

GENERAL INFORMATION

APPLICANT	Khaled Hussein
OWNER	Jacqueline Lloyd Trust, Jacqueline M. Lloyd Life Estate, Bon Delfina, Felix Pastrana
PROJECT NAME	Harrell Oaks Planned Development (PD)
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	<p>A-2 (Farmland Rural District) to PD (Planned Development District)</p> <p><i>A request to rezone four (4) parcels containing 16.9 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District), in order to construct sixty-four (64) single-family detached dwelling units. The request also includes the following waiver from Orange County Code:</i></p> <ol style="list-style-type: none">1. A waiver from Section 38-1254(1) to allow for a twenty (20) foot setback to apply to the PD perimeter in lieu of the required twenty-five (25) foot PD perimeter setback. <p><i>Applicant Justification:</i> PD zoning is only being requested due to school concurrency issues. All minimum R-1 zoning setbacks will apply.</p>
LOCATION	Generally located east of Harrell Road, north and south of Trevarthon Road, and west of State Road 417.
PARCEL ID NUMBERS	13-22-30-0000-00-008, 13-22-30-0000-00-014, 13-22-30-0000-00-015, and 13-22-30-0000-00-151
TRACT SIZE	16.9 gross acres
PUBLIC NOTIFICATION	<p>The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Four hundred sixty-seven (467) notices were mailed to those property owners in the mailing area.</p> <p>A community meeting was held on April 2, 2019, and is summarized on page 6 of this report.</p>
PROPOSED USE	Sixty-four (64) single-family detached dwelling units.

STAFF RECOMMENDATION

Development Review Committee – (June 26, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Harrell Oaks Planned Development / Land Use Plan (PD/LUP), dated “July 3, 2019”, subject to the following conditions:

1. Development shall conform to the Harrell Road Land Use Plan (LUP) dated "Received July 3, 2019," 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 July 3, 2019," 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. The Applicant has offered and County has agreed to accept a donation of right-of-way for Richard Crotty Parkway at no cost to the County via the plat.
7. 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.
8. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of September 24, 2019.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 12 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to

the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

- 9. 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.
- 10. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- 11. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
- 12. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
- 13. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
- 14. 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.
- 15. All existing structures shall be demolished prior to plat approval, pursuant to a validly obtained demolition permit.

16. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
17. A waiver from Orange County Code Section 38-1254(1) is granted to allow for a twenty (20) foot setback to apply to the PD perimeter, in lieu of the required twenty-five (25) foot PD perimeter setback.

IMPACT ANALYSIS

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from A-2 (Farmland Rural District) to PD (Planned Development District), in order to construct sixty-four (64) single-family detached dwelling units. The applicant is also seeking approval of a waiver to reduce the required minimum PD perimeter setback from 25' to 20'.

The proposed development program is compatible with existing development in the area which contains single-family residential subdivisions with lot sizes ranging between 60' and 115' in width.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR) which allows for a maximum residential density of four (4) dwelling units per net developable acre. This would allow up to sixty-seven (67) dwelling units on the subject property. The proposed PD zoning district and development program is consistent with LDR FLUM designation and the following CP provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to

ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

Community Meeting Summary

A community meeting was held on April 2, 2019, at Union Park Elementary School and was attended by twenty-six (26) residents. At the meeting, several issues were raised relating to existing stormwater deficiencies and flooding issues in the area and many residents worried that development of the subject property would exacerbate the existing problems and result in the flooding of adjacent properties during heavy storms. Additional concerns raised by the residents included the concern that most of the residential lots in the area are larger than the lot sizes proposed by this plan. It was noted that the adjacent subdivision, Summer Oaks, is roughly the same size as the subject property and only contains 30 homes, while this plan is proposing 64 homes.

SITE DATA

Existing Use	Undeveloped Land and Single-Family Residence
Adjacent Zoning	N: A-2 (Farmland Rural District) (1957) E: R-1A (Single-Family Dwelling District) (1983) A-2 (Farmland Rural District) (1957) W: A-2 (Farmland Rural District) (1957) R-1 (Single-Family Dwelling District) (1958) S: A-2 (Farmland Rural District) (1957)
Adjacent Land Uses	N: Single Family Residential and Farm Land E: Single-Family Residential W: Cemetery and Orange County Utility Station S: Islamic Education Center

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback	20 feet <i>*Per Waiver Request</i>
Minimum Lot Area:	5,000 sq. ft.
Minimum Lot Width:	50 feet

Max Height: 35 ft.
Minimum Living Area: 1,000 sq. ft.

Minimum Building Setbacks

Front Setback: 20 feet
Rear Setback: 20 feet
Side Setback: 5 feet

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone the subject parcels from A-2 (Farmland Rural District) to PD (Planned Development District), in order to construct sixty-four (64) single-family detached dwelling units. The applicant is also seeking approval of a waiver to reduce the required minimum 25' PD perimeter setback to 20'. The project will adhere to the minimum required setbacks consistent with the R-1 (Single-Family Dwelling District) zoning designation.

The area surrounding the subject property is developed with single-family subdivisions, a cemetery and a religious facility. The subdivision to the east of the subject property on the south side of Trevarthon Road, Summer Oaks, was rezoned in 1982 with a restriction that lots be a minimum of one-half acre in area. In 1983, the subdivision was rezoned again to remove the one-half acre restriction with the representation that lots would be between one-quarter and one-third acre in size. The Summer Oaks subdivision is currently developed with thirty (30), one-quarter acre single-family lots which are 75' in width. The subdivision located northwest of the subject property, University Shores, was rezoned from A-2 (Farmland Rural District) to R-1 (Single-Family Dwelling District) in 1958 and contains residential lots with minimum width of 80'.

In addition, the alignment of the future Richard Crotty Parkway, which will connect Semoran Boulevard to Dean Road, is scheduled to run along Trevarthon Road splitting the north and south portions of the subject property.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone

Environmental

Conservation Area Determination (CAD) CAD-19-05-070 was issued by the Environmental Protection Division on July 18, 2019, and identified 0.82 acres of Class III wetlands on site.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Transportation / Concurrency

Three of the four parcels are located within the Alternative Mobility Area (AMA) and are exempt from transportation concurrency. An Alternative Mobility Analysis will be required for review and approval. The Alternative Mobility Analysis will be required prior to obtaining a building permit.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	Orange County Utilities
Wastewater:	Orange County Utilities
Reclaimed:	Orange County Utilities

Schools

Capacity Enhancement Agreement (CEA) #OC-19-039 was approved by the Orange County School Board on September 24, 2019.

Parks and Recreation

The Parks and Recreation Division reviewed this request, but did not provide any comments or objections.

Code Enforcement

There are no active Code Enforcement violations on the subject property.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested Harrell Oaks Planned Development (PD), subject to seventeen (17) conditions.

Staff indicated that four hundred sixty-seven (467) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with zero (0) commentaries in support and three (3) in opposition. Those opposition cited loss of wetland and habitat, noise and air pollution, and incompatibility with the rustic lifestyle of the surrounding properties. No members of the public were present to speak on this request. The applicant was present for the hearing and concurred with staff's recommendation.

After limited discussion regarding the setbacks and proposed density, a motion was made by Commissioner Spears to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Harrell Oaks Planned Development Land Use Plan (LUP), subject to seventeen (17) conditions,. Commissioner Fernandez seconded the motion, which then carried on a 9-0 vote.

Motion / Second	<i>Gordon Spears / Eddie Fernandez</i>
Voting in Favor	<i>Gordon Spears, Eddie Fernandez, Yog Melwani, Diane Velazquez, Jimmy Dunn, Carlos Nazario, JaJa Wade, Jose Cantero, and Mohammed Abdallah</i>
Voting in Opposition	<i>None</i>
Absent	<i>None</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (July 18, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Harrell Oaks Planned Development / Land Use Plan (PD/LUP), dated “Received July 3, 2019”, subject to the following conditions:

1. Development shall conform to the Harrell Road Land Use Plan (LUP) dated "Received July 3, 2019," 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 July 3, 2019," 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. The Applicant has offered and County has agreed to accept a donation of right-of-way for Richard Crotty Parkway at no cost to the County via the plat.
7. 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.
8. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of September 24, 2019.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 12 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
9. 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.
10. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish

and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

11. The developer shall obtain water and wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
12. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
13. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
14. 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.
15. All existing structures shall be demolished prior to plat approval, pursuant to a validly obtained demolition permit.
16. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
17. A waiver from Orange County Code Section 38-1254(1) is granted to allow for a twenty (20) foot setback to apply to the PD perimeter, in lieu of the required twenty-five (25) foot PD perimeter setback.