

**ORANGE COUNTY
PLANNING AND ZONING COMMISSION (PZC) / LOCAL PLANNING AGENCY
(LPA)
Meeting of February 21, 2019**

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on February 21, 2019, 2018 in the Orange County Commission Chambers, 201 South Rosalind Avenue, Orlando, Florida 32801.

PRESENT:	James Dunn	District 1
	Diane Velazquez	District 2
	Eddie Fernandez	District 3
	Carlos Nazario	District 4
	Gordon Spears (Vice – Chairperson)	District 5
	JaJa Wade	District 6
	Yog Melwani (Chairperson)	At Large
	Jose Cantero	At Large
	Mohammed Abdallah	At Large

ABSENT: None

ALSO

PRESENT: Planning Division: Eric Raasch, Chief Planner; Nicolas Thalmueller, Planner; Nate Wicke, Planner; Erin Hartigan, Assistant County Attorney; Olan Hill, Assistant Planning Manager, Greg Gologowski, Chief Planner; and Terri-Lyn Pontius, Administrative Assistant.

Chairperson Melwani 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 Dunn to approve the January 17, 2019 minutes. The motion was seconded by Commissioner Spears 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. Daniel Nazario RZ-19-01-063- District 4

Applicant: Daniel Nazario & Yaritza Matias

Consideration: A request to rezone 0.71 gross acres from A-2 (Farmland Rural District) **to** R-T-2 (Combination Mobile Home and Single Family Dwelling District) to allow for a mobile home.

Location: 15540 Larkspur Street, or generally on the south side of Larkspur Street, approximately 358 feet east of Sunflower Trail and 824 feet west of Mercury Avenue.

Tract Size: 0.71 gross acres

Speakers: Daniel Nazario (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested R-T-2 (Combination Mobile Home and Single Family Dwelling District) zoning.

Motion /Second: Carlos Nazario / Jose Cantero

AYE (voice vote): Carlos Nazario, Jose Cantero, Eddie Fernandez, Diane Velazquez, Gordon Spears, Jimmy Dunn, JaJa Wade, Mohammed Abdallah and Yog Melwani

NAY (voice vote): None

Absent: None

2. Christopher Michael Martin RZ-19-02-066 District 2

Consideration: A request to rezone 1.12 gross acres from C-1 (Retail Commercial District) to C-2 (General Commercial District) for a lawnmower sale and repair business with outdoor storage and display of merchandise.

Location: 2975 W. Orange Blossom Trail, or generally located north of Orange Blossom Trail, east of T.L. Smith Road, and approximately 325 feet northwest of Plymouth Sorrento Road

Tract Size: 1.12 gross acres

Speakers: Christopher Michael Martin (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of the requested C-2 (General Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 2) 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 C-2 uses; and
- 3) The property shall be limited to C-1 uses and the C-2 uses of "Landscaping and irrigation business, lawn care, tree service" and "Lawnmower sales and repair" with associated, ancillary outdoor storage and display. All outdoor storage must be properly screened and buffered per Orange County Code prior to the accommodation and operation of the aforementioned C-2 uses. All other C-2 uses shall be prohibited

Motion / Second: Diane Velazquez / Jose Cantero

AYE (voice vote): Diane Velazquez, Jose Cantero, JaJa Wade, Carlos Nazario, Mohammed Abdallah, Jimmy Dunn, Gordon Spears, Eddie Fernandez, and Yog Melwani

NAY (voice vote): None

Absent None

PLANNED DEVELOPMENT REZONING PUBLIC HEARINGS

3. Kathy Hattaway, LUP-18-04-115, Horizon West Village H Parcels 12A & 12B PD, District 1

Project Name: Horizon West Village H Parcels 12A & 12B Planned Development (PD)

Consideration: A request to rezone 34.60 gross acres from A-1 (Citrus Rural District) **to** PD (Planned Development District) for eighty-nine (89) single-family dwelling units and 340 multi-family dwelling units .

Location: 10553 Avalon Road; or generally located south of Flamingo Crossings Boulevard and east of Avalon Road

Tract Size: 34.60 gross acres
24.42 net developable acres

Speakers: Kathy Hattaway (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of the requested Horizon West Village H Parcels 12A & 12B LUP/PD (Planned Development District) zoning subject to the following restrictions:

1. Development shall conform to the Horizon West Village H Parcels 12A & 12B Land Use Plan (LUP) dated "Received December 21, 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 December 21, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The project shall comply with the terms and conditions of that certain Village H Road Network Agreement recorded at Official Records Book/Page 10525/6172, Public Records of Orange County, Florida, as may be amended.
7. The project contains 429 unvested units that are subject to the County's school capacity policy (a/k/a the "Martinez Doctrine".) The developer has acquired from D.R. Horton school capacity

credits established under the Capacity Enhancement Agreement by and between D.R. Horton and the School Board dated August 18, 2006 (CEA #05-030). The Developer shall comply with all provisions of CEA #05-030.

Upon the County's receipt of written notice from OCPS that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any unvested units. 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 cessation of the County's issuance of residential building permits resulting from such notification from OCPS. 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. 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 OCPS 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. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip

allocations by parcel identification number and phase of the development.

9. 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.
10. Prior to construction plan approval, all property owners within Village H, 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.
11. Construction plans within this PD shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the PD and the Village. The MUP and amendments to the approved PD-level and Village MUPs shall be submitted to Orange County Utilities at least thirty (30) days prior to construction plan submittal and must be approved prior to construction plan approval.
12. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to rate resolutions and ordinances.
13. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and 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 Village F & H Master Utility Plan (MUP).
14. Construction plans for residential and commercial development within this PD, submitted after January 31, 2020, shall not be approved until the APF Utility tract(s) (water and

wastewater) and 50-foot access & utility easement are conveyed to Orange County Utilities.

15. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
16. 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.
17. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater within any 12-month period.
18. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
19. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
20. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1382(h)(4) to allow alleys to be designed as a tract, in lieu of the requirement that they shall be designed as a private easement.

- b. A waiver from Section 38-1384(g)(1) to allow garage access to be setback from an alley tract, in lieu of an easement.
- c. A waiver from Section 38-1384(i)(2) to allow vehicular access to garages or other off-street parking to be from a rear alley tract, in lieu of an easement.
- d. A waiver from Section 38-1258(a), for Parcel 12A, to allow multi-family residential buildings located within ten (10) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story height.
- e. A waiver from Section 38-1258(c), for Parcel 12A, to allow multi-family buildings located within ten (10) feet of a single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.

Motion / Second: Jimmy Dunn / Jose Cantero

AYE (voice vote): Jimmy Dunn, Jose Cantero, Yog Melwani, Diane Velazquez, Gordon Spears, Mohammed Abdallah, Eddie Fernandez, Carlos Nazario and JaJa Wade

NAY (voice vote): None

Absent None

2019-1 TRANSMITTAL REGULAR CYCLE AMENDMENTS

Text Amendment 2019-1-B-FLUE-2

Consideration: Text amendments to amend Future Land Use Element Policy FLU4.1.4, and FLU4.3.1 to reduce the required minimum density and clarify the timing of road

agreements for Horizon West Village I Special Planning Area.

District: 1

Action: Make a finding of consistency with the Comprehensive Plan; determine that Amendment 2019-1-B-FLUE-2 is in compliance, and recommend **TRANSMITTAL** of 2019-1-B-FLUE-2.

Motion/ Second: JaJa Wade / Eddie Fernandez

AYE (voice vote): JaJa Wade, Eddie Fernandez, Diane Velazquez, Yog Melwani, Carlos Nazario, and Gordon Spears

NAY (voice vote): None

Absent: None

(Jimmy Dunn, Mohammed Abdallah and Jose Cantero declared conflicts of interest and recused themselves from the vote.)

Public Hearing:

Ordinance Orange County Code, Chapter 38, I Drive Overlay Zone, Open Air Markets

Purpose: Propose ordinance affecting the use of land in Orange County by amending Orange County Code provisions related to the I-Drive District Overlay Zone, Amending Divisions 4.5 of Article VII of Chapter 38 to permit and regulate Open-air markets, repeal a prohibition on outdoor sales or display , and add definitions related to open air markets; and providing for an effective date.

Speakers: Olan Hill, Assistant Planning Manager
Micah Bass (In Favor)

Action: Make a finding of consistency with the Comprehensive Plan, allow staff to correct any non-substantial grammatical or scrivener's errors and recommend **APPROVAL** of the proposed ordinance including modification of Section 38-

864 a(c) affecting the use of land in Orange County, Florida by amending Orange County Code provisions related to the I-Drive District Overlay Zone; permit and regulate open air markets, repeal a prohibition of outdoor sales or display, and add definitions related to open air markets; and providing for an effective date.

Motion / Second: JaJa Wade / Carlos Nazario

AYE (Voice vote): JaJa Wade, Carlos Nazario, Mohammed Abdallah, Eddie Fernandez, Jose Cantero, Diane Velazquez, Gordon Spears, Jimmy Dunn, and Yog Melwani

NAY(voice vote): None

Absent: None

Work Session:
Avalon Road Roadway Conceptual Analysis Study

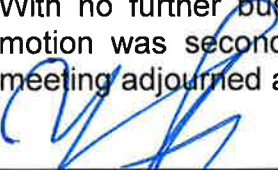
Purpose: A work session on the Avalon Road conceptual Analysis Study.

Speaker: Blanche Hardy, Assistant Project Manager, Transportation Planning

Action: As a work session, no action was required.

MEETING ADJOURNED

With no further business, Commissioner Cantero made a motion to adjourn. The motion was seconded by Commissioner Dunn and passed with a 9-0 vote. The meeting adjourned at approximately 11:02 a.m.


MARCH 21, 2019 CITIZEN PERSON
Yog Melwani, Chairperson


Terri-Lyn Pontius, Recording Secretary