

**ORANGE COUNTY
PLANNING AND ZONING COMMISSION (PZC) / LOCAL PLANNING AGENCY
(LPA)
Meeting of September 20, 2018**

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on September 20, 2018 in the Orange County Commission Chambers, 201 South Rosalind Avenue, Orlando, Florida 32801.

PRESENT:	James Dunn (Chairperson)	District 1
	William Gusler	District 2
	Tina Demostene	District 3
	Pat DiVecchio	District 4
	Gordon Spears	District 5
	JaJa Wade	District 6
	Yog Melwani (Vice Chairman)	At Large
	Jose Cantero	At Large
	Paul Wean	At Large

ABSENT: None

ALSO

PRESENT: Planning Division: Eric Raasch, Chief Planner; Nicolas Thalmueller, Planner; Steven Thorp, Planner; Nate Wicke, Planner; Whitney Evers, Assistant County Attorney; Alberto Vargas, Planning Manager; and Terri-Lyn Pontius, Administrative Assistant.

Chairperson Dunn called the meeting to order. Following the Pledge of Allegiance, the following agenda items were called:

APPROVAL OF MINUTES

A motion was made by Commissioner Cantero approve the August 16, 2018 minutes. The motion was seconded by Commissioner Melwani, and was then approved unanimously with a 9-0 vote.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

No new business was discussed.

CONVENTIONAL REZONING PUBLIC HEARINGS:

1. Audee Sneek, RZ-18-09-044, District 3

Consideration: A request to rezone 0.456 gross acres from C-1 (Retail Commercial District) to C-2 (General Commercial District) for automobile sales.

Location: 907 N. Goldenrod Road, or generally on the east side of N. Goldenrod Road, north of Valencia College Lane, and South of Timber River Circle.

Tract Size: 0.456 gross acres

Speakers: Audee Sneek (Applicant)

Action: Make a finding of inconsistency with the Comprehensive Plan, and recommend **DENIAL** of the requested C-2 (General Commercial District) rezoning.

Motion / Second: Tina Demostene / William Gusler

AYE (voice vote): Tina Demostene, William Gusler, Yog Melwani, Jose Cantero JaJa Wade, Pat DiVecchio, James Dunn and Paul Wean and James Dunn

NAY (voice vote): Gordon Spears

Absent None

2. Paul S. Pabla and Daljit L. Pabla, RZ-18-09-045, District 3

Consideration: A request to rezone 0.26 gross acres from C-1 (Retail Commercial District) **to** C-2 (General Commercial District) for automobile sales.

Location: 4925 S. Orange Blossom Trail, or generally located on the east side of S. Orange Blossom Trail, approximately 1,600 feet south of Holden Avenue.

Tract Size: 0.26 gross acres

Speakers: Applicant was not present

Action: Make a finding of inconsistency with the Comprehensive Plan, and recommend **DENIAL** of the requested C-2 (General Commercial District) rezoning.

Motion / Second: Tina Demostene / Paul Wean

AYE (voice vote): Tina Demostene, Paul Wean, William Gusler, Yog Melwani, Jose Cantero JaJa Wade, Pat DiVecchio, James Dunn and Gordon Spears

NAY (voice vote): None

Absent None

3. Eve Heinoja, RZ-18-09-046, District 3

Consideration: A request to rezone 0.56 gross acres from C-1 (Retail Commercial District) **to** C-2 (General Commercial District) for automobile sales.

Location: 6205-6211 Hansel Avenue and 826 E. Fillmore Avenue or generally located on the east side of Hansel Avenue and the south side of E. Fillmore Avenue.

Tract Size: 0.56 gross acres

Speakers: Ivanka Gogsadze (Applicant)

Action: Make a finding of inconsistency with the Comprehensive Plan, and recommend **DENIAL** of the requested C-2 (General Commercial District) zoning.

Motion / Second: Tina Demostene / Paul Wean

AYE (voice vote): Tina Demostene, Paul Wean, William Gusler, Yog Melwani, Jose Cantero, JaJa Wade, Pat DiVecchio, and James Dunn

NAY (voice vote): Gordon Spears

Absent None

4. Steven Thorp, ARZ-18-09-047, District 6

Consideration: A request to rezone 0.11 gross acres from R-1 (Single-Family Dwelling District) to I-2 / I-3 (Industrial District) for I-2 / I-3 Industrial uses.

Location: Carter Street, or generally located on the north side of Carter Street, west of Ring Road, approximately 1,900 feet south of Old Winter Garden Road.

Tract Size: 0.11 gross acres

Speakers: Steven Thorp (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of the requested I-2/I-3 (Industrial District) rezoning, subject to the following restrictions:

Restrictions:

1. New billboard and pole signs shall be prohibited; and
2. The developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the accommodation of I-2/I-3 uses.

Motion / Second: JaJa Wade / Jose Cantero

AYE (voice vote): JaJa Wade, Jose Cantero, Gordon Spears, Tina Demostene, William Gusler, Yog Melwani, Pat DiVecchio, James Dunn and Paul Wean

NAY (voice vote): None

Absent None

5. Erika Hughes, VHB, Inc., LUP-17-06-213, District 1

Project Name: Monk Property Planned Development (PD)

Consideration: A request to rezone three (3) parcels containing 49.60 gross acres from A-1 (Farmland Rural District) to PD (Planned Development District) for 113 single-family detached dwelling units.

Location: 13000 and 13006 Orange Isle Drive; or generally west of Duncaster Street, south of Little Lake Sawyer, and north of Overstreet Road.

Tract Size: 49.60 gross acres

Speakers: Erika Hughes (Applicant)
Jon Johnson (Opposed)
Antonio Martinez (Opposed)
Tony Parish (Opposed)
Jeremy Blockson (Opposed)
Paul Marcoccia (Opposed)

Action: Make a finding of inconsistency with the Comprehensive Plan, and recommend **DENIAL** of the Monk Property Planned Development Planned Development (PD/LUP), dated "Received May 2, 2018".

Motion / Second: Paul Wean / Gordon Spears

AYE (voice vote): Paul Wean, Gordon Spears, Tina Demostene, William Gusler, Yog Melwani, JaJa Wade, Pat DiVecchio, and James Dunn

NAY (voice vote): Jose Cantero

Absent None

6. Kathy Hattaway,LUPA-17-10-302, District 1

Project Name: Spring Grove - Jaffers Planned Development (PD)

Consideration: A request to aggregate and rezone 4.99 gross acres from A-1 (Citrus Rural District) **to** PD (Planned Development District) to add 44 single-family detached dwelling units.

Location: 17600 and 17776 Flemings Road; or generally located south of Flemings Road, west of Avalon Road, and east of the Lake County Line.

Tract Size: 4.99 gross acres

Speakers: Kathy Hattaway (Applicant)
Beatrice Bert Watson (Neutral)

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of the Spring Grove - Jaffers Planned Development / Land Use Plan (PD/LUP), dated "Received July 6, 2018", subject to the following conditions:

1. Development shall conform to the Spring Grove - Jaffers Land Use Plan (LUP) dated "Received July 6, 2018," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 6, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all

encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
7. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of April 26, 2016, and as amended on MM/DD/YYYY.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 5 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

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

- 8. The project shall comply with the terms and conditions of that certain Village I Spring Grove PD ROW APF agreement recorded at Document Number 20160390723, Public Records of Orange County, Florida, as may be amended.
- 9. A waiver from Orange County Code Section 38-1382(h)(4) is granted to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.
- 10. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.
- 11. A waiver from Orange County Code Section 38-1384(g)(2) is granted to allow the reference to pertain to an alley tract in lieu of an easement.
- 12. A waiver from Orange County Code Section 38-1384(g)(1) is granted to allow garage access to be setback from an alley tract in lieu of an easement.
- 13. A waiver from Orange County Code Section 34-152(c) is granted to allow lots to front a mews, park, open space, etc. in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street.
- 14. Short term/transient rental is prohibited. Length of stay shall be for 180 days or greater.

15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 19, 2016, shall apply:

- a. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
- b. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- c. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- d. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
- e. Prior to approval of the first PSP in Village I, the developer shall submit a Village-wide MUP including water, wastewater and reclaimed water transmission main layouts, sizing, and supporting hydraulic calculations.
- f. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
- g. Prior to construction plan approval, all property owners within the Village I, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.

- h. A two-acre APF tract for a water facility within Village I near Village I's southern boundary shall be identified prior to the approval of the first PSP within Village I and dedicated to the County prior to approval of the first construction plan set within Village I. The tract shall have a minimum width of 150 feet, have an elevation above the 100 year flood plain, be located outside of wetlands and no more than 1,000 feet from Avalon Road with a 30-foot minimum utility access easement or tract connection to public right-of-way.
- i. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- j. The lot grading plan for 32-foot wide single-family detached lots (and similar narrow lots) shall include design features to ensure positive drainage from the side yard to the front roadway or rear alley. These design features may include: (a) A/C units on same side of homes so that A/C units are not located adjacent to each other; (b) A/C units on same side placed at the high elevation point of side yard so that drainage flows away from the A/C units to the front roadway and rear alley; (c) A/C units located behind the home when the garage is detached from the home with courtyard; and/or (d) other lot grading plan features approved by the County Engineer.
- k. This project is subject to, and shall comply with, the terms of an Adequate Public Facilities (APF) Agreement addressing the dedication of right-of-way needed for Fleming Road improvements and an APF deficit.
- l. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Motion / Second: Pat DiVecchio / William Gusler

AYE (voice vote): Pat DiVecchio, William Gusler, Tina Demostene, Yog Melwani, JaJa Wade, James Dunn, Gordon Spears and Paul Wean

NAY (voice vote): None

Absent None

(Jose Cantero declared a potential conflict of interest and recused himself from the vote.)

2018-2 Comprehensive Plan TRANSMITTAL– Regular Cycle Out-of-Cycle Amendment Regular Cycle Privately Initiated Comprehensive Plan Amendment

Amendment 2018-2-C-2-1

Applicant: Orange County Public Schools, Julie Salvo

Request: Rural / Agricultural (R) to Education (EDU)

Location: 5207 Sadler Road, generally located north of Sadler Road, east of North Orange Blossom Trail, south of west Kelly Park Road, and west of Round Lake Road

Tract Size: 89.5 acres

Speakers: Julie Salvo, (Applicant)
Thomas Mack (In Favor)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance and recommend **TRANSMITTAL** of Amendment 2018-2-C-2-1.

Motion/ Second: Gordon Spears / William Gusler

AYE (voice vote): Gordon Spears, William Gusler, James Dunn, Paul Wean, Jose Cantero, Tina Demostene, JaJa Wade, Pat DiVecchio, and Yog Melwani

NAY (voice vote): None

Absent: None

Public Hearing: Chapter 38, Ordinance

Purpose: Ordinance affecting the use of land in Orange County regarding the package sale of alcoholic beverages; amending Section 38-1414 of Orange County Code relating to prohibited areas for the package sale of alcohol beverages.

Speakers: Alberto Vargas, Planning Manager
Elena Josiloi (In Favor)
Serpey Prserlin (In Favor)
Art Seyuru (In Favor)
Chuck Whittall (In Favor)
Valina Catelia (In Favor)
Kurt Ardaman (In Favor)
Alex Nikitin (In Favor) (*letter read into the record*)

Action: Make a finding of consistency with Comprehensive Plan, and **APPROVE** Chapter 38 Ordinance, Package Sale of Alcohol Beverages.

Motion/ Second: Paul Wean / William Gusler

AYE (voice vote): Paul Wean, William Gusler, Jose Cantero, and James Dunn

NAY (voice vote): Tina Demostene, Yog Melwani, and Gordon Spears

Absent: Pat DiVecchio and JaJa Wade

MEETING ADJOURNED

With no further business, Commissioner Gusler made a motion to adjourn. The motion was seconded by Commissioner Cantero and passed with a 7-0 vote. The meeting adjourned at approximately 1:03 p.m.

James Dunn, Chairperson

Terri-Lyn Pontius, Recording Secretary