



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Decision Letter

Board of County Commissioners

Tuesday, November 13, 2018

2:00 PM

County Commission Chambers

Concurrent Rezoning Request

18-1454

Rezoning LUP-17-12-373

R-1AA (Single-Family Dwelling District) to PD (Planned Development District)
(Hubbard Place PD); District 1

Consideration: A request to rezone LUP-17-12-373 from R-1AA (Single-Family Dwelling District) to PD (Planned Development District) (Hubbard Place PD) R-1AA (Single-Family Dwelling District) to PD (Planned Development District) (Hubbard Place PD) Also, requested are two (2) waivers from Orange County Code: 1) A waiver from Section 38-1501 is requested to allow the building setbacks of lot sizes greater than or equal to one (1) acre to utilize R-1AA setbacks in lieu of the R-CE standards to meet the setback requirements of lot sizes less than 1 acre as shown in the setback table; and 2) A waiver from Section 38-1501 is requested to allow a rear building setback of fifteen (15) feet in lieu of thirty (30) feet for the northeast corner adjacent to Lady Bet Drive; District 1

Location: Generally located west of Hubbard Pl. and Lady Bet Dr., east of Lake Tibet Butler; Parcel ID#s: 28-23-28-0000-00-002/019/020/022; 8997, 9000, 9001, and 9100 Hubbard Pl.; 16.59 gross ac.

County staff modified conditions of approval #17 as follows:

17. In a letter dated November 5, 2018 (the "Letter"), a copy of which is on file with the Planning Division, the Florida Department of State, Division of Historical Resources agreed that the boundary of the Macey Mound mitigation area is as shown in the attachment to the Letter and identified as the "Mitigation Area Boundary" (hereinafter, the "Macey Mound Mitigation Area"). No development permit that authorizes ground disturbance within the Macey Mound Mitigation Area shall be issued until such time as all mitigation activities have been completed in accordance with Chapter 872, Florida Statutes, and such completion has been confirmed by the State. The Macey Mound Mitigation Area must be clearly depicted on the PSP and on any other development permit application that proposes ground disturbance within five feet (5') of the same. Further, the Macey Mound Mitigation Area, until mitigated, must be protected by fencing. Development activities on all areas outside of the Macey Mound Mitigation Area and the surrounding five foot (5') buffer may proceed in normal course without further restriction.

County staff deleted Condition # 18 and added new Condition #18 to read as follows:

18. Developer shall maintain, on a consulting basis, an archaeologist for the project, as defined in Section 872.05, Florida Statutes, and with experience identifying human remains. Said archaeologist shall educate all site work contractors for the project regarding ground disturbance activities upon the site. In the event any human remains are found outside the Macey Mound Mitigation Area during ground disturbing activities on the property, except in areas substantially filled with the pond dredge spoil, all work shall stop immediately in the vicinity of the discovery and the proper authorities shall be notified in accordance with Section 872.05, Florida Statutes.

A motion was made by Commissioner VanderLey, seconded by Commissioner Love, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU1.3, FLU6.5, and FLU8.2, and Policies FLU1.1.1, FLU1.3.1(A) and (C), FLU1.3.2, FLU6.4.14, FLU6.4.16, FLU6.5.2, FLU6.5.4, FLU6.5.5, and FLU8.2.1; and Housing Element Goal H1 and Objective H1.1); further, determine that the proposed amendment is in compliance; further, adopt Amendment 2018-1-A-1-1, Rural/Agricultural (R) to Low Density Residential (LDR) and Urban Service Area (USA) Expansion; further, make a finding of consistency with the Comprehensive Plan; further, approve Rezoning Request Case LUP-17-12-373 Hubbard Place Planned Development/Land Use Plan (PD/LUP), to rezone from R-1AA (Single-Family Dwelling District) to PD (Planned Development District) (Hubbard Place PD). Also requested are two (2) waivers from Orange County Code: 1) A waiver from Section 38-1501 is requested to allow the building setbacks of lot sizes greater than or equal to one (1) acre to utilize R-1AA setbacks in lieu of the R-CE standards to meet the setback requirements of lot sizes less than 1 acre as shown in the setback table.; and 2) A waiver from Section 38-1501 is requested to allow a rear building setback of fifteen (15) feet in lieu of thirty (30) feet for the northeast corner adjacent to Lady Bet Drive, subject to the twenty-three (24) conditions listed under the Development Review Committee staff report; and further, approve modified Condition of Approval #17 and new Condition of Approval #18. The motion carried by the following vote:

Aye: 7 - Commissioner Love, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, Commissioner Thompson, Commissioner Siplin, and Mayor Jacobs



**THE FOREGOING DECISION HAS BEEN
FILED WITH ME THIS 21ST DAY OF
NOVEMBER 2018.**

for Jenica Vaupel
DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.
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