

**ORANGE COUNTY  
PLANNING AND ZONING COMMISSION (PZC) / LOCAL PLANNING AGENCY  
(LPA)  
Meeting of May 21, 2020**

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on May 21, 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 Dunn to approve the January 16, 2020 minutes. The motion was seconded by Commissioner Velazquez and was then approved unanimously on an 9-0 vote. A motion was made by Commissioner Velazquez to approve the February 20, 2020 minutes. The motion was seconded by Commissioner Dunn and was then approved unanimously 9-0.

## **OLD BUSINESS**

No old business was discussed.

## **NEW BUSINESS**

A motion was made by Diane Velazquez, seconded by Carlos Nazario to appoint Mohammed Abdallah as the Affordable Housing Advisory Board Member. Vote was approved unanimously 9-0.

## **2020-1 Comprehensive Plan Adoption Out Of Cycle Small Scale Adoption Amendment**

### **Amendment 2020-1-C-1-1**

Applicant: Jim Hall, DSI for O-Town Boardwalk, LLC

Consideration: Planned Development / Commercial / Medium High Density Residential Activity Center Mixed Use (PD-C/MHDR/ACMU) ~~to~~ Planned Development Commercial Office Medium High Density Residential Activity Center Mixed Use (PD-C/O/MHDR/ACMU)

Location: Palm Parkway generally located east of Palm Parkway, south of Daryl Carter Parkway, and west of I-4.

Tract Size: 7.09 gross acres / net developable

Speakers: Jim Hall (Applicant)

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

Motion / Second: Jimmy Dunn / Eddie Fernandez

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

NAY (voice vote): None

Absent None

**Amendment 2020-1-C-FLUE-1**

Applicant: Orange County Staff

Consideration: Proposed Amendment to FLU8.1.4 which establishes maximum development program for the previous case.

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

Motion / Second: Jimmy Dunn / Mohammed Abdallah

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

NAY (voice vote): None

Absent None

**CONVENTIONAL REZONING PUBLIC HEARINGS:**

**1. Ravin Persaud RZ-20-01-079 District 3**

Applicant: Ravin Persaud

Consideration: To rezone 0.86 gross acres from A-2 (Farmland Rural District) **to** C-1 (Retail Commercial District) for general C-1 uses.

Location: 1712 Renee Avenue and 1719 Sue Ann Street, generally on the east side of Sue Ann Street, 230 feet south of E. Colonial Drive

Tract Size: 0.86 gross acres

Speakers: Ravin Persaud (Applicant)

Action: ***Make a motion to continue RZ-20-01-079 to the August 20, 2020 Planning and Zoning Hearing***

Motion /Second: Eddie Fernandez / Jimmy Dunn

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

NAY (voice vote): None

Absent: none

2. **Edward Durruthy RZ-20-02-004 District 3**

Applicant: Edward Durruthy

Consideration: To rezone 13.31 gross acres from R-1AA (Single-Family Dwelling District) **to** R-1 (Single-Family Dwelling District) for twelve (12) single-family detached dwelling units.

Location: S. Westmoreland Drive, generally north of West Lake Holden Point and approximately 1,300 feet east of S Orange Blossom Trail

Tract Size: 13.31 gross acres

Speakers: Ed Durruthy (Applicant)

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

1. Lots shall be a minimum of sixty (60) feet wide.

Motion / Second: Eddie Fernandez / Mohammed Abdallah

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

NAY (voice vote) None

Absent: None

3. **Tawnya Brown RZ-20-03-005 District 4**

Applicant: Tawnya Brown

Consideration: A request to rezone 0.165 gross acres from R-1A (Single-Family Dwelling District) to R-T-1 (Mobile Home Subdivision District) for the purpose of one (1) single family dwelling unit (Mobile Home).

Location: 9525 5<sup>th</sup> Avenue, or generally west of 6<sup>th</sup> Avenue, approximately 1500 feet east of S Orange Avenue

Tract Size: 0.165 gross acres

Speakers: Tawnya Brown (Applicant)

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

Motion / Second: Carlos Nazario / Nelson Pena

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

NAY (voice vote): None

Absent None

4. **Geoff Summit RZ-20-03-019 District 2**

Applicant: Geoff Summit

Consideration: A request to rezone 11.7 gross acres from A-1 (Citrus Rural District) to R-1 (Single-Family Dwelling District) for forty (40) single family detached dwelling units.

Location: 615 & 627 N. Thompson Road, or generally east of N. Thompson Road and north of Votaw Road

Tract Size: 11.7 gross acres

Speakers: Geoff Summit (Applicant)  
Larry Loveland (Opposed)

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

1. No lots shall be less than sixty (60) feet in width.

Motion / Second: Diane Velazquez / Jimmy Dunn

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

NAY (voice vote): None

Absent: None

5. **Julian Ray Coto RZ-20-03-020 District 2**

Applicant: Julian Ray Coto, Excel Engineering Consultants, Inc.

Consideration: A request to rezone 1.07 gross acres from A-1 (Citrus Rural District) **to** R-1 (Single-Family Dwelling District) for three (3) single-family residential units (pending lot split approval).

Location: 1719 Gayle Ridge Drive, or generally north of Gayle Ridge Drive, approximately 600 feet north of Votaw Road

Tract Size: 1.07 gross acres

Speakers: Julian Ray Coto (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: Diane Velazquez / Carlos Nazario

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

NAY ( voice vote): Gordon Spears

Absent None

6. **Juliet N Nah RZ-20-03-021 District 6**

Applicant: Julie N. Nah

Consideration: A request to rezone 1.50 gross acres from P-O (Professional Office District) **to** R-3 (Multiple-Family Dwelling District) to have a Bed and Breakfast Inn

Location: 6609 La Jolia Street, or generally south of West Colonial Drive, approximately 610 feet east of North Hiawassee Road

Tract Size: 1.50 gross acres

Speakers: Juliet Nah (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested R-3 (Multiple-Family Dwelling District) zoning subject to the following restrictions:

1. The allowable use for this property shall be restricted to Bed and Breakfast Inn.

2. The applicant shall comply with Section 38-1425 (2) of the Orange County Code.

Motion: JaJa Wade / Nelson Pena

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

NAY (voice vote): None

Absent: Mohammed Abdallah

7. **Tony Grant RZ-20-03-023 District 2**

Applicant: Tony Grant

Consideration: A request to rezone 0.63 gross acres from R-1 (Single-Family Dwelling District) **to** R-2 (Residential District) for three (3) single-family dwelling units (pending lot-split approval)

Location: 6762 Magnolia Avenue, or generally north of Doctor Love Road, approximately 30 feet west of Magnolia Homes Road.

Tract Size: 0.63 gross acres

Speakers: Tony Grant (Applicant)

Action: Make a finding of inconsistency with the Comprehensive Plan and recommend **APPROVAL** of the requested R-2 (Residential District) zoning subject to the following restrictions:

1. The development shall be limited to three (3) single-family detached dwelling units.

Motion / Second: Diane Velazquez / Nelson Pena

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

NAY (voice vote): None



Absent: None

8. **Gary Allen Young RZ-20-03-024 District 4**

Applicant: Gary Allen Young

Consideration: A request to rezone 0.69 gross acres from A-2 (Farmland Rural District) **to** R-1A (Single-Family Dwelling District) for one (1) single-family residential unit pending lot split approval.

Location: 913 Indigo Avenue, or generally south of East Colonial Drive approximately 30 feet east of Indigo Avenue

Tract Size: 0.69 gross acres

Action: ***This case was withdrawn, no action needed.***

9. **Peter Duke RZ-20-03-025 District 3**

Applicant: Peter Duke

Consideration: To rezone 0.34 gross acres from R-1A (Single-Family Dwelling District) **to** R-1 (Single-Family Dwelling District) to approve two (2) detached single-family residences, pending lot split approval.

Location: 2514 Shannon Road, or generally southwest of the intersection of Shannon Road and Clark Street, approximately 540 feet east of S Bumby Avenue

Tract Size: 0.34 gross acres

Speakers: Peter Duke (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, Diane Velazquez, Carlos Nazario, Evelyn Cardenas, JaJa Wade, Mohammed Abdallah, Nelson Pena and Gordon Spears

NAY (voice vote): None

Absent: None

10. **Al Tehrani, P.E Tehrani Consulting Engineering RZ-20-03-026 District 6**

Applicant: Al Tehrani

Consideration: To rezone 0.13 gross acres from R-3 (Multiple Family Dwelling District) **to** C-1 (Retail Commercial District) for Office and Retail uses.

Location: 6313 and 6317 Old Winter Garden Road, or generally northwest of the Old Winter Garden Road and S Observatory Drive intersection.

Tract Size: 0.31 gross acres

Speakers: Al Tehrani (Applicant)

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

1. New billboard and pole signs shall be prohibited; and
2. The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-1 uses; and
3. Parcels 25-22-28-6420-04-260 and 25-22-28-6420-04-280 shall be aggregated into one (1) lot prior to the issuance of any use permit; and
4. Vehicular access shall only be allowed from Old Winter Garden, and prohibited from S Observatory Drive

Motion / Second: JaJa Wade / Diane Velazquez

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

NAY (voice vote): None

Absent: None

**11. Neel Shivcharran LUP-19-06-225 District 5**

Applicant: Neel Shivcharran

Project Name: Old Cheney Townhomes Planned Development

Consideration: To rezone 1.14 gross acres from R-1A (Single Family Dwelling District) & R-3 (Multi-Family Dwelling District) **to** PD (Planned Development District) in order to construct ten (10) attached single-family residential dwelling units.

Location: 5565 Old Cheney Highway or generally at the northeast corner of the Old Cheney Highway and Turrisi Boulevard Intersection.

Tract Size: 1.14 gross acres

Speaker: David Gastel (Applicant)  
David Foley (Opposed)  
Mackenzie Singleton (In Favor)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the Old Cheney Townhomes Planned Development (PD/LUP) dated "Received February 14, 2020, subject to the following conditions:

1. Development shall conform to the Old Cheney Townhomes Land Use Plan (LUP) dated "Received February 14, 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 February 14, 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. The development shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
7. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
8. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
9. 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.
10. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
11. This property is located within Airport Noise Zones C and D. Development shall comply with Article XV, Chapter 9, Orange County Code (Airport Noise Impact Areas), as may be amended from time to time.
12. 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.
13. Commercial uses shall be limited to C-1 uses only, except that short term rental shall be prohibited. Additionally, residential uses shall be prohibited within the commercial portion of the development.

14. The following waivers from Orange County Code are granted:

- a. A waiver from Section 38-1272(a)(3) to allow a 10' rear yard setback between the residential and commercial site internal to the PD, in lieu of the 25' setback.
- b. A waiver from Section 24-5(a)(3) for a 5' buffer between the commercial and residential internal to the PD, in lieu of the 15' required buffer.
- c. A waiver from Section 38-1254(a) to allow for a 5' side yard setback along the north property line, in lieu of the 25' perimeter setback.
- d. A waiver from Section 38-1272(a)(3) to allow an 8.3' setback from Turrisi Boulevard for the commercial portion, in lieu of the 30' setback.
- e. A waiver from Section 38-1272(a)(3) to allow an 18.7' setback from Old Cheney Highway for the commercial portion, in lieu of 30'.
- f. A waiver from Section 38-1254(1) to allow a 20' setback from Turrisi Boulevard, in lieu of 25'.
- g. A waiver from Section 38-1253 to waive the requirement for a recreational area.
- h. A waiver from Section 30-248(8) to allow backing of vehicles on the right-of-way, in lieu of not permitting backing of vehicles on the right-of-way, as shown on the plans.
- i. A waiver from Section 30-248(7) to allow parking, stopping and maneuvering of vehicles in the right-of-way, in lieu of not allowing parking, stopping and maneuvering of vehicles on the right-of-way, as shown on

Motion / Second: Gordon Spears / Carlos Nazario

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

NAY (voice vote): None

Absent: None

12. **Heather Isaacs, LUP-19-09-290 District 1**

Applicant: Heather Isaacs, Poulos and Bennett, LLC

Project Name: Silverleaf Planned Development- Regulating Plan (PD-RP)

Consideration: To rezone 563 gross acres from A-1 (Citrus Rural District) and PD (Planned Development District) **to** PD (Planned Development District; Silverleaf PD Regulating Plan) in order to propose mixed use project with a development program consisting up to 2,926 residential dwelling units, including 2,903,286 square feet of non-residential uses including hotels, commercial, office, and / or light industrial.

This request is associated with and contingent upon the following Silverleaf PD, Adequate Facilities Agreement, Orange County Public School Capacity Enhancement Agreement (CEA) and Silverleaf PD / Transportation Framework and Mitigation Agreement

Location: Generally located west of SR 429 and Avalon Road, north of Schofield Road, south of New Independence Parkway, and east of the Orange /Lake Boundary

Tract Size: 563 gross acres / 489 developable and 286 net developable

Speakers: Dan OKeefe (Applicant)  
Steven Thorp, OCPS (In Favor)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the Silverleaf Planned Development (PD/LUP) dated "Received March 5, 2020", subject to the following conditions:



1. Development shall conform to the Silverleaf Land Use Plan - Regulating Plan (LUP - RP) dated "Received March 5, 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 5, 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 - regulating plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part

of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. The project shall comply with the terms and conditions of that certain Town Center West (Silverleaf) Road Network Agreement (C.R. 545/Avalon Road, and New Independence Parkway) approved on \_\_\_\_\_, 2020 and recorded in the Public Records of Orange County, Florida, as may be amended.
7. Boat Docks or Ramps - Approval of this plan does not constitute approval of a permit for the construction of a boat dock (including: boardwalks or observation piers in wetlands or in wetland buffer areas) or a boat ramp. Any person desiring to construct a boat dock or boat ramp within this county shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under Chapter 15, Article IX, Construction of Boat Dock Ordinance and a boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramp Facility. If a variance or waiver is requested as part of the Application to Construct a Dock, the request must be approved by the Board of County Commissioners. The Application to construct a Boat ramp Facility must be approved by the BCC. Application shall be made to the Orange County Environmental Protection Division.
8. 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.
9. 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.

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. An upland buffer of a minimum of 25 feet will be provided for all Class I, II, and III wetland systems unless scientific data dictate a larger or smaller buffer based on wetland function or local conditions. These will be shown as 25-foot buffer located landward of the wetland line that shall retain natural vegetation and labeled as Undisturbed Vegetated Natural Buffer.
12. 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, shall include notification of the prior use of this property (where appropriate) as a citrus grove, landscape nursery, or other prior use if that former use had potential for soil or groundwater contamination.
13. Prior to construction plan approval, all property owners within Horizon West Town Center Village (SAP), 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.
14. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
15. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, such MUP shall include supporting calculations showing that the PD-level MUP is consistent with approved and up-to-date MUP for the Horizon West Town Center, or shall include an update to the Horizon West Town Center MUP to incorporate

any revisions. The MUP(s) must be approved prior to construction plan approval.

16. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
17. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water 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, provide calculations and documentation certifying that the design complies with this condition.
18. 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 Horizon West Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
19. 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.
20. 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 of the proximity of inactive and active Solid Waste Management Facilities within one-mile of this project (to the north) and as close as 0.1 mile to the southeast.

All DPs/PSPs within that limit will be required to have a proximity notice condition of approval.

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

22. The applicant's right of way petition to vacate application must be approved by the Board of County Commissioners concurrently with the Regulating Plan.

Motion / Second: Jimmy Dunn / Eddie Fernandez

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

NAY (voice vote): None

Absent: None

*Mohammed Abdallah voting conflict of interest*

13 **Michelle Heatherly LUPA-19-11-394 District 5**

Applicant: Michelle Heatherly

Project Name: Collegiate Village Planned Development (PD)

Consideration: To rezone .73 gross acres from R-3 (Multiple Family Dwelling District) **to** PD (Planned Development District) for the purpose of 1,800 student housing beds, 153,600 square feet of commercial and 123 hotel rooms.

Location: Generally south of University Boulevard and west of Alafaya Trail.

Tract Size: .73 acres (portion to be rezones) 54.25 acres (overall PD)

Speakers: David Gastel (Applicant)  
Norm Nash (Opposed)  
David Simmons (Opposed)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested PD (Planned Development District) zoning, subject to the ten (10) conditions in the staff report with condition 10(i)(1) being stricken through.

Motion / Second: Gordon Spears / Jimmy Dunn

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

NAY (voice vote): None

Absent: Mohammed Abdallah

14 **Kathy Hattaway LUP-18-10-334 District 1 & Orange County Ch. 37 Public /**

**Private Sewer Use Ordinance**

Action: To continue these two items to the June 5, 2020 PZC hearing.

Motion / Second: Gordon Spears / Jaja Wade

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

NAY (voice vote): None

Absent: Mohammed Abdallah

**MEETING ADJOURNED**

With no further business, Commissioner Spears made a motion to adjourn. The motion was seconded by Commissioner Dunn and passed with an 9-0 vote. The meeting adjourned at approximately 1:30 pm.

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Gordon Spears, Chairperson

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Terri-Lyn Pontius, Recording Secretary