



Interoffice Memorandum

DATE: July 14, 2020

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

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

CONTACT PERSON: Eric Raasch, DRC Chairman
Development Review Committee *ER*
Planning Division
(407) 836-5523

SUBJECT: July 28, 2020 – Public Hearing
Robert Reese, Brossier Corporation
Registry on Grass Lake Planned Development
Case # LUPA-19-08-262 / District 1

The Registry on Grass Lake Planned Development (PD) is located at 14506 Avalon Road, or generally west of Avalon Road and north of Arrowhead Boulevard. The applicant is seeking to rezone one parcel containing 1.33 acres from A-1 (Citrus Rural District) to PD (Planned Development District) to incorporate the subject parcel into The Registry on Grass Lake PD. There is no proposed increase entitlements associated with this request. The request also includes four waivers from Orange County Code to reduce the distance separation for five-story multi-family buildings in relation to single-family zoned property.

On June 5, 2020, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this application.

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 Registry on Grass Lake Planned Development / Land Use Plan (PD/LUP) dated "Received March 9, 2020", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

Attachments
JVW/EPR/jhs

GENERAL INFORMATION

APPLICANT Robert Reese, Brossier Corporation
OWNERS Vurnell Vandever
PROJECT NAME The Registry on Grass Lake Planned Development (PD)
HEARING TYPE Planning and Zoning Commission
REQUEST **A-1** (Citrus Rural District) **to**
PD (Planned Development District)

A request to rezone one parcel containing 1.33 acres from A-1 (Citrus Rural District) to PD (Planned Development District) and incorporate the subject parcel into The Registry on Grass Lake PD. There is no proposed increase to entitlements associated with this request. The request also includes the following waivers from Orange County Code:

1. A waiver from 38-1258(a) to allow the buildings that will be 5 stories, 70 ft. tall to be 30 ft. from single family, in lieu of buildings within 100 ft. of single family to be single story.
2. A waiver from Section 38-1258(b) is requested to allow 100% of multi-family buildings to be five (5) stories, 70 feet in height, thirty (30) feet from single-family zoned property, in lieu of a maximum of fifty (50) percent of the building being three (3) stories (not to exceed forty (40) feet) in height with the remaining building being one (1) story or two (20) stories in height located between 100 and 150 feet from single-family zoned property.
3. A waiver from Section 38-1258(c) is requested to allow multi-family buildings five (5) stories, seventy (70) feet in height, thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.
4. A waiver from Section 38-1258(d) is requested to allow two (2) story multi-family buildings twenty-five (25) feet from single-family properties and five (5)

stories, seventy (70) feet, multi-family buildings thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single-story in height and multi-family buildings located within one-hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.

Applicant Justification for Waivers 1-4: *The existing use for the parcel to the north (Parcel #31-24-27-0000-00-018) is single-family, however the Future Land Use Map designation is Village. This parcel is vacant and is currently being marketed as part of a large four corners commercial development. The project exceeds the side yard setback of twenty-five (25) feet.*

LOCATION	14506 Avalon Road
PARCEL ID NUMBER	31-24-27-0000-00-007 (<i>parcel to be added to PD</i>) 31-24-27-0000-00-020 (<i>current PD parcel</i>)
TRACT SIZE	1.33 gross acres (<i>parcel to be added</i>) 17.01 gross acres (<i>existing PD parcel</i>)
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred and twelve (112) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	360 Multi-Family Dwelling Units (no increase in entitlements within existing PD)

STAFF RECOMMENDATION

Development Review Committee – (January 22, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of The Registry on Grass Lake Planned Development / Land Use Plan Amendment (PD/LUPA), dated “Received March 9, 2020”, subject to the following conditions:

1. Development shall conform to the Registry on Grass Lake Land Use Plan (LUP) dated "Received March 9, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable

county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 9, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. 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.
7. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
8. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
9. The following waivers from Orange County Code are granted:
 - a. A waiver from 38-1258(a) to allow the buildings that will be 5 stories, 70 ft. tall to be 30 ft. from single family, in lieu of buildings within 100 ft. of single family to be single story.
 - b. A waiver from Section 38-1258(b) to allow 100% of multi-family buildings to be five (5) stories, 70 feet in height, thirty (30) feet from single-family zoned property, in lieu of a maximum of fifty (50) percent of the building being three (3) stories (not to exceed forty (40) feet) in height with the remaining building being one (1) story or two (20) stories in height located between 100 and 150 feet from single-family zoned property.
 - c. A waiver from Section 38-1258(c) to allow multi-family buildings five (5) stories, seventy (70) feet in height, thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.
 - d. A waiver from Section 38-1258(d) to allow two (2) story multi-family buildings twenty-five (25) feet from single-family zoned properties and five (5) stories, seventy (70) feet, multi-family buildings thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred (100) feet

of single-family zoned property being restricted to single-story in height and multi-family buildings located within one-hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.

10. Except as amended, modified, and / or superseded, the following DRC Conditions of Approval, dated July 2, 2019 shall apply:

- a. The following Education Condition of Approval shall apply:
 - i. Developer shall comply with all provisions of the Capacity Enhancement Agreement (CEA #OC-18-040) entered into with the Orange County School Board as of April 23, 2019 as may be amended.
 - ii. 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 zero (0) 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.
 - iii. 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.
 - iv. 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.
 - v. 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.
- b. 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).
- c. 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.

- d. 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.
- e. 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.

IMPACT ANALYSIS

Overview

The existing Registry on Grass Lake PD allows for 360 multi-family dwelling units and was approved on July 2, 2019. Through this request, the applicant is seeking to rezone one parcel north of the existing PD containing 1.33 acres from A-1 (Citrus Rural District) to PD (Planned Development District) and incorporate the subject parcel into the existing Registry at Grass Lake PD. In addition, there are four waivers from Orange County Code requested to reduce the distance separation for five-story multi-family buildings in relation to single-family zoned property. Staff notes that the adjacent properties to the north appear to have been aggregated for a future development project, and that there are no single-family homes located adjacent to the subject property. There is no proposed increase in entitlements associated with this request.

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 Growth Center – Planned Development – Medium High Density Residential (GC-PD-MHDR) which was approved by the Board of County commissioners on December 3, 2019. The proposed PD zoning district and development program is consistent with the FLUM designation. Additionally, the request is consistent with the following CP provisions:

FLU1.1.4 states that Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities.

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.

FLU7.4.4 states that Urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. If services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

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.

GOAL H1 states that Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

OBJ H1.1 states that the County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957) E: PD (Sutton Lakes Planned Development District) (1996) W: PD (Cassis Planned Development District) (1995) S: A-2 (Farmland Rural District) (1958)
Adjacent Land Uses	N: Single Family Residential / Undeveloped Land E: Undeveloped Land W: Wetland / Undeveloped Land S: Undeveloped Land

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback	25 feet
Maximum Building Height:	70 feet / 5-stories
Minimum Living Area:	600 Square Feet (under HVAC)

Minimum Building Setbacks

Avalon Road Setback:	35 feet
Rear Setback:	25 feet
Side Setback:	25 feet
NHWE Setback:	50 feet

SPECIAL INFORMATION

Community Meeting Summary

A community meeting was not required for this application.

Environmental

Environmental Protection Division staff reviewed the request and did not identify any issues or concerns.

Transportation / Concurrency

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.

The Board of County Commissioners on July 2, 2019 approved a Transportation Impact Fee Agreement ("Agreement") by and between 18 Avalon Road, LLC ("Owner"), and Orange County for the dedication of right-of-way for Avalon Road/ C.R. 545. Within 120 days of the effective date of this Agreement, 18 Avalon Road, LLC shall convey 0.313 acres of right of way by general warranty deed. The Agreement provides for \$345,000 per acre for the conveyance of right-of-way. For the dedication of 0.313 acres of right-of-way for Avalon Road/C.R. 545 the Owner will receive a total of \$106,950 in transportation impact fee credits.

Utilities

	<u>Existing service or provider</u>
Water:	Toho Water Authority
Wastewater:	Toho Water Authority
Reclaimed:	Toho Water Authority

Schools

Orange County Public School (OCPS) staff have reviewed the request and have not provided any issues or concerns.

Parks and Recreation

Parks and Recreation staff have reviewed the proposed request and have not identified any issues or concerns.

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.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (June 5, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of The Registry on Grass Lake Planned Development / Land Use Plan Amendment (PD/LUPA), dated “Received March 9, 2020”, subject to the following conditions:

1. Development shall conform to the Registry on Grass Lake Land Use Plan (LUP) dated "Received March 9, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 9, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized

agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. 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.
7. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.

8. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
9. The following waivers from Orange County Code are granted:
 - a. A waiver from 38-1258(a) to allow the buildings that will be 5 stories, 70 ft. tall to be 30 ft. from single family, in lieu of buildings within 100 ft. of single family to be single story.
 - b. A waiver from Section 38-1258(b) to allow 100% of multi-family buildings to be five (5) stories, 70 feet in height, thirty (30) feet from single-family zoned property, in lieu of a maximum of fifty (50) percent of the building being three (3) stories (not to exceed forty (40) feet) in height with the remaining building being one (1) story or two (2) stories in height located between 100 and 150 feet from single-family zoned property.
 - c. A waiver from Section 38-1258(c) to allow multi-family buildings five (5) stories, seventy (70) feet in height, thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.
 - d. A waiver from Section 38-1258(d) to allow two (2) story multi-family buildings twenty-five (25) feet from single-family zoned properties and five (5) stories, seventy (70) feet, multi-family buildings thirty (30) feet from single-family properties, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single-story in height and multi-family buildings located within one-hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories (forty (40) feet) in height.
10. Except as amended, modified, and / or superseded, the following DRC Conditions of Approval, dated July 2, 2019 shall apply:
 - a. The following Education Condition of Approval shall apply:
 - i. Developer shall comply with all provisions of the Capacity Enhancement Agreement (CEA #OC-18-040) entered into with the Orange County School Board as of April 23, 2019 as may be amended.
 - ii. 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 zero (0) 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.
- iii. 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.
 - iv. 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.
 - v. 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.
- b. 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).
 - c. 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.
 - d. 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.
 - e. 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.

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 The Registry on Grass Lake Planned Development / Land Use Plan Amendment (PD/LUPA). No members of the public were present to speak on this request.

Staff indicated that one hundred twelve (112) notices were sent to property owners extending beyond 1,500 feet surrounding the property, and that staff received zero (0) responses in favor and one (1) response in opposition citing concerns of perceived traffic impacts.

After a short discussion, a motion was made by Commissioner Dunn, and seconded by Commissioner Abdallah to recommend approval of the requested The Registry on Grass Lake Planned Development / Land Use Plan Amendment (PD/LUPA) dated March 9, 2020 subject to the ten (10) conditions listed in the staff report. The motion carried on a 9-0 vote.

Motion / Second	<i>Jimmy Dunn / Mohammed Abdallah</i>
Voting in Favor	<i>Jimmy Dunn, Mohammed Abdallah, JaJa Wade, Diane Velazquez, Carlos Nazario, Nelson Pena, Evelyn Cardenas, Eddie Fernandez, and Gordon Spears</i>
Voting in Opposition	<i>None</i>
Absent	<i>None</i>

LUPA-19-08-262



 Subject Property
  PD Boundary
 
  Subject Property

Future Land Use Map

FLUM: Growth Center - Planned Development - Commercial/Medium Density Residential (GC-PD-C/MDR)

APPLICANT: Robert Reese, Brossier Corp.

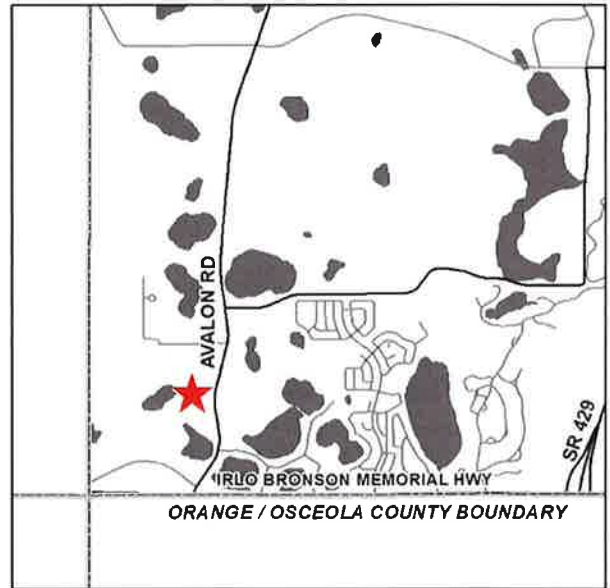
LOCATION: 14506 Avalon Road

TRACT SIZE: 1.37-gross acres

DISTRICT: # 1

S/T/R: 31/24/27

1 inch = 437 feet



LUPA-19-08-262



 Subject Property
  PD Boundary
 
  Subject Property

Zoning Map

Zoning: Citrus Rural District (A-1) to
Planned Development District (PD)

APPLICANT: Robert Reese, Brossier Corp.

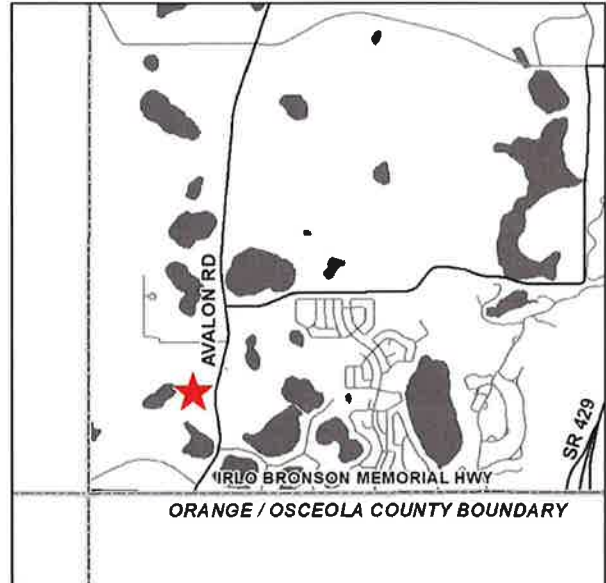
LOCATION: 14506 Avalon Road

TRACT SIZE: 1.37-gross acres

DISTRICT: # 1

S/T/R: 31/24/27

1 inch = 437 feet



LUPA-19-08-262



 Subject Property

 PD Boundary



1 inch = 349 feet

Notification Map

