

**ORANGE COUNTY
PLANNING AND ZONING COMMISSION (PZC) / LOCAL PLANNING AGENCY
(LPA)
Meeting of July 16, 2020**

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on July 16, 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
	JaJa Wade	District 6
	Nelson Pena	At Large
	Mohammed Abdallah	At Large
	Evelyn Cardenas	At Large
	James Dunn	District 1

ABSENT: n/a

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; Whitney Evers, Assistant County Attorney; Alan Marshall, Assistant Director, PEDS, Greg Gologowski, Chief Planner, 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 **APPROVE** the June 18, 2020 minutes. The motion was seconded by Commissioner Fernandez and was then approved unanimously on a 9-0 vote.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

No new business was discussed.

Conventional Rezoning Public Hearings

1. Alynne G. Corday RZ-20-07-049 District 3

Applicant: Alynne G. Corday

Consideration: To rezone 1.07 acres from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order for two (2) single-family residential dwelling units (pending lot split approval).

Location: 1721 Hourglass Drive, or generally located on the east side of Hourglass Drive approximately 435 feet north of East Kaley Avenue

Tract Size: 1.07 gross acres

Speakers: Applicant not present

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

Motion/Second: Eddie Fernandez / Carlos Nazario

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

NAY (voice vote): None

Absent: JaJa Wade

2. Jim Hall RZ-20-07-050 District 2

Applicant: Jim Hall, Development Services

Consideration: To rezone 1.44 gross acres from A-1 (Citrus Rural District) **to** R-1 (Single-Family Dwelling District) for the use of five (5) single-family detached dwelling units.

Location: 561 N. Thompson Road, or generally located north of E. Votaw Road approximately 580 feet south of Oak Pint Circle on the east side of N. Thompson Road

Tract Size: 1.44 gross acres

Speakers: Jim Hall (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 / Nelson Pena

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

NAY (voice vote): None

Absent: None

3. S. Brent Spain, Esq. RZ-20-07-051 District 2

Applicant: S. Brent Spain, Esq.

Consideration: To rezone 0.21 gross acres from R-1A (Single-Family Dwelling District) **to** R-T-2 (Combination Mobile Home and Single-Family Dwelling District)

Location: 3605 Cilia Street, or generally north of Willow Street and approximately 435 feet west of Day Care Center Road

Tract Size: 0.21 gross acres

Action: ***Motion to continue to the August 20, 2020 Planning and Zoning Public Hearing.***

Motion / Second: Diane Velazquez / Carlos Nazario

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

NAY (voice vote) None

Absent: None

Small Scale Amendment with Concurrent Rezoning RZ-20-07-043

4. Rosa Celestina Contreras Lopez SS-20-07-042 District 4

Applicant: Rosa Celestina Contreras Lopez

Consideration: A request to rezone 1.56 gross acres from PD (Planned Development District) **to** LDR (Low Density Residential District) and A-2 (Farmland Rural District) **to** R-1AAA (Residential Urban District) for the purpose of three (3) single-family residential lots.

Location: 500 Sunflower Trail, or generally located on the west side of Sunflower Trail, approximately 425 feet north of Hidden Gem Way.

Tract Size: 1.56 gross acres

Speakers: Rosa Celestina Contreras Lopez (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested LDR (Low Density Residential) Future Land Use.

Motion / Second: Carlos Nazario / Jimmy Dunn

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

NAY (voice vote): None

Absent None

Concurrent Rezoning RZ-20-07-043

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

Motion /Second: Carlos Nazario / JaJa Wade

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

NAY (voice vote) Diane Velazquez and Gordon Spears

Absent None

Staff Initiated Text Amendment 2020-2-C-FLUE-2

Consideration: Text amendment to Future Land Use Element Policy FLU8-2-5-1 to not require a rezoning for properties with inconsistency zoning and Future Land Use map designations when the proposed use is single family detached residential; the zoning and future land use map designations are both residential and the lot is a Lot of Record or had been legally subdivided.

Location: Countywide

Action: Make a finding of consistency with the Comprehensive Plan, determine that the proposed text amendment is in compliance and **TRANSMITTAL** Amendment 2020-2-C-FLUE-2.

Motion / Second: Mohammed Abdallah / Jimmy Dunn

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

NAY (voice vote): None

Absent: JaJa Wade

Public Hearing Chapter 23 Ordinance

Consideration: AN ORDINANCE AMENDING CHAPTER 23 ("IMPACT FEES") BY AMENDING SECTION 23-29 ("IMPACT FEES, WITH ANNUAL INDEXING; COMPARABLE USES; ALTERNATIVE IMPACT FEE CALCULATION; PERIODIC UPDATES; TIME OF PAYMENT"); SECTION 23-60("FEES; COMPARABLE USES, ADJUSTMENTS; PERIODIC ADJUSTMENTS; TIME OF PAYMENT. "); SECTION 23-91("LIMITATION OF ISSUANCE OF BUILDING PERMITS"); SECTION 23-98 ("EXEMPTIONS AND DISCOUNTS"); SECTION 23-142("PAYMENT"); SECTION 23-180 ("IMPACT FEES; COMPARABLE USES; ADJUSTMENTS; PERIODIC ADJUSTMENTS; TIME OF PAYMENT"); AND PROVIDING AN EFFECTIVE DATE.

Speaker: Alan Marshall, Assistant to the Director, Planning Environmental, Development Services

Action: Make a finding of consistency with the Comprehensive Plan, and **APPROVE** the Ordinance amending Chapter 23, (Impact Fees) allowing for deferral of payments of impact fees until Certificate of Occupancy and creation of an exemption for payment of Transportation Impact Fees for change of use permit.

Motion / Second: Mohammed Abdallah / Jimmy Dunn

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

NAY (voice vote): None

Absent: None

2020-1 Small Scale Privately Initiated Amendments with Concurrent Rezoning

1. Amendment 2020-1-S-2-3 & Rezoning LUP-19-12-418

Applicant: Jean M. Abi-Aoun, P.E., Florida Engineering Group

Consideration: To change future land use from Low Medium Density Residential (LMDR) **to** Low Medium Density Residential (LMDR) (Senior Housing) and rezoning request from A-1 (Citrus Rural District) **to** PD (Planned Development District) (Kings Landing PD/LUP)

Location: North Powers Drive, generally located west of N Powers Drive, north of Fox Briar Trail, south of Quarter Horse Lane, and east of N Hiawasse Road

Tract Size: 8.97 gross acres

Speakers: Jean M. Abi-Aoun (Applicant)
Patrick Dallas
Shaprel Dallas
Pastor Jacques (In Favor)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance and recommend **ADOPTION** Amendment 2020-2-S-2-3.

Motion / Second: Diane Velazquez / Carlos Nazario

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

NAY (voice vote): None

Absent: None

Concurrent Rezoning LUP-19-12-418

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the Kings Landing Planned Development /land Use Plan (PD/LUP) dated "Received May 7, 2020" subject to the following conditions:

1. Development shall conform to the Kings Landing Land Use Plan (LUP) dated "Received May 7, 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 May 7, 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. 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. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
9. This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit.
10. 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. 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 MUP and updates must be approved prior to Construction Plan approval.
11. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
12. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
14. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.

15. This 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.
16. Except as may be otherwise approved by the Zoning Manager, or a Designee, the existing vegetation within the 25' PD Perimeter setback along the north and south
17. The area south of 5226 N. Powers Drive, Orlando, FL 32818, and north of the future access road shall remain open space.
18. This project shall consist of no more than fifty-nine (59) single-family units.

Motion / Second: Diane Velazquez / Nelson Pena

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

2. Amendment 2020-1-S-4-1 & LUP-20-01-001

Applicant: Carlos A. Rivera

Consideration: To change the future land use from Low Medium Density Residential (LMDR) **to** Medium High Density Residential (MHDR) (Senior Housing) and rezoning from R-2 (Residential District) to PD (Planned Development District) (Gardens at Waterford Lakes) to develop up to 63 senior housings dwelling units.

Location: 707 Woodbury Road, generally located in the southeast corner of the intersection of Woodbury Road and Lake Underhill Road

Tract Size: 1.8 gross acres

Speakers: Marcos Marchena (Applicant)
John Smogor (Consultant for Applicant)
Marci Fredrico (Opposed)
Stephaine Chandrasekaran (Opposed)
Andrew Garrett (Opposed)

Action: Make a finding of inconsistency with the Comprehensive Plan, determine that the proposed amendment is not in compliance and **DENY** Amendment 2020-1-S-4-1.

Motion /Second: Carlos Nazario / Evelyn Cardenas

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

NAY (voice vote): Gordon Spears, Eddie Fernandez, and Mohammed Abdallah

Absent: Jimmy Dunn

Concurrent Rezoning LUP-20-01-001

Action: Make a finding of inconsistency with the Comprehensive Plan, and recommend **DENIAL** of the Gardens at Waterford Lakes Planned Development/ Land Use Plan dated "Received April 14, 2020".

Motion/ Second: Carlos Nazario / Nelson Pena

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

NAY (voice vote): Gordon Spears, Eddie Fernandez, and Mohammed Abdallah

Absent: Jimmy Dunn

Out of Cycle 2020-2 Staff Initiated Text Amendment

Amendment 2020-2-C-PSFE-1

Consideration: Text Amendment to the Future Land Use Element Policy FLU8.2.5.1 to not require a rezoning for properties with inconsistent zoning and future land use map designations when the proposed use is single-family detached residential the zoning and future land use map designations are both residential and the lot is a Lot of Record, a lot created through a plat, or a lot split as recognized by Orange County.

Location: Countywide

Action: Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance and recommend **TRANSMITTAL** of Amendment 2020-2-C-PSFE-2, revising Future Land Use Element Policy FLU8.2.5.1.

Motion / Second: Mohammed Abdallah / Carlos Nazario

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

NAY (voice vote): None

Absent: Jimmy Dunn and Eddie Fernandez

Work Session:

Transportation Impact Fee

Speaker: Renzo Nastasi, Manager Transportation Planning Division

Action: No voting was required as this was only a worksession regarding updates to the Transportation Impact Fes.

MEETING ADJOURNED

With no further business, Commissioner Spears made a motion to adjourn. The motion was seconded by Commissioner Dunn and passed with a 9-0 vote. The meeting adjourned at approximately 2:27 PM

Gordon Spears, Chairperson

✓ Terri lyn Pontius

Terri-Lyn Pontius, Recording Secretary