

**ORANGE COUNTY  
PLANNING AND ZONING COMMISSION (PZC) / LOCAL PLANNING AGENCY  
(LPA)  
Meeting of November 15, 2018**

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on November 15, 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
	Yog Melwani (Vice Chairman)	At Large
	Jose Cantero	At Large
	Paul Wean	At Large

ABSENT:	JaJa Wade	District 6
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ALSO

PRESENT: Planning Division: Eric Raasch, Chief Planner; Nicolas Thalmueller, 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 Wean to continue the October 18, 2018 minutes to the December 20, 2018 PZC Hearing at 9:00 a.m. The motion was seconded by Commissioner Cantero, and was then approved unanimously with a 8-0 vote with Commissioner Wade being absent.

- planting and be capable of attaining full height and opacity within three (3) years;
3. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any non-residential uses on the property;
  4. Any development, redevelopment, or improvement to the site shall comply with the Buena Vista North District Standards.

Motion / Second: Paul Wean / Yog Melwani

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

NAY (voice vote): None

Absent JaJa Wade

## **2. Ivan Matos, RZ-18-11-051, District 4**

Consideration: A request to rezone 1.63 gross acres from I-1/I-5 (Industrial District) to I-4 (Industrial District) for a salvage yard.

Location: Generally located on the east side of Wetherbee Road, north of Jetstream Drive, and south of Palmbay Drive.

Tract Size: 1.63 gross acres

Speakers: Ivan Matos (Applicant)

Action: Make a finding of inconsistency with the Comprehensive Plan, and recommend **DENIAL** of the requested I-4 (Industrial District) rezoning.

Motion / Second: Pat DiVecchio / William Gusler

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

Location: 8908 Curry Ford Road, or generally on the south side of Curry Ford Road, north of Cimarron Drive, west of S. Econlockhatchee Trail, and east of S. Chickasaw Trail.

Speakers: Bobby Wanas (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested R-1 (Single-Family Dwelling District) zoning.

Motion/ Second: Pat DiVecchio / William Gusler

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

NAY (voice vote): None

Absent: JaJa Wade

**5. Julie Salvo, Orange County Public Schools, LUPA-18-09-287, District 5**

Project Name: Timber Creek Relief High School Planned Development (PD)

Applicant: Julie C. Salvo, Orange County Public Schools

Consideration: To rezone one (1) parcel containing 15.69 gross acres from A-2 (Farmland Rural District) **to** PD (Planned Development District), incorporate the property into the Timber Creek Relief High School PD, and allow for athletic practice fields on the subject property.

Location: Generally located south of E Colonial Drive, west of Story Partin Road, and north of Hamilton Drive.

Tract Size: 87.71 gross acres (existing PD)  
15.69 gross acres (parcel to be aggregated)  
103.40 gross acres (overall aggregated PD)

Speakers: Julie Salvo (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan,

"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

12. All existing structures on Parcel 20-22-32-0000-00-003 shall be removed.
13. The school site shall comply with Orange County School Siting Ordinance.
14. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County code. An Electronic Message Center for the school site shall comply with Orange County Code Section 38-1755(o).
15. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 23, 2007 shall apply:
  - a. The developer shall obtain water and wastewater service from Orange County Utilities.
  - b. Access to Story Partin Road is prohibited other than that provided for emergency access.

Motion/ Second: Gordon Spears / Jose Cantero

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

NAY (voice vote): None

Absent: JaJa Wade

**6. Tom Daly, Daly Design, LUP-18-02-056, District 4**

Project Name: Tyson Ranch Planned Development (PD)

Applicant: Tom Daly, Daly Design Group

6. A waiver from Section 38-1258(c) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of parcel 3 adjacent to internal PD Parcel 4, in lieu of Multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (40 feet) in height, except as provided in (d) below.
7. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development on parcel 3 to be located ten (10) feet from the east property line adjacent to single-family zoned property line. A (10)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of parking and other paved areas for multi-family development shall be located at least twenty-five (25) feet from any single-family zoned property. A twenty-five (25)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code.
8. A waiver from Section 38-1258(f) to allow a 6' high aluminum fence on the east and west property line of Parcel 3, in lieu of a six-foot high masonry, brick, or block wall shall be constructed whenever a multi-family development is located adjacent to single-family zoned property.
9. A waiver from Section 38-1254(1) to allow a 3 story (45' height) multi-family building to be located 85' on the east side of Parcel 3, 65' from the west side of Parcel 3 abutting the Ward PD Parcel 14, and 105' from internal Parcel 4, in lieu of structures in excess of two (2) stories should increase this setback to reflect the additional structural height.
10. A waiver from Section 38-1272(5) to allow a 6 story (75' height) hotel within Parcel 1 north of Pond 10, in lieu of a maximum commercial building height of 50' and 35' within 100' of any residential property.

conflict or inconsistency between a condition of approval and the land use plan dated "Received October 12, 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

7. The project shall dedicate the necessary right-of-way, retention pond and easements for Boggy Creek Road prior to or concurrently with the first PSP or DP approval for this project.
8. 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 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 0 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.



18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
19. A current Phase I 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 PSP and /or DP approval for any streets or tracts anticipated to be dedicated to the County or to the perpetual use of the public.
20. If the proposed North-South roadway currently shown as a private road on the Boggy Creek Crossings PD/LUP dated "received January 11, 2016," moves forward as a private road then all internal roadways of this development must also be private with a gated entry to the residential portion of this development subject to approval by the Board of County Commissioners.
21. The following waivers from Orange County Code are granted:
  - a. A waiver from Section 38-79(20)(j) to allow 40' rear to rear townhome building separations within Parcel 4, in lieu of a 60' rear to rear separation for townhome buildings.
  - b. A waiver from Section 38-79(20)(f) to allow a maximum 50% of buildings to be (4) four units within Parcel 4 in lieu of a maximum 25% of building to be (4) four units.
  - c. A waiver from Section 38-1258(d) to allow 3-story (45' height) multi-family buildings within parcel 3, in lieu of 3-story and 40' in height.
  - d. A waiver from Section 38-1258(a) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, in lieu of Multi-family buildings located within one hundred (100) feet of single-family zoned property, as measured from the property

- h. A waiver from Section 38-1258(f) to allow a 6' high aluminum fence on the east and west property line of Parcel 3, in lieu of a six-foot high masonry, brick, or block wall shall be constructed whenever a multi-family development is located adjacent to single-family zoned property.
- i. A waiver from Section 38-1254(1) to allow a 3 story (45' height) multi-family building to be located 85' on the east side of Parcel 3, 65' from the west side of Parcel 3 abutting the Ward PD Parcel 14, and 105' from internal Parcel 4, in lieu of structures in excess of two (2) stories should increase this setback to reflect the additional structural height.
- j. A waiver from Section 38-1272(5) to allow a 6 story (75' height) hotel within Parcel 1 north of Pond 10, in lieu of a maximum commercial building height of 50' and 35' within 100' of any residential property.
- k. A waiver from Section 38-1603 to allow a 60' non-residential building setback from the center line of Boggy Creek Rd (minor arterial urban) and 40' from the property line whichever is greater, in lieu of a 120' non-residential building setback from the center line of Boggy Creek Rd (minor arterial rural).
- l. A waiver from Section 24-5(3) to allow a 10' landscape buffer on the north and west side of Parcel 2, in lieu of a 15' Type "C" landscape buffer.

Motion/ Action: Pat DiVecchio / Jose Cantero

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

NAY (voice vote): None

Absent: JaJa Wade