

**ORANGE COUNTY
PLANNING AND ZONING COMMISSION (PZC) / LOCAL PLANNING AGENCY
(LPA)
Meeting of May 20, 2021**

The Orange County Planning and Zoning Commission (PZC) / Local Planning Agency (LPA) met at 9:00 a.m. on May 20, 2021 in the Orange County Commission Chambers, 201 South Rosalind Avenue, Orlando, Florida 32801.

PRESENT:	Trevor Sorbo	District 1
	Sean McQuade	District 2
	Eddie Fernandez (Chairperson)	District 3
	Carlos Nazario	District 4
	Gordon Spears	District 5
	Mohammed Abdallah (Vice Chairperson)	At-Large
	JaJa Wade	District 6
	Nelson Pena	At Large

ABSENT:	Evelyn Cardenas	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, Whitney Evers, Assistant County Attorney; and Terri-Lynn Pontius, Administrative Assistant.

Chairman Fernandez 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 Spears to **CONTINUE** the April 15, 2021 minutes. The motion was seconded by Commissioner Nazario and was then approved unanimously on an 8-0 vote. Commissioner Cardenas was absent.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

Vision 2050 BCC workshops were discussed as well as opportunities for PZC Commissioner input.

Rezoning Public Hearings

John Morris RZ-21-05-028 District 5

Applicant: John Morris

Consideration: To rezone from R-3 (Multiple-Family Dwelling District) to R-2 (Residential District) in order to develop attached Single-Family residential duplex home.

Location: Macon Parkway, generally south of Macon Parkway, east of Archer Blvd, north of Majestic Street, west of Albion Avenue.

Tract Size: 0.243 gross acres

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

Motion / Second: Gordon Spears / Sean McQuade

AYE (voice vote): Gordon Spears, Sean McQuade, Eddie Fernandez, Trevor Sorbo, JaJa Wade, Mohammed Abdallah, Nelson Pena, and Carlos Nazario

NAY (voice vote): None

Absent: Evelyn Cardenas

Anand Ramkissoon RZ-21-05-029 District 6

Applicant: Anand Ramkissoon

Consideration: To rezone from R-1A (Single-Family Dwelling District) **to** C-3 Restricted (Wholesale Commercial District) to allow for wholesale commercial uses.

Location: 424 Barry Street, generally located north of Old Winter Garden Road, west of Irene Street, south of Fairmont Street

Tract Size: 0.28 gross acres

Speakers: Anand Ramkissoon (Applicant)

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

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 parking's and landscaping) prior to the accommodation of any commercial uses.

Motion / Second: JaJa Wade / Carlos Nazario

AYE (Voice vote): JaJa Wade, Carlos Nazario, Nelson Pena, Mohammed Abdallah, Trevor Sorbo, Gordon Spears, Sean McQuade, and Eddie Fernandez

NAY (voice vote): None

Absent: Evelyn Cardenas

Jonathan Martin, LUPA-20-09-255 District 1

Applicant: Jonathan Martin, Kimley- Horn & Associates

Consideration: To change the rezone from A-2 (Farmland Rural District) ~~to~~ PD (Planned Development District) to construct hotel/ commercial and restaurant.

Location: 13651- 13709 S Apopka Vineland Road, or generally located on the east side of S Apopka Vineland Road, south of Vistana Centre Drive .

Tract Size: 4.40 gross acres (PD acreage)
2.31 gross acres (affected portion)

Speakers: Jonathan Martin (Applicant)

Action: Make a finding of consistency with the Comprehensive Plan, and recommend **APPROVAL** of the Commercial Building Planned Development / Land Use Plan Amendment (PD/LUPA) dated "Received April 16, 2021", subject to the following conditions:

1. Development shall conform to the Commercial Building PD Land Use Plan Amendment dated "Received April 16, 2021" 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 16, 2021," 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. 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.
7. 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.
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. 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).
10. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.
11. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
12. Pursuant to Section 30-552 (3) of the County's Code of Ordinances, any application for a planned development (PD) zoning is required to conduct a study to assess the traffic and capacity impacts of the proposed development. A traffic study is required prior to approval of this rezoning request.
13. 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 PD.
14. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
15. The final location of the access and cross-access points shown on the Land Use Plan shall be evaluated at the Development Plan phase of the project.

16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 9, 1993, shall apply:
 - a. Minimum open space required is 25 percent of the gross land area.
 - b. To the extent required to comply with the consistency provision of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:
 - i. Uses limited to those stated in Policy 1.1.3 of the International Drive Activity Center Plan. Furthermore, Policy 1.1.6 of the International Drive Activity Center Plan dealing with prohibited uses shall apply to development approvals.
 - ii. The following densities shall apply:
 1. Commercial uses limited to a maximum of 0.35 FAR.
 2. Increased density/intensity may be allowed if it can be demonstrated an increase in traffic impacts on the adjoining road network does not occur.
 - iii. If the housing linkage program is in place prior to development plan approval, development of nonresidential development shall be conditioned upon the development of residential units within the area designated as Activity Center Residential on the Future Land Use Map.
 - iv. The Development Guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction program, access management controls, transit access design standards, building orientation, and location of parking lots
 - v. The property owner shall be required to participate in a property owners' association upon its creation.
 - vi. Stormwater management facilities shall be designed as an aesthetic feature, except in places determined by the county engineer to be technically unfeasible.

- vii. The developer shall be responsible for the cost of installing electrical distribution lines underground from the existing point of distribution to and on the subject development.
- viii. Participation in a shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.
- c. Waiver of Section 38-1287(2) to reduce the side-yard setback from thirty feet (30') to ten feet (10') along the north boundary line is approved.

Motion/ Second: Trevor Sorbo / Gordon Spears

AYE (voice vote): Trevor Sorbo, Gordon Spears, Eddie Fernandez, Sean McQuade, Nelson Pena, Carlos Nazario, and Mohammed Abdallah

NAY (voice vote): None

Absent: Evelyn Cardenas / JaJa Wade

Small Scale Amendments with Concurrent Rezoning:

1. SS-21-05-033 & RZ-21-05-034

Applicant: James White

Consideration: A request to change future land use of IND (Industrial District) **to** HDR (High Density Residential) and rezone to I-1/I-5 (Industrial District) to R-3 (Multiple Family Dwelling District) for the use of up to 380 multi- family residential units.

Location: 4235 Lake Lockhart Drive, generally located on the south side of Lake Lockhart Drive, east of Edgewater Shores Court

Tract Size: 2.53 gross acres

Speakers: James White (Applicant)

Action: ***Recommend that the Small Scale SS-21-05-033 & RZ-21-05-034 be continued to June 17, 2021 Rezoning hearing.***

Motion / Second: Sean McQuade / Mohammed Abdallah

AYE (voice vote): Sean McQuade, Mohammed Abdallah, Carlos Nazario, Trevor Sorbo, Gordon Spears, JaJa Wade, Nelson Pena, and Eddie Fernandez

NAY (voice vote): None

Absent: Evelyn Cardenas

2. SS-21-05-035 & RZ-21-05-036 Karim Khoja District 5

Applicant: Karim Khoja, Dolphin Investments Inc

Consideration: To change the Future Land Use from MDR (Medium Density Residential) ***and*** (LDR) Low Density Residential ***to*** LMDR (Low Medium Density Residential) and rezone from A-2 (Citrus Rural District) ***to*** R-2 Restricted (Residential District) for single-family attached residential (up to 51 units).

Location: 7729 & 7839 University Garden Drive, or generally located east of University Garden Drive, south of Lake Mirage Blvd, and west of Veraval Avenue

Tract Size: 5.17 gross acres

Speakers: John Herbert (Applicant)
Marie Hugar (Opposed)
Kenneth Barfield (Opposed)
Jessica Barfield (Opposed)
Hellen Helenfield (Opposed)
Scott Bartfield (Opposed)

Action: ***Motion to continue Small Scale SS-21-05-033 to June 17, 2021 Planning and Zoning Hearing.***

Motion / Second: Gordon Spears / Sean McQuade

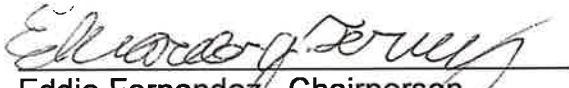
AYE (voice vote): Gordon Spears, Sean McQuade, JaJa Wade, Nelson Pena, Carlos Nazario, Trevor Sorbo, Eddie Fernandez, and Mohammed Abdallah

NAY (voice vote): None

Absent: Evelyn Cardenas

MEETING ADJOURNED

With no further business, Chairman Fernandez made a motion to adjourn. The motion was seconded by Commissioner Sorbo. The meeting adjourned at approximately 11:14 am


Eddie Fernandez, Chairperson


Terri-Lyn Pontius, Recording Secretary

