

**ORANGE COUNTY
PLANNING AND ZONING COMMISSION (PZC) / LOCAL PLANNING AGENCY
(LPA)
Meeting of June 5, 2020**

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on June 5, 2020, in the Orange County Commission Chambers, 201 South Rosalind Avenue, Orlando, Florida 32801.

PRESENT:	James Dunn	District 1
	Diane Velazquez	District 2
	Eddie Fernandez (Vice Chairperson)	District 3
	Carlos Nazario	District 4
	Gordon Spears (Chairperson)	District 5
	JaJa Wade	District 6
	Mohammed Abdallah	At Large
	Evelyn Cardenas	At Large
	Nelson Pena	At Large

ABSENT: None

ALSO

PRESENT: Orange County Staff: Eric Raasch, Planning Administrator; Jason Sorensen, Chief Planner; Nicolas Thalmueller, Planner; Nate Wicke, Planner; Irina Pashinina, Planner; Sapho Vatel, Planner; James Hartfield, Planner; John Harbilas, Planner; Whitney Evers, Assistant County Attorney; and Terri-Lyn Pontius, Administrative Assistant.

Chairman Spears 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 continue the May 21, 2020 minutes to June 18, 2020. The motion was seconded by Commissioner Cardenas and was then approved unanimously on a 9-0 vote.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

No new business was discussed.

Planned Development Public Hearing from May 21, 2020 **Kathy Hattaway LUP-18-10-334 District 1**

Applicant: Kathy Hattaway

Project Name: Gem Groves Planned Development (PD)

Consideration: To rezone 277.09 acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to develop 370 multifamily, 117 single family attached and 365 single family detached dwelling units, a 5 acre APF park, an elementary school, 200,000 square feet of commercial space and a communications tower. The request is to also add seven (7) conditions uses to the Village Center and include the following waivers from Orange Code:

1. A waiver from Orange County Code Section 34-152(c), for Parcels 9; 10; 11; and 12, to allow lots to front a mews, park, open space, etc. and have access via a tract or easement in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street.

Applicant Justification: Orange County Code Section 38-1382(h)(6), for Parcels 9; 10; 11; and 12, provides for the incorporation of mews in project design where residential units have only rear access. Legal access to these lots will be through an ingress/egress easement shown on the plat.

2. A waiver from Orange County Code Section 38-1382(h)(4), for Parcels 9; 10; 11; and 12, to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association (HOA). Placing them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.*

3. A waiver from Orange County Code Section 38-1384(g)(1), for Parcels 9; 10; 11; and 12, to allow garage access to be setback from an alley tract in lieu of an easement.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association (HOA). Placing them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.*

4. A waiver from Orange County Code Section 38-1384(g)(2), for Parcels 9; 10; 11; and 12, to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association (HOA). Placing them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.*

5. A waiver from Orange County Code Section 38-1384(i)(2), for Parcels 9; 10; 11; and 12, to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.

Applicant Justification: *The alleys are to be owned and maintained by the Home Owners Association (HOA). Placing*

them in a fee simple tract without underlying individual ownership allows for a clearer separation of ownership and maintenance responsibilities.

Waivers #6 through #14 apply both internally and externally to the Gem Groves PD.

6. A waiver from Orange County Code Section 38-1258(a), for Parcel 22 and 24, to allow multi-family residential buildings located within fifty (50) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story height.

Applicant Justification: *The Village I SPA and Horizon West principles promote compact pedestrian-oriented environments by creating a mixed-use character through the integration of uses. The separation of residential multi-family buildings is contrary to the principles of walkable neighborhoods. Section 38-1258, Orange County Code is intended to provide compatibility between multi-family and single-family developments on a countywide basis. These requirements are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. By allowing taller multi-family buildings, adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.*

7. A waiver from Orange County Code Section 38-1258(b), for Parcels 22 and 24, to allow multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with 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.

Applicant Justification: *The Village I SPA and Horizon West principles promote compact pedestrian-oriented environments by creating a mixed-use character through the integration of*

uses. The separation of residential multi-family buildings is contrary to the principles of walkable neighborhoods. Section 38-1258, Orange County Code is intended to provide compatibility between multi-family and single-family developments on a countywide basis. These requirements are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. By allowing taller multi-family buildings, adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.

8. A waiver from Orange County Code Section 38-1258(c), for Parcel 22 and 24, to allow multi-family buildings located within fifty (50) feet of a single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.

Applicant Justification: *The Village I SPA and Horizon West principles promote compact pedestrian-oriented environments by creating a mixed-use character through the integration of uses. The separation of residential multi-family buildings is contrary to the principles of walkable neighborhoods. Section 38-1258, Orange County Code is intended to provide compatibility between multi-family and single-family developments on a countywide basis. These requirements are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. By allowing taller multi-family buildings, adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.*

9. A waiver from Orange County Code Section 38-1258(d), for Parcels 22 and 24, to allow multi-family buildings constructed up to five-stories and 65 feet in height, in lieu of the restriction that a multi-family development shall be limited to three (3) stories (forty (40) feet) in height.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the*

land use plan approval. New urbanism is a core design principle in Village I. The height restrictions listed in Code Section 38-1258 are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. By allowing taller multi-family buildings development will be more consistent and compatible with Village I principles.

10. A waiver from Orange County Code Section 38-1258(e), for Parcels 22 and 24, to allow parking and paved areas for multi-family development fifteen (15) feet from single-family zoned property, in lieu of the restriction that a parking and paved areas shall be twenty-five (25) feet from single-family zoned property.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. The separation of parking and paved areas is contrary to new urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I. The separation requirements listed in Code Section 38-1258 are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. By allowing parking and paved areas up to fifteen (15) of adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.*

11. A waiver from Orange County Code Section 38-1258(f), for Parcels 22 and 24, to not require a six (6) foot high masonry, brick, or block wall as part of the multi-family development since it is adjacent to single-family zoned property, in lieu of the a six (6) foot high masonry, brick, or block wall requirement.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. The separation of land uses via a six (6) foot high masonry, brick, or block wall is contrary to new*

urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I. The separation requirements listed in Code Section 38-1258 are not consistent with the integrated, mixed use development in the approved Village I SPA and Horizon West. By not requiring a six (6) foot high masonry, brick, or block wall adjacent to single-family zoned property, development will be more consistent and compatible with Village I principles.

12. A waiver from Orange County Code Section 38-1258(g), for Parcel 22 and 24, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential.

Applicant Justification: *Multi-family units will be accessible by an APF roadway. Potential access points are limited, for Parcel 22 and 24, based upon minimum distance separation requirements and required APF roadways. The ability to comply with County Code Section 38-1258(g) is limited and compliance restricts the rational design of the site. Also, Village I planning principles promote compact design and the integration of uses. Adding additional access points, to the PD, to divide single-family and multi-family uses from accessing the same right-of-way is contrary to the intent of Village I. While there are no single-family units proposed within Parcels 22 and 24, this waiver is applicable because a PD application is being processed for an adjacent development that will also access the APF roadways.*

13. A waiver from Orange County Code Section 38-1258(i), for Parcels 22 and 24, to not require fencing as part of the multi-family development simply because it is adjacent to right-of-way that has single family zoned property across the right-of-way, in lieu of the requirement that multi-family development shall have fencing as part of the development because it is adjacent to right-of-way that has single family zoned property across the right-of-way.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. Fences are contrary to new urbanism*

and creating a mix of land uses. New urbanism is a core design principle in Village I. By not requiring fences as a part of multi-family residential, development will be more consistent and compatible with Village I principles as well as allow interconnected design between Parcels 22 and 24 in Village I.

14. A waiver from Orange County Code Section 38-1258(j), for Parcels 22 and 24, to require a minimum separation of twenty (20) feet between buildings, in lieu of the requirement 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 other openings, there shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for building three (3) stories.

Applicant Justification: *Multi-family development is supposed to adhere to the compatibility standards in Orange County Code Section 38-1258. However, to promote a mix of land uses and facilitate new urbanism development patterns, Code Section 38-1389(d)(3)f.1 states that waivers from the standards listed in Code Section 38-1258 should be considered at the time of the land use plan approval. Large separation between buildings is contrary to new urbanism and creating a mix of land uses. New urbanism is a core design principle in Village I.*

15. A waiver from Section 30-714(c) is requested to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 42 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the future APF Right-of-Way have been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County; (B) the Stormwater Site, as defined in the APF Agreement has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County and; (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County.

Applicant Justification: *The school site cannot be conveyed unless and until the School Board of Orange County requests such conveyance.*

16. A waiver from Orange County Code Section 38-1384(i)(3), for the hatched areas on Parcel 10 on the plan dated "Received January 21, 2020," to allow lots facing the Lake Star APF road access to garages and off-street parking surfaces from the APF

road in lieu of the requirement that vehicular access to garages or other off-street parking surfaces on all lots facing the primary side of an APF road shall be provided from a rear alley or easement.

Applicant Justification: The waiver will allow for the development of lots along the west side of Lake Star and provide an acceptable APF road alignment. Additionally, it will accommodate the grading needed from the wetland buffers of Lake Star to the back of building pads since the ability to provide rear access to lake front lots is limited.

17. A waiver from Section 38-1427(d)(2)(d) to allow a Monopole between 80 feet and 140 feet in height to be within 50' of Vacant Unplatted Residentially-Zoned Lands in lieu of the distance requirement of 400' or 500% of height of tower, whichever is greater.

Applicant Justification: The proposed communication tower location is within the Village Center where it is sited in an isolated area in the northwestern portion of the Village Center area. Communication towers are necessary in this area to provide service to the significant residential and commercial development that is planned. The Village Center District is an area designated within the Village Code for communication towers, and it is accepted, based on Horizon West design principles, that residential development will be constructed in and adjacent to the Village Center. This waiver specifically addresses the distance to the future multi-family development with the Village Center.

Location: North and south of Flemings Road/ west of CR 545 Avalon Road) / West of Lake Star Road

Tract Size: 277.09 gross acres / 201.79 net developable acres

Speakers: Kathy Hattaway (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, and recommend approval of the Gem Groves Planned Development / Land Use Plan (PD/LUP), dated "January 21, 2020", subject to conditions:

1. Development shall conform to the Gem Groves Land Use Plan (LUP) dated "Received January 21, 2020," 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 January 21, 2020," 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. Pursuant to the BCC's acceptance of the Village I Term Sheet on November 13, 2018, this project shall comply with the terms and conditions of the Village I Road Network Agreement recorded at Doc# 20200109451, Public Records of Orange County, Florida, as may be amended from time to time.
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. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
9. If applicable, 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 the adjacent northeastern land use includes facilities with operations that may result in periodic temporary conditions that may cause odors, noise disturbance and dust.
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. 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. 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.

13. 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.
14. 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.
15. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
16. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
17. Prior to construction plan approval, all property owners within the Village I, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
18. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
19. 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.

20. Pole signs and billboards shall be prohibited. Ground and fascia signs within the Village Center shall comply with Chapter 31.5 Village PD standards of the Orange County Code. Wall and fascia signs for the Elementary school shall comply with Orange County Code Section 38-1755 (o) of the Orange County Code and all other developments other than the Village Center and the School shall comply with Chapter 31.5 of the Orange County Code.
21. Outside sales, storage, and display shall be prohibited within the Village Center.
22. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
23. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP) for Village I. MUP updates shall be submitted to Orange County Utilities at least thirty (30) prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
24. Prior to the issuance of the initial Certificate of Occupancy, temporary or permanent, for any portion of each of Parcel 22 (Village Center) and Parcel 24 (Apartment), the Southern Connector Road, as generally described in that certain Flemings Road Developer's Agreement recorded under Instrument Number 20200166971 in the Public Records of Orange County, Florida, with the identified "rural section" built to County APF standards, must be complete and accepted by County. Additionally, as a condition precedent to the issuance by County of the initial vertical building permit within the applicable Parcel, in the event the Southern Connector Road has not been completed and accepted by County, the Developer / Applicant shall have (i) obtained from the County approval of the construction plans for the Southern Connector Road , (ii) entered into a construction contract which provides for the completion thereof, in accordance with such approved plans, within eight (8) months from the date of such contract and which provides that the County is a third party beneficiary to such contract, and (iii) provided to the County performance and payment bonding, reasonably acceptable to the County, for the work to be performed under such contract.
25. Prior to the issuance of a Certificate of Completion for any portion of the Gem Groves PD located north of Flemings Road (all of the Gem Groves PD except for Parcels 22 and 24) one or more of the following roadway improvements shall have been constructed, completed, and accepted by the County in accordance with plans approved by the County, which plans will include provisions for the

handling of stormwater associated with such completed roadways: (i) the upgrade (pursuant to Section 6.1(c)) and/or widening (pursuant to Section 2.13) of Flemings Road, in accordance with the Village I Horizon West Road Network Agreement recorded under Instrument Number 2020109451 in the Public Records of Orange County, Florida; OR (ii) the Southern Connector Road, as generally described in that certain Flemings Road Developer's Agreement recorded under Instrument Number 20200166971 in the Public Records of Orange County, Florida, with the identified "rural section" built to County APF standards.

26. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter in accordance with Section 12.1 of the Village I Road Network Agreement recorded at Doc# 20200109451, Public Records of Orange County, Florida, as may be amended from time to time, 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.
27. The following waivers from Orange County Code are requested:
 - a. A waiver from Orange County Code Section 34-152(c), for Parcels 9; 10; 11; and 12, to allow lots to front a mews, park, open space, etc. and have access via a tract or easement in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street.
 - b. A waiver from Orange County Code Section 38-1382(h)(4), for Parcels 9; 10; 11; and 12, to allow alleys to be designed as a tract in lieu of the requirement that they shall be designed as a private easement.
 - c. A waiver from Orange County Code Section 38-1384(g)(1), for Parcels 9; 10; 11; and 12, to allow garage access to be setback from an alley tract in lieu of an easement.
 - d. A waiver from Orange County Code Section 38-1384(g)(2), for Parcels 9; 10; 11; and 12, to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same

lot in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot.

- e. A waiver from Orange County Code Section 38-1384(i)(2), for Parcels 9; 10; 11; and 12, to allow vehicular access to garages or other off-street parking to be from a rear alley tract in lieu of an easement.
- f. A waiver from Orange County Code Section 38-1258(a), for Parcel 22 and 24, to allow multi-family residential buildings located within fifty (50) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story height.
- g. A waiver from Orange County Code Section 38-1258(b), for Parcels 22 and 24, to allow multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with 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.
- h. A waiver from Orange County Code Section 38-1258(c), for Parcel 22 and 24, to allow multi-family buildings located within fifty (50) feet of a single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.
- i. A waiver from Orange County Code Section 38-1258(d), for Parcels 22 and 24, to allow multi-family buildings constructed up to five-stories and 65 feet in height, in lieu of the restriction that a multi-family development shall be limited to three (3) stories (forty (40) feet) in height.

- j. A waiver from Orange County Code Section 38-1258(e), for Parcels 22 and 24, to allow parking and paved areas for multi-family development fifteen (15) feet from single-family zoned property, in lieu of the restriction that a parking and paved areas shall be twenty-five (25) feet from single-family zoned property.
- k. A waiver from Orange County Code Section 38-1258(f), for Parcels 22 and 24, to not require a six (6) foot high masonry, brick, or block wall as part of the multi-family development since it is adjacent to single-family zoned property, in lieu of the a six (6) foot high masonry, brick, or block wall requirement.
- l. A waiver from Orange County Code Section 38-1258(g), for Parcel 22 and 24, to allow shared access for multi-family and single-family residential and to allow multi-family residential to directly access a right-of-way serving platted single-family residential development, in lieu of the requirement that multi-family development shall not directly access any right-of-way serving platted single-family residential.
- m. A waiver from Orange County Code Section 38-1258(i), for Parcels 22 and 24, to not require fencing as part of the multi-family development simply because it is adjacent to right-of-way that has single family zoned property across the right-of-way, in lieu of the requirement that multi-family development shall have fencing as part of the development because it is adjacent to right-of-way that has single family zoned property across the right-of-way.
- n. A waiver from Orange County Code Section 38-1258(j), for Parcels 22 and 24, to require a minimum separation of twenty (20) feet between buildings, in lieu of the requirement 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 other openings, there shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for building three (3) stories.
- o. A waiver from Section 30-714(c) is requested to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 42 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the future APF Right-of-Way have been conveyed to the County or placed into escrow, pursuant

to an escrow agreement acceptable to the County; (B) the Stormwater Site, as defined in the APF Agreement has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County and; (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County.

- p. A waiver from Orange County Code Section 38-1384(i)(3), for the hatched areas on Parcel 10 on the plan dated "Received January 21, 2020," to allow lots facing the Lake Star APF road access to garages and off-street parking surfaces from the APF road in lieu of the requirement that vehicular access to garages or other off-street parking surfaces on all lots facing the primary side of an APF road shall be provided from a rear alley or easement.
- q. A waiver from Section 38-1427(d)(2)(d) to allow a Monopole between 80 feet and 140 feet in height to be within 50' of Vacant Unplatted Residentially-Zoned Lands in lieu of the distance requirement of 400' or 500% of height of tower, whichever is greater.

Motion / Second: Jimmy Dunn / Carlos Nazario

AYE (voice vote): Jimmy Dunn, Carlos Nazario, Diane Velazquez, Evelyn Cardenas, Nelson Pena, Gordon Spears, JaJa Wade, and Eddie Fernandez

NAY (voice vote): None

Absent Mohammed Abdallah

CONVENTIONAL REZONING PUBLIC HEARINGS:

1. Guillermo Lopez RZ-20-04-027 District 5

Applicant: Guillermo Lopez

Consideration: To rezone 0.14 gross acres from R-1A (Single-Family Dwelling District) **to** R-1 (Single-Family Dwelling District) for one single-family residential unit.

Location: 5421 Old Cheney Highway, or generally north of Old Cheney Hwy, approximately 170 feet north of Truman Road.

Tract Size: 0.14 gross acres

Speakers: Guillermo Lopez (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested R-1 zoning district.

Motion /Second: Gordon Spears / Diane Velazquez

AYE (voice vote): Gordon Spears, Diane Velazquez, Eddie Fernandez, Jimmy Dunn, JaJa Wade, Evelyn Cardenas, Carlos Nazario, and Nelson Pena

NAY (voice vote): None

Absent: Mohammed Abdallah

2. **Glenn William Austin RZ-20-04-028 District 3**

Applicant: Glenn William Austin

Consideration: To rezone 0.26 gross acres from R-1AA (Single-Family Dwelling District) **to** R-1 (Single-Family Dwelling District) for one (1) single-family detached dwelling unit.

Location: 3632 Bliss Avenue, or generally located north of Pershing Avenue, approximately 30 feet west of Bliss Avenue.

Tract Size: 0.26 gross acres

Speakers: Glenn Williams (Applicant)

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

Motion / Second: Eddie Fernandez / Jimmy Dunn

AYE (voice vote): Eddie Fernandez, Jimmy Dunn, Mohammed Abdallah, JaJa Wade, Gordon Spears, Diane Velazquez, Nelson Pena, Carlos Nazario, and Evelyn Cardenas

NAY (voice vote) None

Absent: None

3. **Eugenio Rodriguez RZ-20-04-029 District 5**

Applicant: Eugenio Rodrigez

Consideration: A request to rezone 2.57 gross acres from A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District) for the purpose of one (1) single-family detached dwelling unit (pending lot split approval).

Location: 3803 Rouse Road, or generally east of Rouse Road, south of McCulloch Road and approximately 2,500 feet north of University Blvd.

Tract Size: 2.57 gross acres

Speakers: Eugenio Rodriguez (Applicant)

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

1. The subject property shall be limited to one lot split.

Motion / Second: Gordon Spears / Evelyn Cardenas

AYE (voice vote): Gordon Spears, Evelyn Cardenas, JaJa Wade, Diane Velazquez, Mohammed Abdallah, Carlos Nazario, Eddie Fernandez, Jimmy Dunn, and Nelson Pena

NAY (voice vote): None

Absent None

4. **Bob Ziegenfuss RZ-20-04-031 District 6**

Applicant: Bob Ziegenfuss

Consideration: A request to rezone 0.47 gross acres from C-1 (Retail Commercial District) to C-2 (General Commercial District) for general C-2 uses.

Location: 104 S. Kirkman Road, generally located at the southwest corner of S. Kirkman Road and W. Church Street

Tract Size: 0.47 gross acres

Speakers: Bob Ziegenfuss (Applicant)

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

1. New billboards and pole signs shall be prohibited.
2. Any outdoor storage on the subject site shall be completely enclosed by a minimum six (6) foot high opaque fence or wall and be located adjacent to the western property boundary and no closer to the S Kirkman Road right-of-way than the front façade of the principal structure.

Motion / Second: JaJa Wade / Nelson Pena

AYE (voice vote): JaJa Wade, Nelson Pena, Mohammed Abdallah, Diane Velazquez, Jimmy Dunn, Gordon Spears, Eddie Fernandez, Carlos Nazario, and Evelyn Cardenas.

NAY (voice vote): None

Absent: None

5. **Mary D. Solik LUP-19-01-044 District 1**

Applicant: Mary D. Solik

Project Name: West Orange Environmental Resources C & D Disposal & Recycling Facility / Communication Tower Planned Development

Consideration: A request to rezone 44.03 gross acres from A-1 (Citrus Rural District) **to** PD (Planned Development District) for existing landfill and a new 140 monopole communication tower.

Location: 7902 Avalon Road, generally north of Schofield Road and west of Avalon Road

Tract Size: 44.03 gross acres

Speakers: Mary Solik (Applicant)
Ross Johnson (In Favor)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the West Orange Environmental Resources C & D Disposal & Recycling Facility Communication Tower / Land Use Plan (PD/LUP) dated "October 4, 2019" subject to the following conditions:

1. Development shall conform to the West Orange Environmental Resources C&D Disposal & Recycling Facility / Communication Tower Land Use Plan (LUP) dated "Received October 4, 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 October 4, 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. 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.
8. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.

9. Development shall be in accordance with Orange County Code Section 38-1236, as may be amended from time to time.
10. Chain link fencing and opaque wall systems are prohibited.

Motion / Second: Jimmy Dunn / Nelson Pena

AYE (voice vote): Jimmy Dunn, Nelson Pena, Diane Velazquez, Carlos Nazario, JaJa Wade, Mohammed Abdallah, Evelyn Cardenas, Gordon Spears, and Eddie Fernandez

NAY (voice vote): None

Absent None

6. Robert Reese LUPA-19-08-262 District 1

Applicant: Robert Reese

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

Consideration: A request to rezone 1.33 gross acres from A-1 (Citrus Rural Office District) **to** PD (Planned Development District) and add the parcel to the existing PD for 360 multi-family dwelling units.

Location: 14506 Avalon Road

Tract Size: 1.33 gross acres

Speakers: ***Applicant was not present***

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of The Registry on Grass Lake Planned Development / Land Use Plan Amendment (PD/LUP) dated "Received March 9, 2020", subject to the following conditions:

1. Development shall conform to the Registry on Grass Lake Land Use Plan (LUP) dated "Received March 9, 2020," 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 March 9, 2020," 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, or any other development order, 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. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
8. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.

9. The following waivers from Orange County Code are granted:
- a. A waiver from 38-1258(a) to allow the buildings that will be 5 stories, 70 ft. tall to be 30 ft. from single family, in lieu of buildings within 100 ft. of single family to be single story.
 - b. A waiver from Section 38-1258(b) to allow 100% of multi-family buildings to be five (5) stories, 70 feet in height, thirty (30) feet from single-family zoned property, in lieu of a maximum of fifty (50) percent of the building being three (3) stories (not to exceed forty (40) feet) in height with the remaining building being one (1) story or two (20) 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 five (5) stories, seventy (70) feet in height, thirty (30) feet from single-family 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.
 - d. A waiver from Section 38-1258(d) to allow two (2) story multi-family buildings twenty-five (25) feet from single-family zoned properties and five (5) stories, seventy (70) feet, multi-family buildings thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single-story in height and 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.
10. Except as amended, modified, and / or superseded, the following DRC Conditions of Approval, dated July 2, 2019 shall apply:
- a. The following Education Condition of Approval shall apply:
 - i. 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 as may be amended.
 - ii. 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.

- iii. 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.
 - iv. 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.
 - v. 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.
- b. 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).
 - c. 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.
 - d. 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.

- e. 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.

Motion: Jimmy Dunn / Mohammed Abdallah

AYE (voice vote): Jimmy Dunn, Mohammed Abdallah, JaJa Wade, Nelson Pena, Eddie Fernandez, Diane Velazquez, Gordon Spears, Evelyn Cardenas, and Carlos Nazario

NAY (voice vote): None

Absent: None

Private and Public Sewer Public Hearing Ordinance
Orange County Code Chapter 37

Applicant: Miranda Johnson, Utilities Department

Action: Make a finding of consistency with the Comprehensive Plan, and **APPROVE** the changes to the revisions of the SUO and Standards Technical Manual.

Motion / Second: Mohammed Abdallah / Jimmy Dunn

AYE (voice vote): Mohammed Abdallah, Jimmy Dunn, Gordon Spears, Diane Velazquez, Evelyn Cardenas, Nelson Pena, Carlos Nazario and Eddie Fernandez

NAY (voice vote): None

Absent: JaJa Wade

2020-1 SMALL SCALE ADOPTION AMENDMENTS:

2020-1-S-1-1 & RZ-20-04-068

Applicant: Alison Yurko P.A. / Paul Wadina

Consideration: To change the Future Land Use from Low Density Residential (LDR) **to** Office (O) and **to** rezone from A-1 (Citrus Rural District) to P-O (Professional Office District)

Location: 3750 Old Winter Garden Road, generally located south of Old Winter Garden Road, west of Rowe Ave, north of Market St and east of Division Ave

Tract Size: 0.20 gross acres

Speakers: Alison Yurko (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance, and **ADOPT** Amendment 2020-1-S-1-1, Low Density Residential to Office.

Motion / Second: Jimmy Dunn / Nelson Pena

AYE (voice vote): Jimmy Dunn, Nelson Pena, Eddie Fernandez, Evelyn Cardenas, Mohammed Abdallah, Diane Velazquez, Gordon Spears, and Carlos Nazario

NAY (voice vote): None

Absent JaJa Wade

Concurrent Rezoning RZ-20-04-068

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of rezoning case RZ-20-04-068 from A-1 (Citrus Rural District) **to** P-O (Professional Office) and approve the two variances listed in the staff report, subject to the following restrictions:

1. New 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 P-O uses; and

3. A Type "D" buffer shall be used to separate Professional Office (P-O) uses from all residential areas, unless the Board of Zoning Adjustment (BZA) approves a variance to this restriction and buffer. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type "D" buffer may utilize a masonry wall, berm, planted / or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.

Motion / Second: Jimmy Dunn / Evelyn Cardenas

AYE (voice vote): Jimmy Dunn, Evelyn Cardenas, Diane Velazquez, Carlos Nazario, Nelson Pena, Mohammed Abdallah, Gordon Spears, and Eddie Fernandez

NAY (voice vote): None

Absent JaJa Wade

2020-1-S-1-2

Applicant: Constance D. Silver

Consideration: To change the future land use from Commercial (C) **to** Activity Center Mixed Use (ACMU).

Location: 1144 S. Apopka Vineland Road, generally located west side of S. Apopka Vineland Road, south of Lake Buena Vista Woods Blvd, and north of Lake Street between 3rd and 5th Street

Tract Size: 8.52 gross acres (Overall PD)

Speakers: Constance Silver (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance and **ADOPT** Amendment 2020-1-S-1-2, Office (O) to Activity Center Mixed Use (ACMU).

Motion / Second: Jimmy Dunn / Evelyn Cardenas

AYE (voice vote): Jimmy Dunn, Evelyn Cardenas, Mohammed Abdallah, Gordon Spears, Eddie Fernandez, Diane Velazquez, Carlos Nazario, Nelson Pena, and JaJa Wade

NAY (voice vote): None

Absent: None

OUT OF CYCLE ADOPTION AMENDMENT

Amendment 2019-2-S-5-4 & RZ-19-10-041

Applicant: Tom Sullivan

Consideration: To change the future land use from Low Medium Density Residential (LMDR) **to** Commercial (C) and **to** rezone from R-1A (Single-Family Dwelling District) to C-1 (Retail Commercial District)

Location: 1123 W Fairbanks Ave, generally located north of W Fairbanks Ave, east of Estill Ct, west of Adanson Ave.

Tract Size: 1.75 gross acres

Speakers: Tom Sullivan (Applicant)
Christina Bolan (In Favor)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the proposed amendment is in compliance and **ADOPT** Amendment 2019-2-S-5-4 (***on the south part of the property 1.085 acre portion of the subject parcel***).

Motion /Second: Gordon Spears / Nelson Pena

AYE (voice vote): Gordon Spears, Nelson Pena, Diane Velazquez, Evelyn Cardenas, Jimmy Dunn, and Carlos Nazario

NAY (voice vote): None

Absent: Eddie Fernandez and JaJa Wade

Mohammed Abdallah voting conflict

Concurrent Rezoning RZ-19-10-041

Action: Make a finding of consistency with the Comprehensive Plan and **APPROVE** rezoning case RZ-19-10-041 from R-1A (Single Family DWELLING District) **to** C-1 (Retail Commercial District) **(on the south 1.085 portion of the subject parcel)** and R-1 (Residential District) **(on the north 0.664 acres of the subject parcel)**, subject to the following restrictions:

1. New billboards and pole signs shall be prohibited;
2. A type "C" buffer shall be used to separate neighborhood commercial (C-1) uses from all residential areas, unless a variance to this restriction and buffer is approved by the Board of Zoning Adjustment (BZA). This buffer shall be completely opaque from the ground up to a height of a least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and / or existing vegetation or any combination thereof, which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years;
3. For the commercially zoned portion of the subject property, the applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-1 uses;
4. Access to commercially zoned property from Alton Avenue and Estill Court shall be prohibited;
5. ***The following uses shall be prohibited from the property, tattoo parlors, bars, pawn shops, gas stations, strip clubs, and massage parlors;***
6. ***A 6 foot wall must be constructed between the residential and commercial property.***

Motion/ Second: Gordon Spears / Nelson Pena

AYE (voice vote): Gordon Spears, Nelson Pena, Diane Velazquez, Evelyn Cardenas, Carlos Nazario, JaJa Wade, and Jimmy Dunn

NAY (voice vote): None

Absent: Eddie Fernandez

Mohammed Abdallah voting conflict of interest

Amendment 2020-1-S-1-4

Applicant: Doug Kelly

Consideration: To change future land use from Resort / Planned Development (R/PD) **to** Resort / Planned Development (R/PD).

Location: 9905 Winter Garden Vineland Road, generally located east of Winter Garden Vineland Road, south of Lake Sheen Reserve Blvd, and adjacent to the Grand Cypress Resort.

Speakers: Doug Kelly (Applicant)

Action: ***To continue small-scale amendment 2020-1-S-1-4 to the August 20, 2020 Planning and Zoning Public Hearing at 9:00am.***

Motion / Second: Diane Velazquez / Nelson Pena

AYE (voice vote): Diane Velazquez, Nelson Pena, Jimmy Dunn, Evelyn Cardenas, Eddie Fernandez, Carlos Nazario, JaJa Wade and Mohammed Abdallah

NAY (voice vote): None

Absent: None

Gordon Spears voting conflict of interest

Amendment 2020-1-S-2-2 & RZ-20-04-072

Applicant: Junias Desamour

Consideration: To change future land use from Office (O) **to** Low Medium Density Residential (LMDR) and rezone from P-O (Professional Office) **to** R-2 (Residential District)

Location: 310 S. Lake Pleasant Road, generally located on the west side of S. Lake Pleasant Road, north of E. Semoran Blvd, south of Wekiva Crossing Blvd and east of Semoran Commerce Place.

Tract Size: 0.50 gross acres

Speakers: Junias Desamour (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance and **ADOPT** amendment 2020-1-S-2-2.

Motion / Second: Diane Velazquez / JaJa Wade

AYE (voice vote): Diane Velazquez, JaJa Wade, Jimmy Dunn, Mohammed Abdallah, Evelyn Cardenas, Carlos Nazario, Nelson Pena, Eddie Fernandez, and Gordon Spears

NAY (voice vote): None

Absent: None

Concurrent Rezoning RZ-20-04-072

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of rezoning RZ-20-04-072, P-O (Professional Office District) **to** R-2 (Residential District).

Motion: Diane Velazquez / JaJa Wade

AYE (voice vote): Diane Velazquez, JaJa Wade, Mohammed Abdallah, Eddie Fernandez, Carlos Nazario, Nelson Pena, Jimmy Dunn, and Evelyn Cardenas

NAY (voice vote): Gordon Spears

Absent: None

Amendment 2020-1-S-3-2

Applicant: Jon C. Wood

Consideration: To change future land use from Planned Development Commercial (PD-C) to Planned Development Medium High Density Residential (PD-MHDR)

Location: 8751 Valencia College Lane, generally located north of Valencia College Lane, west of SR 417 and east of John Wesley Way

Tract Size: 7.83 gross acres / 5.35 net developable acres

Speakers: Rebeca Wilson (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance and recommend **ADOPTION** of Amendment 2020-1-S-3-2, from Planned Development Commercial **to** Planned Development Medium High Density Residential.

Motion / Second: Eddie Fernandez / Jimmy Dunn

AYE (voice vote): Eddie Fernandez, Jimmy Dunn, Mohammed Abdallah, Gordon Spears, Diane Velazquez, Carlos Nazario, JaJa Wade, Evelyn Cardenas, and Nelson Pena

NAY (voice vote): None

Absent: None

Amendment 2020-1-S-3-4 & RZ-20-04-074

Applicant: Elizabeth Bertrand

Consideration: To change the future land use from Low Medium Density Residential (LMDR) to Office (O) and to rezone from R-3 (Multiple Family Dwelling District) **to** P-O (Professional Office).

Location: 2500 S. Bumby Ave, generally located on the west side of S. Bumby Ave, south of E Crystal Lake Ave, east of Gowen Street, and north of E. Jersery Ave.

Tract Size: 0.17 gross acres

Speakers: Elizabeth Bertrand (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance and **ADOPT** Amendment 2020-1-S-3-4.

Motion / Second: Eddie Fernandez / Carlos Nazario

AYE (voice vote): Eddie Fernandez, Carlos Nazario, Diane Velazquez, Mohammed Abdallah, Evelyn Cardenas, Nelson Pena, Jimmy Dunn, JaJa Wade, and Gordon Spears

NAY (voice vote): None

Absent: None

Concurrent Rezoning RZ-20-04-074

Action: Make a finding of consistency with the Comprehensive Plan, and recommend APPROVAL of rezoning case RZ-20-04-074, subject to the following one (1) variance and two (2) restrictions:

A variance from Orange County Code Section 38-1501 to allow for a minimum lot area of 7,536 square feet, in lieu of the required 10,000 square foot lot area in the P-O zoning district.

Restrictions:

1. New 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 surface) prior to the accommodations of P-O uses.

Motion / Second: Eddie Fernandez / Jimmy Dunn

AYE (voice vote): Eddie Fernandez, Jimmy Dunn, JaJa Wade, Gordon Spears, Evelyn Cardenas, Diane Velazquez, Carlos Nazario, Nelson Pena, and Mohammed Abdallah

NAY (voice vote): None

Absent: None

Amendment 2020-1-S-6-2 & RZ-20-04-067

Applicant: Rafael Santiago

Consideration: To change the future land use from Low Density Residential (LDR) **to** Low Medium Density Residential (LMDR) and to rezone from R-1A (Single-Family Dwelling District) **to** R-1 (Single-Family Dwelling District).

Location: 4301 S. Rio Grande, generally located east of S. Rio Grande Avenue, south of 43rd Street, west of Nashville Avenue, and north of 44th Street.

Tract Size: 0.30 gross acres

Speakers: Rafael Santaigo (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance and recommend **ADOPTION** of Amendment 2020-1-S-6-2.

Motion / Second: JaJa Wade / Nelson Pena

AYE (voice vote): JaJa Wade, Nelson Pena, Gordon Spears, Diane Velazquez, Evelyn Cardenas, Carlos Nazario, Mohammed Abdallah, and Jimmy Dunn

NAY (voice vote) None

Absent: Eddie Fernandez

Concurrent Rezoning RZ-20-04-067

Action: Make a finding of consistency with the Comprehensive Plan, and **APPROVE** rezoning case RZ-20-04-067 **to** R-1 (Single Family Dwelling District)

Motion / Second: JaJa Wade / Jimmy Dunn

AYE (voice vote): JaJa Wade, Jimmy Dunn, Carlos Nazario, Mohammed Abdallah, Gordon Spears, Evelyn Cardenas, Diane Velazquez, Eddie Fernandez, and Nelson Pena

NAY (voice vote): None

Absent: None

Amendment 2020-1-S-6-3

Applicant: Harland Chadbourne / Sean Jennings

Consideration: To change the future land use from Neighborhood Residential (NR) **to** Commercial (C).

Location: 1400 S. Orange Blossom Trail, generally located west of South Orange Blossom Trail, south of Indiana Street, north of West Miller Avenue, and east of South Rio Grande Avenue

Tract Size: 4.49 gross acres

Speakers: Harland Chadbourne (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan. Determine that the amendment is in compliance and recommend **ADOPTION** of Amendment 2020-1-S-6-3.

Motion / Second: JaJa Wade / Mohammed Abdallah

AYE (voice vote): JaJa Wade, Mohammed Abdallah, Evelyn Cardenas, Gordon Spears, Nelson Pena, Jimmy Dunn, Diane Velazquez, and Carlos Nazario

NAY (voice vote): None

Absent Eddie Fernandez

Amendment 2020-1-S-6-4

Applicant: Andrea Cardo

Consideration: To change the future land use from Medium Density Residential (MDR) **to** Commercial (C).

Location: Generally located behind the Westgate Shopping Center, east of N. Hiawasse Road, north of Silver Star Road, south of Burroughs Court and west of Environs Boulevard.

Tract Size: 1.42 gross acres

Speakers: Andrea Cardo (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance and recommend **ADOPTION** of Amendment 2020-1-S-6-4.

Motion / Second: JaJa Wade / Jimmy Dunn

AYE (voice vote): JaJa Wade, Jimmy Dunn, Gordon Spears, Mohammed Abdallah, Evelyn Cardenas, Diane Velazquez, Carlos Nazario, and Nelson Pena

NAY (voice vote): None

Absent: Eddie Fernandez

Amendment 2020-1-S-6-5 & RZ-20-04-075

Applicant: Debica Lachman

Consideration: To change the future land use from low density residential (LDR) **to** Industrial (IND) and to rezone from R-1 (Single-Family Dwelling District) **to** I-2/ I-3 (Industrial District).

Location: 318,324 Metcalf Avenue, generally located west of Metcalf Avenue, south of W. South Street, east of Tremont Ave, and north of Huppel Avenue

Tract Size: 0.24 gross acres

Speakers: Debica Lachman (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the Amendment is in compliance and recommend **ADOPTION** of Amendment 2020-1-S-6-5.

Motion / Second: JaJa Wade / Diane Velazquez

AYE (voice vote): JaJa Wade, Diane Velazquez, Mohammed Abdallah, Gordon Spears, Carlos Nazario, Nelson Pena, Evelyn Cardenas, and Jimmy Dunn

NAY (voice vote) None

Absent: Eddie Fernandez

Concurrent Rezoning RZ-20-04-075

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of rezoning case RZ-20-04-075 subject to the following restrictions:

1. New 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 accommodations of any non-residential uses on the property.

Motion / Second: JaJa Wade / Carlos Nazario

AYE (voice vote): JaJa Wade, Carlos Nazario, Gordon Spears, Jimmy Dunn, Evelyn Cardenas, Diane Velazquez, Nelson Pena and Mohammed Abdallah

NAY (voice vote): None

Absent: Eddie Fernandez

Staff Initiated Text Amendment

Amendment 2020-1-S-FLUE-1

Consideration: Amendments to future land use element policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Development within Orange County.

District: Countywide

Action: Make a finding of consistency with the Comprehensive Plan and recommend **ADOPTION** of Amendment 2020-1-S-3-2, therefore, the development program for this amendment would be added to Policy FLU8.1.4.

Motion /Second: Mohammed Abdallah / Jimmy Dunn

AYE (voice vote): Mohammed Abdallah, Jimmy Dunn, Evelyn Cardenas, Diane Velazquez, Gordon Spears, Carlos Nazario, Nelson Pena, and JaJa Wade

NAY (voice vote) None

Absent: Eddie Fernandez

MEETING ADJOURNED

With no further business, Commissioner Spears made a motion to adjourn. The motion was seconded by Commissioner Dunn and passed with an 8-0 vote. The meeting adjourned at approximately 2:25 PM

Gordon Spears, Chairperson
Terri lyn Pontius

Terri-Lyn Pontius, Recording Secretary