




Interoffice Memorandum

DATE: March 10, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental and Development
Services Department 

CONTACT PERSON: **Joe Kunkel, P.E., DRC Chairman**
Development Review Committee
Public Works Department
(407) 836-7971

SUBJECT: March 22, 2022 – Public Hearing
Jennifer Stickler, Kimley-Horn and Associates, Inc.
Elysian Planned Development
Case # LUP-21-05-152 / District 1
(Related to APF-21-09-281 - Consent Item)

The Elysian Planned Development (PD) is located north of Seidel Road and east of Avalon Road. The applicant is seeking to rezone the subject parcel from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 324 multi-family units and associated infrastructure. The applicant is also seeking approval of a waiver to decrease the setback along the rights-of-way of C.R. 545 / Avalon Road and Seidel Road.

On December 16, 2021, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A virtual community meeting was held for this application and was attended by 18 residents who expressed concerns related to the multi-family use, traffic, and building height.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Elysian Planned Development / Land Use Plan (PD/LUP) dated “Received September 24, 2021”, subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

Attachments
JVW/JHS

GENERAL INFORMATION

APPLICANT Jennifer Stickler, Kimley-Horn and Associates, Inc.
OWNER Elysian Luxury Living, LLC
PROJECT NAME Elysian Planned Development (PD)
HEARING TYPE Planned Development / Land Use Plan (PD / LUP)
REQUEST **A-1** (Citrus Rural District) **to**
PD (Planned Development District)

A request to rezone one (1) parcel containing 16.90 gross acres from A-1 to PD, in order to construct 324 multi-family residential units and associated infrastructure. The request also includes the following waiver from Orange County Code:

1. A waiver from Section 38-1254(2)(B) to allow a minimum setback from street rights-of-way for major collector streets to be ten (10) feet in lieu of thirty-five (35) feet.

Applicant Justification: *The request is to allow the site to better meet the requirements of Section 38-1387.2(A)(9) to screen the view of parking lots and to better frame the surrounding street corridors.*

LOCATION Avalon Road; generally northeast of the Avalon Road and Seidel Road intersection.

PARCEL ID NUMBERS 05-24-27-0000-00-010

TRACT SIZE 16.90 gross acres

PUBLIC NOTIFICATION The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred fifty-three (153) notices were mailed to those property owners in the surrounding area. A community meeting was held on October 5, 2021 and is summarized further in this report.

PROPOSED USE 324 Multi-Family Residential Units

STAFF RECOMMENDATION

Development Review Committee – (November 17, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Elysian Planned Development / Land Use Plan (PD/LUP), dated “Received September 24, 2021”, subject to the following conditions:

1. Development shall conform to the Elysian Land Use Plan (LUP) dated "Received September 24, 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 September 24, 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. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.

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. 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, shall include notification of the prior use of this property as a citrus grove and located within a State of Florida Department of Environmental Protection delineated area for ethylene dibromide.
10. 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.
11. 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).
12. The project shall comply with the terms and conditions of that certain Village H Horizon West Road Network Agreement approved on February 12, 2013 and recorded at OR Book/Page 10525/6172, Public Records of Orange County, Florida, as may be amended.
13. 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.
14. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
15. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
16. Prior to construction plan approval, all property owners within Village H, 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.
17. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village. Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village F&H MUP.
18. 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.

19. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
20. A waiver from Section 38-1254(2)(B) to allow a minimum setback from street rights-of-way for major collector streets to be ten (10) feet in lieu of thirty-five (35) feet.

IMPACT ANALYSIS

Overview

The applicant is seeking to rezone the subject parcel from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct 324 multi-family units and associated infrastructure. The applicant is also seeking approval of a waiver to decrease the setback along the right-of-way.

The property is located with the Apartment District within the Village H special planning area of Horizon West. The Apartment District allows for densities of up to twenty-five (25) units per acre. The current proposal of 324 multi-family units equates to the maximum density allowed (25 units per acre) with 12.93 net developable acres (gross acres minus stormwater and open space acreage).

Developments within Horizon West are required to provide Adequate Public Facilities, apply APF credits, or make a payment to the County. Based on a net acreage of 12.93 (net acreage is gross acreage less required stormwater and public open space) the requirement for APF lands is 1.70 acres. The owner has obtained 1.158 APF acreage credits within Village H through a previous Road Network Agreement due to roadway widening, and the remaining 0.543 acreage deficit is requested to be settled through an APF acreage credit transfer.

Land Use Compatibility

The proposed development program is compatible with existing development in the area, and would not adversely impact any adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of V (Village) and is within the Apartment District of the special planning area of Horizon West. The proposed PD zoning district and development program is consistent with the Village FLUM designation and the Apartment District special planning area designation, therefore a CP amendment or special planning area amendment is not necessary. Additionally, the request is consistent with 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.

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

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.

GOAL FLU4 (Horizon West) states that it is Orange County's goal to ensure sustainable, quality development in Southwest Orange County to allow a transition from rural to urban uses while protecting environmental quality.

OBJ FLU4.1 states that Orange County shall use a Village Land Use Classification to realize the long range planning vision for West Orange County created through the Horizon West planning process. The Village land use classification has been designed to address the need to overcome the problems associated with and provide a meaningful alternative to the leap-frog pattern of sprawl now occurring in western Orange and eastern Lake County; create a better jobs/housing balance between the large concentration of employment in the tourism industry and the surrounding land uses; create a land use pattern that will reduce reliance on the automobile by allowing a greater variety of land uses closer to work and home; and, replace piecemeal planning that reacts to development on a project by project basis with a long range vision that uses the Village as the building block to allow the transition of this portion of Orange County from rural to urban use through a specific planning process that uses a creative design approach to address regional, environmental, transportation, and housing issues.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

FLU8.2.1 states that land use changes shall be required to be compatible with the 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.

FLU8.2.2 states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: State Road 429 Toll Road E: State Road 429 Toll Road W: Waterleigh PD (Planned Development District) (2012) Avalon Cove PD (Planned Development District) (2016) S: Waterleigh PD (Planned Development District) (2012)
Adjacent Land Uses	N: State Road 429 Toll Road E: State Road 429 Toll Road W: Single-Family Residential S: Undeveloped Land

APPLICABLE PD DEVELOPMENT STANDARDS

Maximum Building Height:	65 feet (5 stories)
Maximum Impervious Area:	75%
Minimum Living Area:	500 Square Feet (under HVAC)

Minimum Building Setbacks

Front Setback:	10 feet
Rear Setback:	20 feet
Side Setback:	15 feet (10 feet for porch)
Street Side Setback:	15 feet (10 feet for porch)
Major Street Setback:	10 feet (*see waiver)

Open Space

Public Open Space:	7.5% (1.27 acres)
Common Open Space:	17.5% (2.96 acres)

SPECIAL INFORMATION

Community Meeting Summary

A virtual community meeting was held for this request on October 5, 2021 with 18 residents in attendance. The concerns expressed included opposition to apartments, traffic, and building height. The tone of the meeting was negative.

Environmental

Runoff Treatment - All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Habitat- 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).

Land Use Plan Contamination Concern - 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 while considering health, safety and welfare (Orange County Code Chapter 15 Environmental Control, Section 15-27 Declaration of Legislative Intent).

State Groundwater Contamination Area/Former Citrus - The subject property has historically been used as a citrus grove and is located in a known area of ethylene dibromide (EDB) groundwater contamination. Potable and irrigation wells will be prohibited in a suggested condition of approval.

A Conservation Area Impact permit (CAI-21-09-058) is under review concurrent with this Land Use Plan request. A total of 2.093 acres is proposed to be impacted. Net developable acreage will be verified with the approved CAI permit prior to being scheduled for BCC Public Hearing.

Transportation / Access

Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

A Village H Horizon West Road Network Agreement for C.R. 545 among Orange County and D.R. Horton, Inc. ("DRHI"); Avalon Properties, Ltd. ("Avalon"); Horizon West Properties ("HWP"); HAP, Inc. ("HAP"); Titan Western Beltway, LLC ("Titan"); Hanover Hickory Nut, LLC, ("Hanover"); Zanzibar Properties, LLC ("Zanzibar"); and Seidel West I, LLC ("Seidel"). DRHI, Avalon, HWP, HAP, Titan, Hanover, Zanzibar, and Seidel are collectively referred to herein as "Signatory Owners" was approved by the Board of County Commissioners on 2/12/2013 and recorded at OR Book/Page 10525/6172. The Village H Horizon West Road Network Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of C.R. 545 to four lanes in four phases according to specific trip allocations and performance thresholds. Concurrency Vesting shall be provided pursuant to Table 1 based on achieved thresholds of the road improvements. Conveyance shall be by general warranty deed at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile. This agreement was negotiated based on the approved Horizon West Global Road Term Sheet.

First Amendment to Village H Horizon West Road Network Agreement The Roadway Agreement Committee has reviewed the First Amendment to Village H Horizon West Road Network Agreement (C.R. 545) ("First Amendment") among Orange County and D.R. HORTON, INC. ("DRHI"); AVALON PROPERTIES, LTD. ("Avalon"); TITAN WESTERN BELTWAY, LLC ("Titan"); HANOVER HICKORY NUT, LLC, ("Hanover"); ZANZIBAR PROPERTIES, LLC ("Zanzibar"); SEIDEL WEST I, LLC ("Seidel"); LENNAR HOMES LLC ("Lennar"); and SPRING GROVE, LLC ("Spring Grove"). The First Amendment was approved by the Board of County Commissioners on December 16, 2014 and recorded at OR Book/Page 10851/0626. Under the terms of the First Amendment, a portion of the Zanzibar property is removed from the area covered under the Village H Road Network Agreement. This portion lies within the Town Center rather than within Village H and was included in the original Agreement in error.

Avalon Road (C.R. 545): (Village H Road Network First Amendment) A First Amendment was approved by the Board of County Commissioners on December 16, 2014 and recorded at OR Book/Page 10851/0626. Under the terms of the First Amendment, a portion of the Zanzibar property is removed from the area covered under the Village H Road Network Agreement. This portion lies within the Town Center rather than within Village H and was included in the original Agreement in error.

(Village H Road Network Second Amendment) A Second Amendment was approved by the Board of County Commissioners on January 27, 2015 and recorded at OR Book/Page 10870/7689. Under the terms of the Second Amendment, Performance Threshold 2 and Performance Threshold 3 in Section 6 are amended to revise the timing of the Participating Owners' obligations under the Performance Thresholds as shown in the revised Table 1.

Avalon Road (C.R. 545): (Village H Road Network Third Amendment) A Third Amendment was approved by the Board of County Commissioners on November 28, 2017 and recorded at Document # 20170656057. Under the terms of the Third

Amendment, Performance Threshold 3 in Section 6 is amended to revise the timing of the Participating Owners' obligations under the Performance Thresholds as shown in the revised Table 1 and split into Phase 3A and Phase 3B

Avalon Road (C.R. 545): (Village H Road Network Fourth Amendment) A Fourth Amendment was approved by the Board of County Commissioners on October 8, 2019 and recorded at Document # 20190634374. Under the terms of the Fourth Amendment, Section 5.4 of the Agreement is amended to include future traffic signals as part of the Agreement and to update engineering plans for the C.R. 545 Improvements.

(Village H Road Network Fifth Amendment) A Fifth Amendment was approved by the Board of County Commissioners on January 26, 2021 and recorded at Document # 20210063422. Under the terms of the Fifth Amendment Table 1 was updated to allow the release of a portion of the Road Segment 1 trip allocation before acquisition of right-of-way and Section 5.4 was updated to clarify that a change order for Road Segments 2, 3, and 4 shall be considered for the entirety of the applicable design or construction contract, rather than for individual Road Segments, as the segments were managed as one project/contact by the Owners.

Utilities

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaim Water: Orange County Utilities

Schools

A formal capacity determination has been issued for this project (OC-21-033) and expires on May 19, 2022. If this request does not receive BCC approval by the expiration date, an extension must be requested or the applicant must reapply for a new determination. All three schools zoned for this project do not have capacity available, however, relief for all three will be available by the year 2022. As such, it has been determined by OCPS that capacity is available for this project.

State of Florida Notice

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.

Specific Project Expenditure Report and Relationship Disclosure Form

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

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

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 PD (Planned Development District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public appeared in favor or in opposition during public comment of the request.

Staff indicated that one hundred fifty-three (153) notices were sent to property owners and residents extending beyond 500 feet surrounding the subject property and that staff had received zero (0) responses in favor, and one (1) response in opposition of the request stating concern for building height.

After a brief discussion, a motion was made by Commissioner Sorbo, and seconded by Commissioner Spears to recommend APPROVAL of the requested PD (Planned Development District) subject to the conditions proposed. The motion carried unanimously.

Motion / Second	<i>Trevor Sorbo / Gordon Spears</i>
Voting in Favor	<i>Trevor Sorbo, Gordon Spears, Mohammed Abdallah, Evelyn Cardenas, Walter Pavon, Eddie Fernandez, Jaja Wade and George Wiggins</i>
Voting in Opposition	<i>None</i>
Absent	<i>Nelson Pena</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (December 16, 2021)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested PD (Planned Development District) zoning, subject to the twenty (20) conditions of approval including one waiver from Orange County Code.

1. Development shall conform to the Elysian Land Use Plan (LUP) dated "Received September 24, 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 September 24, 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. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
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. 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, shall include notification of the prior use of this property as a citrus grove and located within a State of Florida Department of Environmental Protection delineated area for ethylene dibromide.
10. 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.
11. 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).
12. The project shall comply with the terms and conditions of that certain Village H Horizon West Road Network Agreement approved on February 12, 2013 and recorded at OR Book/Page 10525/6172, Public Records of Orange County, Florida, as may be amended.

13. 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.
14. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
15. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
16. Prior to construction plan approval, all property owners within Village H, 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.
17. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village. Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village F&H MUP.
18. 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.
19. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
20. A waiver from Section 38-1254(2)(B) to allow a minimum setback from street rights-of-way for major collector streets to be ten (10) feet in lieu of thirty-five (35) feet.

LUP-21-05-152

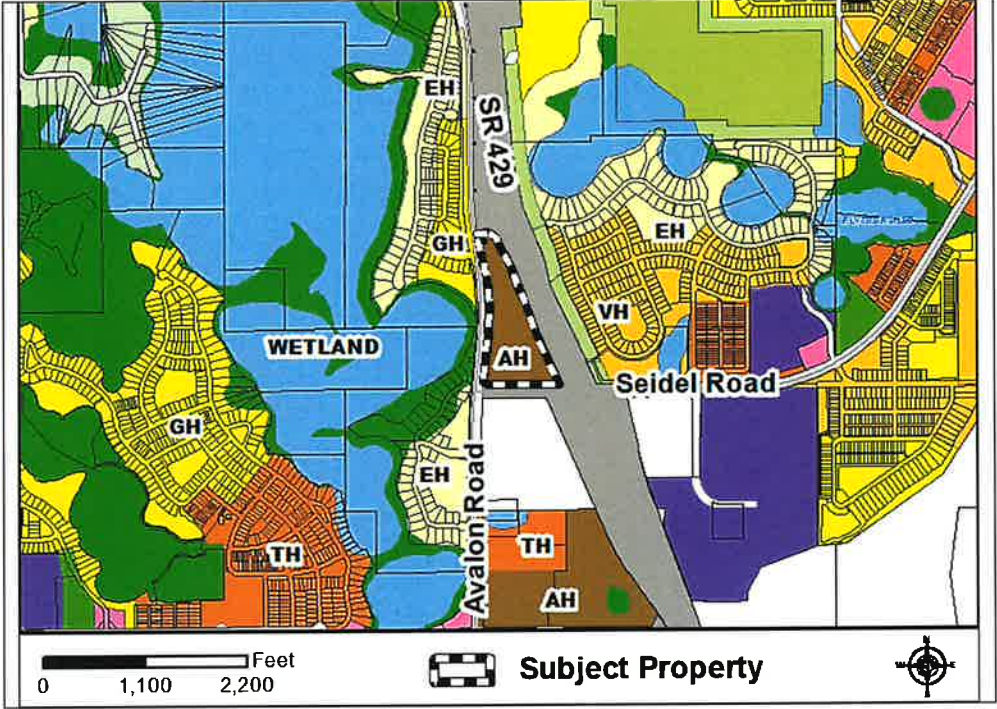


 Subject Property

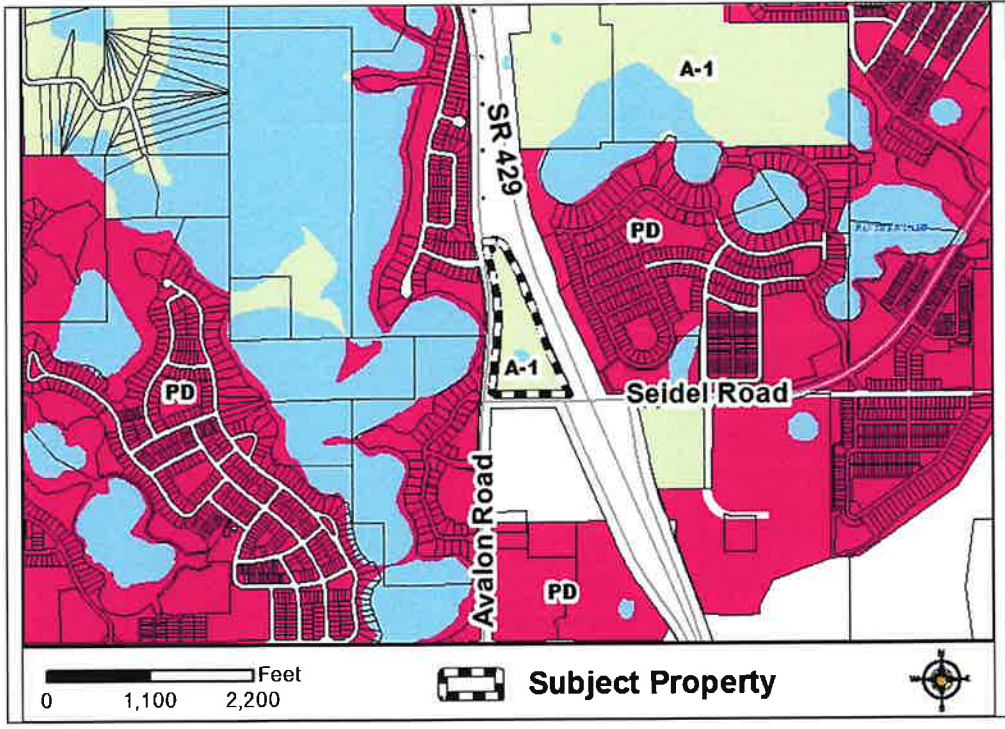


1 inch = 500 feet

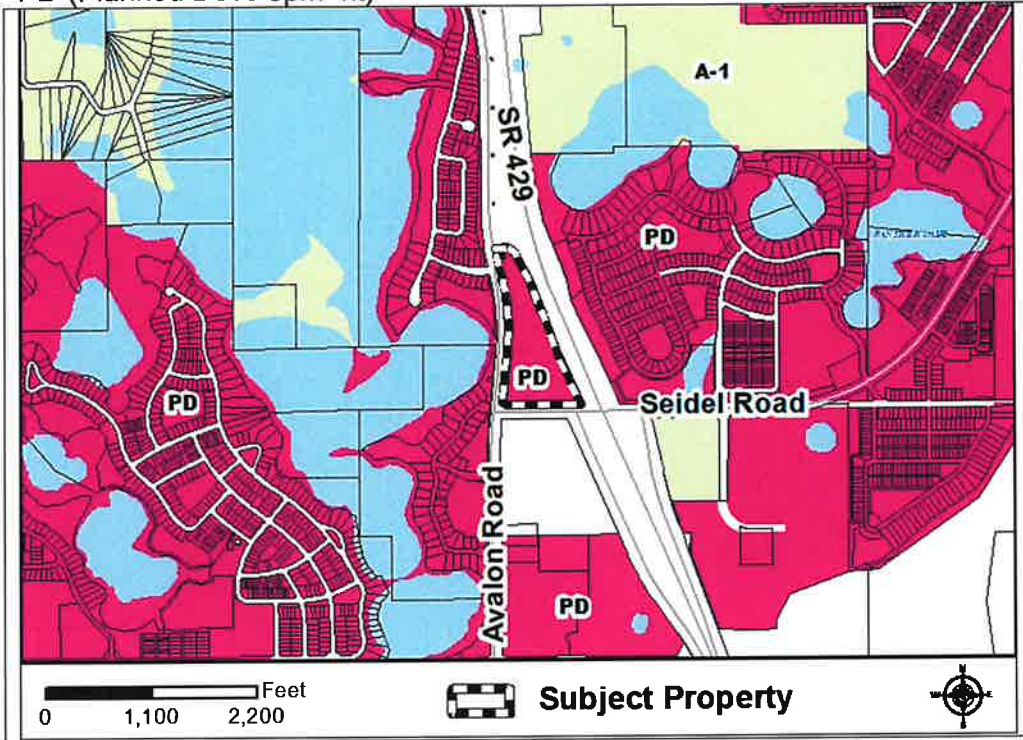
FUTURE LAND USE (Horizon West Special Planning Area Map)
Apartment Home District



ZONING – CURRENT
A-1 (Citrus Rural District)



ZONING – PROPOSED
PD (Planned Development)



Elysian PD / LUP (Cover Sheet)

ELYSIAN PD
LAND USE PLAN
 LUP-21-05-152
 ORANGE COUNTY, FLORIDA
 SEPTEMBER 24, 2021
 PARCEL # 05-24-27-0000-00-010



VICINITY MAP

SITE

SHEET INDEX	
LUP-01	COVER SHEET
LUP-02	LAND USE PLAN
LUP-03	BOUNDARY AND TOPOGRAPHIC SURVEY

LEGAL DESCRIPTION

ORANGE COUNTY, FLORIDA, PARCEL # 05-24-27-0000-00-010, BEING A PORTION OF THE ELYSIAN PD LAND USE PLAN, LUP-21-05-152, AS SHOWN ON THE ATTACHED MAPS AND SURVEYS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: [Detailed legal description text]

NOTES:

1. ALL DEVELOPMENT SHALL BE SUBJECT TO THE REQUIREMENTS OF THE FLORIDA ZONING ACT AND THE REQUIREMENTS OF THE LOCAL ZONING ORDINANCE.
2. ANY VARIATIONS AND EXCEPTIONS SHALL BE REQUESTED THROUGH THE ZONING VARIANCE PROCESS.
3. DEVELOPMENT SHALL COMPLY WITH REQUIREMENTS OF CHAPTER 176, PART 10, ALL DIVISIONS OF THE FLORIDA PD VILLAGE CODE (AS AMENDED JANUARY 1, 2021).
4. ALL DEVELOPMENT SHALL BE SUBJECT TO THE REQUIREMENTS OF THE FLORIDA ZONING ACT AND THE REQUIREMENTS OF THE LOCAL ZONING ORDINANCE.
5. DEVELOPMENT SHALL COMPLY WITH REQUIREMENTS OF CHAPTER 176, PART 10, ALL DIVISIONS OF THE FLORIDA PD VILLAGE CODE (AS AMENDED JANUARY 1, 2021).
6. DEVELOPMENT SHALL COMPLY WITH REQUIREMENTS OF CHAPTER 176, PART 10, ALL DIVISIONS OF THE FLORIDA PD VILLAGE CODE (AS AMENDED JANUARY 1, 2021).
7. DEVELOPMENT SHALL COMPLY WITH REQUIREMENTS OF CHAPTER 176, PART 10, ALL DIVISIONS OF THE FLORIDA PD VILLAGE CODE (AS AMENDED JANUARY 1, 2021).
8. DEVELOPMENT SHALL COMPLY WITH REQUIREMENTS OF CHAPTER 176, PART 10, ALL DIVISIONS OF THE FLORIDA PD VILLAGE CODE (AS AMENDED JANUARY 1, 2021).
9. DEVELOPMENT SHALL COMPLY WITH REQUIREMENTS OF CHAPTER 176, PART 10, ALL DIVISIONS OF THE FLORIDA PD VILLAGE CODE (AS AMENDED JANUARY 1, 2021).
10. DEVELOPMENT SHALL COMPLY WITH REQUIREMENTS OF CHAPTER 176, PART 10, ALL DIVISIONS OF THE FLORIDA PD VILLAGE CODE (AS AMENDED JANUARY 1, 2021).

WAIVERS:

1. A WAIVER FROM THE REQUIREMENTS OF THE FLORIDA ZONING ACT AND THE REQUIREMENTS OF THE LOCAL ZONING ORDINANCE IS REQUESTED FOR THE PROJECT.

JUSTIFICATION:

THE PROJECT IS BEING DEVELOPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA ZONING ACT AND THE REQUIREMENTS OF THE LOCAL ZONING ORDINANCE.

PROJECT TEAM:

CONSULTANTS:
 CIVIL ENGINEERS: [Firm Name]
 LANDSCAPE ARCHITECTS: [Firm Name]
 PLANNING: [Firm Name]
 SURVEYING: [Firm Name]



RECEIVED
 By DRC Approved Stamp at 10:40 am, Sep 24, 2021

LUP-01

Notification Map

