

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

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on November 21, 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; Jason Sorensen, Chief Planner; Nicolas Thalmueller, Planner; Nate Wicke, Planner; Whitney Evers Assistant County Attorney; Irina Pashinia, 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 Cantero to move the October 21, 2019 minutes to the December 19, 2019 meeting. The motion was seconded by Commissioner Dunn 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. Edward Durruthy RZ-19-10-045, District 3

Applicant: Edward Durruthy

Consideration: A request to rezone 0.32 gross acres from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) for two (2) single-family dwelling units (pending approved lot split).

Location: Generally located on the northeast corner of 29th Street and Lee Street.

Tract Size: 0.32 gross acre

Speakers: Edward Durruthy (Applicant)
Micahel Konze (Opposed)

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: Eddie Fernandez / Jose Cantero

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

NAY (voice vote): None

Absent: None

2. Barbara Caldwell, RZ-19-11-050, District 5

Applicant: Barbara Caldwell

Consideration: A request to rezone 1.49 gross acres from R-1 (Single-Family Dwelling District) to R-CE (Country Estate District) to allow detached accessory structures to have a cumulative area of up to 2,000 square feet for the purpose of constructing a detached garage and pump house.

Location: 3804 Pickett Court, or generally located west of Lake Pickett Court, east of Chuluota Road, approximately 1,500 feet north of Old Lake Pickett Road.

Tract Size: 1.49 gross acres

This Rezoning Case has been withdrawn

3. Solange Dao, RZ-19-11-051, District 3

Applicant: Solange Dao

Consideration: A request to rezone 0.49 gross acres from R-T-1 (Mobile Home Subdivision District) to R-2 (Residential District) for the purpose of two (2) duplexes (four total units).

Location: 2898 Redditt Road, generally located on the west side of Redditt Road, approximately 225 feet north of Pompeii Road

Tract Size: 0.49 gross acres

Speakers: Solange Dao (Applicant)

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

Motion / Second: Eddie Fernandez / Carlos Nazario

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

NAY (voice vote): None

Absent None

4. Allison E. Turnbull RZ-19-11-052 District 4

Applicant: Allison E. Turnbull

Consideration: A request to rezone 4.40 gross acres from C-3 (Wholesale Commercial District) to I-2 / I-3 (Industrial District) for general industrial uses.

Location: 9695 Delegates Drive, or generally located on the northeast corner of Delegates Drive and Principal Row

Tract Size: 4.40 gross acres

Speakers: Allison E. Turnbull (Applicant)

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

1. New billboards and pole signs shall be prohibited
2. For any new I-2 /I-3 uses 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 I-2 /I-3 uses; and~~

Motion / Second: Carlos Nazario / Jose Cantero

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

NAY (voice vote): None

Absent: Mohammed Abdallah

5. Paulo Araujo RZ-19-11-053, District 1

Applicant: Greg Crawford

Consideration: A request to rezone 4.28 gross acres from R-CE (Country Estate District) to R-1A (Single-Family Dwelling District) for eight (8) single-family residential dwelling units.

Location: 4512 S. Hiawasse Road, or generally located on the west side of S. Hiawasse Road, approximately 815 feet north of Conway Windermere Road.

Tract Size: 4.28 gross acres

Speakers: Greg Crawford

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

1. The subject property shall be limited to a maximum of eight (8) lots with single-family detached residential dwelling units.

Motion / Second: Jimmy Dunn / Jose Cantero

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

NAY (voice vote): None

Absent None

6. Luis A. Rivas RZ-19-11-054 District 4

Applicant: Luis A. Rivas

Consideration: A request to rezone 0.16 acres from R-2 (Residential District-Restricted) to R-T-1 (Mobile Home Subdivision District) to construct a double-wide mobile home.

Location: 318 Cypress Street, or generally located on the south side of Cypress street, approximately 165 feet west of Avenue C.

Tract Size: 0.16 gross acres

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 / Second: Carlos Nazario / Gordon Spears

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

NAY (voice vote): None

Absent: None

7. Erika Hughes LUP-17-04-135 District 6

Project Name: Westgate Seasons Planned Development / Land Use Plan (PD/ LUP)

Consideration: A request to rezone one (1) parcel containing 19.4 gross acres from R-3 (Multiple-Family Dwelling District) to PD (Planned Development District) in order to construct 358 multi-family residential dwelling units. The request also includes three (3) waivers from Orange County Code:

1. A waiver from Section 38-1258 is requested to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings located seventy-five (75)

feet to one hundred (100) feet from single-family zoned property in lieu of being restricted to a single story in height within one hundred feet.

2. A waiver from Section 38-1258 is requested to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings between one hundred plus feet to one hundred fifty feet of single family zoned property in lieu of a maximum of fifty.
3. A waiver from Section 38-1258(j) is requested to allow a minimum building separation of twenty (20) feet for all multi-family buildings, in lieu of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories.

Location: North of West Oak Ridge Road, south of Wakulla way, east of S. John Young Parkway, west of S. Texas Avenue

Tract Size: 19.4 gross acres

Speakers: Erika Hughes (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the Westgate Seasons Planned Development / Land Use Plan (PD/LUP) dated "Received September 26, 2019" subject to the following conditions:

1. Development shall conform to the Westgate Seasons Land Use Plan (LUP) dated "Received September 26, 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 September 26, 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. The project shall dedicate any necessary right-of-way for S. Texas Avenue prior to or concurrently with the approval of the initial development plan.
8. 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.
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. Length of stay shall be for 180 consecutive days or greater. Short term rental shall be prohibited.
11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
12. 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.
13. 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 May 28, 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 44 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.
- 14. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
 - 15. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater system has been designed to support all development within the PD.
 - 16. A six (6) foot high masonry wall shall be provided along the north and western property lines.
 - 17. Vehicular access to Wakulla Way shall be prohibited.

18. The existing vegetation (with the exception of invasive species) within the required 25' buffers along the north and western property boundaries shall be preserved to the greatest extent possible.
19. The following waivers from Orange County Code are granted:
- a. A waiver from Section 38-1258(a) to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings located seventy-five (75) feet to one hundred (100) feet from single-family zoned property, in lieu of being restricted to a single story in height within one hundred (100) feet.
 - b. A waiver from Section 38-1258(b) to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings between one hundred plus (100+) feet to one hundred fifty (150) feet of 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 buildings being one (1) story or two (2) stories in height.
 - c. A waiver from Section 38-1258(j) to allow a minimum building separation of twenty (20) feet for all multi-family buildings, in lieu of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories.

Motion / Second: JaJa Wade/ Jose Cantero

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

NAY (voice vote): None

Absent: None

Quang Lam, LUP-18-06-204 District 3

Project Name: Golden Keys Condo Planned Development (PD)

Consideration: A request to rezone 4.35 gross acres from R-1A to PD, in order to construct thirty (30) multi-family dwelling units. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1258(a) to allow 2-story units, in lieu of 1-story units within 100 feet of single-family zoned property.
2. A waiver from Section 38-1258(f) to allow a six (6) foot high vinyl fence, in lieu of a six (6) foot high masonry, brick, or block wall along adjacent single-family zoned property.
3. A waiver from Section 38-1258(j) to allow potential doors, windows or other openings between buildings with minimum separation of twenty (20) feet, in lieu of buildings separation of thirty (30) feet with potential doors, windows or openings between buildings.

Location: 2143 S. Goldenrod Road, or generally located on the east side of S. Goldenrod Road, approximately 740 feet north of Curry Ford Road

Tract Size: 4.35 gross acres

Speakers: Quang Lam (Applicant)
Jose A. Vilez (Opposed)
Larry Smith (Opposed)
Karen Cintron (Opposed)

Action: Make a finding a consistency with the Comprehensive Plan, and recommend **APPROVAL** of the Golden Keys Condo Planned Development/ Land Use Plan (PD/LUP) dated "Received September 13, 2019", subject to the following conditions:

1. Development shall conform to the Golden Keys Condo Land Use Plan (LUP) dated "Received September 13, 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 September 13, 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. 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 / preliminary subdivision 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.
7. Prior to recording of the plat, the CC&Rs (covenants, conditions, and restrictions) shall state that this site is within the boundary of the Orlando Range & Chemical Yard formerly known as the Orlando Army Airfield (OAA) Toxic Gas & Decontamination Yard that is a Formerly Used Defense Site (FUDS).
8. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
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. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that neither potable wells nor irrigation wells using local groundwater will be allowed on site.
11. 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.

12. 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.
13. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances
14. This property is located within Airport Noise Zone 'E'. Development shall comply with Article XV, Chapter 9, Orange County Code (Airport Noise Impact Areas), as may be amended from time to time.
15. 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.
16. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
17. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
18. 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.
19. The following waivers from Orange County Code are granted:

- a. A waiver from Section 38-1258(a) to allow 2-story units, in lieu of 1-story units within 100 feet of single-family zoned property.
- b. A waiver from Section 38-1258(f) to allow a six (6) foot high vinyl fence, in lieu of a six (6) foot high masonry, brick, or block wall along adjacent single-family zoned property.
- c. A waiver from Section 38-1258(j) to allow a twenty (20) foot minimum building separation, in lieu of a thirty (30) foot minimum building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or openings.

Motion / Second: Gordon Spears / Carlos Nazario

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

NAY (voice vote): None

Absent: Eddie Fernandez

Robert B. Paymayesh LUP-19-03-090 District 5

Project Name: Baldwin Park Plaza Planned Development (PD)

Consideration: P-O (Professional Office District) **to** PD (Planned Development)

Location: 1850 North Semoran Boulevard, generally located north of Old Cheney Hwy, west of Semoran Blvd, south of Baldwin Park Street and east of Truman Road.

Tract Size: 1.55 gross acres

Speakers: Robert Paymayesh (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of the Baldwin Park Plaza

Planned Development / Land Use Plan (PD/LUP) dated "Received May 15, 2019" subject to the following conditions:

1. Development shall conform to the Baldwin Park Plaza Land Use Plan (LUP) dated "Received May 15, 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 May 15, 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. 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.
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. 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. 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 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.

11. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
12. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
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. Special Exception SE-07-01-018 shall be voided with approval of this PD.
16. All access to Moselle Avenue is prohibited.
17. The applicant has agreed that the property shall be used for C-1 uses with the exception of gas station and automobile service station, which shall be prohibited.
18. Prior to approval of the first development plan or preliminary subdivision plan within this PD, developer shall provide a public utility easement, acceptable to Orange County Utilities, for any public utility infrastructure located within the PD boundary and not within a recorded public utility easement.

Motion/ Second: Gordon Spears / Jimmy Dunn

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

NAY (voice vote): None

Absent: Mohammed Abdallah and Eddie Fernandez

2019-2 OUT OF CYCLE TRANSMITTAL REGULAR CYCLE AMENDMENT

Amendment 2019-2-C-CP-3

Consideration: Administrative Amendments to the Urban Design Element, Conservation Element, Recreation Element, and Open Space Element as part of the Comprehensive Plan Clean- Up.

Location: Countywide

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **TRANSMITTAL** of Amendment 2019-2-C-CP-3

Motion/ Second: Mohammed Abdallah / Jose Cantero

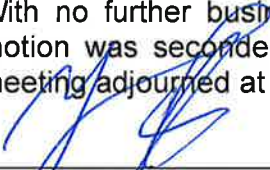
AYE (voice vote): Mohammed Abdallah, Jose Cantero, JaJa Wade, Carlos Nazario, Diane Velazquez, Gordon Spears, Yog Melwani, Eddie Fernandez, and Jimmy Dunn

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 an 9-0 vote. The meeting adjourned at approximately 11:10 a.m..



Yog Melwani, Chairperson



Terri-Lyn Pontius, Recording Secretary

