

GENERAL INFORMATION

APPLICANT	Stephen Allen, Civil Corp Engineering, Inc.
OWNER	Westwood Partners Group, LLC
PROJECT NAME	Townhomes at Westwood Planned Development (PD)
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	R-CE (Country Estate District) to PD (Planned Development District) <i>The request is to rezone two (2) parcels containing 8.88 gross net acres of which 3.78 are developable from R-CE to PD, in order to construct eighty (80) attached single-family residential dwelling units.</i>
LOCATION	11302 and 11314 Westwood Boulevard; or generally west of Westwood Boulevard on the east side of Lake Willis, approximately 500 feet south of Grand Horizons Boulevard.
PARCEL ID NUMBERS	14-24-28-4800-00-370 and 14-24-28-4800-00-360
TRACT SIZE	8.88 gross acres / 3.78 net acres
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,500 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. Three hundred ninety-four (394) notices were mailed to those property owners in the mailing area. Two community meetings were held on January 11, 2017 and March 27, 2018 and are summarized in the report below.
PROPOSED USE	Eighty (80) attached single-family residential units (townhomes).

STAFF RECOMMENDATION

Development Review Committee – (March 28, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Townhomes at Westwood Planned Development / Land Use Plan (PD/LUP), dated “Received March 21, 2018”, subject to the following conditions:

1. Development shall conform to the Townhomes at Westwood Planned Development / Land Use Plan (PD / LUP) dated "Received March 21, 2018," 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 21, 2018," 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. 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.
7. 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.
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 as of MM DD, YYYY.
 - 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 ## 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.
- e. 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. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
- 11. 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.
- 12. This property is located within the Lake Willis Overlay and shall comply with the standards of the Lake Willis overlay unless specifically waived by Orange County Board of County Commissioners.
- 13. Short term / transient rental is prohibited. Length of stay shall be for a period of 180 days or greater.
- 14. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
- 15. 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.
- 16. A waiver from Section 38-1400.2(1) is granted to allow for 2-story (30 feet in height) multi-family buildings to be located no less than 30 feet from single family zoned property, in lieu of the requirement that multi-family buildings be restricted to a single-story in height within 100 feet of single-family zoned property.
- 17. No public or private boat docks or ramps are allowed.

IMPACT ANALYSIS

Land Use Compatibility

The applicant is seeking to rezone the subject parcels from R-CE (Country Estate District) to PD (Planned Development District) in order to construct eighty (80) attached single family residential units (townhomes). The property is within the Lake Willis Neighborhood Overlay and must adhere to the development restrictions in Division 10 of the Orange County Code. Single-family attached residential buildings are considered as multi-family buildings under Division 10, Section 38-1400.2, and the project will be required to meet all criteria for multi-family buildings within the Lake Willis overlay standards.

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

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Activity Center Residential (ACR) which allows consideration of a maximum residential density of thirty (30) dwelling units per one (1) net developable acre and requires a minimum residential density of twelve (12) dwelling units per acre. With a net developable density of 21.16 units per acre, the proposed PD zoning district and development program is consistent with the ACR FLUM designation and the following CP provisions:

FLU1.1.5 states that Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County's desired urban framework. Infill is defined as development consistent with the Infill Master Plan (2008).

FLU2.2.1 states that within the Urban Service Area, Orange County shall encourage a mixture of land uses within activity and mixed-use commercial centers. Office and residential land uses shall be part of the balanced land use mixture, in addition to the commercial component.

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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 and shall be promoted.

FLU8.2.10 states that to ensure land use compatibility with nearby residential zoned areas and protection of the residential character of those areas, office and commercial uses within residential neighborhoods shall be subject to strict performance standards, including but not limited to the following:

- A. Building height restrictions;
- B. Requirements for architectural design compatible with the residential units nearby;
- C. Floor area ratio (FAR) limitations;
- D. Lighting type and location requirements;
- E. Tree protection and landscaping requirements including those for infill development; and
- F. Parking design.

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 the project and its function in the broader community, as well its contribution to the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

ID2.2.2 states that to the extent permitted by law, the reservation of a 15 foot wide transit easement along each side of all major road rights-of-way shall be a condition of approval for development within the International Drive Activity Center. When the Activity Center Transit Plan is completed, any unused portions of easements shall be abandoned and vacated. Until the easement is utilized or abandoned, the fee title holder shall be entitled to make use of such easement areas for temporary uses such as, but not limited to, non-code required parking, landscaping and recreation areas. Such easement areas shall be considered as a part of the site area for development purposes.

ID2.3.3 states that to the extent permitted by law, the reservation of a 20 foot wide landscape / pedestrian / utility easement, on all properties with road frontage, shall be a condition of approval for development within the Activity Center. The pedestrian easement shall be adjacent to the development side of the required transit easement as opposed to the road side if a transit easement is required.

Community Meeting Summary

A community meeting was held on January 11, 2017 at Sand Lake Elementary with twenty-nine (29) residents in attendance. A follow-up meeting was held on March 27, 2018. Those in attendance expressed concerns of perceived traffic impacts, future development encroachments into the Lake Willis single-family neighborhood, and lake access. Residents were opposed to any reductions to the setbacks required in the Lake Willis overlay standards and the request in general.

SITE DATA

Existing Use	Single-family dwelling unit
Adjacent Zoning	N: I-4 Plaza PD (Planned Development District) (1991) E: Orangewood N-2 PD (Planned Development District) (1972) W: Lake Willis S: R-CE (Country Estate District) (1968)
Adjacent Land Uses	N: Timeshare E: Multi-family W: Lake Willis S: Single-family residential

APPLICABLE PD DEVELOPMENT STANDARDS

PD Setbacks

North:	30 feet
South:	30 feet
East:	40 feet
West:	50 feet (from Normal High Water Elevation)

Maximum Building Height:	2 stories / 30 feet
Minimum Lot Size:	2,000 square feet
Minimum Lot Width:	20 feet (30 feet for corner lots)
Minimum Living Area:	1,000 square feet (under HVAC)

Minimum Building Setbacks within the Individual Lots

Front Setback:	20 feet
Rear Setback:	20 feet
Side Setback:	0 feet
Side Street:	15 feet

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone two (2) parcels containing 8.88 gross acres from R-CE to PD, in order to construct eighty (80) attached single family residential units (townhomes). The subject property is within the Activity Center Residential designated area which requires a minimum of 12 dwelling units per acre and potentially allows for a maximum of 30 units per acre. The proposed development program is 21.16 units per acre.

The property is within the Lake Willis Neighborhood Overlay and must adhere to the development restrictions in Division 10 of the Orange County Code. Single-family attached residential buildings are considered as multi-family buildings under Division 10, Section 38-1400.2, and the project will be required to meet all criteria for multi-family buildings within the Lake Willis overlay standards.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Activity Center Residential (ACR), which allows consideration of high density residential development in close proximity to employment areas in order to minimize travel distance and time between those uses, with a required density range of 12 to 30 dwelling units per developable acre. 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 located within the Lake Willis Neighborhood Overlay District, which was approved in 2003 and provides for enhanced multi-family building height standards; project screening and fencing requirements along Lake Willis Drive; lighting restrictions; architectural guidelines; and business orientation requirements for non-residential developments (businesses must face away from the residential homes). Due to subsequent countywide Zoning Code updates, the only unique overlay standards that apply to the subject project are the architectural guidelines and setback requirements for townhome buildings. At the time of Preliminary Subdivision Plan (PSP) review, the project will be reviewed for compliance with these guidelines.

The subject property is also within the Tourist Commercial Signage Overlay District, which only addresses commercial signage standards.

Airport Noise Zone

The subject property is not located in an Airport Noise Zone.

Environmental

CAD. There are Class I wetlands including a portion of Lake Willis located on site. Prior to submitting a Preliminary Subdivision Plan or a Development Plan (PSP/DP), the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas. CAD 06-047 was previously completed for these properties, but that determination expired in 2011.

Conservation Area Labels. When a PSP/DP is submitted, include the following information in all applicable plan sheets: the new Orange County Conservation Area Determination (CAD) number, the approved conservation area boundary survey lines, the identification numbers of all conservation areas, the wetland classifications and acreage of each. Reference Orange County Code 34-131(d)(2) for PSP and 38-1206(6) for DP.

Conservation Features. The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters, wetlands, or conservation areas that may occur as a result of development of the site. Preventive measures include but are not limited to: 25-foot average undisturbed upland buffer along the wetland boundary, signage, pollution abatement swales, split rail fence, retaining wall or native plantings adjacent to the wetlands. Clearly indicate and label the measures employed to prevent adverse conservation area impacts in the PSP/DP and permit applications.

Conservation Area Impacts. If wetland encroachments are proposed, submit an application for a Conservation Area Impact (CAI) Permit as soon as possible to the Orange County EPD. The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners (BCC).

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

Transportation / Concurrency

Based on the 9th Edition of the Institute of Transportation Engineers manual, the proposed development plan to construct 80 townhomes will generate 50 PM peak hour trips. According to the concurrency management system database dated 06/06/17, Turkey Lake Road between the Central Florida Greenway and Sand Lake Commons Boulevard is the only failing roadway segment (Level of Service "F") within a one-mile radius of the subject property, and has no available capacity. Per Policy T2.2.3.1 of the Comprehensive Plan, this roadway segment is also a constrained facility and therefore final permitting of any development on this site will be subject to review and approval under the capacity constraints of the county's Transportation Concurrency Management System. Based on this review, the applicant will be required to mitigate any deficiencies

identified and coordinate a proportionate share agreement with the County's Road Agreement Committee (RAC) prior to obtaining an approved Capacity Encumbrance Letter and building permit.

Finally, 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.

Water / Wastewater / Reclaim

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

Schools

Orange County Public Schools (OCPS) Capacity Enhancement Agreement (CEA) # OC-17-022 applies to this project. The Orange County School Board approved the original CEA on September 27, 2017 and an amendment to the CEA on May 3, 2018.

Parks and Recreation

Parks and Recreation staff reviewed the request and did not identify any concerns.

Code Enforcement

No code enforcement, special magistrate or lot cleaning issues on the subject property have been identified.

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.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (May 17, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Townhomes at Westwood Planned Development / Land Use Plan (PD/LUP) dated "Received April 4, 2017", subject to the following conditions:

1. Development shall conform to the Townhomes at Westwood Planned Development / Land Use Plan (PD / LUP) dated "Received April 4, 2017," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be

developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received April 4, 2017," 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. 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.
7. 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.
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 as of September 27, 2017 and as amended May 3, 2018.
 - 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 2 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.
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 - 12. This property is located within the Lake Willis Overlay and shall comply with the standards of the Lake Willis overlay unless specifically waived by Orange County Board of County Commissioners.
 - 13. Short term / transient rental is prohibited. Length of stay shall be for a period of 180 days or greater.
 - 14. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
 - 15. 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.
 - 16. No public or private boat docks or ramps are allowed.
 - 17. A twenty-five (25) foot natural buffer along the lake shall be provided with no lake access permitted.

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 Townhomes at Westwood Planned Development (PD), subject to the sixteen (16) conditions as presented. It was explained to the PZC that the applicant was no longer seeking the waiver so the number of conditions decreased from seventeen (17) as shown in the staff report to sixteen (16).

Staff indicated that three hundred ninety-four (394) notices were mailed to surrounding property owners within a buffer extending 1,500 feet from the subject property, with six (6) commentaries received in opposition to the request and none (0) received in favor of the request. The applicant was present and agreed with the staff recommendation of approval.

Discussion ensued regarding the removal of the waiver and the version of plan that would move forward to the Board. Since the removal of the waiver meant the plan was the same that was presented to the PZC in July of 2017, the decision was to use that plan moving forward with the understanding that the applicant will adhere to all Lake Willis Overlay guidelines, including a one hundred foot setback along the southern property line for two-story townhomes.

After brief discussion, a motion was made by Commissioner DiVecchio to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Townhomes at Westwood Planned Development (PD) dated "Received April 4, 2017", subject to sixteen (16) conditions as presented and an additional condition number seventeen (17). Commissioner Demostene seconded the motion, which then carried on a 6-2 vote.

Motion / Second	<i>Pat DiVecchio / Tina Demostene</i>
Voting in Favor	<i>Pat DiVecchio, Tina Demostene, Yog Melwani, Gordon Spears, JaJa Wade, James Dunn</i>
Voting in Opposition	<i>Paul Wean and William Gusler</i> <i>(Jose Cantero abstained and declared a conflict of interest.)</i>