

**ORANGE COUNTY
PLANNING AND ZONING COMMISSION (PZC) / LOCAL PLANNING AGENCY
(LPA)
Meeting of June 18, 2020**

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on June 18, 2020, in the Orange County Commission Chambers, 201 South Rosalind Avenue, Orlando, Florida 32801.

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

ABSENT:	JaJa Wade	District 6
	Nelson Pena	At Large

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 Hartsfield, Planner; John Harbilas, Planner; Erin Hartigan, 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 Cardenas to **APPROVE** the May 21, 2020 minutes. The motion was seconded by Commissioner Velazquez and was then approved unanimously on a 6-0 vote. Commissioner Dunn, Wade and Pena were absent.

A motion was made by Commissioner Nazario to **APPROVE** the June 5, 2020 minutes. The motion was seconded by Commissioner Cardenas and was then approved unanimously on a 6-0 vote. Commissioner Dunn, Wade and Pena were absent.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

No new business was discussed.

Conventional Rezoning Public Hearings

1. R. Scott Batterson RZ-20-05-033 District 5

<u>Applicant:</u>	R. Scott Batterson
<u>Consideration:</u>	To rezone 1.80 acres from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to develop seven (7) single-family dwelling units (pending lot split approval)
<u>Location:</u>	2430, 2346, 2340, 2336 Roxbury Road, generally on the south side of Roxbury Road, 230 feet south of Salisbury Drive, 240 feet west of Killarney Drive, and 1,100 feet east of S. Wymore Road.
<u>Tract Size:</u>	1.80 gross acres
<u>Speakers:</u>	Craig Batterson (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. Lot widths shall be a minimum of 70 feet.

Motion/Second: Gordon Spears / Carlos Nazario

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

NAY (voice vote): None

Absent: Jimmy Dunn, JaJa Wade and Nelson Pena

2. David Lasser RZ-20-05-036 District 4

Applicant: David Lasser

Consideration: To rezone 17.5 gross acres from A-2 (Farmland Rural District) **to** I-1 /I-5 (Industrial District Light) for the use of a warehouse.

Location: Generally located north of Young Pine Road, approximately 2,000 feet west of the Orange County Landfill.

Tract Size: 17.5 gross acres

Speakers: David Lasser (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested I-1 / I-5 (Industrial District Light) zoning 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 any I-1/I-5 uses.

Motion /Second: Carlos Nazario / Mohammed Abdallah

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

NAY (voice vote): None

Absent: Jimmy Dunn, JaJa Wade, and Nelson Pena

3. Howard Axner RZ-20-05-037 District 5

Applicant: Howard Axner

Consideration: To rezone 0.47 gross acres from R-1A (Single-Family Dwelling District) **to** R-1 (Single-Family Dwelling District) for two (2) single-family homes pending lot split.

Location: 4349 Daubert Street, or generally 940 feet north of East Colonial Drive, approximately 70 feet west of Jamajo Blvd

Tract Size: 0.47 gross acres

Speakers: Howard Axner (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: Gordon Spears / Diane Velazquez

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

NAY (voice vote) None

Absent: Jimmy Dunn, JaJa Wade, and Nelson Pena

4. Chris Dougherty RZ-20-05-038 District 4

Applicant: Chris Dougherty

Consideration: A request to rezone 0.95 gross acres from C-2 (General Commercial District) to C-2 (General Commercial District) for the purpose of an automobile repair shop.

Location: 14539 E. Colonial Drive, or generally north of E. Colonial Drive, approximately 140 feet east of Frank Street.

Tract Size: 0.95 gross acres

Speakers: Chris Dougherty (Applicant)
Troy Drinkwater (In Favor)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested C-2 (General Commercial District) zoning with the following amended 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 any C-2 uses; and
3. The use of Outdoor Storage and display shall be prohibited; and
4. Access to Bell Street shall be prohibited; and
5. Bay doors shall not be oriented toward the north property line; and
6. A six (6) foot masonry wall shall be constructed along the north property line; and
7. The site plan referenced in restriction # 2 shall reflect future cross access to the adjacent commercial parcels to the east and east. Such cross access shall be built when said adjacent parcels are developed, provided such parcels are developed in compliance with all applicable provisions of Orange County Code.

Motion / Second: Carlos Nazario / Mohammed Abdallah

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

NAY (voice vote): None

Absent

Jimmy Dunn, JaJa Wade, and Nelson Pena

5. Tammy Moore RZ-20-06-039 District 1

Applicant: Tammy Moore

Consideration: A request to rezone 1.52 gross acres from A-1 (Citrus Rural District) to R-2 (Residential District) to sell the property for multi-family resident.

Location: 442 Magnolia St, or generally west of S.R. 429 and approximately 325 feet south of W Colonial Drive

Tract Size: 1.52 gross acres

Speakers: Tammy Moore (Applicant)
ED Williams (Opposed)

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

Motion / Second: Diane Velazquez / Carlos Nazario

AYE (voice vote): Diane Velazquez, Carlos Nazario, Gordon Spears, Eddie Fernandez, and Evelyn Cardenas.

NAY (voice vote): Mohammed Abdallah

Absent: Jimmy Dunn, Nelson Pena and JaJa Wade

6. Kathy Hattaway LUP-18-11-375 District 1

Applicant: Kathy Hattaway

Project Name: Horizon West- Village I –Karr Planned Development (PD)

Consideration: A request to rezone 134.09 gross acres from A-1 (Citrus Rural District) **to** PD (Planned Development District) in order to construct 447 single family attached and detached dwelling units, 250 multi-family residential dwelling units, and 10,000

square feet of neighborhood commercial uses. The request also includes the permitted use of a Charter School.

Location: Generally east of Avalon Road, north of Hartzog Road, and south of Western Way

Tract Size: 134.09 gross acres

Speakers: Kathy Hattaway (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the Horizon West- Village I Karr PD/ LUP (Planned Development / Land Use Plan) dated "April 17, 2020" subject to the following conditions:

1. Development shall conform to the Horizon West – Village I - Karr Land Use Plan (LUP) dated "Received April 17, 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 April 17, 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. 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. 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.
8. The project shall comply with the terms and conditions of that certain Hartzog Road Right-of-Way Agreement recorded at Official Records Book / Page 9712 / 4850, Public Records of Orange County, Florida, as may be amended.
9. The project shall comply with the terms and conditions of the Village I Horizon West Road Network Agreement approved by the Board of County Commissioners on January 28, 2020 as recorded in Orange County Official Records under the document # 20200109451, Public Records of Orange County, Florida, as may be amended.
10. 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.

11. 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.
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. 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).
14. 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.
15. 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) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
16. 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 Utility Plan (MUP).
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. A 5-year interim Master Utility Plan (MUP) for Village I must be approved prior to Construction Plan approval within this PD.
19. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
20. 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 and up-to-date 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.
21. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
22. 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.
23. If applicable, the Charter School shall comply with the School Siting Ordinance.
24. The following waivers from Orange County Code are granted:
 - a. A waiver, for Parcels 2, 16, 18, and 23, from Section 34-152(c) to allow lots to front a meadow, 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, for Parcels 2, 16, 18, and 23, from Section 38-1382(h)(4) 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, for Parcels 2, 16, 18, and 23, from Section 38-1384(g)(1) to allow garage access to be setback from an alley tract in lieu of an easement.
- d. A waiver, for Parcels 2, 16, 18, and 23, from Section 38-1384(g)(2) 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, for Parcels 2, 16, 18, and 23 from Section 38-1384(i)(2) 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 Section 38-1258(a), for Parcel 15, to allow multi-family residential buildings twenty (20) feet from single-family zoned property and to be constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.
- g. A waiver from Section 38-1258(b), for Parcel 15, to allow multi-family residential buildings twenty (20) feet from single-family zoned property and to be constructed up to five-stories and 75 feet in height in lieu of the requirement that multi-family buildings within one hundred and fifty (150) feet of a single-family zoned property vary in building height. This waiver is both internal and external to the Karr PD.
- h. A waiver from Section 38-1258(c), for Parcel 15, to allow multi-family buildings twenty (20) feet from a single-family zoned property and to be constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.

- i. A waiver from Section 38-1258(d), for Parcel 15, to allow multi-family buildings constructed up to five-stories and 75 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. This waiver is both internal and external to the Karr PD.
- j. A waiver from Section 38-1258(e), for Parcel 15, to allow parking and paved areas for multi-family development ten (10) 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. This waiver is both internal and external to the Karr PD.
- k. A waiver from Section 38-1258(f), for Parcel 15, 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. This waiver is both internal and external to the Karr PD.
- l. A waiver from Section 38-1258(g), for Parcel 15, 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. This waiver is both internal and external to the Karr PD.
- m. A waiver from Section 38-1258(i), for Parcel 15, 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. This waiver is both internal and external to the Karr PD.
- n. A waiver from Section 38-1258(j), for Parcel 15, to allow 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. This waiver is both internal and external to the Karr PD.

- o. A waiver from Section 38-1387.2(a)(8)(b) to allow a ten (10) foot side setback in lieu of the fifteen (15) foot side setback requirement for apartment buildings.
- p. A waiver from Section 38-1387.1(a)(10) to allow a fourteen (14) foot building separation between townhomes in lieu of twenty (20) feet.
- q. A waiver from Section 38-1387.1(a)(3) to allow a 90-foot lot depth in lieu of 100-feet.
- r. A waiver from Section 30-714(c) to allow development within the Karr PD to proceed beyond five percent (5%) of the project's approved PD entitlements prior to either: (1) the option being exercised and the property being conveyed; or (2) the developer paying the appropriate fee in lieu of conveyance as described in Orange County Code Section 30-714(d).

Motion / Second: Evelyn Cardenas / Carlos Nazario

AYE (voice vote): Evelyn Cardenas, Carlos Nazario, Diane Velazquez, and Eddie Fernandez

NAY (voice vote): None

Absent Jimmy Dunn, JaJa Wade, and Nelson Pena

Mohammed Abdallah and Gordon Spears conflict of interest

2020-1 REGULAR CYCLE ADOPTION AMENDMENTS

1. Amendment 2020-1-A-1-1

Applicant: Jeff Robbins of Related Development, Inc

Consideration: To change future land use from Activity Center Mixed Use (ACMU) **to** Planned Development-Activity Center Residential; (PD-ACR)

Location: Generally located north of Internationals Drive, east of Vineland Ave, south of Lake Street, and west of Daryl Carter Pkwy.

Tract Size: 20.84 gross acres

Speakers: Tom Sullivan (Agent for the applicant)

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

Motion / Second: Mohammed Abdallah / Carlos Nazario

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

NAY (voice vote): None

Absent: Jimmy Dunn, Nelson Pena, and JaJa Wade

2. Amendment 2020-1-A-3-1 & Rezoning LUP-20-01-004

Applicant: Hugh Jacob of the Partnership, Inc.

Consideration: To change the future land use from Commercial (C) **to** Medium High Density Residential (MHDR) (Senior Housing)

Location: Generally located north of Millinocket Lane, east of State Road 417, south of Donnybrook Drive, and west of Constantin Street

Tract Size: 10.60 gross acres

Speakers: Rebeca Wilson (Applicant)
Lucian Conte (Opposed)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the proposed amendment is in compliance and **ADOPT** Amendment 2020-1-A-3-1, Commercial to Medium High Density Residential (Senior Housing) contingent on a community meeting prior to BCC hearing.

Motion /Second: Eddie Fernandez / Mohammed Abdallah

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

NAY (voice vote): None

Absent: Jimmy Dunn, Nelson Pena, and JaJa Wade

Concurrent Rezoning LUP-20-01-004

Action: Make a finding of consistency with the Comprehensive Plan and **APPROVE** the substantial change to the Colonial Greens Planned Development / Land Use Plan dated and "Received: April 17, 2020" subject to the following conditions:

1. Development shall conform to the Colonial Greens Land Use Plan (LUP) dated "Received April 17, 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 April 17, 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. 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).
7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
8. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems

have been designed to support all development within the PD.

9. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
10. 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.
11. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
12. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
13. 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.
14. This multi-family project is limited to a senior housing community intended and operated for occupancy by persons fifty-five (55) years or older, as set forth in Section 22.55 of the Orange County Code, as may be amended.
15. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1254 (2) to allow a right-of-way setback of eight (8) feet for no more than 50% of the linear right-of-way frontage in lieu of a twenty (20) foot setback from the entire right-of-way.
 - b. A waiver from Section 38-1258 (b) to allow the entire senior affordable housing complex to be a maximum of four (4)

stories, forty-four (44) feet, in lieu of the restriction that fifty (50) percent of the building be a maximum height of three stories (3), forty (40) feet, and the remaining fifty (50) percent be one (1) story or two (2) stories in height.

- c. A waiver from Section 38-1258 (c) to allow the senior affordable housing complex to be a maximum of four (4) stories, forty-four (44) feet, in lieu of the maximum height of three stories (3), forty (40) feet.
- d. A waiver from Section 38-1258 (f) to allow a six (6) foot composite screening wall or a precast concrete wall system in lieu of a six-foot high masonry, brick, or block wall.
- e. A waiver from Section 38-1255 to allow shade trees at a ratio of one (1) shade tree per two (2) units in lieu of the required one (1) shade tree per unit.
- f. A waiver from Section 38-1476 to allow 1.4 parking spaces per unit in lieu of the required two (2) parking spaces per unit.
- g. A waiver from Section 38-1258 (g) to access a multifamily site from a right-of-way serving a platted single family residential.

Motion/ Second: Eddie Fernandez / Mohammed Abdallah

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

NAY (voice vote): None

Absent: Jimmy Dunn, Nelson Pena, and JaJa Wade

3. Amendment 2020-1-A-4-1

Applicant: Jonathan P. Huels

Consideration: To change Future Land Use from Planned Development-Institutional / Conservation (PD-INST/CONS) **to** Planned Development- Commercial Office Medium Density-

Residential/ Low Medium Density Residential / Conservation
(PD-C/O/MDR/LMDR/CONS)

Location: 14314 Boggy Creek Road, generally located north of Simpson Road, east of Ward Road, south of Lake Nona Boulevard, and west of Boggy Creek Road.

Tract Size: 114 gross acres -94 net developable acres

Speakers: Jonathan Huels (Applicant)

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

Motion / Second: Carlos Nazario / Evelyn Cardenas

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

NAY (voice vote): None

Absent: Nelson Pena, Jimmy Dunn, and JaJa Wade

4. Amendment 2020-1-A-4-2

Applicant: Jonathan Huels

Consideration: To change Future Land Use from Low Density Residential (LDR) **to** Low-Medium Density Residential (LMDR)

Location: 9580 Curry Ford Road generally located south of Curry Ford Road, east of S. Econlockhatchee Trail and west of SR 417.

Tract Size: 39.55 gross acres / 29.35 net developable acres

Speakers: Jonathan Huels (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance and **ADOPT** amendment 2020-1-A-4-2.

Motion / Second: Carlos Nazario / Mohammed Abdallah

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

NAY (voice vote): None

Absent: JaJa Wade, Jimmy Dunn, and Nelson Pena

STAFF INITIATED TEXT AMENDMENT

Amendment 2020-1-B-FLUE-1

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

Location: Countywide

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance and recommend **ADOPTION** of Amendment 2020-1-B-FLUE-1 to include the development programs for Amendments 2020-1-A-1-1 and 2020-1-A-4-1 in Future Land Use Element Policy FLU8.1.4

Motion / Second: Diane Velazquez / Carlos Nazario

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

NAY (voice vote): None

Absent: JaJa Wade and Nelson Pena

2020-1 OUT OF CYCLE SMALL SCALE ADOPTION AMENDMENTS

1. Amendment 2020-1-S-5-1 and Rezoning RZ-20-04-063

<u>Applicant:</u>	Jose Chaves, P.E, Storybook Holdings LLC
<u>Consideration:</u>	To change the Future Land Use from Medium Density Residential (MDR) to Commercial (C) and to change the rezoning from R-1A (Single Family Dwelling District) to C-1 (Retail Commercial District)
<u>Tract Size:</u>	5.61 gross acres / 4.21 net developable acres
<u>Location:</u>	3370 Rouse road, generally located west of Rouse Road, south of University Blvd, north of Buck Road and east of the Econlockhatchee River.
<u>Speaker:</u>	Freddy Barton (Agent for the applicant)
<u>Action:</u>	Make a finding of consistency with the Comprehensive Plan and recommend ADOPTION of Amendment 2020-1-S-5-1, Medium Density Residential (MDR) to Commercial.
<u>Motion /Second:</u>	Gordon Spears / Mohammed Abdallah
<u>AYE (voice vote):</u>	Gordon Spears, Mohammed Abdallah, Jimmy Dunn, Evelyn Cardenas, Diane Velazquez, and Carlos Nazario
<u>NAY (voice vote)</u>	None
<u>Absent:</u>	JaJa Wade and Nelson Pena

Concurrent Rezoning RZ-20-04-063

<u>Action:</u>	Make a finding of consistency with the Comprehensive Plan, and recommend APPROVAL of rezoning case RZ-20-04-063, subject to the following restrictions: <ol style="list-style-type: none">1. Billboards and pole signs shall be prohibited2. The following C-1 (Retail Commercial District) uses shall be prohibited:<ol style="list-style-type: none">a. Gas Stations and automobile service stations
----------------	---

- b. Carwashes
- c. Automotive lube shops
- d. Laundry plants, processing of laundry and dry cleaning and dry cleaning plants.

Motion / Second: Gordon Spears / Mohammed Abdallah

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

NAY (voice vote) None

Absent: JaJa Wade and Nelson Pena

2. Amendment 2020-1-S-5-2 and Rezoning LUP-20-02-069

Applicant: Dustin Aukland, Toll Brothers Apartment Living

Consideration: To change the Future Land Use from Planned Development-High Density Residential) PD-HDR) Student Housing and **to** change the rezoning from C-1 (Retail Commercial District) and R-2 (Residential District) to PD (Planned Development) (E. Colonial Student Housing)

Location: Generally located north of E. Colonial Drive, west of Bonneville Drive, and east of the Challenger Pwky, State Road 408 Interchange

Tract Size: 8.17 gross acres / 4.023 net acres

Speakers: Carolyn Haslam (Agent for the 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-5-2, Commercial (C) and Low Medium Density Residential **to** Planned Development – High Density Residential (Student Housing)

Motion / Second: Gordon Spears / Mohammed Abdallah

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

NAY (voice vote): None

Absent: JaJa Wade and Nelson Pena

Concurrent Rezoning LUP-20-02-069

Action: ***To continue rezoning case LUP-20-02-069 to a future Planning and Zoning Meeting.***

Motion / Second: Gordon Spears / Carlos Nazario

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

NAY (voice vote): None

Absent: JaJa Wade and Nelson Pena

Staff Initiated Text Amendment

2020-1-S-FLUE-2

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

Location: Countywide

Action: Make a finding of consistency with the Comprehensive Plan, determine that the proposed amendment is in compliance and recommend **ADOPTION** of Amendment 2020-1-S-FLUE-2, consistent with today's actions.

Motion / Second: Mohammed Abdallah / Gordon Spears

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

NAY (voice vote): None

Absent: JaJa Wade and Nelson Pena

MEETING ADJOURNED

With no further business, Commissioner Spears made a motion to adjourn. The motion was seconded by Commissioner Dunn and passed with a 7-0 vote. The meeting adjourned at approximately 12:08 PM

Gordon Spears, Chairperson

Terri-Lyn Pontius, Recording Secretary