

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, June 30, 2015
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners Bryan Nelson, Pete
Clarke, Jennifer Thompson, Victoria P. Siplin; Commissioners S.
Scott Boyd and Ted Edwards joined the meeting where indicated
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk
Katie Smith, Senior Minutes Coordinator Craig Stopyra

- CALL TO ORDER, 9:02 a.m.
- MEMBER JOINED: Commissioner Boyd
- INVOCATION - Pastor Terry Smith, Community of Resurrected Believers
- MEMBER JOINED: Commissioner Edwards
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Proclamation designating July as Smart Irrigation Month
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Luke Classon
- Larry Brown
- Elan Jackson
- Doug Head
- Trini Quiroz
- Sabrina Otis

The following material was received by the Clerk during public comment. The material referenced by the speaker was not presented to the Board.

- Submittal 1, from Luke Classon

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Mayor deleted Office of Regional Mobility Item 2; and further, the Board approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the May 5, 2015, meeting of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
 - June 12, 2015, to June 18, 2015; total of \$29,197,092.50
 - June 19, 2015, to June 25, 2015; total of \$28,556,614.59.

(Finance/Accounting)

3. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. Return expired leased asset to vendor.
- b. Trade asset for credit towards the lease of a non-capital asset.
- c. Scrap assets.
- d. Trade-in assets for allowance toward the purchase of new equipment.

County Administrator

1. Approval of appointment of four Orange County representatives to the School Impact Fee Study Advisory Group, one representing the Greater Orlando Builders Association.
2. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)
3. Reappointment to the Pine Hills Local Government Neighborhood Improvement District Advisory Council of Nicole Farquharson in the Mayor's representative category, Timothy S. Haberkamp in the District 2 representative category, and Augustina Peasah in the Pine Hills Community Council representative category with terms expiring June 30, 2018. (Agenda Development Office)

4. Approval of 2015-2016 Fiscal Year Funding Agreement by and between Orange County and the International Drive Master Transit and Improvement District. (Convention Center)
5. Approval of The Charles E. Brookfield Lodge #86 of the Fraternal Order of Police (FOP) Collective Bargaining Agreement, Wages – Article 27, for Fiscal Year 2014-15. (Human Resources Division)
6. Adoption of Resolution 2015-B-05 approving the issuance of the Orange County Industrial Development Authority Industrial Development Revenue Bonds (VOXX Project) in an aggregate principal amount of not to exceed \$9,995,000. (Industrial Development Authority)
7. Approval of Resolution 2015-M-20 of the Orange County Board of County Commissioners regarding Chef Creations, Inc. Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
8. Approval to pay the fourth quarter billing for the Orange County Property Appraiser in the amount of \$2,782,212.83. (Office of Management and Budget)
9. Approval for the Orange County Sheriff's Office to spend \$349,017.70 from the Law Enforcement Trust Fund for the purchase of a Hostage Negotiation Vehicle (\$334,517.70), and provide eligible contributions to Children's Safety Village (\$10,000), Young Men of Promise, Inc. (\$2,500), Apostolic Worship Child Development Center, Inc. (\$1,500), and Florida Missing Children's Day Foundation, Inc. (\$500). (Office of Management and Budget)
10. Approval of budget amendments #15-34, #15-35, #15-36, #15-37, #15-38, and #15-39. (Office of Management and Budget)
11. Approval of budget transfer #15-1160. (Office of Management and Budget)
12. Approval of Ratification of payment of Intergovernmental claims of: January 8, 2015, January 22, 2015, February 5, 2015, February 12, 2015, February 26, 2015, March 12, 2015, March 19, 2015, April 2, 2015, April 16, 2015, April 30, 2015, May 14, 2015, and May 28, 2015 totaling \$4,308,829.22. (Risk Management Division)

County Attorney

1. Approval of Administrative Regulation 3.06, titled "Honorary Designation of Roadways".

Administrative Services Department

1. Approval to award Invitation for Bids Y14-1038-DG, Step Two – Lot Cleaning Services, to the low responsive and responsible bidders by lot, in the contract award

amounts listed below for a 1-year term contract. Further, authorized the Procurement Division to renew these contracts for two additional 1-year periods.

Bidder	Bid Amount	<u>Lot</u>
ABL Land Services, Inc.	\$475,600	Lot A
Wright's Excavating, Inc.	\$766,850	Lot B
D3 Enviroscope, LLC	\$448,100	Lot C
([Community Environmental and Development Services Department Code Enforcement Division] Procurement Division)		

2. Approval to award Invitation for Bids Y15-1038-PH, Utilities Pavement Restoration and Sidewalk Repair, to the low responsive and responsible bidder, Stage Door II, Inc., in the estimated contract amount of \$2,842,450 for a 1-year term contract. Further, authorized the Procurement Division to exercise Option Years One and Two. ([Utilities Department Field Services Division] Procurement Division)
3. Approval to award Invitation for Bids Y15-1064-DG, Right-of-Way Mowing – West Orange Area, Section III, to the low responsive and responsible bidder, Lawnwalker Services, Inc., in the estimated annual contract award amount of \$113,810. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
4. Approval to award Invitation for Bids Y15-1065-DG, Right-of-Way Mowing – West Orange Area, Section I, to the low responsive and responsible bidder, Lawnwalker Services, Inc., in the estimated annual contract award amount of \$127,450. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
5. Approval to award Invitation for Bids Y15-1082-PD, Toxicology Laboratory Analysis, to the low responsive and responsible bidder, Rockledge HMA, LLC, in the estimated contract award amount of \$662,560 for a 1-year term. Further, authorized the Procurement Division to renew the contract for four additional years. ([Health Services Department Medical Examiner's Office Division] Procurement Division)
6. Approval to award Invitation for Bids Y15-1084-PD, Polyethylene Pipes and Fittings, to the low responsive and responsible bidder, Ferguson Waterworks, in the estimated contract award amount of \$232,625.84 for a 1-year term. Further, authorized the Procurement Division to renew the contract for two additional years. ([Public Works Department Roads and Drainage Division] Procurement Division)
7. Approval to award Invitation for Bids Y15-762-J2, Asphalt Milling and Resurfacing with Friction Course – South John Young Parkway, to the low responsive and responsible bidder, The Middlesex Corporation, in the estimated contract award amount of \$6,938,557.50. ([Public Works Department Roads and Drainage Division] Procurement Division)

8. Approval to award Invitation for Bids Y15-767-PH, University Boulevard Forcemain Project (Quadrangle Blvd. to Alafaya Trail), to the low responsive and responsible bidder, Schuller Contractors Incorporated for the estimated contract award amount of \$732,860. ([Utilities Department] Procurement Division)
9. Approval to award Invitation for Bids Y15-768-RM, Juvenile Justice Center Fire Alarm System Replacement, to the low responsive and responsible bidder, MVB & Associates, Inc., in the total contract award amount of \$144,880. ([Administrative Services Department Capital Projects Division] Procurement Division)
10. Approval to award Invitation for Bids Y15-782-SB, Downey Park Playground, to the low responsive and responsible bidder, P.W. Hearn, Inc. in the total contract award amount of \$171,413. ([Community, Environmental and Development Services Department Parks and Recreation Division] Procurement Division)
11. Approval of Amendment No. 12, Contract Y10-1034-GC, HVAC Preventative Maintenance and Repair Downtown Buildings and 33rd Street with Trane US, Inc. for an estimated amount of \$166,187.25 for a revised total estimated contract amount of \$830,936.59. ([Administrative Services Department Facilities Management Division] Procurement Division)
12. Approval of Amendment 4, Y12-1098-PD, Sewer Pipes and Fittings, with Ferguson Waterworks in the estimated amount of \$300,000 for a revised total estimated contract amount of \$1,150,000. ([Utilities Department Field Services Division] Procurement Division)
13. Approval of Contract Y15-2073, Child Protection Services through Orlando Health, Inc. in the estimated annual contract award amount of \$185,000 for a 1-year period. Further, authorized the Procurement Division to renew the contract for two additional 1-year periods. ([Family Services Department Youth and Family Services Division] Procurement Division)
14. Selection of Arthur Gallagher Risk Management Services to provide Insurance Broker Services, Request for Proposal Y15-192-ZM, to the Risk Management Division for a five-year term contract. Further, authorized the Procurement Division to negotiate and award a contract within a budget of \$1,025,000. ([Office of Accountability Risk Management Division] Procurement Division)
15. Approval and execution of Revocable Right of Entry/License Agreement between South Florida Water Management District and Orange County, Polk County, City of St. Cloud, Tohopekaliga Water Authority and Reedy Creek Improvement District for Water Supply Monitoring Program (STOPR Sites). District 1. (Real Estate Management Division)

16. Approval and execution of Partial Termination of Easement between Orange County and John Young Land Partners, LLC and authorization to record instrument for John Young Land Partners (Infinity Park Parcels 1&2). District 6. (Real Estate Management Division)
17. Approval and execution of Distribution Easement between Orange County and Duke Energy Florida, Inc., d/b/a Duke Energy and authorization to record instrument for East Service Area Potable Water and Reclaimed Water Storage and Re-pumping Facilities. District 4. (Real Estate Management Division)
18. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Rider to the Residential Contract for Sale and Purchase and Addendum to Contract between Orange County and Tamara Preston, approval and execution of County Deed from Orange County to Tamara Preston and authorization to perform all actions necessary and incidental to closing for NSP Resale – 1805 Lake Hill Circle, Orlando, FL 32818 (NCST). District 6. (Real Estate Management Division)
19. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract For Sale and Purchase and Addendum to Contract between Orange County and Jean E. Saintuma and Gertrude Leonidas, approval and execution of County Deed from Orange County to Jean E. Saintuma and Gertrude Leonidas and authorization to perform all actions necessary and incidental to closing for NSP Resale – 1921 Florence Vista Blvd., Orlando, FL 32818 (NCST). District 2. (Real Estate Management Division)
20. Approval and execution of Eighth Amendment to Lease Agreement between F6OSTC, LLC and Orange County, for office space for SunTrust Center 200 South Orange Avenue, Suites 1500, 1520, 1540, 1600, and 1700 Orlando, Florida. District 5. (Real Estate Management Division)
21. Approval of Donation Agreement and Quit Claim Deeds between Douglas P. Hooker and Orange County and authorization to disburse funds to pay all recording fees and record instruments for Secluded Oaks (Dry Pond) and (Pump Station). District 3. (Real Estate Management Division)
22. Approval of Conservation and Access Easement between Seidel Road Investments, LLC and Orange County and authorization to record instrument for Pagano Project Site (Seidel Road Investments PSP) CAI-14-05-013. District 1. (Real Estate Management Division)
23. Approval of Utility Easement between Quad 11, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from TD Bank, N.A. and authorization to record instruments for Fairfield Inn & Suites Permit OCU File #: 78347. District 5. (Real Estate Management Division)

24. Approval of Memorandum of Understanding between Orange County Public Works Department and Orange County Utilities Department for Doss Avenue Pump Station No. 3469. District 3. (Real Estate Management Division)
25. Approval of Utility Easement between JDDP LLP and Orange County, Subordination of Encumbrances to Property Rights to Orange County from IBERIABANK, successor by merger to NEW TRADITIONS BANK and authorization to record instruments for JDDP Clinic OCU Permit #: B14901768 OCU File#:77905. District 4. (Real Estate Management Division)

Community, Environmental and Development Services Department

1. Approval of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division)

LC 15-0176	LC 15-0193	LC 14-1505	LC 15-0021	LC 15-0116
LC 15-0329	LC 15-0198	LC 14-1600	LC 15-0035	LC 15-0119
LC 14-0222	LC 15-0200	LC 14-1859	LC 15-0040	LC 15-0125
LC 15-0090	LC 15-0202	LC 15-0216	LC 15-0055	LC 15-0126
LC 15-0096	LC 15-0203	LC 15-0375	LC 15-0059	LC 15-0133
LC 15-0127	LC 15-0206	LC 15-0237	LC 15-0060	LC 15-0135
LC 15-0134	LC 15-0218	LC 14-1918	LC 15-0062	LC 15-0137
LC 15-0180	LC 15-0273	LC 14-1919	LC 15-0063	LC 15-0138
LC 15-0184	LC 15-0277	LC 14-1920	LC 15-0065	LC 15-0156
LC 15-0187	LC 14-1450	LC 14-1921	LC 15-0089	LC 15-0157
LC 15-0188	LC 14-1454	LC 14-1922	LC 15-0097	LC 15-0159
LC 15-0192	LC 14-1492	LC 15-0001	LC 15-0114	LC 15-0179

2. Approval of Request for a Time Extension of 5 years for the Lake Pickett Reserve Subdivision Conservation Area Impact Permit (CAI-10-030)–Pulte Home Corporation. District 5. (Environmental Protection Division)
3. Acceptance of Recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation to approve the after-the-fact variance requests to Orange County Code, Chapter 15, Article IX, 15-342(a) and 15-342(e) for modification to the Wemple Boat Dock Permit, BD-14-04-039. District 5. (Environmental Protection Division)
4. Approval of Agreement between Orange County, Florida and the Coalition for the Homeless of Central Florida, Inc. regarding the Community Development Block Grant in the amount of \$138,500 to purchase and install a heating, ventilating, and air conditioning system. All Districts. (Housing and Community Development)

5. Approval of U.S. Department of Housing and Urban Development Office of Public and Indian Housing Agency 5-Year and Annual Plan for the period beginning October 2015, PHA Certifications of Compliance with PHA Plans and Related Regulations, and Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan for the Housing Choice Voucher Program. All Districts. (Housing and Community Development Division)
6. Approval of First Amendment to the Program Administration Agreement Between Orange County, Florida And Life Concepts, Inc., d.b.a., Quest Inc. Regarding the State Housing Initiatives Partnership Program to extend the Agreement from September 15, 2014 to June 30, 2017. Districts 1, 2, and 3. (Housing and Community Development Division)
7. Approval of License Agreement For Lake Apopka Restoration Project at Magnolia Park, 2928 S. Binion Road by and between Allied Group USA, Inc. and Orange County to have access to Magnolia Park for one year to conduct a nutrient and sediment assessment in Lake Apopka. District 2. (Parks and Recreation Division)

Family Services Department

1. Approval of State of Florida Department of Economic Opportunity Weatherization Assistance Program Agreement Number 15WX-0G-06-58-08-025 Federally-Funded Subgrant Agreement entered into by the State of Florida, Department of Economic Opportunity and Orange County, Florida in the amount of \$548,694 to perform energy saving repairs and installation of energy saving measures to homes occupied by very low-income families and approval for the Mayor or designee to sign future modification agreements. All Districts. (Community Action Division)
2. Receipt and filing of Head Start Policy Council Program Information and Updates May 2015 and Head Start Policy Council Meeting Minutes April 16, 2015 for the official county record. (Head Start Division)
3. Approval of the May 2015 Business Assistance for Neighborhood Corridors Program Grants for Florida Van Rentals, Inc. (\$5,000); Agner Auto Parts and Radiator, Inc. (\$4,662); Negril Jamaican Restaurant (\$3,476); Delice Services and Insurance (\$5,000); and Learning Curve Academy (\$4,986). Districts 3 and 6. (Neighborhood Preservation and Revitalization Division)
4. Approval of the June 2015 Neighborhood Pride Mini-Grant as recommended by the Neighborhood Grants Advisory Board South Point Action Group (\$1,500). District 6. (Neighborhood Preservation and Revitalization Division)

Health Services Department

1. Approval of the renewal Certificate of Public Convenience and Necessity for Rural Metro Ambulance to provide Advanced Life Support and Basic Life Support Transport Services. The term of this certificate is from July 31, 2015 through July 31, 2017. There is no cost to the County. (EMS Office of the Medical Director)
2. Approval to pay the County's Medicaid share of cost in accordance with Florida Statute 409.915. The County's contribution for state fiscal year 2015-16 is \$18,766,987.20. (Health Services Department)

Office of Regional Mobility

1. Approval of Orange County/MetroPlan Orlando (Urban Area Metropolitan Planning Organization) FY 2015-2016 Funding Agreement by and between Orange County and MetroPlan Orlando and authorization to make payment in the amount of \$463,345 in two installments of \$231,672.50 to be paid in October 2015 and April 2016. All Districts.
2. ~~Approval of Locally Funded Agreement Between the State of Florida Department of Transportation and Orange County, FM# 423446-9-52-06 in the amount of \$80,200 and Resolution of the Orange County Board of County Commissioners regarding Locally Funded Agreement Between the State of Florida Department of Transportation and Orange County, Florida. District 4.~~

(This item was deleted.)

Public Works Department

1. Authorization for the Public Works Director or his designee to approve the lighting service documents with the Orlando Utilities Commission and Duke Energy for individual roadway segments of the Arterial/Collector Roadway Lighting Program as approved in the Capital Improvement Program Budget. All Districts. (Engineering Division)
2. Approval of First Amendment to the Homeowner's Association Agreement for Orchard Hills Subdivision Traffic Control Devices by Orchard Hills Homeowners' Association, Inc., and Orange County, Florida, that provides for the Association to maintain decorative street name and traffic control signposts. District 1. (Traffic Engineering Division)
3. Approval to construct speed humps on South Observatory Drive, South Buena Vista Avenue, and South Hart Boulevard. District 6. (Traffic Engineering Division)

4. Approval to construct speed humps on East Evelyn Drive. District 2. (Traffic Engineering Division)
5. Approval to install an All-Way "Stop" Condition at the intersection of 29th Street and Alamo Drive. District 3. (Traffic Engineering Division)
6. Approval to install a "No Parking" zone on the west side of Triumph Court, starting 35 feet south of Business Center Boulevard extending south 230 feet. District 6. (Traffic Engineering Division)
7. Approval of Traffic Control Devices and "No Parking" sign installations in Vineyards of Horizons West Phase 2A. District 1. (Traffic Engineering Division)
8. Approval for utilization of cash escrow of \$35,550 from the Silver Pines Pointe Phase 3 subdivision along with \$12,210 of County funds for a total of \$47,760 for repairs and resurfacing of roadways for Glen Lake Lane, Golf Glen Court, Ridge Pointe Drive and Bogie Court. District 6. (Public Works Fiscal & Operational Support)

Utilities Department

1. Approval of Access and License Agreement between Orange County, Florida and Boggy Creek Narcoossee LLC. District 4. (Engineering Division)

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Minutes of the June 1, 2015 Invitation for Bids Y15-199-LC, Burial and Cremation Services, protest meeting with Commissioner S. Scott Boyd and representatives from Gail and Wynn's Mortuary, Inc.
 - b. Minutes of the June 1, 2015 Invitation for Bids Y15-199-LC, Burial and Cremation Services, protest meeting with Commissioner Victoria P. Siplin and representatives from Gail and Wynn's Mortuary, Inc.
 - c. Minutes of the June 1, 2015 Invitation for Bids Y15-199-LC, Burial and Cremation Services, protest meeting with Commissioner Ted Edwards and representatives from Gail and Wynn's Mortuary, Inc.
 - d. Minutes of the June 1, 2015 Invitation for Bids Y15-199-LC, Burial and Cremation Services, protest meeting with Commissioner Bryan Nelson and representatives from Gail and Wynn's Mortuary, Inc.
 - e. Minutes of the November 19, 2014 Stoneybrook West Community Development District meeting.
 - f. Midtown Orlando Community Development District Proposed Fiscal Year 2016 Operations Budget.

*With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

- COUNTY DISCUSSION AGENDA

Commissioner's Report

1. Commissioner Thompson would like to discuss a possible fee waiver for a necessary land use change from commercial to residential.

Commissioner Thompson addressed the Board regarding a fee waiver for a necessary land use change from commercial to residential due to a financial hardship associated with this request.

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board approved to waive the application fees for Mr. and Mrs. Shaw for a Comprehensive Plan amendment and rezoning in the amount of \$4,957 for their property located in the Lake Mary Jane Rural Settlement due to a financial hardship.

The following person addressed the Board: Daniel Shaw.

County Administrator

1. Orange County Convention Center Campus Master Plan Update. (Convention Center)

County staff presented an update on the Orange County Convention Center Master Plan process. County staff summarized the findings of the Market Feasibility Study, which provided a historical review of the Convention Center operations, industry trends, and comparable and competitive facilities and destinations.

Michael Lockwood, Populous, Inc., presented an update on the Campus Master Plan Program which included design concepts of the North/South building connector, a new multipurpose hall, repurposing of the Chapin Theater, the west building parking garage and a new campus circulator.

Action: None

2. Approval of proposed Cultural Facilities grants as recommended by the Arts and Cultural Affairs Advisory Council in the amount of \$893,547. (Arts and Cultural Affairs Office)

County staff presented the Fiscal Year 2015 Cultural Facilities grant award recommendations and addressed the annual State of the Arts report along with the proposed Fiscal Year 2015 budget allocations for the Arts and Cultural Affairs program.

The following person addressed the Board: Becky Roper.

- OFFICIALS RECOGNIZED: Orange County School Board Member Kathleen "Kat" Gordon and Orange County Tax Collector Scott Randolph

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): All members

Action: The Board approved the proposed Cultural Facilities project grants as recommended by the Arts & Cultural Affairs Advisory Council in the amount of \$893,547, allocated as follows:

- Albin Polasek Museum	\$107,000
- City of Orlando: Loch Haven Park	\$124,000
- Crealdé School of Art	\$25,406
- Friends of Leu Gardens	\$33,141
- Orlando Museum of Art	\$54,000
- Orlando Science Center	\$500,000
- Orange County Fort Christmas Park	\$50,000

Administrative Services Department

1. SunTrust Lease Tenant Improvements.

County staff presented an update on the tenant improvements for the lease space in the SunTrust building for the Orange County Property Appraiser and Orange County Tax Collector. The presentation included background information, current status of tenants, and proposed work cost estimates on the 15th, 16th and 17th floors.

Board discussion ensued.

The following person addressed the Board: Orange County Tax Collector Scott Randolph.

Board discussion ensued.

The following persons addressed the Board:

- Larry Brown
- Manish Bhatt

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board authorized staff to spend an amount not to exceed \$127,000 for design and construction of the fire suppression system; and further, any leftover funds be used for replacement of worned carpet at different locations.

- OFFICIAL RECOGNIZED: Ninth Judicial Circuit State Attorney Jeff Ashton

- COUNTY WORK SESSION AGENDA

County Administrator

1. Orange County Medical Examiner Ordinance.

County staff addressed the Board with the option to adopt an ordinance establishing the Orange County Medical Examiner pursuant to Florida Statute Chapter 406, which allows the County to establish medical examiners under provisions of a home rule charter or ordinance.

The following person addressed the Board: Ninth Judicial Circuit State Attorney Jeff Ashton.

Board discussion ensued.

Action: None

- COUNTY DISCUSSION AGENDA

Utilities Department

1. SMART Irrigation Study Results. All Districts. (Water Division)

County staff provided a brief overview of the SMART Irrigation Study and detailed the challenges with long term sustainability of water resources in the region.

Board discussion ensued.

Action: None

2. Approval to set the Mandatory Refuse Collection MSBU at \$235 for Program Year 2016 and authorization to include the Tentative Mandatory Refuse Collection Rate of \$235 on the 2015 Notice of Proposed Taxes. All Districts. (Solid Waste Division)

Board discussion ensued.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board approved a tentative MSBU rate to be held constant at \$235 per household for calendar year 2016; and further, approved the hauler compensation rates for 2016 service be set by the franchise agreements.

- MEETING RECESSED, 11:52 a.m.
- MEETING RECONVENED, 1:48 p.m.

Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Bryan Nelson, Pete Clarke, Jennifer Thompson; Commissioners Ted Edwards and Victoria P. Siplin joined the meeting where indicated

Others Present: County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator Noelia Perez, Senior Minutes Coordinator Craig Stopyra

- MEMBERS JOINED: Commissioners Edwards, Siplin
- PRESENTATION
Employee Service Awards to Lonnie K. Bass (25), Building Safety, Community, Environmental and Development Services; Kris S. Shoemaker (30), Fiscal & Operational Support, Convention Center; Gizele Wallace (25), De Ann L. Carr (30) Community Corrections, William Jackson, Jr. (30) In-Custody Support Services, Corrections; Catherine Oconer Lao (20), Youth and Family Services, Family Services; Richard S. Streby (30), Fire Operations, Fire Rescue; David Eugene Dean (25) Customer Service, Utilities
- RECOMMENDATIONS

June 4, 2015 Board of Zoning Adjustment Recommendations

County staff noted a correction to the Board of Zoning Recommendations Case # VA-15-04-045, in the name of Mike Oliver; this item was shown as approved with conditions, however Case # VA-15-04-045 was continued until the July 2, 2015 BZA meeting.

Motion/Second: Commissioners Clarke/Nelson

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of June 4, 2015, with the exception of Case # VA-15-04-045, Mike Oliver, to be continued until the July 2, 2015 Board of Zoning Adjustment meeting; subject to the usual right of appeal by any aggrieved party.

- RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice-Mayor Boyd.

- PUBLIC HEARINGS

Shoreline Alteration/Dredge and Fill

1. Ron Tegeler, Lake Butler, permit; District 1

Applicant: Ron Tegeler

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to re-construct an existing seawall pursuant to Orange County Code, Chapter 33, Article IV, Section 33-129(d)

Location: District 1; on property located adjacent to Lake Butler, located at 636 Butler Street; Section 08, Township 23 South, Range 28 East; Orange County, (legal property description on file in Environmental Protection Division)

County staff identified this permit as (SADF-15-04-001).

The Vice Mayor addressed the applicant.

Motion/Second: Commissioners Boyd/Nelson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved the request by Ron Tegeler for a Shoreline Alteration/Dredge and Fill Permit (SADF-15-04-001) to re-construct an existing seawall, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the Construction Plans submitted by Streamline Permitting, Inc., dated as received on May 31, 2015, by the Environmental Protection Division (EPD). The permitted work must

be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void.

3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. New plantings must be initiated within thirty (30) days of completion of the seawall. The planting must be implemented in accordance with the Planting Plan submitted by Streamline Permitting, Inc., dated as received on May 31, 2015. After one year, if eighty (80) percent coverage of native species is not established, additional replanting will be required.
5. The permittee must install rip-rap in front of the new vertical seawall at a 2 (Horizontal): 1 (Vertical) slope, as depicted on the Construction Plans dated as received on May 31, 2015.
6. The permittee may maintain a clear access corridor below the Normal High Water Elevation (99.50 '29 NGVD), not to exceed seventy-one (71) feet in width, of sufficient length waterward from the shoreline, to allow access to open water. Any current or future structures such as a boat dock must be located within this corridor.
7. Native vegetation may not be removed from the shoreline outside of the specified access corridor, specific to this project.
8. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Town of Windermere at 614 Main Street for approval in order to obtain a building permit. For further information, please contact the Town of Windermere at 407-876-2563.

General Conditions:

9. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD.
10. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

11. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
12. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
13. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
14. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
15. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
16. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to

EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.

17. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
18. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
19. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
20. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
21. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
22. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
23. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
24. 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.
25. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Boat Ramp

2. Robert Scott Popwell, Lake Sawyer, after-the-fact permit; District 1

Applicant: Robert Scott Popwell

Consideration: Request for after-the-fact Boat Ramp Permit to construct a private Boat Ramp Facility, pursuant to Orange County Code, Chapter 15, Article XV, Section 15-605(d)(1)

Location: District 1; in a canal connecting to Lake Sawyer, located at 6720 Winter Garden Vineland Road, Orlando, Florida; Section 24, Township 23 South, Range 27 East; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (BR-14-11-005).

The Vice Mayor addressed the applicant.

Motion/Second: Commissioners Boyd/Nelson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved the request by Robert Scott Popwell for an after-the-fact Boat Ramp Permit (BR-14-11-005) to construct a private Boat Ramp Facility in a canal connecting to Lake Sawyer, on the described property; subject to the following conditions:

Specific Conditions:

1. Payment of \$200 to the Conservation Trust Fund as a penalty for construction of a private boat ramp facility without a permit from Orange County.
2. This permit shall become final and effective upon expiration of the ten (10) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
3. Use of this boat ramp is limited to the residents of the subject property and their usual and customary guests.
4. No wake within a 100-foot radius of the boat ramp facility shall be allowed. No wake zone signage shall be installed at the end of the boat ramp prior to the final inspection or issuance of Certificate of Completion.
5. Prior to any filling within the 100-year flood zone a Flood Plain Permit must be obtained from the Orange County Stormwater Management authorizing the fill.

6. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
7. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Building Division in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.

General Conditions:

8. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
9. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
10. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
11. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance

upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.

12. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
14. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
15. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
16. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
17. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
18. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
19. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.

Ordinance

3. Enacting Orange County Code pertaining to Economic Development Tax Exemption Ordinance for Publix Super Markets, Inc.

Consideration: AN ORDINANCE OF ORANGE COUNTY, FLORIDA RELATING TO TAXATION; GRANTING AN ECONOMIC DEVELOPMENT EXEMPTION FROM CERTAIN AD VALOREM TAXATION FOR PUBLIX SUPER MARKETS, INC., AN EXPANSION OF AN EXISTING BUSINESS; PROVIDING FOR DEFINITIONS; PROVIDING FINDINGS; PROVIDING FOR THE ESTIMATED REVENUE LOSS ATTRIBUTABLE TO THE EXEMPTION GRANTED TO PUBLIX SUPER MARKETS, INC.; PROVIDING THE LEVEL OF EXEMPTION AND TERM THE EXEMPTION WILL REMAIN IN EFFECT; PROVIDING FOR APPLICABILITY; PROVIDING AN EFFECTIVE DATE.

The following person addressed the Board: R.P. Mohnacky.

Motion/Second: Commissioners Nelson/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted Ordinance 2015-09, of Orange County, Florida relating to taxation; further, enacted an economic development exemption from certain ad valorem taxation for Publix Super Markets, Inc; and further, approved an Economic Development Ad Valorem Tax Exemption Agreement between Orange County and Publix Super Markets, Inc.

Substantial Change

4. Eric Warren, Poulos and Bennett, Village F Master Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-02-053, amend plan; District 1

Applicant: Eric Warren, Poulos and Bennett, Village F Master Planned Development / Land Use Plan (PD / LUP) - Case # CDR-15-02-053

Consideration: Substantial change request to incorporate the following waivers from Orange County Code for purposes of allowing alternative signage and architectural features:

1. Waivers from Orange County Code Section 31.5-67(b) and Section 31.5-73(c) to allow ground signage with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet, in lieu of eight (8) feet, in addition to ground signs with architectural features at two (2) primary project entrances along Seidel Road with a maximum height of eight (8)

feet. These heights shall be exclusive of lightning protection, with an additional two feet allowed for lightning protection. These features may include signage; however, the features shall be consistent with the locations shown on the entry features site plan (PD/LUP), with no signage exceeding forty-eight (48) square feet per sign; and

2. Waiver from Orange County Code Section 38-79(114)(h) to allow accessory structures in the form of entry features (such as an entry column, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet, in lieu of eight (8) feet. These features shall be exclusive of lightning protection, with an additional two (2) feet allowed for lightning protection. The features may include signage; however, the features shall be consistent with the locations shown on the entry feature site plan (PD/LUP), with no signage exceeding forty-eight (48) square feet per sign; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located West of Seidel Road, approximately 3/4 mile south of Summerlake Park Boulevard; Orange County, Florida (legal property description on file)

- REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice-Mayor Boyd.

County staff stated Conditions of Approval #5 and #6 reference the waivers requested, and both conditions in the staff report were modified following the Development Review Committee (DRC) to provide clarification. Conditions of Approval # 5 and # 6 are to read as follows:

5. Waivers from Orange County Code Section 31.5-67(b) and Section 31.5-73(c) are granted to allow ground signage with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet. In addition to ground signs with architectural features at two (2) primary project entrances along Seidel Road with a maximum height of eight (8) feet. These heights shall be exclusive of lightning protection, with an additional two feet allowed for lightning protection. These features may include signage; however, the features shall be consistent with the locations shown on the entry features site plan (PD/LUP), with no signage exceeding forty-eight (48) square feet per sign. Such signage shall not interfere with sight triangles at Seidel Road and side street intersections.
6. A waiver from Orange County Code Section 38-79(114)(h) is granted to allow accessory structures in the form of entry features (such as an entry column, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet. These features shall be exclusive of

lightning protection. with an additional two (2) feet allowed for lightning protection. The features may include signage; however, the features shall be consistent with the locations shown on the entry feature site plan (PD/LUP), with no signage exceeding forty-eight (48) square feet per sign. Such signage shall not interfere with sight triangles at Seidel Road and side street intersections

Based upon input by County staff and agreed upon by the Applicant, Condition of Approval #4 was modified to read as follows:

As proof of satisfaction of the project's transportation concurrency obligations, the project must comply with that certain Village F Road Network Agreement recorded at O.R. Book 10591, Page 5123, Public Records of Orange County, Florida. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to plat approval. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.

The following person addressed the Board: Lance Bennett.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Eric Warren, Poulos and Bennett, Village F Master Planned Development / Land Use Plan (PD / LUP) - Case # CDR-15-02-053, to incorporate the following waivers from Orange County Code for purposes of allowing alternative signage and architectural features:

1. Waivers from Orange County Code Section 31.5-67(b) and Section 31.5-73(c) to allow ground signage with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet, in lieu of eight (8) feet, in addition to ground signs with architectural features at two (2) primary project entrances along Seidel Road with a maximum height of eight (8) feet. These heights shall be exclusive of lightning protection, with an additional two feet allowed for lightning protection. These features may include signage; however, the features shall be consistent with the locations shown on the entry features site plan (PD/LUP), with no signage exceeding forty-eight (48) square feet per sign. Such signage shall not interfere with sight triangles at Seidel Road and side street intersections; and
2. Waiver from Orange County Code Section 38-79(114)(h) to allow accessory structures in the form of entry features (such as an entry column, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet, in lieu of eight (8) feet. These features shall be exclusive of lightning protection, with an additional two (2) feet allowed for lightning protection. The features may include signage; however, the features shall be consistent with the locations shown on the entry feature site plan (PD/LUP), with

no signage exceeding forty-eight (48) square feet per sign. Such signage shall not interfere with sight triangles at Seidel Road and side street intersections;

which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Village F Master PD Land Use Plan dated "Received May 14, 2015," 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 of this land use plan and the land use plan dated "Received May 14, 2015," 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 at the public hearing where this development was approved, 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. 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 or 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. As proof of satisfaction of the project's transportation concurrency obligations, the project must comply with that certain Village F Road Network Agreement recorded at O.R. Book 10591, Page 5123, Public Records of Orange County, Florida. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to plat approval. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
5. Waivers from Orange County Code Section 31.5-67(b) and Section 31.5-73(c) are granted to allow ground signage with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet, in addition to ground signs with architectural features at two (2) primary project entrances along Seidel Road with a maximum height of eight (8) feet. These heights shall be exclusive of lightning protection, with an additional two feet allowed for lightning protection. These features may include signage; however, the features shall be consistent with the locations shown on the entry features site plan (PD/LUP), with no signage exceeding forty-eight (48) square feet per sign. Such signage shall not interfere with sight triangles at Seidel Road and side street intersections.
6. A waiver from Orange County Code Section 38-79(114)(h) is granted to allow accessory structures in the form of entry features (such as an entry column, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet. These features shall be exclusive of lightning protection, with an additional two (2) feet allowed for lightning protection. The features may include signage; however, the features shall be consistent with the locations shown on the entry feature site plan (PD/LUP), with no signage exceeding forty-eight (48) square feet per sign. Such signage shall not interfere with sight triangles at Seidel Road and side street intersections.
7. A Level One (1) Environmental Site Assessment (ESA) shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 25, 2014, shall apply:
 - a. A waiver from Orange County Code Section 38-1253(c) is granted to allow on street parking within PD Parcels S-22, S-24, S-26 and S-27 only.
 - b. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting on a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not

needed to satisfy the 7.5% requirement of Code Section 38-1382(i); or where the size and configuration of an open space tract precludes it from functioning as an active gathering space. The waiver is applicable within PD Parcels S-22, S-24, S-26 and S-27 only.

- c. The following waivers from Orange County Code Section 38-1385 (Village Home District) are granted and applicable to PD Parcel S-26 only:
 - 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;
 - 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
 - d. A waiver from Orange County Code Section 38-1387.1(a)(7) is granted to allow for a minimum 10% "common open space" within PD Parcel S-24 only (Townhome District), in lieu of a minimum 30% common open space. At a minimum, an additional 7.5% "public open space" shall also be provided, for a cumulative total of 17.5% open space within the subject parcel.
 - e. No PD development permits will be issued until TDR credits are presented to and accepted by the County.
9. The following BCC Conditions of Approval dated December 17, 2013 shall apply:
- a. A waiver from Orange County Code Section 34-152(c) is granted to remove the requirement that each lot within the Village Home and Townhome Districts that front a community mew, park, or open space tract to have a minimum access width of 20 feet to a dedicated public paved street. This waiver shall apply to PD Parcels N-23A, N-23B, N-25A, N-26A, N-26B and S-2 only.

- b. A waiver from Orange County Code Section 38-1384(b)(4) is granted to allow for an average block length range of 200 feet to 400 feet where the average lot width for single-family attached or detached developments is less than 60 feet in width; and to allow for an average block length range of 600 feet to 800 feet where the average lot width for single-family attached or detached developments is between 60 feet and 85 feet in width. This waiver shall apply to PD Parcels N-21, N-22, N-25A, N-25B, N-26A, N-26B, S-1 and S-2 only.
- c. A waiver from Orange County Code Section 38-1384(f)(3) is granted to eliminate the pedestrian path/walkway from the primary entrance to the sidewalk for lots equal to or less than 60 feet in width. This waiver shall apply to PD Parcels N-21, N-22, N-25B, N-26B, S-1 and S-2 only.
- d. A waiver from Orange County Code Section 38-1384(f)(3)(c) is granted to eliminate the requirement for three (3) steps used to elevate the finished floor of residential buildings above the sidewalk grade that are adjacent to wetlands, lakes or ponds within the limits of the Estate and Garden Home Districts. This waiver shall apply to PD Parcels N-21, N-22 and N-25B only.
- e. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not needed to satisfy the 7.5% requirement of Code Section 38-1382(i); or where the size and configuration of an open space tract precludes it from functioning as an active gathering space; or where a visual barrier and landscaped buffer median has been provided within the right-of-way. This waiver shall apply to PD Parcels N-25B, N-26B, S-1 and S-2 only.
- f. A waiver from Orange County Code Sections 38-1384(b)(4) and 38-187.1(a)(12) is granted to allow for an average block length of 400 feet for townhome lots where proposed lot widths are less than 60 feet, and to not require the minimum and maximum block width requirements of 290 feet and 310 feet, respectively. This waiver shall apply to PD Parcels N-23A, N-23B, N-24, N-25A, N-26A, N-26B and S-2 only.
- g. A waiver from Section 38-1384(f)(1) requiring that each block face contain at least two (2) district lot sizes (excluding end units); is granted to allow each block face to contain one (1) distinct lot size. This waiver applies to PD Parcels N-21, N-22, N-23B, N-25A, N-25B, N-26A, N-26B, S-1 and S-2 only.
- h. The following waivers are granted from Orange County Code Section 38-1385.7 (Garden Home District) for PD Parcels N-25A, N-25B and S-1 only:

- 1) A waiver from Section 38-1385.7(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 6,000 square feet;
 - 2) A waiver from Section 38-1385.7(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of forty (40) feet;
 - 3) A waiver from Section 38-1385.7(b)(5) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1385.7(b)(9)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1385.7(b)(9)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- i. The following waivers are granted from Orange County Code Section 38-1386 (Village Home District) for PD Parcels N-26A, N-26B and S-2 only and Townhome District PD Parcel N- 23B only:
- 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;
 - 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.

10. All previous applicable BCC Conditions of Approval, dated August 27, 2013, shall apply:

a. The following waivers are granted from Orange County Code Section 38-1385.7 (Garden Home District) for PD Parcels N-8 and N-11 only:

- 1) A waiver from Section 38-1385.7(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 6,000 square feet;
- 2) A waiver from Section 38-1385.7(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of forty (40) feet;
- 3) A waiver from Section 38-1385.7(b)(5) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
- 4) A waiver from Section 38-1385.7(b)(9)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
- 5) A waiver from Section 38-1385.7(b)(9)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.

b. The following waivers are granted from Orange County Code Section 38-1386 (Village Home District) for PD Parcels N-15 and N-16 only:

- 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
- 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;
- 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
- 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and

- 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
 - c. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting on a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not needed to satisfy the 7.5% requirement of Code Section 38-1382(i), or where the size and configuration of an open space tract precludes it from functioning as an active gathering space.
11. All previous applicable BCC Conditions of Approval dated April 9, 2013, shall apply:
- a. The following waivers from Orange County Code are applicable only to PD Parcels N-32, N-33, N-34, N-35, N-36, N-37, N-38, S-3, S-4, S-5, S-6, S-7, S-10, S-15, S-16, S-18, S-19 & S-20; and are intended to provide alternative sign/architectural features and/or a greater mix of single-family detached residential lot types and larger front porches, while ensuring the desired balanced and blended residential development pattern required by the Village F Specific Area Plan (SAP) and Village Planned Development Code:
 - 1) Waivers from Section 31.5-67(b) and Section 31.5-73(c) are granted to allow a ground sign with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of forty-two (42) feet, in lieu of a ground sign with architectural features at one (1) primary project entrance along Seidel Road with a maximum height of eight (8) feet. These features shall be exclusive of lightning protection and may include signage; however, the features shall be consistent with the locations shown on the master sign plan (PD/LUP) with no signage exceeding the allowable square footage for a primary entry sign.
 - 2) Waivers from Section 31.5-67(b) and Section 31.5-73(c) are granted to allow a ground sign with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) secondary project entrances along Seidel Road with a maximum height of ten (10) feet, in lieu of a ground sign with architectural features at one (1) secondary project entrance along Seidel Road with a maximum height of eight (8) feet. These features shall be exclusive of lightning protection and may include signage; however, the features shall be consistent with the locations shown on the master sign plan (PD/LUP) with no signage exceeding the allowable square footage for a secondary entry sign.

- 3) A waiver from Section 38-1253(c) is granted to allow for on-street parking for recreation areas, in lieu of on-site parking.
- b. The following waivers are granted from Orange County Code Section 38-1385.7 and shall apply to a maximum of 50% of the units required in the combined and applicable Garden Home Single-Family District PD Parcels only:
- 1) A waiver from Section 38-1385.7 (b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 6,000 square feet;
 - 2) A waiver from Section 38-1385.7(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of forty (40) feet;
 - 3) A waiver from Section 38-1385. 7(b)(5) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1385.7(b)(9)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1385.7(b)(9)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- c. The following waivers are granted from Orange County Code Section 38-1386 and shall apply to a maximum of 50% of the units required in the combined and applicable Village Home District PD Parcels only, and in any applicable Townhome Districts where single family detached lots are proposed:
- 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;
 - 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;

- 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- d. Excluding the primary segments of a required six foot (6') high perimeter/roadway screen wall, waivers from Section 38-1408(b) and (f) and Section 34-209 are granted to increase the wall height to fourteen (14) feet for architectural accents only (such as archways, pilasters, etc.), at not less than one-hundred (100) foot intervals along the perimeter of parcels adjacent to APF roadways.
- e. At the time of approval of a plat for a single-family residential unit project. The developer shall have prepared and submitted for review a document containing covenants, conditions and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
- 1) The same front facade for single family residential units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (2) units with different facades.
 - 2) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front facade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are setback from the facade. In no case shall more than fifty (50) percent of the front facade of the house consist of an unobstructed block wall or garage door.
 - 3) At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover minimum ten (10) feet in width or one third (1/3) of the front facade, whichever is greater.
 - 4) Flat roofs shall be prohibited.
 - 5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.

- 6) The provisions of the CC&R's incorporating the above referenced requirements shall not be amended, removed or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion and the CC&R's shall contain a statement to that effect. Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.
 - 7) Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.
12. All previous applicable BCC Conditions of Approval, dated November 13, 2012 shall apply:
 - a. Prior to any PSP or DP approval for PD Parcels N-23 through N-26, an agreement shall be executed to address required right-of-way dedication for Phil Ritson Way if necessary as determined by the Development Review Committee (DRC).
 - b. Prior to any PSP or DP approval, a road agreement shall be executed to address required right-of-way dedication for Seidel Road.
 - c. Access locations and roads that impact wetlands and rare wetlands are only approximations and are not approved with this plan. The exact location will have to consider minimization and avoidance of wetland impact and rare habitat and will be determined during the Orange County conservation area determination and impact permit process.
13. All previous applicable BCC Conditions of Approval, dated August 28, 2012 shall apply:
 - a. All acreages regarding 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.
 - b. No activity will be permitted within the boundaries of the site that may disturb, influence or interfere with areas of soil or groundwater contamination, remediation activities, or within the hydrological zone of influence of the contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection. Such approval may include, but is not limited to: an FDEP No Further Action letter, Site Rehabilitation Completion Order (SRCO), or documentation of specific permission from

FDEP. Such documentation shall be provided to the Environmental Protection Division of Orange County.

- c. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.
 - d. On properties where contamination has been documented, the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the property has been identified with soil and groundwater contamination and shall state the status of the resulting remediation.
 - e. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
 - f. A Master Utility Plan (MUP) for Village F PD shall be submitted to Orange County Utilities prior to the approval of the first Preliminary Subdivision Plan or Development Plan. The MUP must be approved prior construction plan approval.
 - g. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village F Master Utilities Plan (MUP).
 - h. Prior to construction plan approval, all property owners within Village F, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities size for Village requirements are constructed.
 - i. Tree removal/Earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 - j. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5 and Section 38-1389(d)(5).
14. All previous applicable BCC Conditions of Approval, dated September 15, 2009 (as modified) shall apply:

- a. Final configuration of the Parcel N-17 Elementary School / Park site shall be approved by both the Orange County Parks and Recreation Division and Orange County Public Schools.
- b. There shall be a 20-foot fee simple access provided between the Parcels S-17 Park site and the Parcel S-25 Elementary School site.
- c. A waiver from Section 38-1386(a)(2) is granted to allow Parcel N-33 to have structures and uses to serve civic (excluding education / daycare / telecommunication towers & fields) and non-commercial recreational needs without having to obtain Special Exception Approval from the Board of Zoning Adjustment.
- d. The Garden Home and Village Home Districts may contain a mix of single family detached and single-family attached residences (within the Village F Master PD). The exact configuration of this mix shall be determined at the time of Preliminary Subdivision Plan review.
- e. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
- f. A waiver from Section 38-1384(f)(1) is granted to allow each block face to contain one (1) distinct lot size in lieu of each block containing at least two (2) distinct lot sizes (excluding end units). This waiver shall apply only to block faces with five (5) or fewer lots.
- g. The following Education Conditions of Approval shall apply:
 - 1) The Developer shall comply with all provision of Capacity Enhancement Agreements (CEAs) numbered 06-011-01, 06-011-02, 06-011-03, 06-011-05, 06-011-06-T2, 06-011-07, 06-011-08, 06-011-10, 06-011-12, 06-011-14, 06-011-15, and 06-011-16 entered into with the Orange County School Board (and Orange County) in November 2006 and recorded in the official records of the Orange County Comptroller, and all provisions of CEA OC-13-022 entered into with the Orange County School Board on November 12, 2013.
 - 2) 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 residential units allowed under the zoning existing prior to the approval of the PO zoning, as indicated in each of the CEAs listed above. The County shall 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.

- 3) The Developer, or 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 the developer's rights.
 - 4) 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.
 - 5) At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- h. The cross-section for Seidel Road is not approved with this plan. The final cross-section shall be designed to be pedestrian-oriented, with a maximum speed limit of thirty (30) miles per hour. The final design speed shall be reviewed and approved by the County Engineer.
5. Vivien Monaco, Burr and Forman, LLP, Waterford Lakes Planned Development / Land Use Plan (PD / LUP), Case # CDR-14-12-346, amend plan; District 4
- Applicant: Vivien Monaco, Burr and Forman, LLP, Waterford Lakes Planned Development / Land Use Plan (PD / LUP) - Case # CDR-14-12-346
- Consideration: Substantial change request to add "Truck Rental" as a permitted use within PD Parcel 7 only, not to exceed a maximum of ten (10) rental trucks on-site at one time. No change to existing PD development entitlements is requested; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.
- Location: District 4; property located at 350 North Alafaya Trail, generally located on the west side of N. Alafaya Trail and north of the East-West Expressway (S.R. 408); Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Vivien Monaco
- Deno Dikeou

- R.P. Mohnacky

Motion/Second: Commissioners Thompson/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Vivien Monaco, Burr and Forman, LLP, Waterford Lakes Planned Development / Land Use Plan (PD / LUP) - Case # CDR-14-12-346, to add "Truck Rental" as a permitted use within PD Parcel 7 only, not to exceed a maximum of ten (10) rental trucks on-site at one time. No change to existing PD development entitlements is requested; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Waterford Lakes PD Land Use Plan dated "Received March 30, 2015," 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 of this land use plan and the land use plan dated "Received March 30, 2015," 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 at the public hearing where this development was approved, 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. 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 or 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. A maximum of ten (10) rental trucks may be parked in the designated area depicted on the PD/LUP within PD Parcel 7 only.
5. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 3, 2010, shall apply:
 - a. The PD shall be permitted to hold Special Events throughout the calendar year located only on that portion of the common area crosshatched in the Waterford Lakes Town Center Special Events Development Plan dated "June 25, 2010."
 - b. The following Special Events shall be prohibited:
 1. Car Sales Events, i.e. events featuring or promoting the sale of new or used cars;
 2. Boat Sales Events, i.e. events featuring or promoting the sale of new or used boats;
 3. Special Events featuring the sale of merchandise which is not customarily sold by uses permitted in the Orange County C-1 Zoning District;
 4. Flea markets are prohibited.
 - c. All applicable previous Conditions of Approval shall apply.
 - d. All special events must receive approval by the Office of Fire Marshall.
6. Adam Smith, VHB, Inc., Lake Reams Neighborhood Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-03-093, amend plan; District 1

Applicant: Adam Smith, VHB, Inc., Lake Reams Neighborhood Planned Development / Land Use Plan (PD / LUP) Case # CDR-15-03-093

Consideration: Substantial change request is for a waiver from Section 38-1386(b)(8)(a) of the originally adopted Village Planned Development Code addressing development within the Village Home District, to allow front facing garages to be set back a minimum of seven (7) feet

behind the front primary structure elevation (excluding a porch or bay) within PD Parcel 5 only, in lieu of the requirement that front facing garages be set back a minimum of ten (10) feet behind the front primary structure elevation. No changes to the previously approved development program are proposed; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located along the north side of Reams Road, between Winter Garden Vineland Road (C.R. 535) and Fiquette Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Adam Smith.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Adam Smith, VHB, Inc., Lake Reams Neighborhood Planned Development / Land Use Plan (PD / LUP) Case # CDR-15-03-093, for a waiver from Section 38-1386(b)(8)(a) of the originally adopted Village Planned Development Code addressing development within the Village Home District, to allow front facing garages to be set back a minimum of seven (7) feet behind the front primary structure elevation (excluding a porch or bay) within PD Parcel 5 only, in lieu of the requirement that front facing garages be set back a minimum of ten (10) feet behind the front primary structure elevation. No changes to the previously approved development program are proposed; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Lake Reams Neighborhood PD Land Use Plan dated "Received April 16, 2015," 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 of this land use plan and the land use plan dated "Received April 16, 2015," 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 at the public hearing where this development was approved, 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. 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 or 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. A waiver is granted from Section 38-1386(b)(8)(a) of the originally adopted Village Planned Development Code that addresses development within the Village Home District, to allow front facing garages to be set back a minimum of seven (7) feet behind the front primary structure elevation (excluding a porch or bay) within PD Parcel 5 only, in lieu of the requirement that front facing garages be set back a minimum of ten (10) feet behind the front primary structure elevation.
5. An updated Master Utility Plan (MUP) shall be approved by Orange County Utilities at least thirty (30) days prior to the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
6. The lot grading plan for 32-foot wide single-family detached lots (and similar narrow lots) shall include design features to ensure positive drainage from the side yard to the front roadway or rear alley. These design features may include:
 - a. Air-conditioning units on same side of homes so that air-conditioning units are not located adjacent to each other;
 - b. Air-conditioning units on same side placed at high elevation point of side yard so that drainage flows away from the air-conditioning units to the front roadway or rear alley;
 - c. Air-conditioning units located behind the home when garage is detached from the home; or

- d. An alternative lot grading plan approved by the County Engineer.
- 7. The TDR Agreement as submitted provides for a reduction of twenty (20) units within Parcel 5 of the Lake Reams Neighborhood PD for a total of 731 units.
- 8. A waiver from Orange County Code Section 38-1385(b)(2) to allow accessory dwelling units within PD Parcel 6 only to not be counted towards required density calculations.
- 9. The following waivers from Orange County Code are granted and applicable for PD Parcel 18 only:
 - a. A waiver from Orange County Code Section 38-1385.5(b)(2) to allow a minimum average lot size of 6,500 square feet, in lieu of a minimum average lot size of 7,200 square feet; and
 - b. A waiver from Orange County Code Section 38-1382(g)(2) to allow the use of a cul-de-sac as an acceptable method of street termination.
- 10. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
- 11. All acreages regarding 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.
- 12. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
- 13. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village (SAP).
- 14. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- 15. An updated Master Utility Plan (MUP) shall be approved by Orange County Utilities prior to construction plan approval.

16. A road agreement for the conveyance of the right-of-way required for Reams Road and Ficquette Road, pursuant to the Reams Road Alignment Study dated July 2005, is required to be in place prior to PSP approval for any parcels in which such right-of-way is located.
17. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, Mass Grading Plan approval or earthwork, no conservation area or buffer encroachments shall be permitted.
18. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village ((Specific Area Plan) SAP).
19. The following four (4) waivers are granted for Parcel 5 (Village Home District) for twenty (20) Percent of the detached lots within Parcel 5 (maximum number of 163 lots):
 - a. From Section 38-1386(b)(2) to decrease the minimum average lot size from 4,800 square feet to 3,840 square feet for lots less than 40' wide;
 - b. From Section 38-1386(b)(4) to decrease the minimum lot width from 40' to 32' for single family detached dwellings;
 - c. From Section 1386(b)(8)(a) to reduce the minimum front porch setback from 10' to 7' within lots less than 40' wide; and
 - d. From Section 1386(b)(8)(b) to decrease the minimum side building setback from 5' to 4' within lots less than 40'.
20. Billboards, pole signs, and outdoor storage are prohibited.
21. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
 - a. The same front façade for single family residential units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (2) units with different facades.
 - b. House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are

setback from the façade. In no case shall more than fifty (50) percent of the front façade of the house consist of an unobstructed block wall or garage door.

- c. At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover a minimum ten (10) feet in width or one third (1/3) of the front façade, whichever is greater.
- d. Flat roofs shall be prohibited.

Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.

The provisions of the CC&R's incorporating the above referenced requirements shall not be amended, removed or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&R's shall contain a statement to that effect.

Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.

Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.

- 22. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- 23. Applicable to Parcel 2 only, the following waivers from the original version of the Horizon West Village Code are granted:
 - a. A waiver from Sections 38-1384(g)(3)(d) and 38-1387(b)(10) to allow the first floor elevations to be twelve (12) inches above the finished grade of the sidewalk in lieu of eighteen (18) inches above the finished grade of the sidewalk;
 - b. A waiver from Section 38-1387(a)(3)(c) to allow parking on New Reams Road and the New Connector Road. Parking may be provided on the sides of the buildings provided the stalls are screened with 36" knee walls with caps and landscaping;

- c. A waiver from Section 38-1387(b)(5) to allow an increase in the maximum building height to three (3) stories and forty five (45) feet in lieu of forty (40) feet, and
 - d. A waiver from Sections 38-1387(b)(11) and 38-1384(e) to modify the porch requirements as follows:
 - Front porches (i.e., covered entrances at the breezeways) will only be required for each building fronting a public right of-way (southern connector road and Lake Village Road).
24. The following waivers for multi-family residential are granted:
- a. A waiver from Sections 38-1258(a), 38-1258(b), and 38-1258(c) to allow three (3) story multi-family buildings to be located within eighty (80) feet of single-family zoned property, and
 - b. A waiver from Section 38-1258(j) to allow for a minimum building separation of twenty (20) feet for two-story and three-story buildings, in lieu of thirty (30) feet and forty (40) feet, respectively.
25. A waiver from Section 38-1254 is granted to allow for a minimum front setback from twenty-five (25) and thirty-five (35) feet to fifteen (15) feet.
26. A waiver from Sections 38-1476(a) and 38-1477 to allow for a maximum of twenty-five (25) on-street parking spaces to be located on the same side of the property line in lieu of being located on the same lot or within three hundred (300) feet from the principal entrance. These twenty-five (25) spaces may be used to meet the minimum parking requirement for this development.
27. At the time Parcel 1 or any portion of Parcel 1 is platted or a development plan is submitted, the adequate public facilities parkway and road right-of-way which is comprised of 1 segment (4 lanes as more fully described below), as generally depicted on the amended Land Use Plan (LUP) shall be conveyed to Orange County for road right-of-way purposes. However, notwithstanding how the subject road right-of-way is generally depicted on the amended LUP, the actual alignment of the segment of the newly constructed portion of Reams Road lying between the Frye Property north of the property line of the Lake Reams (Planned Development) PD and the roundabout shall be shown on the exhibits, that are concurrently introduced.
28. The developer shall construct or have constructed the segment of the road (the first 2 lanes) from the roundabout to C.R. 535 upon issuance of the first Certificate of Completion of subdivision improvements the effect of which is to allow development of Parcel 2, or any portion thereof (the segment is described as a

connection point to the realigned Reams Road extending southwest from C.R. 535 to the roundabout on the newly constructed portion of Reams Road).

29. The developer shall construct or have constructed the segment of the road (the first 2 lanes) at the occurrence of any of the following events, whichever happens first:
 - a. Issuance of the first Certificate of Completion of subdivision improvements allowing development on Parcel 1 or 2 of the Lake Reams PD; or
 - b. When the following events occur:
 - i. Issuance of the First Certificate of Completion of subdivision improvements allowing development of residential units (single-family or multi-family) in Parcel 1 or 2; and
 - ii. Opening of the middle school in Lakeside Village; or
 - iii. Opening of the elementary school on Parcel 11 of the Lake Reams PD Property.
 - c. Prior to the issuance of the first Certificate of Completion for any commercial development on Parcel 1, the second 2 lanes of segment 1 from the roundabout to C.R. 535 shall be constructed.
30. Liquor stores and video arcades are prohibited in the neighborhood commercial portion.
31. Section 38-1384C.1 of Ordinance 97-09 shall be waived concerning block length. The block length for lots less than 60 feet shall be up to 540 feet in length where the lots at the end of the block are perpendicular to the intersecting street.
32. Block length shall be measured from the street crossing, public open space, or alley intersection. Variation in the block length shall be permitted where the variation will create a public open space or when it will allow continuation of an adjacent public open space.
33. TDRs (Transfer of Development Rights) are approved with this plan subject to compatibility criteria as specified on the Land Use Plan.

7. Jim Hall, VHB, Inc., Orangewood Neighborhood – 2 Planned Development / Land Use Plan (PD / LUP), Case # CDR-14-05-128, amend plan; District 1

Applicant: Jim Hall, VHB, Inc., Orangewood Neighborhood – 2 Planned Development / Land Use Plan (PD / LUP) – Case # CDR-14-05-128

Consideration: Substantial change request to amend the Orangewood Neighborhood – 2 Planned Development / Land Use Plan (PD/LUP) development program for PD Parcel 11 only, by eliminating the golf course, increasing residential units from 781 multi-family / timeshare units to 750 multi-family units and 530 single family units (1,280 total units), and adding new development entitlements for 77 hotel rooms, 95,878 square feet of commercial, and a potential elementary school. The applicant is also requesting the following waivers from the Orange County Code: 1. A waiver from Orange County Code Section 38-1501 to allow a minimum lot width of thirty-two (32) feet, in lieu of forty-five (45) feet; and 2. A waiver from Orange County Code Chapter 38-1501 to allow a side setback of four (4) feet, in lieu of five (5) feet for the thirty-two (32) foot lots. In addition, air-conditioning units shall be located to the rear of homes, outside of the side setback; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located west of International Drive, north and east of Westwood Boulevard, and south of the Central Florida Parkway; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Jim Hall
- Tom Sanders
- Roy Snoeblen
- Michael Junge
- Katrina Delussey

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Jim Hall.

County staff added new Condition of Approval #15 to read as follows:

Parcel 11A shall require approval by the Board of County Commissioners at a public hearing.

County staff noted with the added new condition of approval #15, existing Conditions of Approval #15, #16, and #17 in the staff report are renumbered to Conditions of Approval #16, #17, and #18 respectively.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Jim Hall, VHB, Inc., Orangewood Neighborhood – 2 Planned Development / Land Use Plan (PD / LUP) – Case # CDR-14-05-128, to amend the Orangewood Neighborhood – 2 Planned Development / Land Use Plan (PD/LUP) development program for PD Parcel 11 only, by eliminating the golf course, increasing residential units from 781 multi-family / timeshare units to 750 multi-family units and 530 single family units (1,280 total units), and adding new development entitlements for 77 hotel rooms, 95,878 square feet of commercial, and a potential elementary school; and further, the applicant requested the following waivers from the Orange County Code:

1. A waiver from Orange County Code Section 38-1501 to allow a minimum lot width of thirty-two (32) feet, in lieu of forty-five (45) feet; and
2. A waiver from Orange County Code Chapter 38-1501 to allow a side setback of four (4) feet, in lieu of five (5) feet for the thirty-two (32) foot lots. In addition, air-conditioning units shall be located to the rear of homes, outside of the side setback;

which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Orangewood N-2 PD Land Use Plan dated "Received April 23, 2015," 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 of this land use plan and the land use plan dated "Received April 23, 2015," 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 at the public hearing

where this development was approved, 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. 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 or 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. All acreages identified as conservation areas and buffers are considered approximate until finalized by Conservation Area Determination (CAD) and Conservation Area Impact (CAI) Permits. Approval of this plan does not permit any proposed conservation impacts.
5. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
6. The following Education Condition of Approval shall apply to Parcel 11 only:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of April 28, 2015.
 - 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 781 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.
- 7. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). An MUP update shall be submitted to Orange County Utilities at least thirty (30) days prior to construction plan submittal. The updated MUP must be approved prior to Construction Plan approval.
 - 8. The developer shall obtain water, wastewater, and reclaimed water from Orange County Utilities.
 - 9. This parcel is part of the County's International Drive Activity Center. A 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement is required from this project for future roadway improvements. These required easements shall be coordinated with the County's Roadway Agreement Committee prior to Development Plan approval.
 - 10. Any multi-family development shall prohibit short term rental of 180 days or less. Any hotel/timeshare development, and any development on Parcel 11D, shall prohibit stays of 180 days or more. The CCR's shall include a notice/provision stating that short term rental shall not exceed 180 days.
 - 11. A waiver from Orange County Code Section 38-1501 is granted to allow a minimum lot width of thirty-two (32) feet, in lieu of forty-five (45) feet.
 - 12. A waiver from Orange County Code Section 38-1501 is granted to allow a side setback of four (4) feet in lieu of five (5) feet for the thirty-two (32) foot lots. A/C units shall be located to the rear of homes, outside of the side setback.
 - 13. Permitted and prohibited uses shall be those specified in Policies ID1.1.3 and ID1.1.6 of the International Drive Activity Center Element.

14. Any single family detached houses on lots less than 50 feet in width shall have rear-loaded garages.
15. Parcel 11A shall require approval by the Board of County Commissioners at a public hearing.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 10, 2015, shall apply:
 - a. The following Education Condition of Approval shall apply to Parcel 15 only:
 - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of 2/02/2015.
 - 2) 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 zero (0) 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.
 - 3) 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.
 - 4) 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.
 - 5) 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.
 - b. A copy of Concurrency Vested Rights certificate must be provided with the application for a building permit.

- c. For Parcel 15 only, upon receipt of a permit, following County Completion of Design Plans, Developer shall construct the Improvements to the intersection of Westwood Boulevard Extension and International Drive within 180 days as provided in the Road Impact Fee Agreement approved by the BCC on May 14, 2013, and recorded at OR Book/Page 10571/4753.
 - d. Pole signs and billboards shall be prohibited. Ground and fascia sign shall comply with Chapter 31.5 Tourist Commercial Standards of the Orange County Code with the exception of Parcel 6 which shall comply with the approved Master Sign Plan.
17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 8, 2013, shall apply:
- a. An additional access driveway is approved for a right-in access only for Parcel 15 only. No future right-out access is approved at this location without a change to the Land Use Plan and approval by the Board of this change request.
 - b. The Master Sign Plan, dated "Received July 24, 2013," applicable to Parcel 6 only, is approved with the following waivers:
 - 1) A waiver from Section 31.5-163(a)(1) to allow the copy area of the outparcel 7 ground signs to be no more than 60 square feet each in exchange for other ground signs (per the Master Sign Plan for Parcel 6) to be reduced to 30 square feet, as outparcel 7 has limited right-of-way frontage. The exception to this requirement is that the ground sign within outparcel 5 may also have no greater than 60 square feet in copy area, in lieu of 30 square feet.
 - 2) A waiver from Section 31.5-166(d) to allow a maximum of two (2) ground signs for outparcel 7 (as identified on the Master Sign Plan) where less than 500-feet of right-of-way frontage is present, in lieu of the requirement that the two (2) ground signs have greater than 500-feet of right-of-way frontage. The waiver also allows the two (2) ground signs to be separated from each other and from any other ground signs within adjacent outparcels to be separated by a distance of less than 100-feet, but no closer than 50-feet; in lieu of the requirement that they be separated by a distance of not less than 100-feet.
 - 3) A waiver from Section 31.5-166(e) to allow two (2) ground signs advertising or identifying businesses within outparcel 7 to be located off-site (within adjacent outparcels 1, 2 and 6 as identified on the Master Sign Plan), in lieu of the requirement that ground signs only be used to

advertise or identify businesses within the parcel in which they are located.

- 4) A waiver from Section 31.5-166(e) to allow Parcel 2 to share a 60 dual tenant square foot ground sign on Parcel 5 in lieu of a ground sign may only advertise or identify the establishment or business on the parcel.
- 5) A waiver from Section 38-1287(2), (3) & (4) to allow internal lot lines to have building and paving setbacks reduced to zero is granted for Parcel 6 only.

18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated April 20, 2010 and February 16, 2010, shall apply:

- a. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
- b. Outdoor storage and display shall be prohibited.
- c. This project is located in the International Drive Activity Center and is subject to the provisions of the International Drive Activity Center Element of the Comprehensive Plan.

8. Adam Smith, VHB, Inc., Boggy Creek Enclave PD / Boggy Creek Enclave Preliminary Subdivision Plan (PSP), Case # CDR-15-01-023, amend plan; District 4

Applicant: Adam Smith, VHB, Inc., Boggy Creek Enclave PD / Boggy Creek Enclave PSP – Substantial Change – Case # CDR-15-01-023

Consideration: Substantial change request is proposing a substantial change to the Boggy Creek Enclave PD / Boggy Creek Enclave PSP to modify the PSP boundary to include a private stormwater tract and five (5) additional lots; pursuant to Sections 34-69 and 30-89, Orange County Code.

Location: District 4; property generally located west of Boggy Creek Road / South of State Road 417; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Jim Hall.

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Adam Smith, VHB, Inc., Boggy Creek Enclave PD / Boggy Creek Enclave PSP – Substantial Change – Case # CDR-15-01-023, to the Boggy Creek Enclave PD / Boggy Creek Enclave PSP to modify the PSP boundary to include a private stormwater tract and five (5) additional lots; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Boggy Creek Enclave PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Boggy Creek Enclave Preliminary Subdivision Plan dated "Received May 18, 2015," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received May 18, 2015," 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 at the public hearing where this development was approved, 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. 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 or 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. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
5. Prior to the issuance of any vertical building permits, the property shall be replatted.
6. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 13, 2015, shall apply:
 - a. The following waivers from Section 31.5 of the Orange County Code are granted:
 - 1) A waiver from Section 31.5-73(c) to allow a subdivision sign attached to an architectural structure to be located adjacent to Beacon Park Boulevard in lieu of the requirement that a primary subdivision sign be placed only at the main entrance or median of the main entrance and secondary signs be located only at a secondary entrance or median of the secondary entrance.
 - 2) A waiver from Section 31.5-67(b) to allow the maximum height of the architectural feature with a sign to be 26'-10" in lieu of the maximum ground sign height of 8 feet.
 - 3) A waiver from Section 31.5-73(c) to allow the architectural feature with the sign in addition to the allowed primary entrance and secondary entrance sign in lieu of one primary entrance sign and one secondary entrance sign.
 - b. Road(s) and drainage system(s) will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. The retention pond will be owned by the Home Owners Association with routine maintenance, including mowing, being the responsibility of the Home Owners Association. A drainage easement over the retention pond shall be dedicated to Orange County.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 27, 2012 and November 11, 2014, shall apply:
 - a. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the Development Engineering Division for review and approval.

- b. The stormwater management system shall be designed to retain the 100-year/ 24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
- c. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a Letter of Commitment prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
- d. Prior to issuance of the Certificate of Completion for this project, any offsite roadway, drainage and utility improvements deemed necessary in the Preliminary Subdivision Plan must be substantially complete.
- e. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
- f. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
- g. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.

- h. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of 70% coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, approval of mass grading or construction plans, a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit.
- i. A Master Utility Plan and connection points shall be approved prior to Construction Plan approval.
- j. This property lies within Airport Noise Land Use Control Zone "E" as defined in Section 9-603. A waiver of claim is required at platting.
- k. Right-of-way along Boggy Creek Road shall be dedicated at no cost to the County with the plat or via separate instrument. Such dedication shall occur prior to December 31, 2013.
- l. As soon as practicable after the issuance of the Certificate of Completion for the Stonewyck Street Extension improvements and prior to issuance of any vertical building permits, the right-of-way for the Stonewyck Street Extension shall be conveyed to the County at no cost to the County.

Board-Called Board of Zoning Adjustment

- 9. All Saints Lutheran Church/Pastor Brian George, Case VA-15-05-025, May 7, 2015; District 4

Applicant: All Saints Lutheran Church/Pastor Brian George
Case No.: Board of Zoning Adjustment, Case # VA-15-05-025; May 7, 2015
Consideration: Request for variances in the P-D zoning district to construct new ground sign as follows:
1) 60.64 sq.ft of total copy area in lieu of 32 sq. ft. and
2) 10.5 ft. in height in lieu of 8 ft. (Note: Proposed sign is changeable copy sign)
Location: District 4; property generally located East side of Balcombe Rd., approximately 2,000 ft. south of W. Weatherbee Rd. in the South Chase P-D; Orange County, Florida (legal property description on file in Zoning Division)

County staff noted the Board of Zoning Adjustment approved the request with three (3) standard conditions. Subsequent to the Board of Zoning Adjustment (BZA) hearing, County staff had discussion with the District Commissioner. As of June 16, 2015, County staff received a modified site plan from the applicant, which lowers the height of the sign from 10.5 feet to the code compliant of 8 feet. County staff noted the sign flipped to have the static message board on top and the Light Emitting Diode (LED) sign at ground level.

Based upon input from the District Commissioner and agreed upon by the applicant, County staff added four (4) new conditions as follows:

4. The maximum total overall copy area of the sign shall be limited to 56 sq. ft.;
5. The sign shall not exceed eight feet in total height;
6. The electronic message sign panel shall be located below the stationary sign panel;
7. The electronic sign shall be programmed to go into "sleep mode" between the hours of 11 p.m. and 6 a.m.;
8. Any violation of these conditions shall be brought before the Code Enforcement Board rather than the BZA.

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board approved the request by All Saints Lutheran Church/Pastor Brian George, Board of Zoning Adjustment, Case # VA-15-05-025, for variances in the P-D zoning district to construct new ground sign as follows: 1) The maximum total overall copy area of the sign shall be limited to 56 sq. ft.; and 2) The sign shall not exceed eight feet in total height. (Note: Proposed sign is changeable copy sign); on the described property; subject to the following conditions:

1. Development in accordance with sign plan dated March 4, 2015, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. 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;

3. With the exception of those specifications for which variances have been granted, signage shall be in accordance with 31.5, Orange County Code, and specifically with Sec. 31.5-16. Changeable copy signs;
4. The maximum total overall copy area of the sign shall be limited to 56 sq. ft.;
5. The sign shall not exceed eight feet in total height;
6. The electronic message sign panel shall be located below the stationary sign panel;
7. The electronic sign shall be programmed to go into "sleep mode" between the hours of 11 p.m. and 6 a.m.;
8. Any violation of these conditions shall be brought before the Code Enforcement Board rather than the BZA.

Board of Zoning Adjustment Appeal, Continued from April 21, 2015

10. Richard McHugh, Mac Media Outdoor, LLC; Paul Chipok, Esq., Agent for Mac Media Outdoor, LLC, Case # ZM-15-02-107, February 5, 2015; Districts 1 and 2

Appellant: Richard McHugh, Mac Media Outdoor, LLC
Applicant: Paul Chipok, Esq., Agent for Mac Media Outdoor, LLC
Case: Board of Zoning Adjustment Case# ZM-15-02-107; February 5, 2015
Consideration: Appeal of the recommendation of the Board of Zoning Adjustment of February 5, 2015, which upheld the Zoning Manager's determination to rescind two (2) billboard permits issued on October 15, 2013 and October 17, 2013.
Location: Districts 1 and 2; property generally located approximately 1000 ft. south of the intersection of SR 429 and Franklin St. (SR 438), within RR right-of-way; Orange County, Florida (legal property description on file at Zoning Division)
Court Reporter: Karen Allen-Lewin, Milestone Reporting Company

The following persons addressed the Board:

- Paul Chipok
- Richard McHugh
- Beth Young
- David Cholak
- Dennis Wazaney

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Paul Chipok
- Exhibit 2, from Richard McHugh
- Exhibit 3, from Beth Young
- Exhibit 4, from Paul Chipok
- Exhibit 5, from Paul Chipok

The following materials were received by the Clerk prior to the close of the public hearing. The materials referenced by the speaker were not presented to the Board.

- Submittal 1, from Paul Chipok
- Submittal 2, from Beth Young

Motion/Second: Commissioners Nelson/Clarke

AYE (voice vote): County Mayor Jacobs; Commissioners Nelson, Clarke, Thompson, Siplin

NO (voice vote): Commissioners Boyd, Edwards

Action: The Board overturned the Zoning Manager's determination to rescind two (2) billboard permits issued on October 15, 2013 and October 17, 2013; and further, allowed both billboards to stand, on the described property.

Ordinance

12. Amending Orange County Code, Chapter 33, pertaining to Neighborhood Improvement Districts

Consideration: AN ORDINANCE RELATING TO NEIGHBORHOOD IMPROVEMENT DISTRICTS IN ORANGE COUNTY FLORIDA; AMENDING CHAPTER 33 OF THE ORANGE COUNTY CODE BY AMENDING THE ENVIRONMENTAL CONDITIONS REQUIRED TO CREATE A NEIGHBORHOOD IMPROVEMENT DISTRICT; AMENDING THE PROCEDURE TO LEVY AD VALOREM TAXES AND SPECIAL ASSESSMENTS; OUTLINING THE REFERENDUM PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

The following persons addressed the Board:

- Krista Carter
- Tim Haberkamp

Motion/Second: Commissioners Siplin/Nelson

AYE (voice vote): All members

Action: The Board adopted Ordinance 2015-10, amending Orange County Code, Chapter 33, governing Neighborhood Improvement Districts, to amend the environmental conditions required to create new Neighborhood Improvement Districts; and further, amended the referendum procedure to levy ad valorem taxes and special assessments.

13. Amending Orange County Code, Chapter 33, pertaining to Pine Hills Neighborhood Improvement District

Consideration: AN ORDINANCE RELATING TO THE PINE HILLS NEIGHBORHOOD IMPROVEMENT DISTRICT IN ORANGE COUNTY FLORIDA; AMENDING CHAPTER 33 OF THE ORANGE COUNTY CODE BY AMENDING THE PROCEDURE TO LEVY AD VALOREM TAXES AND SPECIAL ASSESSMENTS BY THE PINE HILLS NEIGHBORHOOD IMPROVEMENT DISTRICT; AMENDING THE REQUIREMENTS FOR MEMBERS OF THE ADVISORY COUNCIL AND PROVIDING AN EFFECTIVE DATE.

Motion/Second: Commissioners Siplin/Nelson

AYE (voice vote): All members

Action: The Board adopted Ordinance 2015-11, amending Orange County Code, Chapter 33, pertaining to Pine Hills Neighborhood Improvement District; further, adopted a new referendum procedure for the Pine Hills Neighborhood Improvement District to levy an ad valorem tax and special assessment; and further, removed the requirement that members of the Advisory Council be registered Orange County voters.

• NONAGENDA

County Mayor Jacobs requested County staff work to bring back a revised ordinance pertaining to billboard locations in proximity to interstates, highways and ramps.

Ordinance-2nd hearing

11. Amending Orange County Code, Chapter 38, pertaining to Pain Management Clinics and Pharmacies (1st hearing on June 16, 2015)

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA RELATING TO PAIN MANAGEMENT CLINICS AND PHARMACIES; AMENDING SECTION 38-1 (ZONING DEFINITIONS); AMENDING SECTION 38-77 (ZONING USE TABLE); AMENDING SECTION 38-79 (CONDITIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS); AND PROVIDING AN EFFECTIVE DATE.

County staff announced the following revision to the proposed ordinance:

Page 2, lines 79 thru 81, which states: "and by creating definitions for the terms Dangerous Drugs and Pain Management Clinics to read as follows" be changed to: "and by creating definitions for the terms Pain Management Clinic and Pharmacy to read as follows,"

Motion/Second: Commissioners Clarke/Siplin

AYE (voice vote): All members

Action: The Board adopted Ordinance 2015-12, amending Orange County Code, Chapter 38, pertaining to Pain Management Clinics and Pharmacies; with the following change:

Page 2, lines 79 thru 81 which states: "and by creating definitions for the terms Dangerous Drugs and Pain Management Clinics to read as follows" is changed to: "and by creating definitions for the terms Pain Management Clinic and Pharmacy to read as follows,"

- ADJOURNMENT, 5:08 p.m.

ATTEST:

County Mayor Teresa Jacobs

Date: _____

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk

Deputy Clerk