



## MEETING INFORMATION

### Virtual Meeting

Webinar link:

<https://zoom.us/j/95054325064>

Meeting call in phone  
numbers:

312.626.6799  
929.205.6099  
253.215.8782  
301.715.8592  
346.248.7799  
669.900.6833

Webinar ID:

**950 5432 5064.**

### Time

8:30 a.m.

### Members Present

Morgan Lea, Vice-Chairperson  
[10/0]

Timothy Baker [10/0]

Justin Hannah [5/0]

Lara Lee [9/1]

Kathleen Shannon [8/2]

Picton Warlow [10/0]

Brian Weston [8/1]

### Members Absent

Jonathan Huels, Chairperson  
[8/2]

Blake Drury [9/1]

OCPS Representative  
(Christopher Mills) – Non-  
Voting [1/9]

## MINUTES



JULY 21, 2020

## OPENING SESSION

- ♦ Vice-Chairperson Lea, called the meeting to order at 8:34 a.m., after determination of a Quorum.
- ♦ Consideration of Minutes for Meeting of June 23, 2020.

**Board member Shannon MOVED to waive the reading of the Municipal Planning Board Meeting Minutes of June 23, 2020, and to approve as written. Board member Baker SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.**

## ANNOUNCEMENTS

- ♦ None

## PUBLIC COMMENTS

- ♦ Items #1 (Conway Center North Annexation), #3 (Hudson Apartments), and #7 (2113 E. South St. PD) on the Consent Agenda were moved to the Regular Agenda to allow for public comments and discussion.

## CONFLICT DECLARATIONS

- ♦ Baker – Items #4 (389 North) & #11 (200 S. Orange Residential Conversion)
- ♦ Shannon – Item #6 (Torrey Preserve PD, Framework Master Plan & Phase 1 SPMP)
- ♦ Warlow – didn't have a Conflict to Declare, but wanted to note for the record that he was part owner of a unit in Star Tower, but was not being represented by Attorney Darren Elkind (regarding Items #9 and #10).

The above mentioned Board members filed the appropriate Conflict Form 8B (Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers) with the MPB Recording Secretary (attached); and abstained from voting on the above mentioned items.

## AGENDA REVIEW

- ♦ Elisabeth Dang, Executive Secretary, reviewed the Consent Agenda.

## CONSENT AGENDA

### 1. CONWAY CENTER NORTH ANNEXATION – PULLED TO REGULAR AGENDA

### 2. RECOMMENDED APPROVAL, NONCONFORMING USE REGULATIONS AMENDMENT

Applicant: City of Orlando

Owner: N/A

Location: Citywide.

District: All

Project Planner: Katy Magruder (407.246.3355, kathleen.magruder@orlando.gov)

**LDC2020-10006\*** Amendment to the Land Development Code to create a process for properties with nonconforming uses which have closed beyond the existing 6-month period to re-establish as a nonconforming use within two years of the previous business closure through a Conditional Use Permit process.

Recommended Action: Approval of the request.

### 3. HUDSON APARTMENTS – PULLED TO REGULAR AGENDA

### 4. RECOMMENDED DEFERRAL, 389 NORTH

Applicant: Avi Weintraub – Mazal Holdings Group, LLC

Owner: Living Orlando LLC

Location: 367 N. Orange Ave., at the southeast corner of S. Orange Ave. and E. Livingston St. (±1.03 acres).

District: 5

Project Planner: TeNeika Neasman (407.246.4257, teneika.neasman@orlando.gov)

**MPL2020-10034\*\*** Master Plan request to construct a 39-story tower with 10,000 sq. ft. of retail, 88,000 sq. ft. of office, 300 residential units and 539 parking spaces in an integrated podium garage. This request includes a density bonus of 85 dwelling units per acre.

Recommended Action: Deferral to the August 18, 2020 MPB Hearing, per the applicant's request.

Secretary Note for the Record: One letter of opposition was received and distributed to all Board members.

### 5. RECOMMENDED APPROVAL, 1220 POINSETTIA AVE. REVERT TO PLAT

Applicant/Owner: Amit Trehan

Location: 1220 Poinsettia Ave., west side of Poinsettia Ave., between Sheridan Blvd. and Desoto Cir., east of Gunnison Ave. (±0.36 acres).

District: 3

Project Planner: Jim Burnett (407.246.3609, james.burnett@orlando.gov)

**SUB2020-10033\*\*** Revert to Plat request to develop two (2) new single-family homes on pre-existing 50 ft. (w) x 159 ft. (d) lots in the R-1/T zoning district, with a maximum 0.44 FAR for each home.

Recommended Action: Approval of the request, subject to the conditions in the staff report.

Secretary Note for the Record: Three letters of support were received and distributed to all Board members.

## 6. RECOMMENDED DEFERRAL, TORREY PRESERVE PD, FRAMEWORK MASTER PLAN & PHASE 1 SPMP

Applicant: Erika Hughes – VHB

Owner: Bal Bay Realty

Location: 8553 Narcoossee Rd., east of Narcoossee Rd., between SR528 (Beachline Expressway) and Dowden Rd., west of Randal Park (±536 acres).

District: 1

Project Planner: Jim Burnett (407.246.3609, james.burnett@orlando.gov)

**A) ZON2020-10005\*\*** Request to apply PD (Planned Development) zoning to property, with default zonings of AC-2 (Urban Activity Center), MU-2 (Medium Intensity, Mixed Use Corridor), O-1 (Low Intensity Office-Residential), C (Conservation) and R-1 (One-Family Residential) or R-2 (One- to Two-Family Residential), for a mixed use development of commercial, restaurants, hotels, apartments, single-family and townhouses and preserved wetlands and conservation areas;

**B) MPL2020-10031\*\*** Framework Master Plan for a long-term development of the Torrey Preserve (ex Bal Bay) PD, with timeline for construction of infrastructure throughout the overall development, including street tie-ins to Randal Park to the east and LaVina to the south and a northward extension of S. Econlockhatchee Trail from Dowden Rd; and

**C) MPL2020-10032\*\*** Master Plan request for the initial phase of the Torrey Preserve PD, with a proposed 4-story ±280-unit apartment complex on Parcel 11, with direct access to Narcoossee Rd. and street tie-ins to the other new roadways within the Torrey Preserve PD.

Recommended Action: Deferral to the August 18, 2020 Hearing, per the applicant's request.

Secretary Note for the Record: One letter of opposition was received during the meeting and filed into the record.

## 7. 2113 E. SOUTH ST. PD – PULLED TO REGULAR AGENDA

## 8. RECOMMENDED DEFERRAL, STONEWALL PLAZA APARTMENTS

Applicant: Molli Bemis – Stephens Barrios Engineering

Owner: Trident Real Estate Investments LLC

Location: 5750 Stonewall Jackson Rd., east of S. Semoran Blvd., south of Stonewall Jackson Rd., and west of Pablo Ln. ( $\pm$ 1.41 acres).

District: 2

Project Planner: Katy Magruder (407.246.3355, kathleen.magruder@orlando.gov)

**ZON2020-10013\*\*** Request for rezoning to Planned Development to construct a 3-story, 72 unit apartment complex with associated surface parking. The project is planned to be 90% affordable housing and includes a parking reduction and a density bonus.

*Recommended Action:* *Deferral to the August 18, 2020 MPB Hearing, per the applicant's request.*

**Board member Shannon moved APPROVAL of the CONSENT AGENDA, subject to the conditions in the staff reports. Board member Baker SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.**

## REGULAR AGENDA (Items listed in the order they were heard)

### 9. RECOMMENDED APPROVAL, ORLANDO LUTHERAN TOWERS PD AMENDMENT

Applicant: Rebecca Wilson – Lowndes-Law

Owner: AGPM Acquisitions LLC

Location: 410 & 416 Mariposa St., south of Mariposa St., between S. Osceola Ave. and Lake Ave. ( $\pm$ 0.22 acres).

District: 4

Project Planner: Chris DeLoatche (407.246.3624, chris.deloatche@orlando.gov)

**ZON2020-10008\*\*** Request to amend the Orlando Lutheran Towers PD which would remove 410 & 416 Mariposa St. from the PD and would establish a higher maximum impervious surface ratio of 0.94 or 94% for the entire PD.

*Recommended Action:* *Approval of the request, subject to the conditions in the staff report.*

### 10. RECOMMENDED APPROVAL, MARIPOSA GROVE PD

Applicant: Rebecca Wilson – Lowndes-Law

Owner: AGPM Acquisitions LLC / FL Jacksonoffice LLC

Location: 411 & 417 E. Jackson St. and 401, 416 & 420 Mariposa St., midblock between S. Osceola Ave. and Lake Ave. ( $\pm$ 0.69 acres).

District: 4

Project Planner: Chris DeLoatche (407.246.3624, chris.deloatche@orlando.gov)

**A) ZON2020-10009\*\*** Planned Development (PD) rezoning request for a new 138 unit, 14-story, mixed-use senior affordable housing development with a proposed 18,500 sq. ft. of ground floor commercial and amenity space and an integrated parking garage with 235 parking spaces; and

**B) MPL2020-10037\*\*** Request for a subsequent master plan review for said development.

The proposal includes a maximum building height of 170 ft., where up to 200 ft. is allowed as a Conditional Use in the base MXD-2/T zoning district, a density bonus of 125 units per acre (du/ac) to allow a density of 200 du/ac where 75 du/ac is the maximum allowed by right without a bonus, and a parking reduction of 28% to allow 156 spaces where 215 is the minimum required.

*Recommended Action:* *Approval of the requests, subject to the conditions in the staff report.*

*Secretary Note for the Record:* *Six letters of opposition were received for Items #9 and #10 and distributed to all Board members. It was noted that 31 letters of opposition were received in June. A petition with 555 signatures in opposition was provided during the meeting and filed into the record.*

Items #9 and #10 were presented simultaneously by Chris DeLoatche, Planner I, Land Development Studio, City Planning Division. Using PowerPoint, Mr. DeLoatche addressed the Board's request during the July 21, 2020 hearing and provided more clarity on amendments approved on each parcel and what allows for future amendments or changes to Parcel C-2. He also clarified the acreage information and how the donated right-of-way impacted the calculations, and responded to Board questions.

Vice-Chairperson Lea opened the hearing to the public.

The applicant was represented by Rebecca (Becky) Wilson, 215 N. Eola Dr., Orlando – Ms. Wilson responded to Board questions and expressed that the proposed development was compatible with the surrounding neighborhood. She noted that the original PD allowed for a maximum height of 240 ft., yet they chose not to build at the maximum height allowed. Ms. Wilson also stated that they were preserving 3 historic trees and would replace the sidewalk to include streetscape along Jackson St. She pointed out that the 2,491 sq. ft. open space was never dedicated to the City for a dog walk and that it was private property.

The following speakers appeared virtually before the Board:

- 1) Attorney Darren Elkind, 1885 Pristine Trl., Orange City, 32763 – spoke in representation of the Star Tower Condo Owners, in opposition of the requested development. Mr. Elkind gave a short presentation regarding the acreage and density calculations to address the Board's request during the July 21, 2020 hearing.
- 2) Sam Azar, 260 S. Osceola Ave., Unit 703, Orlando 32801 – provided for the record a petition with 555 signatures in opposition of the development.
- 3) James Fletcher, 260 S. Osceola Ave., Unit 908, Orlando 32801.
- 4) Linda Makowsky, 260 S. Osceola Ave., Unit 803, Orlando 32801.
- 5) Sara Rothfeder, 260 S. Osceola Ave., Unit 1603, Orlando 32801.
- 6) Neel Parbhoo, 260 S. Osceola Ave., Unit 1208, Orlando 32801.
- 7) Pamela Gilbert, 260 S. Osceola Ave., Unit 1006, Orlando 32801.
- 8) Jonathan Hirsh, 260 S. Osceola Ave., Unit 1506, Orlando 32801.
- 9) David Brandt, 260 S. Osceola Ave., Unit 610, Orlando 32801.
- 10) Megan Kachur, 260 S. Osceola Ave., Unit 909, Orlando 32801.
- 11) April Fisher, AICP (American Institute of Certified Planners), 6750 Bay Shore Dr., St. Cloud – spoke as an expert witness for Mr. Elkind, and representing the Star Tower residents. Her planner expert testimony has been attached to the minutes as Exhibit A.

Speakers #2 through #10 all stated that they bought their property with the understanding that the open space in front of their building would remain open space. The proposed building would adversely affect their property values since they would lose their beautiful view to a concrete wall.

Vice-Chairperson Lea closed the public hearing and opened it up for Board discussion and/or a motion.

Discussion ensued among the Board members and it was concluded that the proposed project was allowed by the 2014 approved PD. Board member Warlow noted that he was not in favor of this development and would be voting against the project.

**Board member Baker moved APPROVAL of the request, ZON2020-10008, subject to the conditions in the staff report. Board member Hannah SECONDED the MOTION, which was VOTED upon and PASSED by a 6 to 1 vote (Warlow voted Nay).**

**Board member Baker moved APPROVAL of the requests, ZON2020-10009 and MPL2020-10037, subject to the conditions in the staff report. Board member Lee SECONDED the MOTION, which was VOTED upon and PASSED by a 6 to 1 vote (Warlow voted Nay).**

## 7. RECOMMENDED APPROVAL, 2113 E. SOUTH ST. PD

Applicant: Javier E. Omana – CPH, Inc.

Owner: Florida Annual Conference of the United Methodist Church Inc.

Location: 2113 E. South St., north of E. South St., between S. Forest Ave. and S. Glenwood Ave. (+4.83 acres).

District: 4

Project Planner: Chris DeLoatche (407.246.3624, chris.deloatche@orlando.gov)

**ZON2020-10007\*\*** Request to rezone the property to Planned Development (PD) to accommodate for a multi-phased development that includes retention of the existing church building, the construction of 31 townhomes, 9 single-family residences and 37 total parking spaces for all uses on the property.

**Recommended Action:** Approval of the request, subject to the conditions in the staff report.

**Secretary Note for the Record:** One letter of concern was received during the meeting and filed into the record.

This item was presented by Chris DeLoatche, Planner I, Land Development Studio, City Planning Division. Using the Staff Report, Mr. DeLoatche presented the proposed project, staffs' conditions and recommendation.

Vice-Chairperson Lea opened the hearing to the public.

The following speaker appeared virtually before the Board:

- 1) Jeff Smith, 1917 E. Jefferson St., Orlando, President of Lawsona Fern Creek Neighborhood Association – main concern was protection and preservation of canopy trees.

The applicant was represented by Javier Omana, CPH Inc., 1117 E. Robinson St., Orlando 32801. Mr. Omana noted that they would be preserving many of the trees and had an arborist identify the condition of the trees on the site. They concluded that the Laurel Oak trees needed to be removed for security purposes and would follow all codes.

Terrence Miller, Planner II, Community Planning Studio, City Planning Division, stated that the Laurel Oaks needed to be removed for security purposes due to the age of the trees.

Jacques Coulon, Planner III, Community Planning Studio, City Planning Division, spoke briefly about tree preservation through the permitting process.

Vice-Chairperson Lea closed the public hearing and opened it up for Board discussion and/or a motion.

**Board member Shannon moved APPROVAL of the request, ZON2020-10007, subject to the conditions in the staff report. Board member Lee SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (Warlow lost connection briefly and was unable to vote on this item).**

Vice-Chairperson Lea called for a 10 minute break at 11:35 a.m. The meeting reconvened at 11:47 a.m.

## 1. RECOMMENDED APPROVAL, CONWAY CENTER NORTH ANNEXATION

Applicant: Jonathan Huels – Lowndes Law

Owner: Orange County Investments LLC

Location: Conway Rd., south of Monarch Dr., west of Conway Rd., and north of McCoy Rd.  
(±19.03 acres).

District: 1

Project Planner(A,B,C): Megan Barrow, (407.246.3363, megan.barrow@orlando.gov)

Project Planner(D,E): Jim Burnett, (407.246.3069, james.burnett@orlando.gov)

**A) ANX2020-10003\*** Annex subject property;

**B) GMP2020-10009\*** Assign future land use of Residential-Low Intensity, Mixed Use Corridor-Medium Intensity, and Conservation;

**C) ZON2020-10006\*\*** Initial zoning of R-1/AN, MU-1/AN/SP, and C/AN/SP for the development of a hotel and stormwater pond;

**D) MPL2020-10042\*\*** Master Plan request for a 3<sup>rd</sup> hotel and associated stormwater retention with connection to City sewer; and

**E) CUP2020-10005\*\*** Conditional Use Permit for building height above 35 ft. and for two (2) high-rise signs within 1,000 ft. of residential uses.

**Recommended Action:** *Approval of the requests, subject to the conditions in the staff reports.*

Board member Hannah stated that a presentation from staff was not necessary, that he only wanted a response to why Public Works recommended denial.

Jim Burnett, Planner III, Land Development Studio, City Planning Division, stated that Public Works was no longer recommending denial.

Megan Barrow, Planner II, Comprehensive Planning Studio, City Planning Division, stated that there had been some issues with LOMR, but were worked out and are under the Growth Management Conditions.

The applicant was represented by Mitch Collins, 801 E. South St. Mr. Collins stated he was available to respond to any Board questions.

Having no speaker requests from the public, Vice-Chairperson opened it up for Board discussion and/or a motion.

**Board member Hannah moved APPROVAL of the requests, ANX2020-10003, GMP2020-10009, ZON2020-10006, MPL2020-10042 and CUP2020-10005, subject to the conditions in the staff reports. Board member Shannon SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.**

### 3. RECOMMENDED APPROVAL, HUDSON APARTMENTS

Applicant: David Gastel – Land Design Inc.

Owner: Doug Doudney – SGD Joint Venture

Location: 496 S. Kirkman Rd., east of S. Hudson St., south of Old Winter Garden Rd., and west side of S. Kirkman Rd. ( $\pm$ 17.1 acres).

District: 5

Project Planner: Katy Magruder (407.246.3355, kathleen.magruder@orlando.gov)

**MPL2020-10029\*\*** Master Plan request to construct 320-unit market rate apartments with required parking and infrastructure associated with the development.

Recommended Action: Approval of the request, subject to the conditions in the staff report.

Secretary Note for the Record: One letter of concern was received and distributed to all Board members.

Katy Magruder, Planner II, Land Development Studio, City Planning Division, noted that a letter of concern was received regarding animals currently living at the undeveloped site and encouraged the developer to relocate the animals found during construction. Ms. Magruder pointed out that since this application was not a Rezoning or Comprehensive Plan Amendment, the applicant was only required to provide an environmental review, but that a more in-depth environmental study would be required by the Water Management District and the Army Corp during Permitting.

Having no speaker requests, Vice-Chairperson Lea opened it up for Board discussion and/or a motion.

**Board member Shannon moved APPROVAL of the request, MPL2020-10029, subject to the conditions in the staff report. Board member Lee SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.**

### 11. RECOMMENDED CONTINUANCE, 200 S. ORANGE RESIDENTIAL CONVERSION

Applicant: Jed Prest – Baker Barrios

Owner: 200 Orange Realty LP

Location: 200 S. Orange Ave., at the southwest corner of W. Church St. and S. Orange Ave. ( $\pm$ 0.36 acres).

District: 5

Project Planner: TeNeika Neasman (407.246.4257, teneika.neasman@orlando.gov)



**MPL2020-10044\*\*** Master Plan request to allow the existing +138,354 sq. ft. mixed-use office building to be converted into a mixed-use residential building. The request includes a density bonus of 197 du/ac to allow 397 du/ac or 143 dwelling units, and a request for a parking reduction of 21% to allow a minimum of 125 parking spaces where 157 spaces are required.

*Recommended Action:* Approval of the request, subject to the conditions in the staff report.

*Secretary Note for the Record:* One letter of opposition was received and distributed to all Board members.

This item was presented by TeNeika Neasman, Planner II, Land Development Studio, City Planning Division. Using PowerPoint, Mrs. Neasman presented the proposed project, staffs' conditions and recommendation, and responded to Board questions. She explained that the justification for the density bonus request was that the project was primarily mixed use, and that they would be providing a contribution to the Public Arts Fund. Mrs. Neasman noted that, although staff was recommending approval of the request, there was a change of understanding regarding the required 75 parking spaces and that the applicant would need to clarify how they would meet the requirement or they would need to defer this case to the next MPB hearing.

Vice-Chairperson Lea opened the hearing to the public.

The applicant was represented by:

- 1) Jed Prest, Baker Barrios, 189 S. Orange Ave. Suite 1700, Orlando 32801 – expressed that they were unaware of the neighboring property's opposition until last Friday, but noted that they had alternate methods to meet the 75 parking spaces requirement.
- 2) Scott Staley, Senior Vice-President of Lincoln Property Company of Florida – noted that they had parking agreements in other locations that would meet the 75 parking spaces requirement.
- 3) Jennifer Tobin, 300 S. Orange Ave., Suite 1600, Orlando, 32801, representing Lincoln Property Company of Florida – pointed out that they had a legal document that stated they had a parking agreement between SunTrust and Lincoln.

Mrs. Neasman noted that one major concern was that the project was asking for a parking reduction, therefore Staff needed to know exactly where the parking spaces would be coming from and the amount of parking spaces provided for each location.

Discussion ensued between the Board members, Staff and the Applicants regarding the parking issue.

The following speakers appeared virtually before the Board:

- 1) Julie Kendig-Schrader, 450 S. Orange Ave., Suite 650, Orlando 32801, spoke as a representative of Piedmont 200 & 250 South Orange Avenue, LLC in opposition of the request. She noted that given the proximity of the proposed building to her client's building, they were concerned about the change of use from office to residential, the enormous density bonus request from 200 units/ac to 397 units/ac and the impact it would have on their shared spaces. Ms. Kendig also stated that the agreement Ms. Tobin was referring to was known as the COREA which did involve parking rights for the applicant. She pointed out that her client owned the Suntrust parking garage and that under the COREA agreement they had the right to adopt rules for the parking garage. She stated that one of the adopted rules was that there would be no overnight parking at the garage.
- 2) Orlando Evora, 450 S. Orange Ave. Suite 650, Orlando 32801, spoke as a colleague of Ms. Kendig and stated that overnight parking use was never contemplated. He requested the case be continued so that they could be invited to work with the developer and City staff regarding this development since it would impact them directly.

After further discussion, Vice-Chairperson Lea closed the public hearing and opened it up for Board discussion and/or a motion.

Discussion ensued among the Board members and they concluded that it was difficult to make a recommendation without knowing the specifics about how the 75 parking spaces requirement would be met.

**Board member Shannon moved to CONTINUE the request, MPL2020-10044, to the August 18, 2020 MPB Hearing, with the following requests:**

**a) Applicant will provide the necessary information regarding the 75 parking spaces requirement.**

**b) Staff will provide more clarity regarding the density bonus request and its justification.**

**Board member Hannah SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (Baker abstained).**

## 12. RECOMMENDED APPROVAL, CRESCENT PARK GMP & PD AMENDMENT AND SPMP

Applicant: Jon Wood – 7022 Conway Road LLC

Owner: West McCoy Citrus Partnership

Location: 7022 Conway Rd., west of Conway Rd., between Crescent Park Blvd. and Lake Warren Dr. ( $\pm$ 14.46 acres).

District: 1

Project Planner (A): Colandra Jones (407.246.3415, colandra.jones@orlando.gov)

Project Planner (B&C): TeNeika Neasman (407.246.4257, teneika.neasman@orlando.gov)

**A) GMP2020-10008\*** Amend the future land use designation from Office Low Intensity to Office Medium Intensity ( $\pm$ 7 acres);

**B) ZON2019-10029\*\*** Amend the Crescent Park PD to change the existing office parcel to residential use; and

**C) MPL2019-10076\*\*** Specific Parcel Master Plan for a 202 unit (north parcel) and 52 unit (south parcel), four-story multi-family residential development.

*Recommended Action: Approval of the requests, subject to the conditions in the staff reports.*

*Secretary Note for the Record: Five letters of opposition were received and distributed to all Board members. It was noted that 44 letters of opposition were received in June. Four more letters of opposition were received during the meeting and were filed into the record.*

This item was presented by TeNeika Neasman, Planner II, Land Development Studio, City Planning Division. Using PowerPoint, Mrs. Neasman presented the proposed project, staffs' conditions and recommendation, and responded to Board questions. She pointed out that the staff report was revised with an addendum to include new conditions of approval received from Transportation that morning.

Vice-Chairperson Lea opened the hearing to the public.

The applicant was represented by:

- 1) Rebecca (Becky) Wilson, 215 N. Eola Dr., Orlando – gave a short overview of their request. She noted that the property had been previously approved for up to 168,000 sq. ft. of office, which would generate more trips than the requested residential use. Ms. Wilson responded to Board questions and noted that the applicant had agreed to have no boat access to the lake.
- 2) James Taylor, Kimley-Horn, Transportation Engineer for the development.

The following speakers appeared virtually before the Board in opposition of the requests. Their main concerns were negative impact to the water conservation area, traffic and safety, overcrowded schools, negative impact to property values, incompatibility with their neighborhood, impact to wildlife, invasion of privacy with a 4 story building facing their backyards and lighting nuisance. They were all against the two proposed access points:

- 1) Mark West, 7345 Grotto Ave., Orlando 32812
- 2) David Prickett, 3812 Lake Warren Dr., Orlando 32812
- 3) Nouval Guerrero, 6784 Scimitar Ave., Orlando 32812
- 4) Dan Fraley, 7612 Scimitar Ave. Orlando 32812
- 5) Peggy Oros, 3867 Seminole Dr., Orlando 32812
- 6) Joseph Avellino, 3858 Seminole Dr., Orlando 32812
- 7) Michael Fatta, 3656 Half Moon Dr., Orlando 32812
- 8) Pierre Seacord, 6849 Scythe Ave., Orlando 32812
- 9) Shaw Hutto, 3661 Crescent Park Blvd. 32812
- 10) Amro Hamza, 6802 Scythe Ave., Orlando 32812
- 11) Jonathan Lorenz, 3824 Lake Warren Dr., Orlando 32812
- 12) Andrew Irvin, 7397 Cosine Ave., Orlando 32812
- 13) Tom Oros, 3867 Seminole Dr., Orlando 32812
- 14) Eric Coleman, 6869 Scythe Ave., Orlando 32812
- 15) Dennis Schuster, 6724 Scimitar Ave., Orlando 32812
- 16) Maureen Heretick, 3619 Seminole Dr., Orlando 32812 – President of Conway Harbor HOA – had to leave the meeting but left a written statement in opposition that was read into the record by the recording secretary.

Ms. Wilson rebutted stating that if the two Home Owners Associations were against allowing access, the applicant had designed the site where it could be developed without the access points. She also noted that they did have a bio-tech firm do an endangered species report and they would address any species protected by federal law. In regards to the overcrowding of schools she noted that they had entered into a concurrency agreement and that Shenandoah Elementary had 422 student stations available. In regards to stormwater and wetlands, Ms. Wilson stated that they were following the Water Management District guidelines and respecting the setback required.

Mrs. Neasman noted that in regards to the lighting, a photometric plan will be required at the time of permitting.

Discussion continued regarding traffic. Mr. Taylor stated that regarding the traffic study, they worked with City staff and agreed with the findings in the staff report. They concluded that traffic volumes weren't high enough to warrant turn lanes and due to the short distance to Judge Rd., a traffic light was not granted.

Vice-Chairperson Lea closed the public hearing and opened it up for Board discussion and/or a motion.

After further discussion, the Board concluded that the proposed project would be less impactful than what had been previously approved through the PD.

**Board member Hannah moved APPROVAL of the requests, GMP2020-10008, ZON2019-10029 and MPL2019-10076, subject to the conditions in the staff report and addendum. Board member Lee SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (Warlow lost connection and was unable to vote on this item).**

## OLD BUSINESS

- ♦ None

## NEW BUSINESS

- ♦ Vision Plan Updates – Mrs. Dang stated that City staff was working on presentations to provide updates on the implementation of various Vision Plans, which would be presented during the next MPB meetings (during shorter agendas).

- ♦ Reminder – Nominations for Chair and Vice-Chair for next month's voting can be submitted via email to Lourdes Diaz and Elisabeth Dang.
- ♦ Mrs. Dang stated that the Governor's Executive Order to allow Virtual Sunshine Meetings would expire August 1, 2020. If the Executive Order was not extended, the next MPB meeting would be at City Hall in Council Chambers at 8:30 a.m.

## ADJOURNMENT

Having no other matters to bring before the Board, Vice-Chairperson Lea adjourned the meeting at 3:30 p.m.

## STAFF PRESENT

Elisabeth Dang, AICP, City Planning  
 Mark Cechman, AICP, City Planning  
 Paul Lewis, FAICP, City Planning  
 Shannan Stegman, AICP, City Planning  
 Jim Burnett, AICP, City Planning  
 Colandra Jones, AICP, City Planning  
 Mary Stewart-Droege, CRA/DDB  
 Michaëlle Petion, AICP, City Planning  
 TeNeika Neasman, City Planning  
 Kathleen Magruder, City Planning  
 Jacques Coulon, City Planning  
 Terrence Miller, City Planning  
 Christopher DeLoatche, City Planning  
 Megan Barrow, City Planning  
 Yolanda Ortiz, City Planning  
 Manuel Ospina, City Planning  
 Doug Metzger, AICP, City Planning  
 Jason Burton, AICP, City Planning  
 Heather Bonds, City Planning  
 Lourdes Diaz, City Planning



Elisabeth Dang, AICP, Executive Secretary

Melissa Clarke, City Attorney's Office  
 Yameli Herschelman, Permitting Services  
 Keith Grayson, Permitting Services  
 Olivia Boykin, Permitting Services  
 Michelle Robinson, Transportation Planning  
 Nancy Ottini, Transportation Planning  
 Gus Castro, Transportation Planning  
 Stephanie Neves, Housing & Community Dev.  
 Jessica Frye, Housing & Community Dev.  
 Laura Carroll, Real Estate  
 Denise Riccio, Parks & Special Facilities  
 Ken Pelham, Families, Parks & Recreation  
 Caylah Hall, Business Development  
 Sherry Gutch, Economic Development  
 Mike Rhodes, Economic Development  
 Tim Johnson, Economic Development  
 Brooke Bonnett, Economic Development  
 Kyle Reynolds, Economic Development  
 Thomas Chatmon, Downtown Development  
 Candace Cardillo, City Clerk's Office



Lourdes Diaz, MPB Recording Secretary

June 22, 2020

This analysis is provided for the applications to the City of Orlando for a Planned Development amendment, Orlando Lutheran Towers PD Amendment, Application #ZON2020-10008 and Mariposa Grove PD, Application #ZON2020-10009 with a subsequent Master Plan Application #MPL2020-10037. This analysis is a follow-up response to the Addendum Staff Report provided for Application #ZON2020-10008 for the July 21, 2020 Municipal Planning Board hearing.

These PD applications are seeking to remove property from the Orlando Lutheran Towers PD to become a part of the Mariposa Grove PD. It is not consistent with the Growth Management Plan or the Land Development Code. The inconsistencies are discussed in detail below.

1. **These applications should not be approved** because as a condition of approval of the 2013 Orlando Lutheran Towers PD Amendment, Phase C-2 was designated with no residential development rights so that the PD would remain consistent with the maximum allowed density.

In Ordinance No. 2013-49, two conditions of approval regarding intensity and density for the PD are listed in Exhibit "B" (the staff report), page 21, numbers 4 and 5:

4. ..." Intensity is not permitted/assigned to Phase C-2."

5. ..." Residential density is not permitted/assigned to Phase C-2."

To now say that the C-2 parcels have new residential and commercial development rights because the parcels are being moved from the Orlando Lutheran Towers PD to a new PD is "double-dipping" in density and intensity allotments. This is improper planning practice.

2. **These applications cannot be approved** because if Phase C-2 is removed from the Orlando Lutheran Towers PD, it will exceed 200-dwelling units per acre, violating the Growth Management Plan and Land Development Code:
  - a. PD Amendment #1- 2006: City Doc. No. 0606191003, rescinded the 2003 abandonment of the 0.26 acres of rights of way (ROW) in Sec. 13 (i) of the ordinance. This ROW, that reverted to the City automatically, was part of the legal description making up the 3.552 total acreage. With the 2006 ordinance repealing the abandonments, that portion of the acreage would have to be taken out **[3.552-.26= 3.292 acres]** for development/ density calculation purposes because it automatically became ROW again with the repealing. Here is the language from that section:

*"The ordinances of the City vacating, closing, and abandoning approximately 275*

*feet of right-of-way of Mariposa Street, east of Lake Avenue and west of S. Osceola Avenue (City documentary number 031013703, and found in the Official Records of Orange County, Florida, at Book 07556, Page 3313) and the east seven (7) feet of the Lake Avenue right-of-way between Mariposa Street and E. Church Street (City documentary number 031013702, and found in the Official Records of Orange County, Florida, at Book 07504, Page 3606) are repealed, void, and of no force and effect consistent with section four of said ordinances.”*

- b. PD Amendment #2- 2007: City Doc. No. 0708201006 approved 690 units across the PD. The ordinance title states 3.45 acres but the legal description with the ordinance totals to 3.296, so this is the acreage that should have been used. Note: the 3.296 is almost exactly the acreage that reflects the previously abandoned ROW reverting back to ROW and being subtracted out of the 3.552 acres. If you calculate density with the 3.45 acres, this would be 200 du/ac but if you do it with 3.296 acres, it would be **209 du/ac**.
- c. PD Amendment #3- 2013: Ordinance No. 2013-49 amended the land development regulations for Phase B and the C-2 parcel to create a new maximum density for Phase B of 163 du/ac and define that C-2 shall only be used for parking and open space. The density provided in the ordinance title and Exhibit “B” (staff report) page 4 as proposed was 179 du/ac over 3.3 acres. There is no note about the acreage being 3.55 instead of the 3.3 acres. In fact, nothing is mentioned in the ordinance or the staff report about the legal description being modified to reflect the 3.552 acres. The legal description provided as part of the ordinance is the same one that was in the 2006 ordinance (PD Amendment #1) that should have been revised to reflect the 0.26 repealed ROW abandonment. Comparing them, you can see that it is the same legal description prepared in 2005 before the ROW abandonment was repealed.
- d. PD Amendment #3- 2013: in Ordinance No. 2013-49 on page 3 of “Exhibit “B” of Ordinance 2013-49 in the “Previous Actions” section it is stated that the June 19, 2006 PD amendment repealed the ROW abandonments.
- e. PD Amendment #4- 2014: Ordinance No. 2014-13 is adopted, and it is the first time a footnote in Table 2 of the staff report states that the 2006 PD allows for a maximum of 676 dwelling units across 3.55 acres. That is in no previous entitlement document or staff report and is the first time this acreage calculation is used. If you calculate density for 710 dwelling units with the 3.55 acres, this would be 200 du/ac but if you do it with 3.3 acres, it would be 215 du/ac.
- f. With the new 2020 proposed amendment, if you take the C-2 parcel out and give it to the Mariposa PD, the acreage of Lutheran Towers PD would now be 3.07. Please see the table below.

Orlando Lutheran Towers PD Phase	Acreage	Units Entitled/Built	Density
A- Citi Tower	1.828	233	
B- 420 E. Church Street	0.541	299	
C-1 Windsor Place	0.701	108	
(C-2 0.222 acres proposed to be removed)	-	-	
Total	3.07	640	208.469 du/ac

This would mean a density of 208.5 du/ac, which violates the Growth Management Plan and the Land Development Code:

- i. The Growth Management Plan Figure LU-1 identifies a maximum possible density of 200 dwelling units per acre for the Residential High Intensity (RES-HIGH) Future Land Use designation with justification for the maximum.
- ii. GMP Policy 2.3.1- Standards for land use categories outside of activity centers and mixed-use corridors shall be as shown in Figure LU-1. The densities and intensities established in Figure LU-1 for land use categories outside of activity centers and mixed use corridors shall not be altered except by amendment of this Growth Management Plan.
- iii. Sec. 58.1101 of the Land Development Code also defines the maximum possible density of 200 dwelling units per acre.

For these reasons identified above, the Orlando Lutheran Towers PD Amendment and Mariposa Grove PD application should not and cannot be approved.



# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>BAKER Timothy R.</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>MPB - City of Orlando</b>	
MAILING ADDRESS <b>189 S. Orange Ave #1700</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY <b>Orlando FL</b>	COUNTY <b>32801</b>	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED <b>7/21 - 2020</b>		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)



### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, TIM BAKER, hereby disclose that on 7/21, 20 20:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☒ inured to the special gain or loss of My Client, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Client - Lincoln Property - Scott Stanley  
Agenda # 11 - 200 S. Drange Ave Residential Conversion  
MPL 2020 - 10044

Client - MAZAI Holdings Group - Avi Weintraub  
Agenda # 4 - 389 NORTH  
MPL 2020 - 10034

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/21 - 2020  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Shannon, Kathleen Nicole		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Municipal Planning Board	
MAILING ADDRESS 225 E. Robinson St, Suite 300		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Orlando	COUNTY FL	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 07.21.2020		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS:	
		<input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Kathleen Shannon, hereby disclose that on July 21, 20 20 :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- ☒ inured to the special gain or loss of VHB, by \_\_\_\_\_ , by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item #6 — TORREY.PRESERVE PD. FRAMEWORK MASTER PLAN & PHASE 1 SPMP (Deferred)  
My firm has been retained to act as applicant on the project.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

July 23, 2020

Date Filed

Kathleen Shannon

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.