

Commissioner Constantine confirmed there will not be anyone sleeping on site overnight, the current building will be demolished, and there will not be any buildings on site.

Motion by Commissioner Constantine, seconded by Commissioner Zembower, to adopt Ordinance #2023-04 enacting a Small Scale Future Land Use Map Amendment from Commercial to Industrial; and adopt Ordinance #2023-05 enacting a Rezone from C-2 (Retail Commercial) to C-3 (General Commercial and Wholesale) on two parcels totaling approximately 3.19 acres, located on Overland Road, just west of Orange Blossom Trail and approximately 270 feet north of the Seminole/Orange County line; Bryan Potts, Tannath Designs, Applicant; as described in the proof of publication.

Commissioner Zembower suggested a friendly amendment that the D.O. clearly delineates there will be no repairs performed on this property of any type. Mr. Robinson explained this is a straight rezone and there is no development order. Commissioner Constantine noted the Applicant has committed there will be no repairs.

The motion carried by a unanimous vote.

Ordinance #2023-04

Ordinance #2023-05

17. Towns at Greenleaf Small Scale Future Land Use Map Amendment and Rezone - Consider a Small Scale Future Land Use Map Amendment from Medium Density Residential and Commercial to Medium Density Residential and a Rezone from A-1 (Agriculture) to R-3A (Multiple Family Dwelling) for a thirty-three (33) lot townhome subdivision on approximately 6.71 acres, located southwest of Slavia Road and west of State Road 426; (Z2022-25/07.22SS.04) (Henry Chirinos - Beazer Homes, Applicant) District1 - Dallari (Annie Sillaway, Project Manager) **2022-7552**

Ms. Sillaway presented the item as outlined in the agenda memorandum. Doug Kelly, England-Thims & Miller, on behalf of the Applicant, addressed the Board and advised they concur with staff's recommendations and are available to answer any questions.

With regard to public participation, Robert Kingsland spoke in support of the development but raised concerns about drainage and an abandoned private ditch. He requested the County look into obtaining legal rights to the ditch so it can be properly maintained.

There was a question-and-answer session with staff and also Board discussion regarding the drainage. Mr. Chipok provided a legal opinion.

No one else spoke and public input was closed.

Public Comment Form received and filed.

Commissioner Zembower inquired of Chris Warshaw, England-Thims & Miller, on

behalf of the Applicant, if they are willing to work with the County and other landowners to come up with a drainage solution. Mr. Warshaw explained the existing landowner is a part of the easement document. To the extent they have the ability within their rights, the developer would be willing to work with the County to come up with a general drainage solution across the property. For now, they will design their basin as if that easement and legal right does not exist. If it comes up in time during development, they will work with staff to change their plan. However, to the extent they can develop this piece of property, they will given the current conditions.

There was continued Board discussion and staff questions.

Motion by Commissioner Dallari, seconded by Commissioner Zembower, to adopt Ordinance #2023-06 enacting a Small Scale Future Land Use Map Amendment from Medium Density Residential and Commercial to Medium Density Residential; adopt Ordinance #2023-07 enacting a Rezone from A-1 (Agriculture) to R-3A (Multiple Family Dwelling); and approve the associated Development Plan and Development Order for a thirty-three (33) lot townhome subdivision on approximately 6.71 acres, located southwest of Slavia Road and west of State Road 426; Henry Chirinos, Beazer Homes, Applicant; as described in the proof of publication.

The motion carried by a unanimous vote.

Ordinance #2023-06

Ordinance #2023-07

18. Nuisance Abatement Declaration Request - Adopt the Resolution issuing an Order to: declare the existence of a Public Nuisance at 1516 Bear Woods Lane, Apopka, FL 32703; require corrective action by March 16, 2023; and authorize necessary corrective action by the County in the event the Nuisance is not abated by the record owner (Liz Parkhurst, Development Services Program Manager) **2023-40**

Ms. Parkhurst presented the item as outlined in the agenda memorandum. Samuel Noh, record property owner, addressed the Board and advised he was willing to take corrective action. Mr. Chipok clarified for Mr. Noh the action the Board was taking today. There was Board discussion with the Mr. Noh.

Chairman Lockhart briefly tabled this item so Mr. Noh could speak with staff.

19. Food Fare Fern Park Special Exception - Consider a Special Exception for an alcoholic beverage establishment in the C-2 zoning district on 0.81 acre, located on the east side of US Highway 17-92, south of South Street; (BS2022-10) (Cory Sitler, Applicant) District4 - Lockhart (Hilary Padin, Project Manager) **2023-67**

Ms. Padin presented the item as outlined in the agenda memorandum. Cory Sitler, Kimley-Horn, on behalf of the Applicant/Developer, was present and answered Board