

**ORANGE COUNTY  
PLANNING AND ZONING COMMISSION (PZC) / LOCAL PLANNING AGENCY  
(LPA)  
Meeting of July 15, 2019**

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on July 15, 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, Planning Administrator; Steven Thorp, Planner; Nicolas Thalmueller, Planner; Nate Wicke, Planner; Erin Hartigan, Assistant County Attorney; Whitney Evers, Assistant County Attorney; 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 Abdallah to approve the June 20, 2019 minutes. The motion was seconded by Commissioner Cantero and was then approved unanimously on an 9-0 vote.

## **OLD BUSINESS**

No old business was discussed.

## **NEW BUSINESS**

No new business was discussed.

## **CONVENTIONAL REZONING PUBLIC HEARINGS:**

### **1. Victor Norberg, RZ-19-07-025, District 3**

Applicant: Victor Norberg, 560 Hansel Avenue

Consideration: A request to rezone 0.43 gross acres from C-1 (Retail Commercial District) to C-2 (General Commercial District) to allow for outdoor storage and display ancillary to a Professional Office Use.

Location: 5605 Hansel Avenue, or generally located on the east side of Hansel Avenue, five hundred feet north of Hoffner Avenue.

Tract Size: 0.54-gross acre

Speakers: Victor Norberg (Applicant)  
Gary Ashland (Opposed)  
John Dowless (Opposed)  
Amanda Connelly (Opposed)  
Sam Sebaali (Opposed)

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

Motion /Second: Eddie Fernandez / Jimmy Dunn

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

NAY (voice vote): None

Absent: None

**2. Ossama Salama, RZ-19-04-003, District 5**

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

Speakers: Stewart Buchanan (Applicant)  
Bill Wilton (Opposed)

1<sup>st</sup> Action: Make a finding of inconsistency with the Comprehensive Plan, and recommend **DENIAL** of the requested C-3 (Wholesale Commercial District) zoning.

Motion / Second: Gordon Spears / JaJa Wade

***Motioned failed***

2<sup>nd</sup> Action: Motion to continue to the August 15, 2019 PZC Hearing

Motion / Second: Jimmy Dunn / Mohammed Abdallah

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

NAY (voice vote): None

Absent None

*(Eddie Fernandez stepped out at 10:30 a.m.)*

### **3. Yoganand Ganeshram, RZ-19-07-016 District 3**

Consideration: A request to rezone 0.47 gross acres from R-1A (Single-Family Dwelling District) to R-2 (Residential District) for the construction of a duplex (pending approved lot split).

Location: 2125 Carlton Drive, or generally located on the north side of Carlton Drive, approximately 300 feet east of Cloverlawn Avenue.

Tract Size: 0.47 gross acres

Speakers: Michael Hannan (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested R-2 (Residential District) zoning.

Motion / Second: Diane Velazquez / Jose Cantero

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

NAY (voice vote): None

Absent Eddie Fernandez

### **4. Salvador Ojeda, RZ-19-07-017, District 2**

Consideration: A request to rezone 0.51 gross acres from R-1 (Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District) to allow for mobile home.

Location: 1160 McGee Avenue, or generally located on the west side of McGee Avenue, approximately 100 feet south of E. 11<sup>th</sup> Street.

Tract Size: 0.51-gross acre

Speakers: Salvador Ojeda (Applicant)  
Bill White (Opposed)

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of the requested R-T-1 (Mobile Home Subdivision District).

Motion / Second: Diane Velazquez / Carlos Nazario

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

NAY (voice vote): None

Absent: Eddie Fernandez

**5. Robert Paymayesh, RZ-19-07-019, District 3**

Consideration: A request to rezone 4.85 acres from A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District) for thirteen (13) single-family residential dwelling units.

Location: 8901 Curry Ford Road, generally located north of Curry Ford Road, west of S. Econlockhatchee Trail, and east of S. Chickasaw Trail.

Tract Size: 4.85 gross acres

Speakers: Robert Paymayesh (Applicant)  
Colin Salter (Opposed)  
Tammi Salter (Opposed)  
Rebecca Peltzer (Opposed)

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

1. Development shall be limited to a maximum of thirteen (13) single-family dwelling units.

Motion / Second: Gordon Spears / Jose Cantero

AYE (voice vote): Gordon Spears, Jose Cantero, Jimmy Dunn, Carlos Nazario, Yog Melwani, and JaJa Wade

NAY (voice vote): Diane Velazquez

Absent: Eddie Fernandez

*(Mohammed Abdallah declared a conflict of interest and recused himself from the vote.)*

**6. Kristen Hughes, RZ-19-07-020, District 5**

Consideration: A request to rezone 0.56 acres from A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District) for three (3) single-family detached dwelling units (One per lot pending approval of a lot split.)

Location: 2313 Drake Drive, generally located at the northeast corner of the intersection of Drake Drive and Albemarle Road, south of Greenleaf Drive.

Tract Size: 0.56 gross acres

Speakers: None present

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

Motion: Gordon Spears /Jose Cantero

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

NAY (voice vote): None

Absent: Eddie Fernandez

**7. Cherie Howington, RZ-19-07-022, District 4**

Consideration: A request to rezone 0.328 acres from R-2 (Residential District) to R-T-1 (Mobile Home Subdivision District) for a manufactured home.

Location: 420 Pine Street, generally located south of Pine Street, north of 1<sup>st</sup> Street, west of Boyce Avenue, and east of Sidney Hayes Road.

Tract Size: 0.328 gross acres

Speakers: Cherie Howington (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested R-T-1 (Mobile Home Subdivision District) zoning.

Motion: Carlos Nazario / Gordon Spears

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

NAY (voice vote): None

Absent: Eddie Fernandez

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**8. Nazem Sarkis RZ-19-07-023, District 3**

Consideration: A request to rezone 0.81 acres from C-1 (Retail Commercial District) to C-2 (General Commercial District) for all permitted C-2 uses.

Location: 7105 S. Orange Avenue, or generally located at the southeast corner of the intersection of S. Orange Avenue and Nela Avenue.

Tract Size: 0.81 gross acres

Speakers: Claudia & Nazem Sarkis (Applicant)  
Holly Robinson (Information)  
Karl Shuck (Opposed)

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. The following C-2 zoning district uses shall be prohibited:
  - a. New and Used Automobile Dealers
  - b. Portable food and drink vendors
  - c. Open Air markets; and
  - d. Automotive repair, auto painting, and body shops
2. New billboards and pole signs shall be prohibited; 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 C-2 uses.

Motion: Gordon Spears / JaJa Wade

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

NAY (voice vote): None

Absent: Eddie Fernandez (returned during the hearing but did not vote)

**9. Steven Shea, LUP-18-12-392, District 5**

Project Name: Semoran Vista Planned Development (PD)

Consideration: A request to rezone 3.45 acres from P-O (Professional Office District) to PD (Planned Development District) for 45,000 square feet of retail commercial and office uses.

Location: 1427 N. Semoran Boulevard, generally located north of Old Cheney Highway, east of N. Semoran Boulevard, south of Cornelia Avenue, and west of Myrtle Street.



Tract Size: 3.45 gross acres

Speakers: Steven Shea (Applicant)  
Bill Wilton (Opposed)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the Semoran Vista Planned Development / Land Use Plan (PD/LUP), dated "April 30, 2019", subject to the following conditions:

1. Development shall conform to the Semoran Vista Land Use Plan (LUP) dated "Received April 30, 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 30, 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. 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. 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.
8. 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).
9. Access to Myrtle Street shall be prohibited.
10. The developer shall obtain water service from Orange County Utilities subject to County rate resolutions and ordinances for

the portion of the PD that is located within Orange County Utilities potable water service area.

11. 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.
12. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
13. 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.
14. Outside sales, storage, and display shall be prohibited.
15. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
16. This property is located within Airport Noise Zones 'D'. Development shall comply with Article XV, Chapter 9, Orange County Code (Airport Noise Impact Areas), as may be amended from time to time.
17. This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit.
18. The following C-1 uses are prohibited: bars, liquor stores, tattoo parlors, massage parlors, pawn shops, fortune tellers, bail bondsmen, and alcohol and drug treatment centers.

Motion:

Gordon Spears / Mohammed Abdallah

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

NAY (voice vote): None

Absent: None

**10. Sam Sebaali LUP-19-01-032, District 4**

Project Name: Sam's Trail Plaza Planned Development (PD)

Consideration: A request to rezone 0.36 acres from C-1 (Retail Commercial District) & PD (Planned Development District) to PD (Planned Development District) to incorporate the portion of the parcel into the Sam's Trail Plaza PD, and revise the development program to construct 2,053 square foot fast food restaurant on the parcel.

Location: 9430 S. Orange Blossom Trail, or generally located west of S. Orange Blossom Trail, approximately 625 feet north of Taft Vineland Road.

Tract Size: 0.36 gross acres

Speakers: Sam Sebaali (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the Sam's Trail Plaza Planned Development / Land Use Plan (PD/LUP) dated "Received June 7, 2019", subject to the following conditions:

1. Development shall conform to the Sam's Trail Plaza PD Land Use Plan Amendment (LUPA) dated "Received June 7, 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 June 7, 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. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that existing and proposed wastewater systems have been designed to support all development within the PD.
7. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
8. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
9. Outside sales, storage, and display shall be prohibited.
10. 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.
11. The following waivers from Orange County Code are granted:
  - a) A waiver from Section 38-830 to allow for a zero (0) foot solid waste area setback on the west side of Parcel ID: 03-4-29-6209-00-020, in lieu of the solid waste area location requirement of at least five (5) feet from the rear property line;
  - b) A waiver from Section 38-1272(a)(1) to allow for the currently existing 83% impervious surface coverage to



be permitted within the PD boundary, in lieu of a maximum impervious surface coverage area of 70%;

- c) A waiver from Section 38-1234(3)(c) to allow for the currently existing 17% open space to be permitted within the PD boundary, in lieu of the open space requirement of 20%;
- d) A waiver from Section 38-1272(a)(3) to allow for a zero (0) foot side setback on the north side of Parcel ID: 03-24-29-6209-00-020, in lieu of the side setback requirement of at least 10 feet from the side property line; and
- e) A waiver from Section 38-1272(a)(3) to allow for a 30 foot front setback on the east side of Parcel ID: 03-24-29-6209-00-020, in lieu of the front arterial setback requirement of at least 40 feet from the front property line.

12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 30, 1994 shall apply:

- a) The applicant shall demonstrate that the existing stormwater management system is adequate to support the additional pavement or modify the stormwater management system to comply with the current commercial regulations.
- b) A waiver of Section 38-1203(3) to allow concurrent processing and approval of a development plan is granted. Approval of this plan will constitute development plan approval.

Motion: Carlos Nazario / Jose Cantero

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

NAY (voice vote): None

Absent: None

**11. Khaled Hussein, LUP-19-02-074, District 3 & 5**

Project Name: Harrell Oaks Planned Development (PD)

Consideration: A request to rezone 16.9 acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct sixty-four (64) single-family detached dwelling units. The request also includes the following waiver from Orange County Code:

1. A waiver from Section 38-1254 (1) to allow for a twenty (20) foot setback to apply to the PD perimeter in lieu of the required twenty-five (25) foot PD perimeter setback.

Location: Generally located east of Harrell Road, north and south of Trevarthon Road, and west of State Road 417.

Tract Size: 16.9 gross acres

Speakers: Rick Baldocchi (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the Harrell Oaks Planned Development / Land Use Plan (PD/LUP) dated "July 3, 2019", subject to the following conditions:

1. Development shall conform to the Harrell Road Land Use Plan (LUP) dated "Received July 3, 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 July 3, 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 Applicant has offered and County has agreed to accept a donation of right-of-way for Richard Crotty Parkway at no cost to the County via the plat.

7. 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.
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 [and Orange County] 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 ## 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.

- e. 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.
9. 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.
10. 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).
11. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
12. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
13. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
14. 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.
15. All existing structures shall be demolished prior to plat approval, pursuant to a validly obtained demolition permit.

16. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.

17. A waiver from Orange County Code Section 38-1254(1) is granted to allow for a twenty (20) foot setback to apply to the PD perimeter, in lieu of the required twenty-five (25) foot PD perimeter setback.

Motion / Second: Gordon Spears / Eddie Fernandez

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

NAY (voice vote): None

Absent: None

## **2019-1 TRANSMITTAL COMPREHENSIVE PLAN AMENDMENTS**

### **Privately Initiated Amendments**

#### **Amendment 2019-2-A-1-1**

Applicant: David Evans, Evans Engineering, Inc.

Consideration: Growth Center – Planned Development / Commercial / Low Medium Density Residential (GC-PD-C/LMDR) and Growth Center - Planned Development – Low Medium Density Residential (GC-PD-LMDR) **to** Growth Center - Planned Development - Commercial / Medium Density Residential (GC-PD-MDR)

Tract Size: 37.83 gross acres

Location: Generally described as located on the east side of Avalon Road, south of Hartzog Road, north of Arrowhead Boulevard, and west of Vista Del Lago Boulevard.

SpeakersApplicant: David Evans (Applicant)

Action: Make a finding that the information contained in the application for the proposed amendment is sufficiently complete, recommend to the Board of County Commissioners that Amendment 2019-2-A-1-1 be **TRANSMITTED** to the reviewing agencies.

Motion / Second: Jimmy Dunn / Eddie Fernandez

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

NAY (voice vote): None

Absent: Mohammed Abdallah

**Amendment 2019-2-A-4-2**

Applicant: Thomas Sullivan, Gray Robinson P.A.

Consideration: Commercial (C) **to** Planned Development – Medium High Density Residential (PD-MHDR)

Tract Size: 10.08 gross acres / 2.70 net developable acres

Location: 12400 & 12464 East Colonial Drive, generally located north of Waterford Wood Circle, east of Woodbury Road, south of E. Colonial Drive, and west of the 408.

ApplicantSpeakers: Tom Sullivan (Applicant)  
Tom Glover (Opposed)

Action: Make a finding that the information contained in the application for the proposed amendment is sufficiently complete, recommend to the Board of County Commissioners that Amendment 2019-2-A-4-2 to be **TRANSMITTED** to the reviewing agencies.

Motion / Second: Carlos Nazario / Jimmy Dunn



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

NAY (voice vote): None

Absent: None

**Amendment 2019-2-A-4-3 (fka 2019-1-A-4-2)**

Applicant: Jim Hall, VHB, AICP, Hall Development Services, Inc.

Consideration: Parks and Recreation / Open Space (PR/OS) **to** Medium Density Residential (MDR)

Tract Size: 14.5 gross acres /12.5 net acres

Location: 2900 Northampton Avenue, generally located north side of S. Alafaya Trail, west of Northampton Avenue, and south of Stoneybrook Boulevard.

Speaker: Rebecca Wilson (Applicant)  
Josh Greenberg (Opposed)  
Thomas Glover (Opposed)  
Stephen King (Opposed)  
Rick Merker (Opposed)  
Whitney Russell (Opposed)

Action: Make a finding that the information contained in the application for the proposed amendment is sufficiently complete, recommend to the Board of County Commissioners that Amendment 2019-2-A-4-3 be **TRANSMITTED** to the reviewing agencies.

Motion / Second: Mohammed Abdallah / Jose Cantero

AYE (voice vote): Mohammed Abdallah, Jose Cantero, Jaja Wade, Diane Velazquez, Gordon Spears, and Yog Melwani

NAY (voice vote): None

Absent: None

*(Carlos Nazario, Jimmy Dunn, and Eddie Fernandez declared conflicts of interest and recused themselves from the vote.)*

**Amendment 2019-2-A-5-1**

Applicant: Orange County Environmental Protection Division, Orange County BCC

Consideration: Rural (R) ~~to~~ Preservation (PRES)

Tract Size: 61.77 gross acres

Location: 14761 Lake Pickett Road, generally located north of Lake Pickett Road, east of N. Tanner Road, south of Josair Drive, and west of Chuluota Road.

Speaker: Beth Jackson, EPD (Applicant)

Action: Make a finding that the information contained in the application for the proposed amendment is sufficiently complete; recommend to the Board of County Commissioners that Amendment 2019-2-A-5-1 be **TRANSMITTED** to the reviewing agencies.

Motion / Second: Gordon Spears / Eddie Fernandez

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

NAY (voice vote): None

Absent: None

**2019-2 Staff Initiated Text Amendments**

**Amendment 2019-2-B-FLUE-1**

Consideration: Text Amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County.

Location: Countywide

Speakers: None present

Action: Recommend **TRANSMITTAL** of Amendment 2019-2-B-FLUE-1, consistent with today's actions.

Motion /Second: Jose Cantero / Jimmy Dunn

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

NAY (voice vote): None

Absent: Eddie Fernandez / Mohammed Abdallah

**Amendment 2019-2-B-FLUE-3**

Consideration: Text Amendment to Future Land Use Element Policy FLU1.1.2.C establishing the density calculations for Accessory Dwelling Units (ADUs) within Orange County.

Location: Countywide

Speakers: None present

Action: Recommend **TRANSMITTAL** of Amendment 2019-2-B-FLUE-3.

Motion / Second: Jose Cantero / JaJa Wade

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

NAY (voice vote): None

Absent: Eddie Fernandez and Mohammed Abdallah

**Amendment 2019-2-B-FLUE-4**

Consideration: Text Amendment to Future Land Use Element Policy FLU1.1.2 creating paragraph G, establishing the maximum densities and intensities and location criteria for Assisted Living Facilities.

Location: Countywide

Speakers: None present

Action: Recommend **TRANSMITTAL** of Amendment 2019-2-B-FLUE-4.

Motion / Second: Jose Cantero / Gordon Spears

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

NAY (voice vote): None

Absent: Eddie Fernandez

**Amendment 2019-2-B-FLUE-5**

Consideration: Text Amendment to Future Land Use Element relieving the density requirement for certain platted lots for single-family and two-family dwelling units.

Speakers: None present

Action: ***To be continued to the August 15, 2019 PZC Public Hearing***

Motion / Second: Gordon Spears / Jimmy Dunn

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

NAY (voice vote): None

Absent: Eddie Fernandez

**Amendment 2019-2-B-FLUM-1**

Consideration: Map amendment removing Future Land Use Map designations for parcels previously annexed by incorporated jurisdictions within Orange County.

Speakers: None present

Location: Countywide

Action: Recommend **TRANSMITTAL** of Amendment 2019-2-B-FLUM-1

Motion / Second: Jose Cantero / Mohammed Abdallah

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

NAY (voice vote): None

Absent: Eddie Fernandez

**Amendment 2019-2-C-CP-1**

Consideration: Administrative amendments to the Transportation Element as part of the Comprehensive Plan Clean-Up.

Speakers: None present

Location: Countywide

Action: Recommend **TRANSMITTAL** of Amendment 20119-2-C-CP-1

Motion / Second: Mohammed Abdallah / Diane Velazquez

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

NAY (voice vote): None

Absent: Eddie Fernandez

### **Ordinance Public Hearing**

Consideration: An ordinance affecting the use of land in Orange County, Florida by creating in Chapter 38, Orange County Code, Section 38-30, Major Economic Development Project Program

Speakers: Jon Weiss, Director, Planning, Environmental, Development Services

Action: Make a finding of consistency with the Comprehensive Plan; and recommend **APPROVAL** of an ordinance affecting the use of land in Orange County, Florida by creating in Chapter 38, Orange County Code, Section 38-30, Major Economic Development Project Program; and providing an effective date

Motion / Second: Mohammed Abdallah / Jimmy Dunn

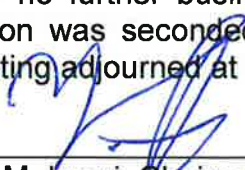
AYE (voice vote): Mohammed Abdallah, Jimmy Dunn, Diane Velazquez, Yog Melwani, Jose Cantero, Carlos Nazario, Jaja Wade, and Gordon Spears

NAY (voice vote): None

Absent: Eddie Fernandez

### **MEETING ADJOURNED**

With no further business, Commissioner Cantero made a motion to adjourn. The motion was seconded by Commissioner Dunn and passed with an 8-0 vote. The meeting adjourned at approximately 3:51 p.m.

  
Yog Melwani, Chairperson

  
Terri-Lyn Pontius, Recording Secretary