

**ORANGE COUNTY  
PLANNING AND ZONING COMMISSION (PZC) / LOCAL PLANNING AGENCY  
(LPA)  
Meeting of November 19, 2020**

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on November 19, 2020, in the Orange County Commission Chambers, 201 South Rosalind Avenue, Orlando, Florida 32801.

PRESENT:	Sean McQuade	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
	Evelyn Cardenas	At Large
	James Dunn	District 1

ABSENT:	Mohammed Abdallah	At Large
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ALSO  
PRESENT: Orange County Staff: Eric Raasch, Planning Administrator; Jason Sorensen, Chief Planner; Irina Pashinina, Planner; James Hartsfield, Planner; Greg Golgowski, Chief Planner; Carla Bell-Johnson, County Administration; Whitney Evers, Assistant County Attorney; and Terri-Lynn 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 September 17, 2020 minutes. The motion was seconded by Commissioner Cardenas and was then approved unanimously on a 7-0 vote. Commissioner Abdallah, and Wade were absent.

## **OLD BUSINESS**

No old business was discussed.

## **NEW BUSINESS**

No new business was discussed.

## **Rezoning Public Hearings**

### **Allison Turnbull, Esq., RZ-20-10-066 District 2**

Applicant: Allison Turnbull, Esq.

Consideration: To rezone from C-2 (General Commercial District) **to** C-3 (Wholesale Commercial District) to allow an office for exterminating and pest control service, pest control supplies, disinfecting service, fumigating service plus outdoor and overnight parking including dual rear wheel vehicles, in addition to all C-1 uses.

Location: 1551 Lee Road, generally northeast of the Lee Road and Davisson Avenue Intersection.

Tract Size: 0.98 gross acres

Speakers: Allison Turnbull (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of the requested C-3 (Wholesale Commercial District– Restricted) zoning, subject to the following restrictions:

1. Billboards and pole signs shall be prohibited. The existing pole sign adjacent to Lee Road shall be removed.
2. Development shall be limited to C-1 uses with the addition of the C-3 use of exterminating and pest control service with outdoor and overnight parking of related business vehicles and dual rear wheel vehicles; provided that business vehicles must be parked overnight within a gated area but are prohibited along the western property line along Davisson Avenue, and a maximum of three (3) dual rear wheel vehicles with a single rear axle may be permitted on-site but shall only be permitted to park along the eastern boundary of the site behind the front building facade fronting Lee Road.
3. Outdoor storage shall be prohibited, except for overnight vehicles associated with the pest control business as set forth in restriction number 2.
4. A block wall measuring six (6) feet in height shall be constructed along the northern boundary line of the property.
5. The block step wall on the western property line along Davisson Avenue shall be pressure washed and painted.
6. Irrigation and a hedge row shall be installed to County standards adjacent to the Davisson Avenue right-of-way.
7. The site may be gated provided any gate must consist of a wrought iron (or wrought iron in appearance) fence with clear view into the storage area from the right-of-way. The fence should not block an entry or exit from the site and must not be located forward of the building along Lee Road.
8. Canopy trees, meeting County Standards, shall be planted in the existing landscape islands (one tree per island) along Davisson Avenue and Lee Road. Where canopy tree plantings are not viable due to overhead wires, understory trees, meeting County Standards, may be planted in the same locations.
9. The billboards along Lee Road shall be removed.

Motion / Second: Sean McQuade / Jimmy Dunn

AYE (Voice vote): Sean McQuade, Jimmy Dunn, Gordon Spears, Eddie Fernandez, Carlos Nazario, Nelson Pena, Evelyn Cardenas, and JaJa Wade

NAY (voice vote): None

Absent: Mohammed Abdallah

**Kathy Hattaway, LUP-20-06-152 District 1**

Applicant: Kathy Hattaway, Poulos and Bennett

Project Name: Horizon Vue Planned Development / Unified Neighborhood Plan (UNP)

Consideration: To change the rezone from A-1 (Citrus Rural District) **to** PD (Planned Development District) in order to develop 270 multi-family dwelling units, 49,400 square feet of Commercial Uses and a 125-room hotel.

Location: Generally located north of Schofield Road and west of Avalon Road

Tract Size: 24.37 gross acres

Speakers: Kathy Hattaway(Applicant)

1<sup>st</sup> Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of the Horizon Vue Planned Development (PD/LUP) dated "October 14, 2020", subject to the following conditions:

1. Development shall conform to the Horizon Vue Land Use Plan (LUP) dated "Received October 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 October 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. 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. 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).
8. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, that neither potable wells nor irrigation wells using local groundwater will be allowed on site.
9. 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 the following solid waste management facilities: OCE West Orange, LLC C&D Disposal & Recycling Facility (an inactive facility under FDEP Closure Order OGC Case No. 19-0331) immediately adjacent to the project's southern boundary, and the 545 Landfill C&D Debris Disposal located 0.3 miles south of the project's southern boundary.
10. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, shall include notification of the prior agricultural use of this property.
11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation

activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

12. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the DP, and that construction plans are consistent with an approved and up-to-date Master Utility Plan for the Horizon West Town Center.
13. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.
14. 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.
15. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire 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).
16. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
17. Pursuant to OC Comp Plan Policy C1.5.7, development in, or near, contaminated soils shall properly address the contamination prior to approvals allowing disturbance of the contaminated soils with land clearing (including grubbing, or demolition), mass grading and or construction. Therefore, because of the site's prior land use, a Phase I Environmental Site Assessment is required prior to approvals that include alterations of the land's surface. Depending on the results of the Phase I, limited sampling or a full Phase II Environmental Site Assessment will be required. In order to allow for other parts of the project to move forward, a protective activity setback buffer can be

established around any found sources of contamination in order to allow simultaneous remediation and other adjacent site development activity in a phased manner to proceed on a case by case basis. The goal of remediation will be compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels. The remediation process will be deemed complete with either a state determination of No Further Action or Site Rehabilitation Completion Order with, or without, conditions, or compliance with a remedial action plan in order to determine when vertical construction can proceed.

18. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
19. The northernmost access final location and configuration will be determined at DP plan submittal for the commercial (CCMU-8) parcel.

Motion/ Second: Jimmy Dunn / Evelyn Cardenas

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

NAY (voice vote): None

Absent: Mohammed Abdallah

### **Small Scale Amendments with Concurrent Rezoning:**

#### **1. SS-20-11-070 & RZ-20-11-076 Nicholas Alix, District 3**

Applicant: Nicholas Alix, Astoria 44

Consideration: A request to change future land use and rezoning of LMDR (Low Medium Density Residential) **to** O (Office) and rezoning from A-2 (Farmland Rural District) & **to** P-O (Professional Office District) for the use of general P-O uses.

Location: 1616 S. Dean Road, generally located on the west side of S. Dean Road, south of Berry Dease Road and north of Leyburn Court

Tract Size: 9.68 gross acres

Action: ***Applicant has asked to postpone with no future certain date.***



Motion / Second: Eddie Fernandez / Jimmy Dunn

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

NAY (voice vote): none

Absent: Mohammed Abdallah

## **2. SS-20-11-071 & RZ-20-11-072 Tara Tedrow District 5**

Applicant: Tara Tedrow, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

Consideration: To change the Future Land Use from LDR (Low Density Residential) **to** Office (O) and rezone from R1-A (Single-Family Dwelling District) **to** P-O (Professional Office) for the proposed use of general P-O uses including a law office.

Location: 4301 Edgewater Drive, generally located at the north corner of Sherrington Road and Edgewater Drive

Tract Size: 0.23 gross acres

Speakers: Tara Tedrow (Applicant)  
Austin Valle (Opposed)  
Paige Clements (Opposed)  
Dan Arbuckle (Opposed)  
Sue Arbuckle (Opposed)  
Kimberly Woodburn (Opposed)  
Jacquelyn Harmeling (Opposed)  
Elan Jackson (Opposed)

### **Future Land Use Map Amendment & Rezoning**

Action: Make a finding of consistency with the Comprehensive Plan and recommend **ADOPTION** of the requested O (Office) Future Land Use and recommend **APPROVAL** of the

requested P-O (Professional Office District) zoning subject to the following restrictions:

1. Billboards and pole signs shall be prohibited
2. The applicant / developer shall submit a site plan to demonstrate compliance with all applicable Orange County Code requirements prior to issuance of a use permit to accommodate P-O uses.
3. Access to Sherrington Road shall be prohibited
4. Development on this parcel shall be limited to a Floor Area Ratio of 0.19.
5. An opaque fence or wall six (6) feet in height shall be installed along the property line adjacent to residential zoned properties and such fence shall be properly maintained.

Motion / Second: Gordon Spears / Eddie Fernandez

AYE (voice vote): Gordon Spears, Eddie Fernandez, Evelyn Cardenas, Jimmy Dunn, Carlos Nazario, Sean McQuade, and JaJa Wade

NAY (voice vote): Nelson Pena

Absent: Mohammed Abdullah

### **Out of Cycle Comprehensive Plan Adoption Amendment**

#### **Amendment 2018-2-A-1-2**

Applicant: Kathy Hattaway, Poulos & Bennett/ BB Groves LLC

Consideration: To change the future land use from Growth Center/ Resort/ Planned Development and Village ~~to~~ Growth Center- Planned Development Resort/ Low Medium Density Residential

Location: Generally located west of Avalon Road, and north and south of Grove Blossom Way

Tract Size: 117.89 gross acres / 106.99 net developable acres

Speakers: Kathy Hattaway (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2018-2-A-1-2.

Motion / Second: Jimmy Dunn / Carlos Nazario

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

NAY (voice vote): None

Absent: Mohammed Abdallah and Eddie Fernandez

### **Staff Initiated Text Amendment**

#### **Amendment 2018-2-B-FLUE-3**

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

Location: Countywide

Action: Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance and recommend **ADOPTION** of Amendment 2018-2-B-FLUE-3 to include the development program for Amendment 2018-2-A-1-2 in Future Land Use Element Policy FLU8.1.4.

Motion/ Second: Jimmy Dunn / JaJa Wade

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

NAY (voice vote) None

Absent: Mohammed Abdallah

### **Out of Cycle Amendment 2020-2-C-CP-1**

Consideration: Test and Map Amendment to update the Comprehensive Plan to remove the Alternative Mobility Area (AMA).

Location: Countywide

Action: Make a finding of consistency with the Comprehensive Plan, determine that the proposed Text Amendment is in compliance and recommend **ADOPTION**, of Amendment 2020-2-C-CP-1, deleting references related to the Alternative Mobility Area (AMA) and deleting Map 16: Alternative Mobility Area of the Transportation Element.

Motion/ Second: JaJa Wade / Carlos Nazario

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

NAY (voice vote): None

Absent: Mohammed Abdallah

### **Public Hearing:**

### **School Impact Fee Study**

Consideration: Amending certain provisions and changes to the School Impact Fee Study.

Speakers: Brandy Driggers, Assistant Zoning Manager

Action: Make a finding of consistency with the Comprehensive Plan, determine that the proposed amendments for Scenario 1 are in compliance and recommend **ADOPTION** consistent with today's actions to the Board of County Commissioners (BCC).

Motion / Second: Jimmy Dunn / Eddie Fernandez

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

NAY (voice vote): None

Absent: Mohammed Abdallah

### **I Drive CRA Redevelopment Update**

Consideration: An update to the Redevelopment Plan with current data and analysis.

Speakers: Carla Bell-Johnson, Strategic Planning and Development Manager

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of the updated I Drive Community Redevelopment (CRA) Plan, as presented today.

Motion / Second: Jimmy Dunn / Nelson Pena

AYE (voice vote): Jimmy Dunn, Nelson Pena, Evelyn Cardenas, Sean McQuade, JaJa Wade, Carlos Nazario, and Eddie Fernandez

NAY (voice vote): None

Recused: Gordon Spears

Absent: Mohammed Abdallah

### **MEETING ADJOURNED**

With no further business, Chairman Spears made a motion to adjourn. The motion was seconded by Commissioner Dunn and passed with an 8-0 vote. The meeting adjourned at approximately 11:45 AM

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Gordon Spears, Chairperson

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Terri-Lyn Pontius, Recording Secretary