



Interoffice Memorandum

10-03-19P01:56 RCVD

OCT 3 19 1:52PM

DATE: September 20, 2019

TO: Katie A. Smith, Deputy Clerk of the Board of County Commissioners, County Comptroller's Office

THROUGH: Cheryl Gillespie, Supervisor, Agenda Development Office

FROM: Alberto A. Vargas, MArch., Manager, Planning Division

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee *ERM*
Planning Division
(407) 836-5523 or Eric.RaaschJr@ocfl.net

SUBJECT: Request for Board of County Commissioners (BCC) Public Hearing

Note: **Schedule this public hearing concurrently with Consent Item: APF-19-07-252**

Applicant: Kathy Hattaway, Poulos and Bennett, LLC

Case Information: Case # LUP-18-10-355 (Withers PD)
Planning and Zoning Commission (PZC)
Meeting Date: September 19, 2019

Type of Hearing: Rezoning Public Hearing

Commission District: 1

General Location: Generally east of Avalon Road, north of Hartzog Road, and south of Western Way

BCC Public Hearing Required by: Orange County Code, Chapter 30

LEGISLATIVE FILE # 19-1552

November 12, 2019
@ 2pm

**Clerk's Advertising
Requirements:**

(1) At least 15 days before the BCC public hearing date, publish an advertisement in the Legal Notices section of *The Orlando Sentinel* describing the particular request, the general location of the subject property, and the date, time, and place when the BCC public hearing will be held;

and

(2) At least 10 days before the BCC public hearing date, send notices of BCC public hearing by U.S. mail to owners of property within 300 feet of the subject property and beyond.

Spanish Contact Person:

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY PLANNING DIVISION: Front desk, 407-836-8181

PARA MÁS INFORMACIÓN, REFERENTE A ESTA VISTA PUBLICA CON RESPECTO A UNA AUDENCIA PUBLICA SOBRE PROPIEDAD EN SU AREA/VECINDAD, FAVOR COMUNICARSE CON LA DIVISIÓN DE PLANIFICACION, AL NUMERO, 407-836-8181

Advertising Language:

To rezone eight (8) parcels containing 320.75 gross acres from A-1 and A-2 to PD, in order to construct 814 residential units, 10,000 square feet of commercial uses, and dedication of an APF (Adequate Public Facility) park, a middle school, and an elementary school.

The request also includes the following waivers from Orange County Code:

1. A waiver from Section 34-152(c), for PD Parcels 4, 5, 11, 12, and 17, to allow lots to front a mews, park, open space, etc. and have access via a tract or easement, in lieu of the requirement that each lot shall have a minimum access width of twenty (20) feet to a dedicated public paved street.

2. A waiver from Section 38-1382(h)(4), for PD Parcels 4, 5, 11, 12, and 17, to allow alleys to be designed as a tract, in lieu of the requirement that they shall be designed as a private easement.
3. A waiver from Section 38-1384(g)(1), for PD Parcels 4, 5, 11, 12, and 17, to allow garage access to be setback from an alley tract, in lieu of an easement
4. A waiver from Section 38-1384(i)(2), for PD Parcels 4, 5, 11, 12, and 17, to allow vehicular access to garages or other off-street parking to be from a rear alley tract, in lieu of an easement.
5. A waiver from Section 38-1384(g)(2), for PD Parcels 4, 5, 11, 12, and 17, to allow detached garages without access to a rear alley tract, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot, in lieu of detached garages without access to a rear alley easement, including garages with an accessory dwelling unit, shall be located a minimum of five (5) feet from side and rear property lines, and shall be no closer than ten (10) feet to any other detached structure on the same lot.
6. A waiver from Section 30-714(c) to allow the project to proceed beyond 5% of the approved PD entitlements, which 5% threshold is identified in the APF Agreement as 40 dwelling units (attached or detached); provided, however, that prior to said 5% threshold being reached or exceeded: (A) the approximately 5.81 acres of Future APF Right-of-Way have been conveyed to the County or to an escrow agent who is obligated to release a deed conveying such right-of-way to the County, in accordance with that certain Hartzog Road Right-of-Way Agreement recorded at ORB 9712/4850, as amended, and as affected by that certain First Amendment to Agreement Concerning Hartzog Road Right-of-Way Agreement recorded at ORB 11021/4154, as amended; (B) the approximately 0.98 acres of APF ROW have been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County; and (C) the approximately 5.0 acre APF Park has been conveyed to the County or placed into escrow, pursuant to an escrow agreement acceptable to the County.

Material Provided:

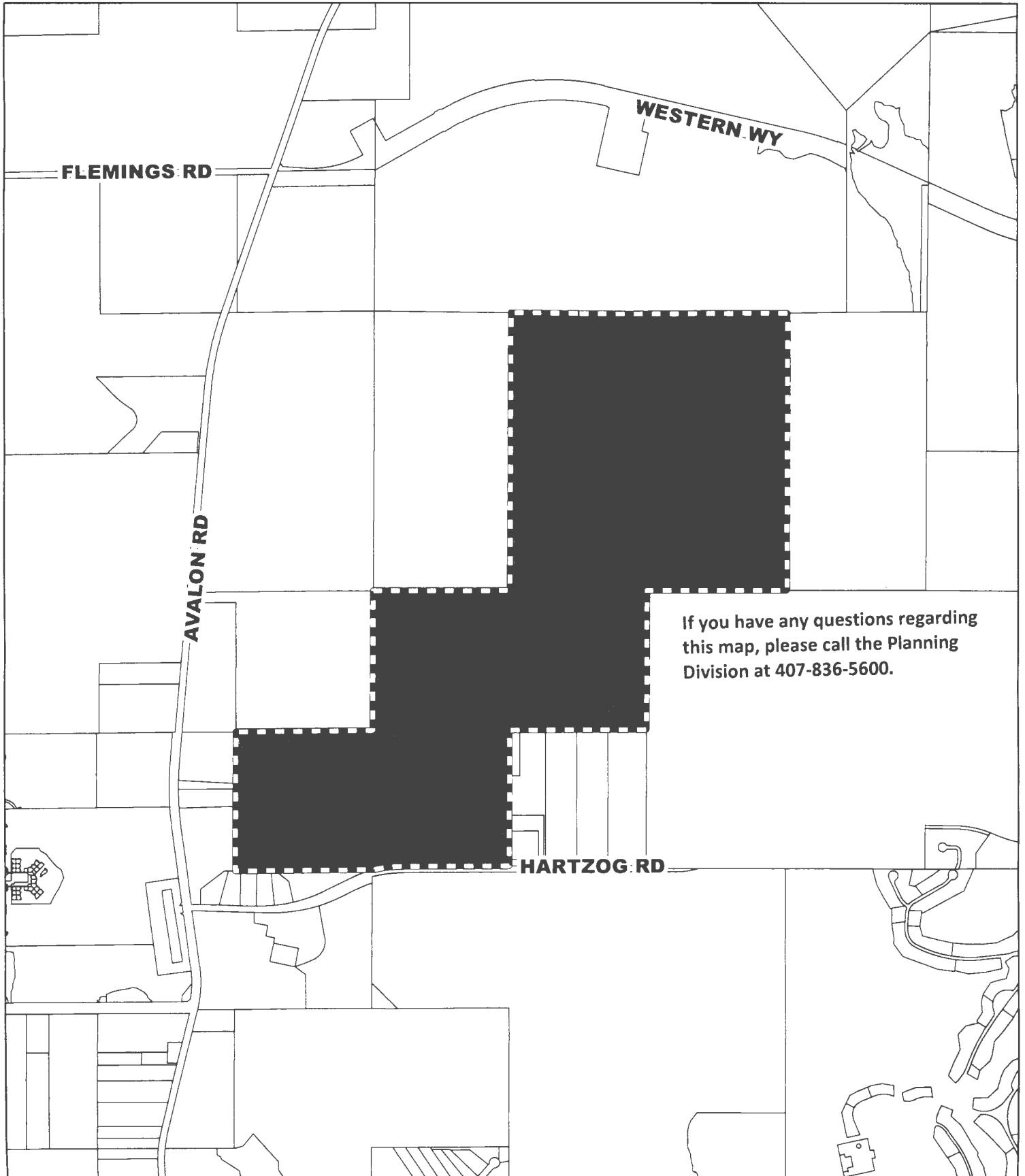
- (1) Names and last known addresses of property owners within 300 feet and beyond (*via email from Fiscal and Operational Support Division*); and
- (2) Location map (*to be mailed to property owners*).

Special instructions to the Clerk:

Please place this request on the **November 12, 2019** BCC agenda. Unless stated otherwise, the public hearing should be advertised to begin at 2:00 p.m., or as soon thereafter as the matter may be heard.

Attachment (location map)

c: Chris R. Testerman, AICP, Deputy County Administrator
Jon V. Weiss, Director, Planning, Environmental, and Development
Services Department



If you have any questions regarding this map, please call the Planning Division at 407-836-5600.

 Subject Property



1 inch = 1,250 feet