



**Interoffice Memorandum**

**DATE:** January 8, 2020

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

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

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

**SUBJECT:** January 28, 2020 – Public Hearing  
Erika Hughes, VHB, Inc.  
Westgate Seasons Planned Development  
Case # LUP-17-04-135 / District 6

The Westgate Seasons Planned Development (PD) is generally located north of West Oak Ridge Road, south of Wakulla Way, east of John Young Parkway, and west of S. Texas Avenue. The applicant is seeking to rezone one parcel containing 19.4 gross acres from R-3 (Multiple-Family Dwelling District) to PD (Planned Development District), in order to construct up to 358 multi-family residential dwelling units. The request also includes three waivers to increase the maximum building height in proximity to single-family zoned property, and reduce the minimum building separation distance.

On November 21, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting was not required for this application. However, two community meetings were held for associated Future Land Use Map amendment 2019-1-A-6-1. Those meetings occurred at Westridge Middle School on November 10, 2016 and October 17, 2018 and the results of those meetings are summarized in the staff report.

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 Westgate Seasons Planned Development / Land Use Plan (PD/LUP) dated “Received September 26, 2019”, subject to the conditions listed under the PZC Recommendation in the Staff Report.  
District 6

JVW/EPR/jhs  
Attachments

**GENERAL INFORMATION**

**APPLICANT** Erika Hughes, VHB Inc.  
**OWNER** Central Florida Investments, Inc.  
**PROJECT NAME** Westgate Seasons Planned Development (PD)  
**HEARING TYPE** Planned Development / Land Use Plan (PD / LUP)  
**REQUEST** R-3 (Multiple-Family Dwelling District) to PD (Planned Development District)

*A request to rezone one (1) parcel containing 19.4 gross acres from R-3 to PD, in order to construct up to 358 multi-family residential dwelling units. The request also includes the following waivers from Orange County Code:*

1. A waiver from Section 38-1258(a) is requested to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings located seventy-five (75) feet to one hundred (100) feet from single-family zoned property, in lieu of being restricted to a single story in height within one hundred (100) feet.
2. A waiver from Section 38-1258(b) is requested to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings between one hundred plus (100+) feet to one hundred fifty (150) feet of single-family zoned property, in lieu of a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

***Applicant Justification for 1 & 2:*** *The industry standard for multi-family development is three story development. Along the northern and western boundaries of the property is existing mature vegetation and fencing that buffer the existing residential from the subject property. At the community meeting, neighbors living along the northern and western boundary did not express concern for building height, they were concerned with access from Wakulla Way and buffering.*

3. A waiver from Section 38-1258(j) is requested to allow a minimum building separation of twenty (20) feet for all multi-family buildings, in lieu of thirty (30) feet for two-

story buildings, and forty (40) feet for buildings three (3) stories.

***Applicant Justification:*** *The 20 foot separation allows for better architecture to compliment the surrounding community.*

<b>LOCATION</b>	North of West Oak Ridge Road, south of Wakulla Way, east of S. John Young Parkway, west of S. Texas Avenue
<b>PARCEL ID NUMBERS</b>	21-23-29-5361-00-170, 21-23-29-5361-00-171 and 21-23-29-5361-00-172
<b>TRACT SIZE</b>	19.42 gross acres
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing extended beyond five hundred (500) feet [ <i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i> ]. Three hundred sixty-seven (367) notices were mailed to those property owners in the mailing area.
<b>PROPOSED USE</b>	358 multi-family residential dwelling units

### **STAFF RECOMMENDATION**

#### **Development Review Committee – (September 25, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Westgate Seasons Planned Development / Land Use Plan (PD/LUP), dated "Received September 26, 2019", subject to the following conditions:**

1. Development shall conform to the Westgate Seasons Land Use Plan (LUP) dated "Received September 26, 2019," 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 September 26, 2019," 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 dedicate any necessary right-of-way for S. Texas Avenue prior to or concurrently with the approval of the initial development plan.
8. This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit.
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. Length of stay shall be for 180 consecutive days or greater. Short term rental shall be prohibited.
11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
12. 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.
13. 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 [and Orange County] as of May 28, 2019.
  - 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 44 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.
- 14. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
  - 15. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater system has been designed to support all development within the PD.
  - 16. A six (6) foot high masonry wall shall be provided along the north and western property lines.
  - 17. Vehicular access to Wakulla Way shall be prohibited.
  - 18. The existing vegetation (with the exception of invasive species) within the required 25' buffers along the north and western property boundaries shall be preserved to the greatest extent possible.
  - 19. The following waivers from Orange County Code are granted:
    - a. A waiver from Section 38-1258(a) to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings located seventy-five (75) feet to one hundred (100) feet from single-family zoned property, in lieu of being restricted to a single story in height within one hundred (100) feet.
    - b. A waiver from Section 38-1258(b) to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings between one hundred plus (100+) feet to one hundred fifty (150) feet of single-family zoned property, in lieu of a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
    - c. A waiver from Section 38-1258(j) to allow a minimum building separation of twenty (20) feet for all multi-family buildings, in lieu of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The applicant is seeking to rezone the subject parcels from R-3 (Multiple-Family Dwelling District) to PD (Planned Development District) in order to construct up to 358 multi-family dwelling units. The applicant is also seeking approval of three waivers to increase the maximum building height in proximity to single-family zoned property, and reduce the minimum building separation distance.

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 Medium Density Residential (MDR) which allows for a maximum residential density of twenty (20) dwelling unit per one (1) net developable acre. The proposed PD zoning district and development program is consistent with the MDR FLUM designation and the following CP provisions:

**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.

**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.

**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.

**Community Meeting Summary**

A community meeting was not required for this request. However, two community meetings were held with the associated Future Land Use Map amendment (2019-1-A-6-1), which was an amendment from Low Medium Density Residential (LMDR) to Medium Density Residential (MDR). Those meetings were held at Westridge Middle School on November 10, 2016 and October 17, 2018. At the October 17, 2018 meeting, staff presented three conditions that resulted from concerns presented at the November meeting. Those conditions are as follows:

1. A six (6) foot high masonry wall shall be provided along the north and western property lines.
2. Vehicular access to Wakulla Way shall be prohibited.
3. The existing vegetation (with the exception of invasive species) within the required 25' buffers along the north and western property boundaries shall be preserved to the greatest extent possible.

The three (3) residents in attendance expressed a positive tone with the request and the proposed conditions.

**SITE DATA**

<b>Existing Use</b>	Undeveloped Land / Multi-Family Dwelling Units (44 units)
<b>Adjacent Zoning</b>	N: R-1A (Single-Family Dwelling District) (1957) E: R-3 (Multiple-Family Dwelling District) (1971) W: R-1A (Single-Family Dwelling District) (1957) S: R-3 (Multiple-Family Dwelling District) (1971) C-1 (Commercial District) (2008)
<b>Adjacent Land Uses</b>	N: Single-Family Residential E: Multi-Family Residential W: Single-Family Residential S: Multi-Family Residential & Commercial

**APPLICABLE PD DEVELOPMENT STANDARDS**

PD Perimeter Setback	25 feet
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Maximum Building Height:	40 feet (3-stories)
Minimum Living Area:	500 Square Feet (under HVAC)
Required Open Space:	25%

Minimum Building Setbacks

Texas Avenue:	55 feet from centerline or 25 feet from property line, whichever is greater.
Building Separation:	20 feet

**SPECIAL INFORMATION**

**Subject Property Analysis**

The applicant is seeking to rezone the subject parcels from R-3 (Multiple-Family Dwelling District) to PD (Planned Development District) in order to construct three hundred fifty-eight (358) multi-family units. The subject site is partially developed with forty-four (44) multi-family units. The applicant is also seeking approval of three waivers from Orange County Code to reduce the distance separation of the proposed three-story multi-family buildings to single-family zoned property and to reduce the minimum building separation distance.

**Comprehensive Plan (CP) Amendment**

The subject property is currently Medium Density Residential (MDR) on the adopted Future Land Use Map (FLUM). That designation was approved by the Board of County Commissioners on August 6, 2019. This rezoning request is consistent with the underlying FLUM designation.

**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.

**Environmental**

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or 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).

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.

**Transportation / Concurrency**

This project is located in the Alternative Mobility Area and is exempt from transportation concurrency. A mobility analysis will be required prior to obtaining a building permit.

**Water / Wastewater / Reclaim**

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

**Schools**

A Capacity Enhancement Agreement (CEA) for this project has been approved by the Orange County School Board.

**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 – (November 21, 2019)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Westgate Seasons Planned Development / Land Use Plan (PD/LUP), dated "Received September 26, 2019", subject to the following conditions:**

1. Development shall conform to the Westgate Seasons Land Use Plan (LUP) dated "Received September 26, 2019," 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 September 26, 2019," 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 dedicate any necessary right-of-way for S. Texas Avenue prior to or concurrently with the approval of the initial development plan.
  8. This project is located in the Alternative Mobility Area (AMA) and, therefore, shall be required to provide for alternative mobility strategies related to the development. The applicant must submit a Mobility Analysis to be reviewed and approved by the Transportation Planning Division prior to obtaining a building permit.
  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. Length of stay shall be for 180 consecutive days or greater. Short term rental shall be prohibited.
  11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
  12. 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.
  13. 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 May 28, 2019.
    - 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 44 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.
- 14. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
- 15. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater system has been designed to support all development within the PD.
- 16. A six (6) foot high masonry wall shall be provided along the north and western property lines.
- 17. Vehicular access to Wakulla Way shall be prohibited.
- 18. The existing vegetation (with the exception of invasive species) within the required 25' buffers along the north and western property boundaries shall be preserved to the greatest extent possible.
- 19. The following waivers from Orange County Code are granted:
  - a. A waiver from Section 38-1258(a) to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings located seventy-five (75) feet to one hundred (100) feet from single-family zoned property, in lieu of being restricted to a single story in height within one hundred (100) feet.
  - b. A waiver from Section 38-1258(b) to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings between one hundred plus (100+) feet to one hundred fifty (150) feet of single-family zoned property, in lieu of a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
  - c. A waiver from Section 38-1258(j) to allow a minimum building separation of twenty (20) feet for all multi-family buildings, in lieu of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories.

## **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 Westgate Seasons Planned Development (PD) Land Use Plan, subject to nineteen (19) conditions.

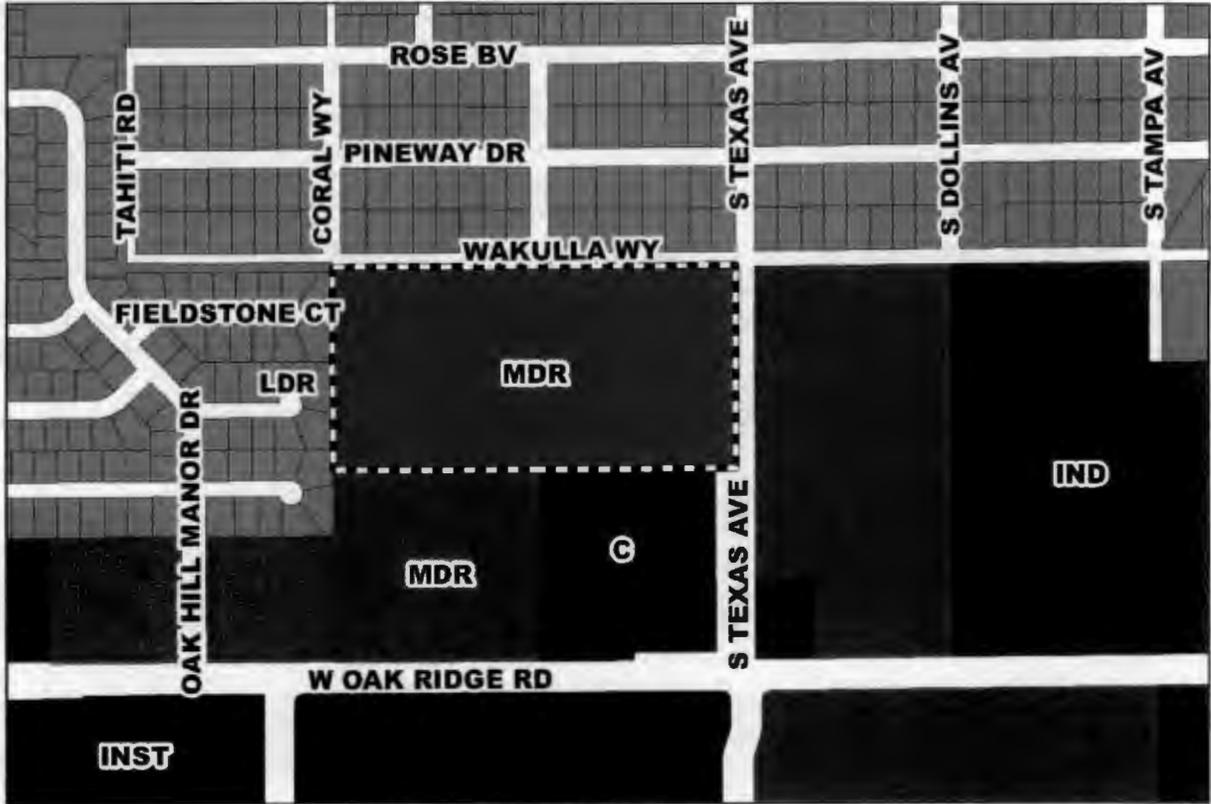
Staff indicated that in response to concerns expressed by residents at the community meeting, conditions of approval were recommended by the DRC prohibiting access to the adjacent residential street, requiring a 6' wall along the north and western property lines, and requiring that the vegetation within the 25' buffers along the north and western property boundaries be preserved to the greatest extent possible.

Staff indicated that three hundred sixty-seven (367) notices were mailed to surrounding property owners within a buffer of 500 feet from the subject property, with zero (0) commentaries received in favor of the request and one (1) commentary received in opposition to the request. The applicant was present for the hearing and concurred with staff's recommendation. No members of the public spoke at the hearing.

After a brief discussion, a motion was made by Commissioner Wade to find the request to be consistent with the Comprehensive Plan and recommend APPROVAL of the Westgate Seasons PD Land Use Plan, subject to the nineteen (19) conditions listed under the DRC Recommendation. Commissioner Cantero seconded the motion, which then carried on a 9-0 vote.

<b>Motion / Second</b>	<i>JaJa Wade / Jose Cantero</i>
<b>Voting in Favor</b>	<i>JaJa Wade, Jose Cantero, Carlos Nazario, Gordon Spears, Jimmy Dunn, Mohammed Abdallah, Eddie Fernandez, Diane Velazquez, and Yog Melwani</i>
<b>Voting in Opposition</b>	<i>None</i>
<b>Absent</b>	<i>None</i>

LUP-17-04-135



Subject Property

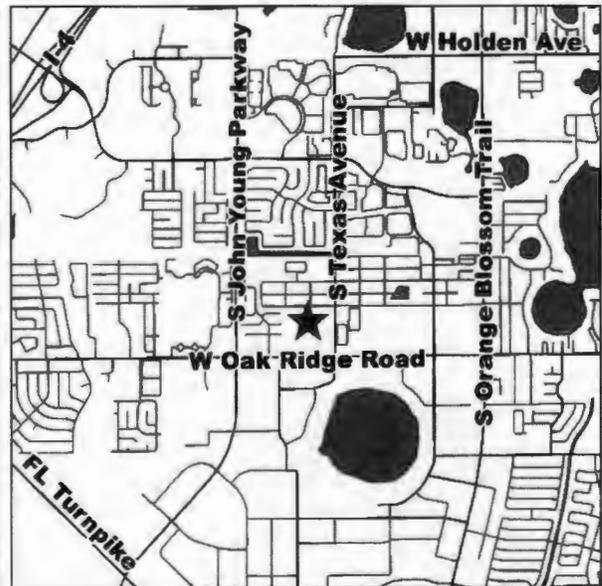


Subject Property

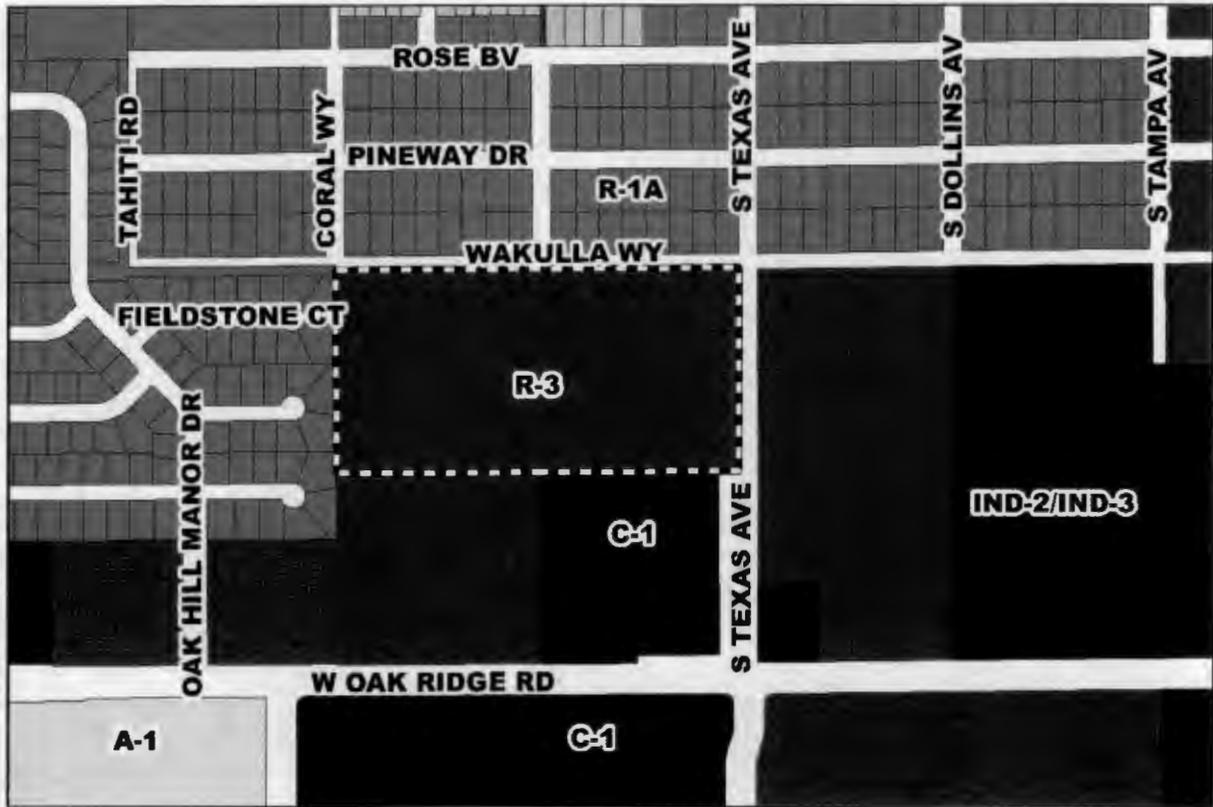
**Future Land Use Map**

FLU: Medium Density Residential (MDR)  
 APPLICANT: Erika Hughes, VHB Inc.  
 LOCATION: North of West Oak Ridge Road, south of Wakulla Way, east of S. John Young Parkway, west of S. Texas Avenue  
 TRACT SIZE: 19.42 gross acres  
 DISTRICT: # 6  
 S/T/R: 21/23/29

1 inch = 500 feet



LUP-17-04-135



Subject Property



Subject Property

**Zoning Map**

**ZONING:** R-3 (Multiple-Family Dwelling District) to PD (Planned Development District)

**APPLICANT:** Erika Hughes, VHB Inc.

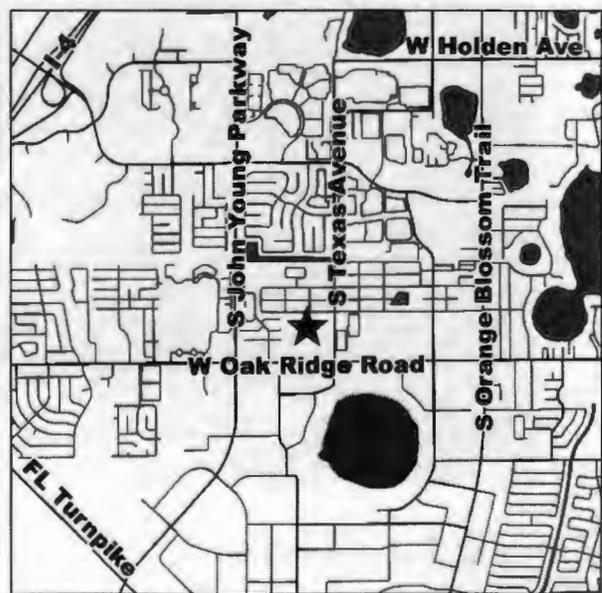
**LOCATION:** North of West Oak Ridge Road, south of Wakulla Way, east of S. John Young Parkway, west of S. Texas Avenue

**TRACT SIZE:** 19.42 gross acres

**DISTRICT:** # 6

**S/T/R:** 21/23/29

1 inch = 500 feet



LUP-17-04-135



 Subject Property



1 inch = 400 feet

**Westgate Seasons PD / LUP (Cover Sheet)**

**Land Use Plan**

Issued for	PD Zoning Approval
Date Issued	April 24, 2017
Latest Issue	September 25, 2019

Number	Drawing Title	Latest Issue
C000	Concept Plans	8/25/2017
C001	Building Conditions	4/24/2017
C002	Land Use Plan	8/25/2019

Number	Drawing Title	Latest Issue
SN-1 - SN-4	Boundary Survey	

Westgate Seasons  
 used for Change Order

**RECEIVED**  
 by civic OFFICE or 10:46 am, 10/28/2019

**Westgate Seasons PD**

Parcel ID: 21-23-29-5361-00-170  
 21-23-29-5361-00-171  
 21-23-29-5361-00-172

Orange County, Florida

LUP-17-04-135

**Developer**  
 Westgate Seasons LUP  
 5401 Westgate Dr  
 Orlando, FL 32819  
 407-831-1531

**Applicant**  
 VHB  
 225 E. Robinson Street, Suite 200  
 Orlando, FL 32801  
 407-832-4900, 407-832-4900



Site Location Map



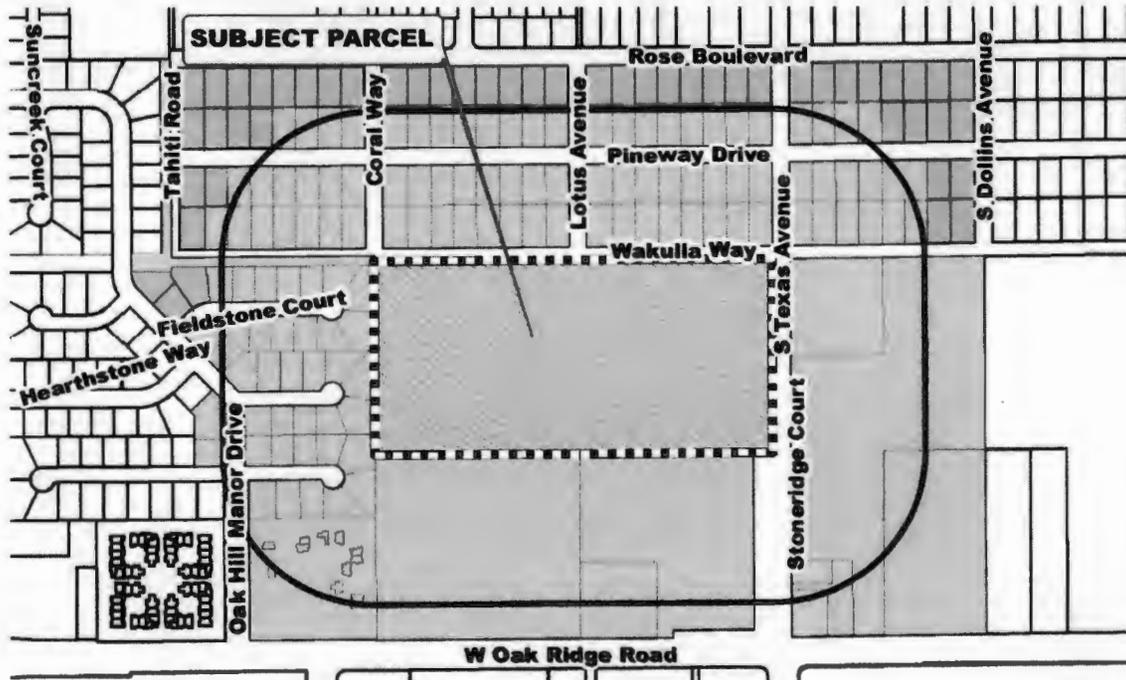
**Legal Description - The Seasons**

Lot 17 and 18 of McCoy Land Company Subdivision (less the East 15 feet of Lot 17 for road right of way and including the East 15 feet of increased street on the West boundary of Lot 18), according to the Plat thereof, recorded in Plat Book F, at Pages 48 and 49, of the Public Records of Orange County, Florida. Containing 19.4 acres, more or less.



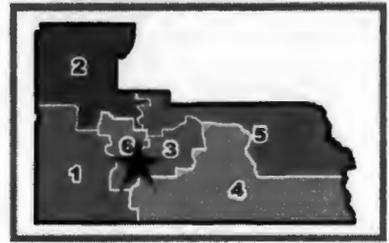
# Public Notification Map

LUP-17-04-135

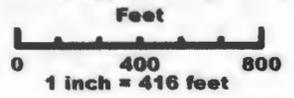


- MAP LEGEND**
- SUBJECT
  - 500\_FT\_BUFFER
  - NOTIFIED\_PARCELS
  - COURTESY\_NOTICES
  - PARCELS

500 : FT BUFFER  
 367 : NOTICES  
 159 : RESIDENTIAL COUNT



Subject Site



Notification Map

Rezoning Staff Report  
 Case # LUP-17-04-135  
 BCC Hearing Date: January 28, 2020