pinus elliottii*), longleaf pine (*Pinus palustris*), southern magnolia (*Magnolia grandiflora*), southern red cedar (*Juniperus virginiana*), lantana (*Lantana camara*), St. Augustinegrass (*Stenotaphrum secundatum*), bahiagrass (*Paspalum notatum*), field sandspur (*Cenchrus incertus*), and blackberry (*Rubus pensilvanicus*).

414 – Pine – Mesic Oak

The southern portion of the property consist of a remnant native oak and pine forest most consistent with the Pine-Mesic Oak (414) FLUCFCS classification. Vegetative species identified within this community type includes slash pine (*Pinus elliottii*), longleaf pine (*Pinus palustris*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), southern magnolia (*Magnolia grandiflora*), southern red cedar (*Juniperus virginiana*), black cherry (*Prunus serotina*), cabbage palm (*Sabal palmetto*), sweetgum (*Liquidambar styraciflua*), Chinese tallowtree (*Triadica sebifera*), wax myrtle (*Myrica cerifera*), fetterbush (*Lyonia lucida*), saw palmetto (*Serenoa repens*), coral ardisia (*Ardisia crenata*), hairy indigo (*Indigofera hirsute*), American pokeweed (*Phytolacca americana*), rattlebox (*Crotalaria spectabilis*), muscadine grapevine (*Vitis rotundifolia*), and greenbrier (*Smilax* sp.).

740 – Disturbed Lands

The portion of the site located east of the residential home is an unmanaged agricultural field that is currently most consistent with the Disturbed Lands (740) FLUCFC classification. Vegetative species identified within this community type includes black cherry (*Prunus serotina*), cabbage palm (*Sabal palmetto*), sweetgum (*Liquidambar styraciflua*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), Chinese tallow (*Sapium sebiferum*) American beautyberry (*Callicarpa americana*), bahiagrass (*Paspalum notatum*), Bermudagrass (*Cynodon dactylon*), chalky blue-stem (*Andropogon glaucus*), tropical soda-apple (*Solanum viarum*), purple thistle (*Crisium horridulum*) air potato (*Dioscorea bulbifera*), Virginia pepperweed (*Lepidium virginicum*), sword fern (*Nephrolepis brownii*), bracken fern (*Pteridium aquilinum* var. *pseudocaudatum*), muscadine grapevine (*Vitis rotundifolia*), and greenbriar (*Smilax* spp.).

Wetlands/Surface Waters:

510 – Streams and Waterways

The site contains a portion of a swale along the north boundary that exists primarily off-site but contains a small on-site area which is most consistent with the Streams and Waterways (510) FLUCFCS classification. Vegetation observed within this community type includes cinnamon fern (*Osmundastrum cinnamomeum*), spadeleaf (*Centella asiatica*), marsh pennywort (*Hydrocotyle umbellata*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), and common duckweed (*Lemna minor*).

617 – Mixed Wetland Hardwoods

A small, isolated wetland is located along the southern boundary of the property. This community is most consistent with the Mixed Wetland Hardwoods (617) FLUCFCS classification. Vegetation observed in this community consisted of slash pine, swamp bay (*Persea palustris*), red maple (*Acer rubrum*), Chinese tallow (*Triadica sebifera*), royal fern (*Osmunda regalis*), St. Johns wort (*Hypericum* sp.), red root (*Lacnathes caroliniana*), fetterbush (*Lyonia lucida*), beaksedge (*Rhynchospora* sp.), sweetbay (*Magnolia virginiana*), and wax myrtle (*Morella cerifera*).

All wetlands/surface waters on the site have been delineated by BTC in accordance with local, state and federal guidelines utilizing pink Bio-Tech Consulting flags (Figure 6). The flag locations will need to be reviewed and approved by the various regulatory agencies during the permitting process.

PROTECTED SPECIES

Utilizing methodologies outlined in the Florida’s Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); and Florida Fish and Wildlife Conservation Commission’s (FFWCC) Gopher Tortoise Permitting Guidelines (April 2008 - revised July 2020), an assessment for “listed” floral and faunal species occurring within the subject site boundaries was conducted on January 13, 2022. This assessment included both direct observations and indirect evidence, such as tracks, burrows, tree markings and vocalizations that indicated the presence of species observed. The assessment focused on species that are “listed” by the FFWCC’s Official Lists - Florida’s Endangered Species, Threatened Species and Species of Special Concern (June 2021) that have the potential to occur in Orange County (Table 1).

Reptiles and Amphibians

black racer (*Coluber constrictor*)

brown anole (*Norops sagrei*)

Cuban tree frog (*Osteopilus septentrionalis*)

six-lined racerunner (*Cnemidophorus sexlineatus sexlineatus*)

Birds

American Crow (*Corvus brachyrhynchos*)

Black Vulture (*Coragyps atratus*)

Common Grackle (*Quiscalus quiscula*)

Common Ground Dove (*Columbina passerina*)

Yellow-rumped Warbler (*Setophaga coronata*)

Mammals

armadillo (*Dasypus novemcinctus*)
eastern cottontail (*Sylvilagus floridanus*)
eastern gray squirrel (*Sciurus carolinensis*)
raccoon (*Procyon lotor*)

None of the above identified species, the Bald Eagle (*Haliaeetus leucocephalus*), is listed in the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (updated June 2021). The following provides a description of these species as they relate to development of the site.

Bald Eagle (Haliaeetus leucocephalus)

State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)

In August of 2007, the U.S. Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act and FFWCC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*)).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. Under FFWCC's new management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660-feet or less from the nest tree, depending on what activities or structures are already near the nest. A FFWCC Eagle permit is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330-feet of a nest during the nesting season, October 1 through May 15 or when Eagles are present at the nest.

In addition to the on-site evaluation for "listed" species, BTC conducted a review for any FFWCC recorded Bald Eagle nests and Audubon Florida EagleWatch recorded Bald Eagle nests on the site or within 660 feet of the site. This review revealed that there are no Bald Eagle nests, through the 2019-2020 nesting season, within 660 feet of the site. Thus, no further action should be required pertaining to Bald Eagle nests.

USFWS CONSULTATION AREAS

The U.S. Fish and Wildlife Service has established “consultation areas” for certain listed species. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers. The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically very regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The subject site is located within six (6) USFWS Consultation Areas with the following paragraphs outlining a brief description of this respective species habitat and the potential for additional review:

Audubon’s Crested Caracara (Polyborus plancus audubonii)
Federally Listed as “Threatened” by USFWS

The subject site falls within the USFWS Consultation Areas for the species Audubon’s Crested Caracara (*Polyborus planeus audubonii*). Currently the Audubon’s Crested Caracara is listed as threatened by the USFWS due primarily to habitat loss. The Audubon’s Crested Caracara commonly occurs in dry or wet prairie areas with scattered cabbage palms, lightly wooded areas with saw palmetto, scrub oaks and cypress. The Audubon’s Crested Caracara also uses improved or semi-improved pasture with seasonal wetlands. Audubon’s Crested Caracaras construct new nests each nesting season, often in the same tree as the previous year.

Although the subject site falls within the USFWS Audubon’s Crested Caracara consultation area, no crested caracaras were observed and no suitable habitat for this species exists within the project boundaries. No further action should be required pertaining to crested caracaras.

Everglade Snail Kite (Rostrhamus sociabilis)
Federally Listed as “Endangered” by USFWS

The subject site falls within the USFWS Consultation Area for the Everglade Snail Kite. Currently the Snail Kite is listed as “Endangered” by the USFWS. Snail Kites are similar in size to Red-shouldered Hawks. All Snail Kites have deep red eyes and a white rump patch. Males are slate gray, and females and juveniles vary in amounts of white, light brown, and dark brown, but the females always have white on their chin. Kites vocalize mainly during courtship and nesting. They may occur in nearly all of the wetlands of central and southern Florida. They regularly occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John’s River marshes and Grassy Waters Preserve.

No Snail Kites were observed within the subject site during the wildlife survey conducted by BTC. As no suitable habitat exists within the subject property it is not anticipated that USFWS or any other agency would require a formal survey. As such, no further action is required with regard to the Everglades Snail Kite.

Florida Grasshopper Sparrow (Ammodramus savannarum floridanus)
Federally Listed as “Endangered” by USFWS

The Florida Grasshopper Sparrow is a subspecies of grasshopper sparrow that is endemic to the dry prairie of south-central Florida in the counties of Polk, Osceola, Highlands, and Okeechobee. This subspecies is extremely habitat specific and relies on fire every two to three years to maintain its habitat. This species was listed as endangered by the State of Florida in 1977. The USFWS listed the Florida Grasshopper Sparrow as endangered in 1986. The main threats to the Florida grasshopper sparrow are habitat destruction, degradation, and fragmentation. The conversion of open prairie habitat to agriculture fields has caused destruction of available habitats for the Florida Grasshopper Sparrow. Florida Grasshopper Sparrow habitat consists of large, treeless, relatively poorly-drained grasslands that have a history of frequent fires.

No Florida Grasshopper Sparrows were observed on the site during the wildlife survey conducted by BTC. Since there is no suitable habitat for this species within the site boundary, a formal survey is not required by the USFWS or another agency to determine if any Florida Grasshopper Sparrows utilize any portions of the site.

Florida Scrub-Jay (Aphelocoma coerulescens)

Federally Listed as “Threatened” by USFWS

Currently the Florida Scrub-Jay is listed as threatened by the USFWS. Florida Scrub-jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90 % of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Scrub-jays were observed on the subject site during the cursory survey conducted by BTC. As no suitable habitat exists within the subject property it is not anticipated that USFWS or any other agency would require a formal survey. As such, no further action is required with regard to the Florida Scrub-Jay.

Red Cockaded Woodpecker (Picoides boreali)

Federally Listed as “Endangered” by USFWS

The Red-cockaded Woodpecker (*Picoides boreali*) is a federally endangered species by the USFWS. The basis for the listing is loss and degradation of suitable habitat. This species is commonly found in open park-like pine forests maintained by periodic fire, such as mature long-leaf pine ecosystem. The Red-cockaded Woodpecker is a federally and state protected endangered species that is protected and should not be injured, harmed, molested or killed.

No Red-Cockaded Woodpeckers were observed within the subject site during the wildlife survey conducted by BTC. As there is no suitable habitat and no nesting trees were found within the limits of the subject site, it is not anticipated that a formal survey would be required by the USFWS or another agency to determine if any Red-Cockaded Woodpeckers utilize any portions of the site.

Sand Skink (Neoseps reynoldsi)

Federally Listed as “Threatened” by USFWS

The subject site falls within the Sand Skink Consultation Area for the United States Fish and Wildlife Service (USFWS). The sand skink is listed as “Threatened” by the USFWS. The sand skink exists in areas vegetated with sand pine (*Pinus clausa*) - rosemary (*Ceratiola ericoides*) scrub or a long leaf pine (*Pinus palustris*) - turkey oak (*Quercus laevis*) association. Habitat

destruction is the primary threat to this species' survival. Citrus groves, residential, commercial and recreational facilities have depleted the xeric upland habitat of the sand skink. Although there is the appropriate elevation on site for sand skink habitat, the soil present is too hydric to be suitable habitat for sand skink populations. Due to this it is not anticipated that a formal survey would be required by the USFWS or another agency to determine if any sand skinks utilize any portions of the site.

No sand skink tracks were observed within the subject site during the wildlife survey conducted by BTC. As there are no well-drained soils and no suitable habitat within the limits of the subject site, it is not anticipated that a formal survey would be required by the USFWS or another agency. No further action is required with regard to the sand skink.

WETLAND PERMITTING

Permitting through Orange County Environmental Protection Division (OCEPD), the South Florida Water Management District (SFWMD), and Florida Department of Environmental Protection (FDEP) would be required to develop the subject site. The on-site wetlands/surface waters are located within the Boggy Creek hydrologic drainage basin.

Orange County Environmental Protection Division (OCEPD)

A Conservation Area Determination (CAD) will be required from the (OCEPD) to determine the extent of all wetlands and surface waters that exist within the site. Any impacts to on-site wetlands will require a Conservation Area Impact (CAI) permit from the OCEPD and mitigation for the impacts will likely be required. Impacts to the site's wetland/surface water communities would be permissible by the OCEPD as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

South Florida Water Management District

An Environmental Resource Permit (ERP) will be required through the South Florida Water Management District (SFWMD) for all wetland and/or other surface water impacts (both direct and secondary) in association with the proposed development plan. Impacts to the project's wetland and/or other surface water communities would be permissible by SFWMD as long as the issues of elimination and reduction of wetland impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

Florida Department of Environmental Protection (FDEP)

In December of 2020, the Florida Department of Environmental Protection (FDEP) “assumed” federal permitting authority for all wetland and surface water resources under Section 404 of the Clean Water Act (CWA). For those project’s whose wetland and surface water resources are associated with tidal waters or traditional navigable waters, under Section 10 of the Rivers and Harbors Act, the US Army Corps of Engineers (USACE) will “retain” federal permitting authority. These “retained” resources also include wetlands and/or other surface waters that fall within the 300’ guide line established from the ordinary high-water mark or mean high tide line of the retained waters.

With respect to the subject project, it is anticipated that the on-site wetlands and/or other surface waters would not fall under the regulatory authority of the USACE, as these resources are not Section 10 waters. As such, the federal permitting authority would therefore be assumed by the FDEP under Section 404. Currently, FDEP considers all wetland and/or surface water resources to be federally jurisdictional unless the applicant provides documentation proving otherwise. As a result, BTC recommends that an Approved Jurisdictional Determination (AJD) be prepared and submitted to FDEP providing supporting documentation to shows these resources to be non-jurisdictional under the “new” Waters of the United States (WOTUS). If FDEP concurs with BTC’s position that the isolated wetlands and/or other surface waters are non-jurisdictional per WOTUS, no federal permitting will be required and a “No Permit Required” letter can be requested from FDEP. If, however, FDEP disagrees with BTC’s position and claims federal jurisdiction, then federal permitting through FDEP will be required. As with the ERP permitting, it is anticipated that all impacts to the project’s wetland/surface water communities would be permissible by the FDEP as long as the issues of elimination and reduction of impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts. Coordination with the USFWS will be necessary as part of the permitting process through FDEP.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future.

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,

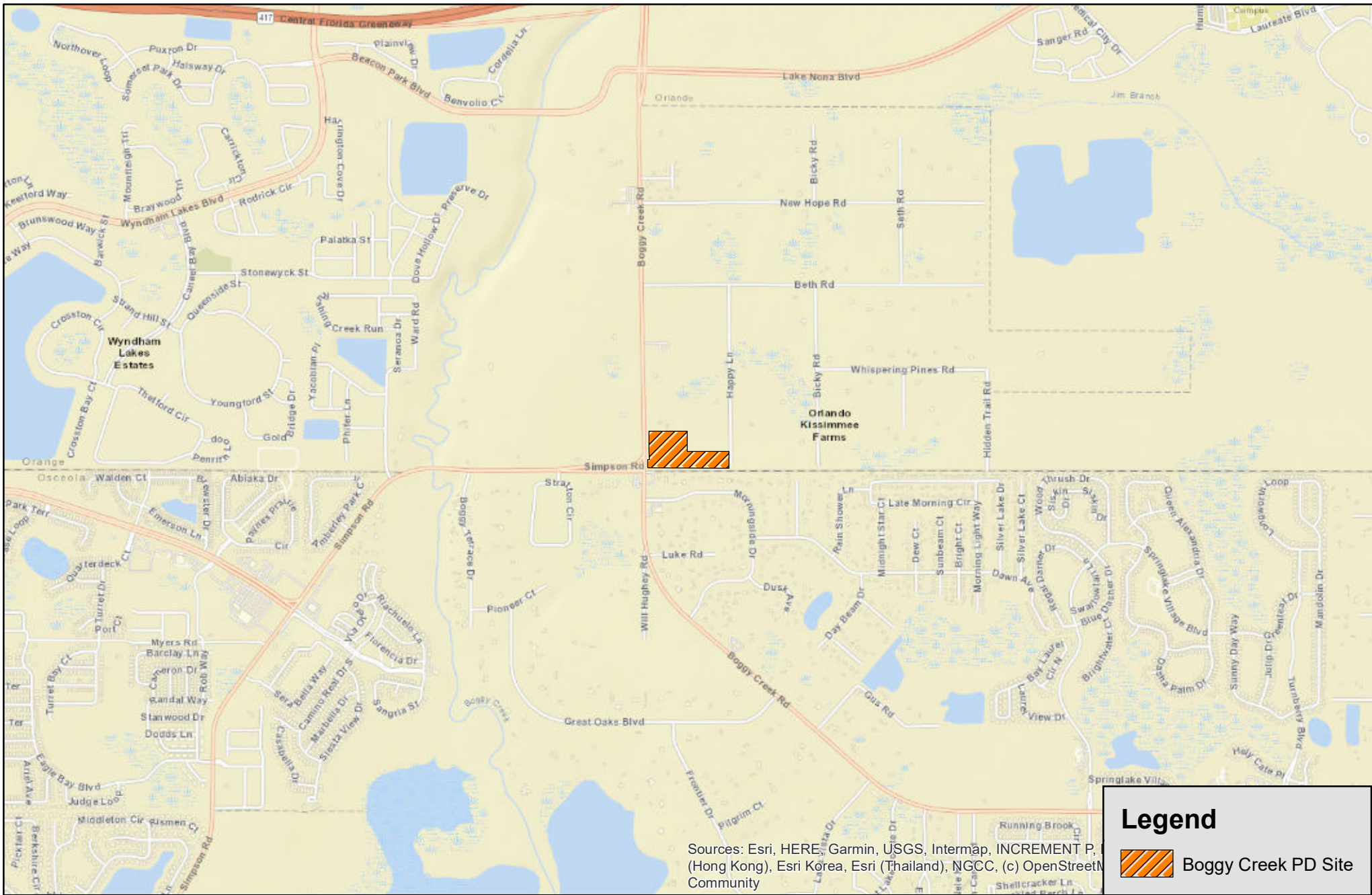


Spencer Clark
Project Manager

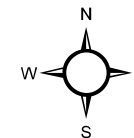


John Miklos
President

Attachments

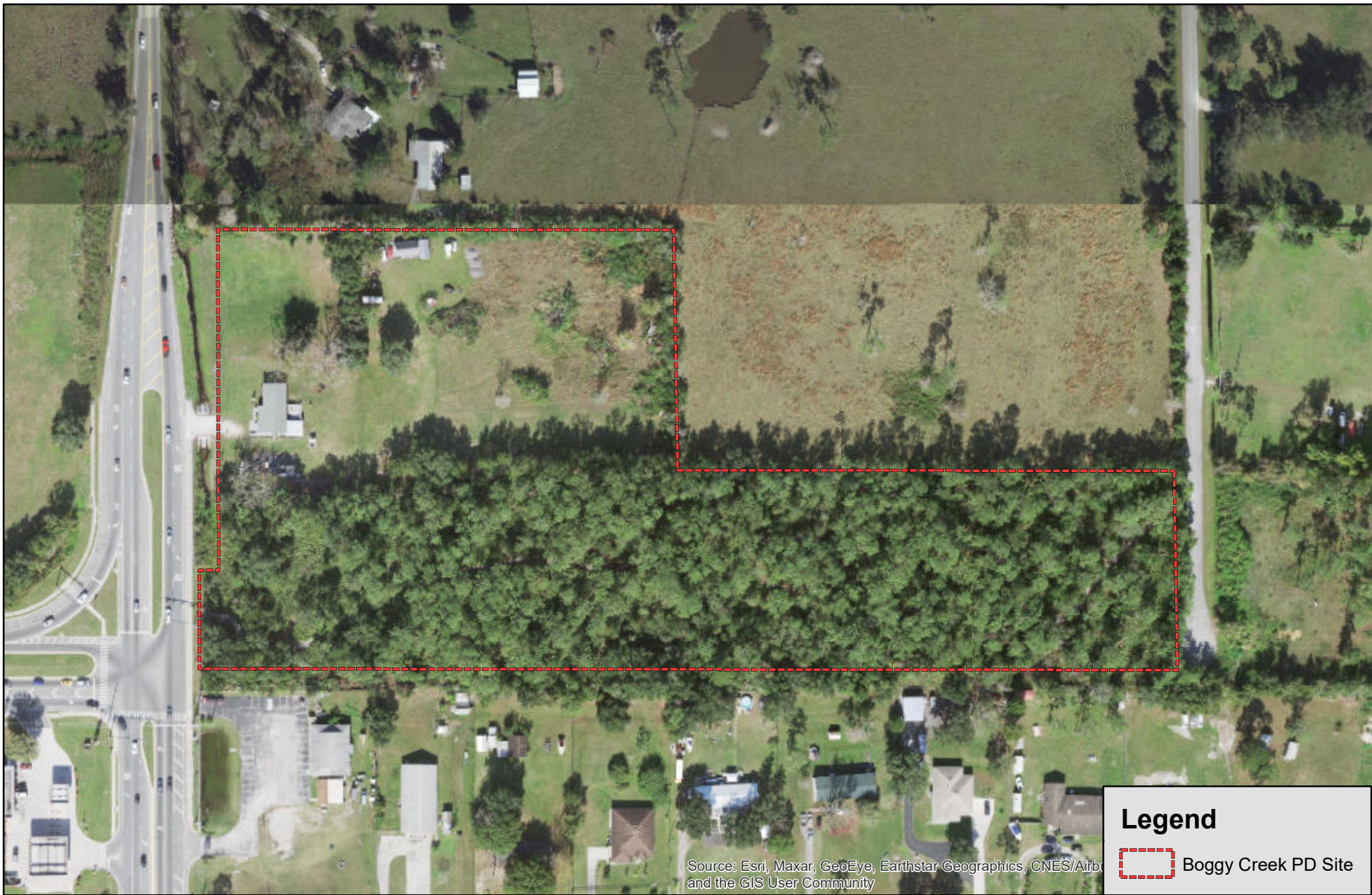


Boggy Creek PD Site
 Orange County, Florida
 Figure 1
 Location Map




0.75 Miles

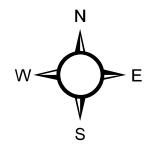
Project #: 597-26
 Produced By: TBP
 Date: 12/30/2021

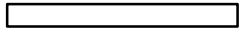


Boggy Creek PD Site
 Orange County, Florida
 Figure 2
 Aerial Map

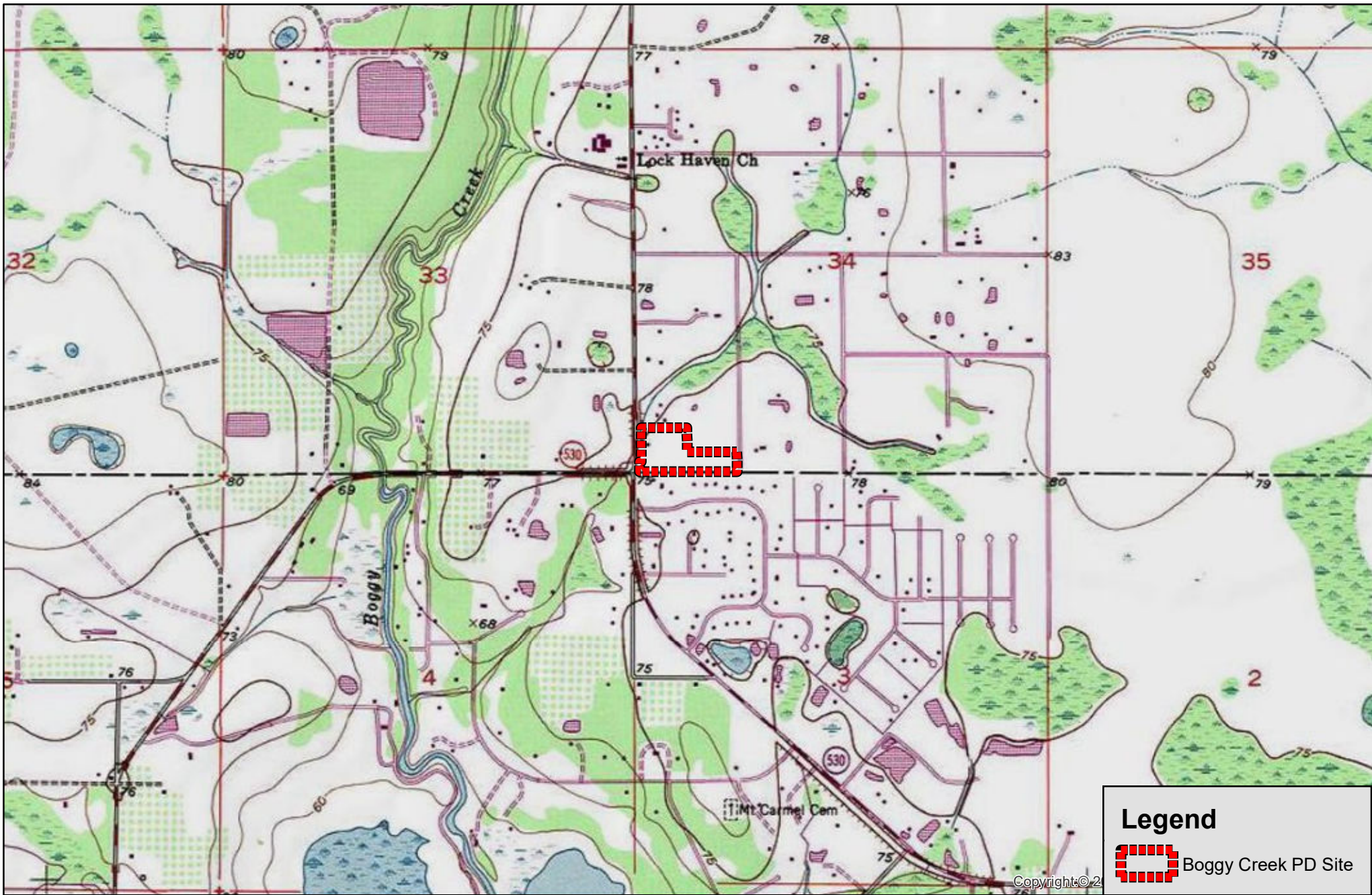
Legend

 Boggy Creek PD Site

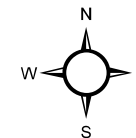


 200 Feet

Project #: 597-26
 Produced By: TBP
 Date: 12/30/2021

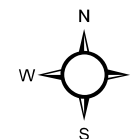
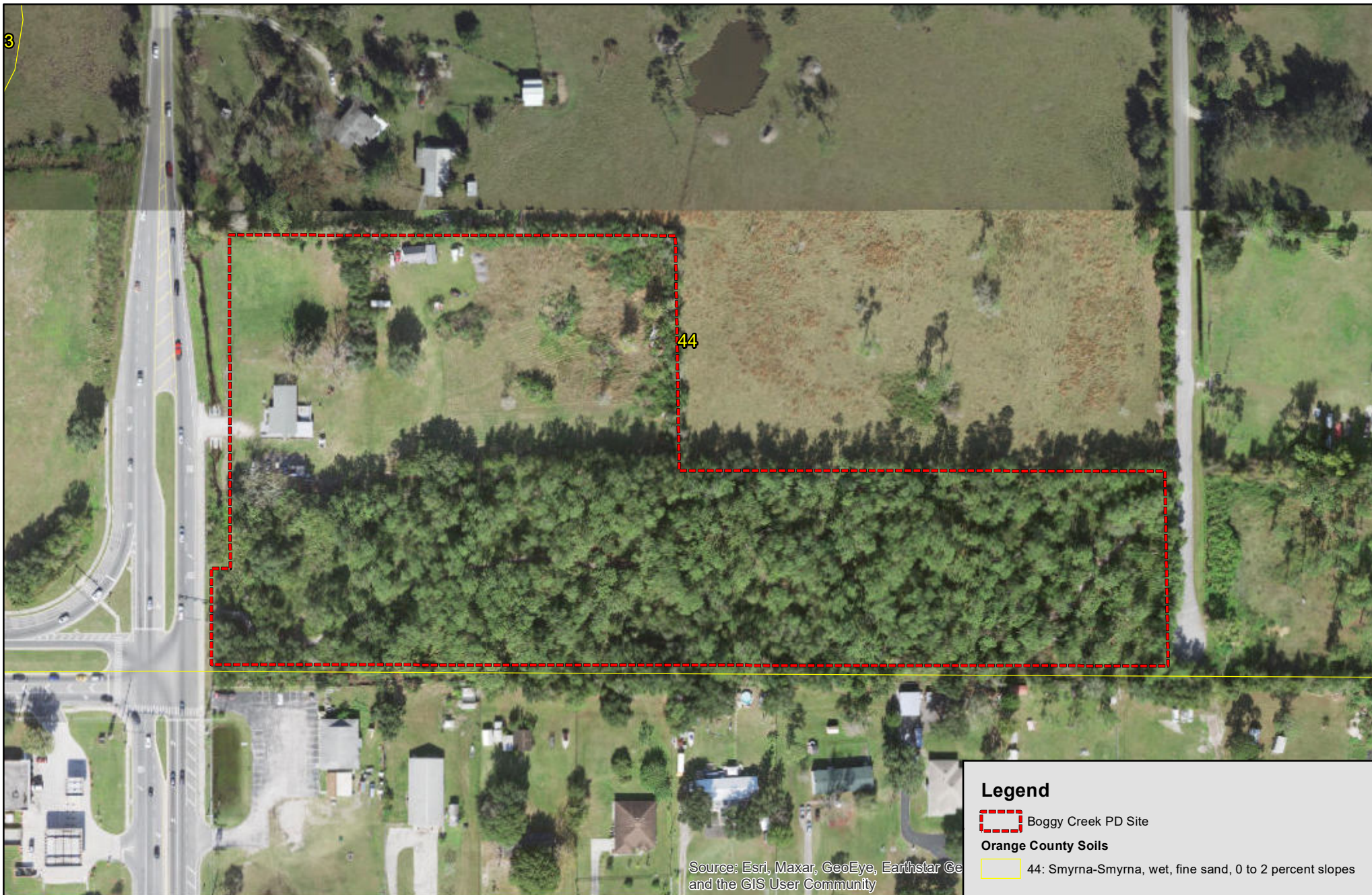


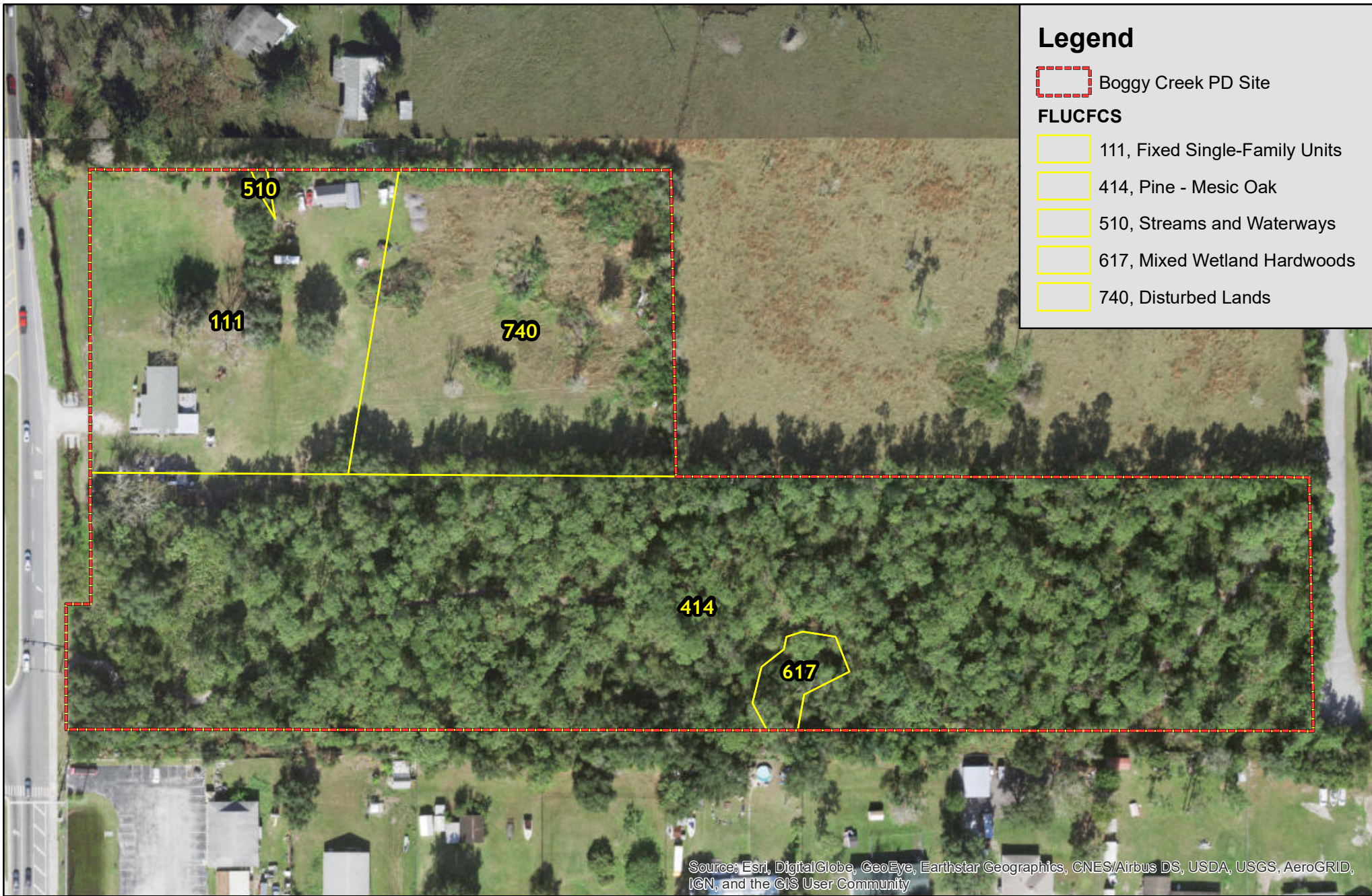
Boggy Creek PD Site
 Orange County, Florida
 Figure 3
 Topographic Map



1,500
 Feet

Project #: 597-26
 Produced By: TBP
 Date: 12/30/2021





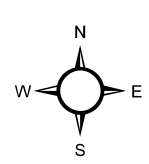
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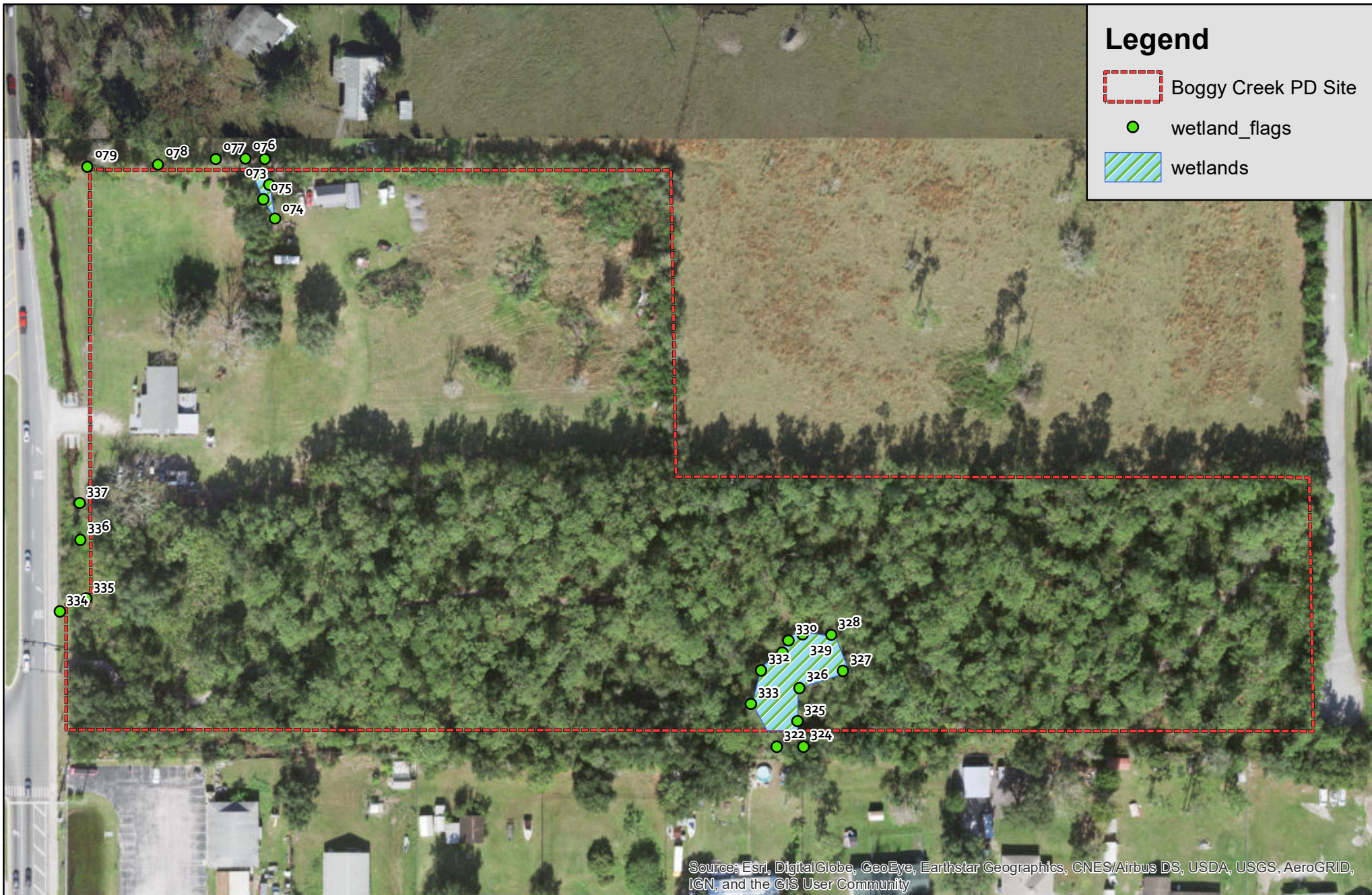
Boggy Creek PD Site

FLUCFCS

- 111, Fixed Single-Family Units
- 414, Pine - Mesic Oak
- 510, Streams and Waterways
- 617, Mixed Wetland Hardwoods
- 740, Disturbed Lands

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

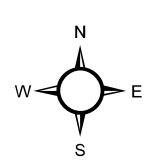




Legend

- Boggy Creek PD Site
- wetland_flags
- wetlands

Boggy Creek PD Site
 Orange County, Florida
 Figure 6
 Wetland Flags Map



150
 Feet
 Project #: 597-26
 Produced By: STC
 Date: 1/20/2022

Table 1:

Potentially Occuring Listed Wildlife and Plant Species in Orange County, Florida

Scientific Name	Common Name	Federal Status	State Status
REPTILES			
<i>Alligator mississippiensis</i>	American alligator	SAT	FT(S/A)
<i>Drymarchon corais couperi</i>	eastern indigo snake	LT	FT
<i>Gopherus polyphemus</i>	gopher tortoise	C	ST
<i>Lampropeltis extenuata</i>	short-tailed snake	N	ST
<i>Pituophis melanoleucus mugitus</i>	Florida pine snake	N	ST
<i>Plestiodon reynoldsi</i>	sand skink	LT	FT
BIRDS			
<i>Antigone canadensis pratensis</i>	Florida sandhill crane	N	ST
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	LT	FT
<i>Athene cunicularia floridana</i>	Florida burrowing owl	N	ST
<i>Polyborus plancus audubonii</i>	Crested Caracara	LT	N
<i>Egretta caerulea</i>	little blue heron	N	ST
<i>Egretta tricolor</i>	tricolored heron	N	ST
<i>Falco sparverius paulus</i>	southeastern American kestrel	N	ST
<i>Mycteria americana</i>	wood stork	LT	FT
<i>Picoides borealis</i>	red-cockaded woodpecker	LE	FE
<i>Platalea ajaja</i>	roseate spoonbill	N	ST
<i>Sterna antillarum</i>	least tern	N	ST
MAMMALS			
N/A			
VASCULAR PLANTS			
<i>Bonamia grandiflora</i>	Florida bonamia	LT	E
<i>Calopogon multiflorus</i>	Many-flowered Grass-pink	N	T
<i>Centrosema arenicola</i>	Sand Butterfly Pea	N	E
<i>Chionanthus pygmaeus</i>	Pygmy Fringe Tree	LE	E
<i>Clitoria fragrans</i>	Scrub Pigeon-Wing	LT	E
<i>Coelorachis tuberculosa</i>	piedmont jointgrass	N	LT
<i>Deeringothamnus pulchellus</i>	beautiful pawpaw	LE	E
<i>Eriogonum longifolium</i> var <i>gnaphalifolium</i>	scrub buckwheat	LT	E
<i>Glandularia tampensis</i>	Tampa Vervain	N	E
<i>Illicium parviflorum</i>	star anise	N	E
<i>Lechea cernua</i>	nodding pinweed	N	T
<i>Lechea divaricata</i>	Pine Pinweed	N	E
<i>Lupinus aridorum</i>	scrub lupine	LE	E
<i>Matelea floridana</i>	Florida spiny-pod	N	E
<i>Monotropa hypopithys</i>	pinemap	N	E
<i>Najas filifolia</i>	Narrowleaf Naiad	N	T
<i>Nemastylis floridana</i>	Celestial Lily	N	E
<i>Nolina atopocarpa</i>	Florida beargrass	N	T
<i>Nolina brittoniana</i>	Britton's beargrass	LE	E
<i>Ophioglossum palmatum</i>	hand fern	N	E
<i>Paronychia chartacea</i> ssp <i>chartacea</i>	paper-like nailwort	LT	E
<i>Pechluma plumula</i>	Plume Polypody	N	E
<i>Pechluma ptilota</i> var. <i>bourgeauana</i>	Comb Polypody	N	E
<i>Platanthera integra</i>	Yellow Fringeless Orchid	N	E
<i>Polygonella myriophylla</i>	Small's jointweed	LE	E
<i>Prunus geniculata</i>	scrub plum	LE	E
<i>Pteroglossaspis ecristata</i>	Giant Orchid	N	T
<i>Stylisma abdita</i>	scrub stylisma	N	E
<i>Warea amplexifolia</i>	clasping warea	LE	E
<i>Zephyranthes simpsonii</i>	redmargin lily	N	T

FEDERAL LEGAL STATUS

LE-Endangered: species in danger of extinction throughout all or a significant portion of its range.

LT-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.

SAT-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.

C-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.

XN-Non-essential experimental population.

N-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

STATE LEGAL STATUS - ANIMALS

FE- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service

FT- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service

FXN- Federal listed as an experimental population in Florida

FT(S/A)- Federal Threatened due to similarity of appearance

ST- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

SSC-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC* for *Pandion haliaetus* (Osprey) indicates that this status applies in Monroe county only.)

N-Not currently listed, nor currently being considered for listing.

*** State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

STATE LEGAL STATUS - PLANTS

E-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

T-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.

N-Not currently listed, nor currently being considered for listing.



Orange County Public Schools

6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

March 28, 2022

VIA E-MAIL: DEREK.RAMSBURG@KIMLEY-HORN.COM

Derek Ramsburg
Kimley-Horn & Associates
189 S. Orange Avenue, Suite 1000
Orlando, FL 32801

Application: OC-22-014 Boggy Creek Multifamily

This letter serves as the official certification by Orange County Public Schools that school capacity for the following development is **NOT AVAILABLE**:

Type of Development Application	<input checked="" type="checkbox"/> FLUM
	<input type="checkbox"/> Rezoning
	<input type="checkbox"/> Amendment or Extension
Development Application #:	TBD
Project Name:	Boggy Creek Multifamily
OCPS Completed Application Date:	March 9, 2022
Parcel #(s):	34-24-30-6368-00-572; 34-24-30-6368-00-680
Requested New Units (#):	SF: 0 MF: 248 TH: 0
Vested Unit(s):	SF: 0 MF: 2 TH: 0
Total Project Units:	250
School Board District:	# 3

In accordance with Section 10 of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency ("Interlocal Agreement"), a detailed Capacity Analysis is provided in **Attachment A**.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

	Wyndham Lakes ES	South Creek MS	Cypress Creek HS
Jurisdictional Analysis	N/A	N/A	Orange County - 97.7% Orlando - 2.3% Belle Isle - 0.1%

Given the above analysis, this project does not meet the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from Orange County

This determination expires on September 20, 2022. OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

This determination is governed by the Interlocal Agreement, the provisions of Orange County's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022391 or e-mail me at christopher.mills@ocps.net with any questions.

Sincerely,



Christopher Mills, AICP
Administrator, Facilities Planning

VJ/cm

Attachments – Attachment A: Detailed Capacity Analysis

CC: Sue Watson, Orange County (via e-mail)
Thomas Moore, OCPS (via e-mail)
Project File

Attachment A



School Capacity Determination

User ID VSJ March 24, 2022 11:36:57

Project ID: CEA – OC – 22 – 014 Valid Until: September 20, 2022

Project Name:		BOGGY CREEK MULTIFAMILY			
Unvested Units	Single Family Units:	0	Vested Units	Single Family Units:	0
	Multi Family Units:	248		Multi Family Units:	2
	Multi Family High Rise Units:	0		Multi Family High Rise Units:	0
	Town Homes Units:	0		Town Homes Units:	0
	Mobile Home Units:	0		Mobile Home Units:	0

	School Level	Elementary	Middle	High	
	CSA:	B			
	School:	WYNDHAM LAKES ES	SOUTH CREEK MS	CYPRESS CREEK HS	
	<i>Analysis of Existing Conditions</i>				
Capacity Enhancement	School Capacity (2021-2022)	828	1,131	2,762	
	Enrollment (2021-2022)	977	1,123	3,285	
	Utilization (2021-2022)	118.0%	99.0%	119.0%	
	LOS Standard	110.0%	100.0%	100.0%	
	Available Seats	0	8	0	
		<i>Analysis of Reserved Capacity</i>			
	School Level	Elementary		Middle	
	Encumbered Capacity	256	84		168
	Reserved Capacity	10	6		42
	Adjusted Utilization	150.1%	107.3%		126.5%
Adjusted Available Seats	0	0		0	
	<i>Analysis of Proposed Development</i>				
Students Generated	34.968	16.120		19.840	
Adjusted Utilization	154.3%	108.7%		127.3%	
AVAILABLE/NOT AVAILABLE	NOT AVAILABLE*		NOT AVAILABLE*		NOT AVAILABLE
Number of Seats to Mitigate	34.968	16.120		19.840	

WYNDHAM LAKES ES	*AVAILABLE – SCHEDULED FOR RELIEF IN 2022.
SOUTH CREEK MS	*AVAILABLE – SCHEDULED FOR RELIEF IN 2024.
CYPRESS CREEK HS	



ORANGE COUNTY FIRE RESCUE DEPARTMENT
Jacob Lujan, Planning and Technical Services Division
 6590 Amory Court
 Winter Park, FL 32792
 (407) 836-9893 Fax (407) 836-9106
 Jacob.Lujan@ocfl.net

Date: May 16, 2022

To: Christopher DeManche, Planner III
 Orange County Planning Division

From: Jacob Lujan, Compliance and Planning Administrator
 Planning & Technical Services—Orange County Fire Rescue Department

Subject: Regular Cycle Future Land Use Map Amendments
 Fire Rescue Comments

Application #	Nearest Fire Station	Distance from Fire Station	Estimated Emergency Travel Time	Current Density	Density with Proposed FLUM Change	Travel Time Benchmark
2022-2-A-1-1 (Liki Tiki Village III)	32	2.7 miles	7 minutes	Urban Low	Urban Low	7 minutes
2022-1-A-1-2 (Village at Avalon)	32	2.7 miles	7 minutes	Urban Low	Urban Low	7 minutes
2022-2-A-1-3 (PRS Investors Group LLP)	32	3.5 miles	9 minutes	Urban Low	Urban Low	7 minutes
2022-1-A-2-1 (UFP FLUM 1)	40	0.5 miles	2 minutes	Urban High	Urban High	5 minutes
2022-2-A-4-1 (Tupperware Heights)	55	3.3 miles	9 minutes	Urban High	Urban High	5 minutes
2022-1-A-4-2 (Boggy Creek Multifamily)	55	5.3 miles	10 minutes	Rural High	Rural High	9 minutes

Three of the sites for proposed FLUM changes are below OCFRD's travel benchmarks. OCFRD has plans for new stations that will provide improved service for two of these locations. Fire Station 32 will be relocated to a new site that is 1.5 miles from the PRS Investors Group site, with an estimated travel time of 3 minutes. When Fire Station 78 is constructed, it will be 3 miles from the Boggy Creek Multifamily site, with an estimated travel time of 6 minutes.

No fire stations are planned that would provide faster response to the Tupperware Heights site. Capital funding has been set aside for Fire Station 32, but no timeline has been established for the project. No capital funding has been dedicated for Fire Station 78 at this time.

c: Anthony Rios, Deputy Fire Chief



Sheriff John W. Mina

ORANGE COUNTY SHERIFF'S OFFICE

INTEROFFICE MEMORANDUM

May 18, 2022

TO: Christopher M. DeManche
Orange County Planning Division

FROM: Daniel Divine, Manager 
Research & Development

SUBJECT: 2022-2 Regular Cycle Comprehensive Policy Plan Amendments (CPPA)

As requested, we have reviewed the impact of the proposed development scenarios related to the 2022-2 Regular Cycle Comprehensive Policy Plan Amendments (CPPA). Based on the proposed development scenarios, the Sheriff's Office staffing needs are 1.84 deputies and 0.84 support personnel to provide the standard level of service (LOS) to these developments.

Comprehensive Policy Plan Amendment #2022-2-A-2-1 has proposed multi-family dwelling units. This development is located in Sheriff's Office Patrol Sector One. Sector One is located in the northwestern portion of Orange County and is approximately 116.191 square miles. In 2021 the Sheriff's Office had 1,197,926 calls for service and 137,742 of these calls were in Sector One. In 2021 the average response times to these calls were 00:16:25 minutes for Code 1 [non emergency service calls]; 00:25:55 minutes Code 2 [non life threatening emergency calls]; and 00:06:16 minutes Code 3 [life-threatening emergency calls].

Comprehensive Policy Plan Amendments #2022-2-A-1-1 known as Liki Tiki Village III, **#2022-2-A-1-2** known as Village at Avalon, and **#2022-2-A-1-3** known as PRS Investors Group LLP are proposed multi family dwelling units. These developments are in Sector Six which is located in the Southern portion of Orange County and is approximately 31.472 square miles. The Cities of Bay Lake and Lake Buena Vista are within this sector. In 2021 Sector Six had 129,234 calls for service. In 2021 the average response times to these calls were 00:12:27 minutes for Code 1; 00:15:16 minutes Code 2; and 00:06:54 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 2018 update to the Law Enforcement Impact Fee Ordinance, the Sheriff's Office Level of Service was 282 calls for service per sworn officer per year. Support personnel are calculated by applying 45.4% to the sworn officer requirement. The 'formula' is *land use x unit of development x calls per unit divided by 282 = number of deputies required for that development*. The 'formula' for the number of support personnel required is *the number of deputies * 45.4 percent*. These calculations are obtained from Orange County's Law Enforcement Impact Fee Study and Ordinance.

Christopher M. DeManche
May 18, 2022
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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 staffing and equipment. If calls for service increase without a comparable increase in staffing our response times are likely to increase.

If you wish to discuss this information, please contact me or Belinda Atkins at 407 254-7470.

DPD/bga

Attachments

cc: Undersheriff Mark J. Canty, Chief Deputy Denise Demps, Chief Deputy Larry G. Zwieg, Major Mariluz Santana, Major Carlos Torres, Captain Terri Piwowarski, CALEA 15.1.3



Interoffice Memorandum

Date: May 25, 2022

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

From: Lindy A. Wolfe, P.E., LEED AP, Manager
Utilities Engineering Division

**Subject: Facilities Analysis and Capacity Report
2022-2 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 Laura Tatro at 407-254-9913.

cc: Andres Salcedo, P.E., Deputy Director, Utilities Department
Laura Tatro, P.E., Chief Engineer, Utilities Engineering Division
Kelly Nowell, P.E., LEED AP, Senior Engineer, Utilities Engineering Division
Gregory Gologowski, Chief Planner, Planning Division
Christopher DeManche, MPA, Planner III, Planning Division
File: 37586; 2022-2 Regular Cycle

Potable Water and Wastewater Facilities Analysis for 2022-2 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
2022-2-A-1-1 (Liki Tiki Village III)	31-24-27-0000-00-006	PW: Toho Water Authority WW: Toho Water Authority RW: Orange County Utilities	PW: Contact Toho Water Authority WW: Contact Toho Water Authority RW: Not Available	Growth Center-Planned Development-Medium Density Residential (GC-PD-MDR)	382	0	0	N/A	N/A	N/A	N/A	N/A	N/A
2022-2-A-1-2* (Village at Avalon)	31-24-27-0000-00-013, -014, -017, -018, -019, -024, -031, -032, -037	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 24-inch watermain within Grove Blossom Way right-of-way WW: 16-inch forcemain within Grove Blossom Way right-of-way RW: 12-inch reclaimed watermain within Grove Blossom Way right-of-way	Growth Center-Planned Development-Commercial/Medium Density Residential (GC-PD-C/MDR)	342	0	87,120	0.102	0.083	0.102	0.083	Yes	Southwest
2022-2-A-1-3* (PRS Investors Group LLP)	31-24-27-0000-00-003	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 24-inch watermain within Grove Blossom Way right-of-way WW: 16-inch forcemain within Grove Blossom Way right-of-way RW: 12-inch reclaimed watermain within Grove Blossom Way right-of-way	Growth Center-Planned Development-Commercial/Medium-High Density Residential (GC-PD-C/MHDR)	0	379	0	0.052	0.042	0.052	0.042	Yes	Southwest
2022-2-A-2-1 (UFP FLUM 1)	32-21-29-0000-00-040	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 12-inch watermain within Rose Avenue right-of-way WW: 4-inch forcemain within Orange Blossom Trail right-of-way and 20-inch forcemain at Edgewater Drive right-of-way RW: Not Available	Industrial (IND)	0	0	430,917	0.040	0.032	0.040	0.032	No	West
2022-2-A-4-1 (Tupperware Heights)	34-24-29-8729-01-000; 34-24-29-8729-02-000; 34-24-29-8729-03-000	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 12-inch watermain within Orange Blossom Trail and 12-inch watermain within Orange Avenue right-of-way WW: TBD RW: Not Available	Planned Development - Medium High Density Residential/ Commercial/Office (PD-MHDR/C/O)	1,354	0	263,480	0.397	0.324	0.397	0.324	No	South
2022-2-A-4-2 (Boggy Creek Multifamily)	34-24-30-6368-00-572; 34-24-30-6368-00-680	PW: Orlando Utilities Commission WW: Orange County Utilities RW: Orange County Utilities	PW: Contact Orlando Utilities Commission WW: TBD RW: Not Available	Planned Development - Medium High Density Residential/Commercial (PD-MHDR/C)	288	0	5,000	0.080	0.065	0.080	0.065	No	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.

* 2022-2-A-1-2 and 2022-2-A-1-3: Water, Wastewater, and Reclaimed Water demands and connection points will be addressed as the project proceeds through the DRC and construction permitting processes.

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