PZC Recommendation Staff Report Commission District: # 1

# **GENERAL INFORMATION**

APPLICANT Jonathan Huels, Lowndes, Drosdick, Doster, Kantor, &

Reed, P.A.

OWNER Chika and Robert Haines

PROJECT NAME Windermere Springs Planned Development (PD)

**HEARING TYPE** Planned Development / Land Use Plan (PD / LUP)

**REQUEST** R-CE-2 (Rural Residential District) to

**PD** (Planned Development District)

A request to rezone one parcel containing 5.05 gross acres from R-CE-2 to PD and designate the property as Village Home District within the Lakeside Village Special Planning Area, in order to construct 21 single-family attached units through the use of four Transfer of Development Right's (TDR's) from North of Albert's PD. This request is also associated with a Right-of-Way Conveyance and Adequate Public Facilities Agreement, which can be found in the BCC

consent agenda.

**LOCATION** 13651 Reams Road; Generally north of Reams Road,

approximately 750 feet west of Greenbank Boulevard.

PARCEL ID NUMBERS 35-23-27-0000-00-003

**TRACT SIZE** 5.05 gross acres

**PUBLIC NOTIFICATION** The notification area for this public hearing extended beyond

700 feet [Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet]. Two hundred forty-five (245) notices were mailed to those property owners in the mailing area. A community meeting was held on October 23, 2017 at Sunset

Park Elementary School.

**PROPOSED USE** Twenty-one (21) single-family attached dwelling units.

## STAFF RECOMMENDATION

**Development Review Committee – (December 20, 2017)** 

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Windermere Springs Planned Development / Land Use Plan

(PD/LUP), dated "Received November 22, 2017", subject to the following conditions:

- 1. Development shall conform to the Windermere Springs Planned Development / Land Use Plan (PD / LUP) dated "Received November 22, 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 November 22, 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. The project shall comply with the terms and conditions of the road agreement for Reams Road and the Right-of-Way Conveyance / Adequate Public Facilities Agreement for Windermere Springs PD approved by the BCC on even date herewith.
- 8. 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.
- 9. 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).
- 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. 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. <u>The developer shall obtain water, wastewater, and reclaimed water service from</u> Orange County Utilities subject to County rate resolutions and ordinances.
- 13. <u>Pole signs and billboards shall be prohibited</u>. <u>Ground and fascia signs shall comply</u> with Chapter 31.5 of the Orange County Code.
- 14. <u>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.</u>

# **IMPACT ANALYSIS**

# Land Use Compatibility

The applicant is seeking to rezone the subject parcel from R-CE-2 (Rural Residential District) to PD (Planned Development District) in order to construct 21 single-family attached units utilizing four Transfer of Development Rights (TDRs) from the North of Albert's PD. There are no waivers requested with this application.

The proposed development program 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 Village (V), indicating that it is within the Horizon West Special Planning Area. More specifically, the subject property is located within the Horizon West Lakeside Village and is designated Conservation and Upland Greenbelt on the Horizon West Special Planning Area map. If this request is approved, the Upland Greenbelt designated portion of the property would be administratively changed to Village Home District. The Village Home District allows for six dwelling units per net developable acre. To achieve the requested 21 dwelling units, the applicant is requesting to utilize four Transfer of Development Rights (TDRs) from the North of Albert's PD.

The proposed PD zoning district and development program is consistent with the proposed Village Home designation and the following CP provisions:

**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.

**FLU4.1.1** states that each Village Specific Area Plan (SAP) shall be designed based on an urban development pattern, which encourages the formation of a suburban village while ensuring the provision of adequate public facilities and services concurrent with development and protection of environmental quality, and outlines the following General Village Principles in Horizon West:

- A. Planning for the Village shall be in the form of complete and integrated neighborhoods containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of the Village residents.
- B. Village size shall be designed so that housing is generally within a 1.2 mile radius of the Village Center (shops, services and other activities). This radius may be relaxed where natural or community facilities and services interrupt the design.
- C. A Village shall contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- D. Wherever possible, as many activities as possible shall be located within an easy walking distance of an existing or designated transit stop.
- E. The Village and each neighborhood shall have a center focus that combines commercial, civic, cultural and recreational uses. Higher density residential development should be encouraged in proximity to these centers, with the highest density/attached housing encouraged in proximity to the Village Center.
- F. The Village shall contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.
- G. Each Village shall have a well-defined edge, such as greenbelts or wildlife corridors permanently protected from development.
- H. Local and collector streets, pedestrian paths and bike paths shall contribute to a system of fully connected and interesting routes from individual neighborhoods to the Village Center and to other villages. Their design should encourage pedestrian and bicycle use by being spatially defined by buildings, trees, and lighting; and by discouraging high speed traffic.

- I. Wherever possible, the natural terrain, drainage and vegetation of the area shall be preserved with superior examples contained within parks or greenbelts.
- J. The Village Center shall be designed to encourage and accommodate linkage with the regional transit system.
- **OBJ FLU4.2** states that each Specific Area Plan (SAP) shall include regulatory measures which require the provision of Adequate Public Facilities and services concurrent with development.
- **FLU4.2.1** states that prior to or in conjunction with approval of the land use plan for any Village Planned Development, a developer's agreement addressing the conveyance of adequate public facility lands shall be approved by Orange County.
- **FLU4.2.2** states that the Adequate Public Facilities (APF) Ordinance shall require each property owner to make provisions to set aside public land area in exchange for APF credits, based upon the total public land area needs for each SAP. For Lakeside Village, the ratio is one (1) acre of public land for every 6.5 acres of developable land). For land areas that do not include public facilities lands or for which public facilities lands have been provided, a fee in lieu of donation shall be required. Such APF revenues shall be allocated for public facilities lands acquisition, support, and maintenance within the subject Village or Town Center.
- **FLU4.6.2** states that any development within the boundary of Lakeside Village shall comply with the provisions of the Orange County Code for the Planned Development Zoning District and subdivisions and site plan development regulations. Where the performance standards in the Village Development Code conflict with said regulations, the Village Code shall govern.
- **FLU4.6.3** states that the adopted Village Specific Area Plans establish the Village Home District minimum average net density of 6 dwelling units per acre.
- **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 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.

## **Community Meeting Summary**

A community meeting was held on October 23, 2017 at Sunset Park Elementary School with seven residents in attendance. Concerns expressed included traffic, flooding of nearby residential homes and retention of stormwater, perceived wildlife impacts, and excessive development in the area.

## SITE DATA

**Existing Use** Single-Family Residential Dwelling

Adjacent Zoning N: PD (Lake Reams Neighborhood - Planned Development)

(1998)

E: R-CE-2 (Rural Residential District) (1981)

W: R-CE-2 (Rural Residential District) (1981)

S: PD (Reams Road Property - Planned Development District)

(2015)

Adjacent Land Uses N: Wetland / Conservation Land

E: Undeveloped Land

W: Place of Worship

S: Undeveloped Land

## APPLICABLE PD DEVELOPMENT STANDARDS

Maximum Building Height: 55 feet (4-stories)

Minimum Lot Width: 16 feet

Minimum Living Area: 1,000 square feet (under HVAC)

Minimum Building Setbacks

Front Setback: 15 feet (10 feet for front porch)
Rear Setback: 14 feet for primary structure

Side Setback: 7 feet for end units

## SPECIAL INFORMATION

## **Subject Property Analysis**

The applicant is seeking to rezone the subject parcel from R-CE-2 (Rural Residential District) to PD (Planned Development District) in order to construct twenty-one (21) single-family attached units utilizing four Transfer of Development Rights (TDRs) from North of Albert's PD. The North of Albert's PD Change Determination (CDR-17-08-248) and associated TDR assignment agreement was approved by the Development Review Committee as a non-substantial change on December 20, 2017. There are no waivers from Orange County Code requested.

Associated with this request is a Road Impact / Adequate Public Facilities Agreement, which identifies the terms for conveyance of 0.101 acres of Right-of-Way for Reams Road and identifies the remaining APF deficit. That agreement can be found in the BCC consent agenda.

## **Comprehensive Plan (CP) Amendment**

The property has an underlying Future Land Use Map (FLUM) designation of Village (V) and is within the Special Planning Area of Lakeside Village. The request is to change the current designation of Conservation and Upland Greenbelt to Village Home District which would be done administratively with this PD rezoning request. The proposed use is consistent with this proposed designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

### **Rural Settlement**

The subject property is not located within a Rural Settlement.

## Joint Planning Area (JPA)

The subject property is not located within a JPA.

# **Overlay District Ordinance**

The subject property is not located within an Overlay District.

## **Airport Noise Zone**

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

### **Environmental**

An Orange County Conservation Area Determination CAD-16-09-094 was completed that included this project site. Wetland classifications were determined on October 4, 2016 (one Class I wetland of 1.396 acres) and agreed upon October 6, 2016. The certified survey of the Orange County conservation area boundary was approved on November 14, 2016.

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.

Any impacts to wetlands (including stormwater pond outfalls in a wetland buffer or wetland) will require submittal of an application for a Conservation Area Impact Permit to the Orange County Environmental Protection Division as outlined in Chapter 15, Article X Wetland Conservation Areas.

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).

No construction, clearing, filling, alteration or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a wetland impact permit approved by the county and obtaining other applicable jurisdictional agency permits.

Development of the subject property shall comply with all state and federal regulations regarding endangered, threatened, or species of special concern.

## **Transportation / Concurrency**

Based on the concurrency management system database dated August 29, 2017, there are multiple failing roadway segments within a one-mile radius of this project. Ficquette Road from Lake Hancock Road to Winter Garden Vineland Road, Reams Road from Lake Hancock Road to Cast Drive and Cast Drive to Silverlake Park Drive are currently operating at level of service F and there is no available capacity. A traffic study will be required prior to obtaining an approved capacity encumbrance letter and building permit.

Right-of-way for the widening of Reams Road is required from this project. The applicant has completed a Right-of-Way Conveyance and Adequate Public Facilities Agreement which was approved by the Roadway Agreement Committee on January 17, 2018 and can be found on the BCC consent agenda.

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

Existing service or provider

Water: Orange County Utilities

Wastewater: Orange County Utilities

Reclaimed: Orange County Utilities

#### **Schools**

Orange County Public Schools (OCPS) approved a Capacity Enhancement Agreement (CEA) for this project on April 24, 2018.

#### Parks and Recreation

Orange County Parks and Recreation staff did not identify any issues or concerns.

#### Code Enforcement

No code enforcement, special magistrate or lot clearing 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 – (January 18, 2018)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Windermere Springs Planned Development / Land Use Plan (PD/LUP), dated "Received November 22, 2017", subject to the following conditions:

- 1. Development shall conform to the Windermere Springs Planned Development / Land Use Plan (PD / LUP) dated "Received November 22, 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 November 22. 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. The project shall comply with the terms and conditions of the road agreement for Reams Road and the Right-of-Way Conveyance / Adequate Public Facilities Agreement for Windermere Springs PD approved by the BCC on even date herewith.
- 8. 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.
- 9. 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).

- 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. 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. <u>The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.</u>
- 13. <u>Pole signs and billboards shall be prohibited.</u> Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- 14. <u>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.</u>

# 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 Windermere Springs Planned Development / Land Use Plan (PD / LUP), subject to the fourteen (14) conditions in the staff report.

Staff indicated that two hundred forty-five (245) notices were mailed to surrounding property owners within a buffer extending beyond 700 feet from the subject property, with two (2) commentaries in opposition received. The applicant was present and agreed with the staff recommendation of approval. There were no members of the public present to speak about this request.

A motion was made by Commissioner Melwani to APPROVE the Windermere Springs Planned Development / Land Use Plan (PD/LUP), dated "Received November 22, 2017", subject to the conditions in the staff report. Commissioner DiVecchio seconded the motion, which was then carried on a 9-0 vote.

Motion / Second Yog Melwani / Pat DiVecchio

**Voting in Favor** Yog Melwani, Pat DiVecchio, Paul Wean, Jose Cantero,

William Gusler, Gordon Spears, Tina Demostene, James

Dunn, and JaJa Wade

**Voting in Opposition** *None* 

**Absent** None