

**ORANGE COUNTY
PLANNING AND ZONING COMMISSION (PZC) / LOCAL PLANNING AGENCY
(LPA)
Meeting of May 16, 2019**

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on May 16, 2019, 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: Orange County Staff: Eric Raasch, Chief Planner; Steven Thorp, Planner; Nicolas Thalmueller, Planner; Nate Wicke, Planner; Whitney Evers, Assistant County Attorney; 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 Cantero to approve the April 18, 2019 minutes. The motion was seconded by Commissioner Dunn and was then approved unanimously on a 9-0 vote.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

No new business was discussed.

CONVENTIONAL REZONING PUBLIC HEARINGS:

1. Ossama Salala RZ-19-04-003 District 5

Applicant: Ossama Samala, Sam's Towing, Inc.

Consideration: A request to rezone 2.04 gross acres from C-2 (General Commercial District) to C-3 (Wholesale Commercial District) to allow for automobile towing and a junk yard.

Location: 6139 E Colonial Drive, generally located northwest of E. Colonial Drive, north of Old Cheney Highway, west of Commerce Boulevard, east of June Street, and south of Cornelia Avenue.

Tract Size: 2.04 gross acre

Action: *Continued to the July 18, 2019 PZC Hearing.*

Motion /Second: Gordon Spears / Carlos Nazario

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

NAY (voice vote): None

Absent: None

2. Solange Dao, P.E. RZ-19-04-004, District 1

Consideration: A request to rezone 1.24 gross acres from C-1 (Retail Commercial District) (Restricted) **to** C-1 (Retail Commercial District) (Restricted) for retail commercial and short-term rental.

Location: 6770 Turkey Lake Road, or generally located on the west side of Turkey Lake Road, approximately 120 feet north of Wallace Road.

Tract Size: 1.24 gross acres

Speakers: Solange Dao (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of the requested C-1 (Retail Commercial District) (Restricted) zoning, subject to the following restrictions:

- 1) Safe and adequate access to the subject property via Turkey Lake Road shall be provided in accordance with the City of Orlando's requirements; and
- 2) Billboards and pole signs shall be prohibited; and
- 3) Uses on the property shall be restricted to a maximum intensity of 0.75 FAR; and
- 4) Prohibited uses shall include labor pools and labor halls; car-title loan establishments; check cashing/ payday loan businesses; tattoo, body art, or body piercing, pawnshops, bail bond agencies, flea markets, fortune tellers, tarot card reads, palm readers, psychics, and similar businesses; and bottle clubs, gas stations and drive thru establishments; and
- 5) Hours of operation shall be from 6:00 a.m. to midnight (not including hotel and short-term rental uses); and
- ~~6) No individual tenant to exceed 3,000 square feet; and~~
- 7) 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-1 uses.

Motion / Second: Jimmy Dunn / Jose Cantero

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

NAY (voice vote): None

Absent None

3. Tomas M. Valle, RZ-19-05-007 District 3

Consideration: A request to rezone 4.83 gross acres from A-2 (Farmland Rural District) to I-1 /I-5 (Industrial District) for the use of truck parking.

Location: 6050 Hoffner Avenue; generally located south of Hoffner Avenue, east of S. Semoran Blvd, west of Patch Road, and north of Seminole Avenue

Tract Size: 4.83 gross acres

Speakers: Dora Martinez (Applicant)
Janet Martin (Opposed)
Jean Alewine (Opposed)
Patricia Szuhay (Opposed)
Mary Bealman (Opposed)

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of the requested I-1/I-5 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) A type "B" buffer shall be used to separate industrial (I-1/I5) uses from all residential uses. The buffer shall be a minimum of twenty-five (25) feet wide, and must consist of a completely opaque feature such as a masonry wall, berm, planted and/or existing vegetation or any combination thereof. At a minimum, plantings must be four (4) feet high

and seventy (70) percent opaque at planting and capable of attaining full height and opacity within three (3) years; and

- 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.

Motion / Second: Eddie Fernandez / Jose Cantero

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

NAY (voice vote): None

Absent None

4. Rebecca Wilson, RZ-19-05-008, District 3

Consideration: A request to rezone 0.34 gross acres from R-1A (Single-Family Dwelling District) **to** R-1 (Single-Family Dwelling District) in order to have off-site commercial parking lot (Subject to approval of a Special Exception)

Location: 2500 Curry Ford Road, or generally located on the southeast corner of the Curry Ford Road and Jessamine Avenue intersection.

Tract Size: 0.78 gross acres (overall property)
0.34 gross acres (affected area)

Speakers: Miranda Fitzgerald (Applicant)

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

Motion / Second: Eddie Fernandez / Jimmy Dunn

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

NAY (voice vote): None

Absent: None

5. John Morell, RZ-19-05-010, District 2

Consideration: A request to rezone 3.05 gross acre from C-1 (Retail Commercial District) to C-3 (Wholesale Commercial District) in order to have commercial vehicle and heavy equipment sales with outdoor storage and display.

Location: 2600 S. Orange Blossom Trail, or generally located south of the intersection of S. Orange Blossom Trail and Floral Avenue.

Tract Size: 3.05 gross acres

Speakers: John Morell (Applicant)

Motion: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested C-3 (General Commercial District) zoning, subject to the following restrictions:

- 1) Billboards and pole signs shall be prohibited; and
- 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-3 uses.

Motion / Second: Diane Velazquez / Jose Cantero

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

NAY (voice vote): None

Absent: None

6. Robert Reese, LUP-18-12-417, District 1

Project Name: The Registry at Grass Lake Planned Development (PD)

Consideration: A request to rezone one (1) parcel containing 18.33 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 360 multi-family residential dwelling units.

Location: 14544 Avalon Road, or generally located on the west side of Avalon Road, approximately 1,800 feet north of W. Irlo Bronson Memorial Highway

Tract Size: 18.33 gross acres

Speakers: Robert Reese (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of The Registry at Grass Lake Planned Development / Land Use Plan (PD/LUP) dated "Received April 25, 2019", subject to the following conditions:

1. Development shall conform to The Registry on Grass Lake Land Use Plan (LUP) dated "Received April 25, 2019," 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 April 25, 2019," the condition of approval shall control to the extent of such conflict or inconsistency.

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

property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement (CEA #OC-18-040) entered into with the Orange County School Board as of April 23, 2019.
 - 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 zero (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.

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

- 7. The Project shall comply with terms and conditions of that certain Transportation Impact Fee Agreement to be approved by the BCC with this Land Use Plan.
- 8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

9. 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).
10. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.
11. 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.
12. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater within any 12 month period.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code within any 12-month period.
14. 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.
15. The following waivers from Orange County Code are granted:

- a. A waiver from Section 38-1258(a) to allow two (2) story multi-family buildings no less than twenty-five (25) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to a single story in height;
- b. A waiver from Section 38-1258(b) to allow 100% of multi-family buildings to be five (5) stories, 70 feet in height, no less than eighty (80) feet from single-family zoned property, in lieu of a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining bulidings being one (1) story or two (2) stories in height located between 100 and 150 feet from single-family zoned property;
- c. A waiver from Section 38-1258(c) to allow multi-family buildings to be five (5) stories, seventy (70) feet in height no less than eighty (80) feet from single-family zoned properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories, forty (40) feet in height; and
- d. A waiver from Section 38-1258(d) to allow two (2) story multi-family buildings no less than twenty-five (25) feet from single-family zoned properties and multi-family buildings five (5) stories, seventy (70) feet in height no less than eighty (80) feet from single-family zoned properties, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to a single story in height and multi-family buildings located within one hundred and fifty (150) feet of single-family zoned proerty not exceeding three (3) stories (forty (40) feet) in height.

Motion / Second: Jimmy Dunn / Jose Cantero

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

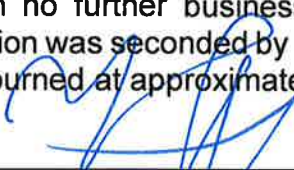
NAY (voice vote) None

Absent:

None

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 10:45 a.m.



Yog Melwani, Chairperson



Terri-Lyn Pontius, Recording Secretary

