

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, June 16, 2015  
Location: Commission Chambers, Orange County Administration Center,  
First Floor, 201 S. Rosalind Avenue, Orlando, Florida  
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd,  
Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards,  
Victoria P. Siplin  
Others Present: Finance & Accounting Director Paul Wunderlich as Clerk, County  
Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton,  
Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator  
Craig Stopyra, Senior Minutes Coordinator Noelia Perez

- CALL TO ORDER, 1:37 p.m.
- INVOCATION - Pastor Peter Brunton of The Northwest Church
- PLEDGE OF ALLEGIANCE
- PRESENTATION  
Proclamation designating June as Orlando Science Center Month
- PUBLIC COMMENT

No one addressed the Board for public comment.

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Edwards/Clarke

AYE (voice vote): All members

Action: The Board approved the County Consent Agenda items as follows:

1. Approval of the minutes of the April 21, 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:
  - May 29, 2015, to June 4, 2015; total of \$33,533,018.23
  - June 5, 2015, to June 11, 2015; total of \$37,503,025.54.

(Finance/Accounting)

3. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. To trade-in assets for allowance towards new equipment.

County Administrator

1. Confirmation of the appointment of Tara L. Barrett to the Membership and Mission Review Board as the District 2 representative with a term expiring December 31, 2016. (Agenda Development Office)
2. Confirmation of Commissioner Nelson's reappointment of David S. McDonald; the appointment of Harrison T. Bucklew; and the appointment of Eric Seidelman to the Lake Ola Advisory Board with terms expiring December 31, 2016. (Agenda Development Office)
3. Approval of the following nominations for appointment/reappointment by the Greater Orlando Aviation Authority to the Aviation Noise Abatement Committee: a) Eric Spaulding for appointment in the representative of a unincorporated noise-impacted area of Orange County (Conway) category with a term expiring April 4, 2018 and b) Sarah R. Goodwin for reappointment in the representative of a municipal noise impacted area of Orange County (Belle Isle/Edgewood) category with a term expiring April 4, 2019. (Agenda Development Office)
4. Approval of budget amendment #15-33. (Office of Management and Budget)

Administrative Services Department

1. Approval to award Invitation for Bids Y15-195-LC, Fencing for Green Place Properties, to the sole responsive and responsible bidder, Sterling Enterprises, L.L.C. in the estimated contract award amount of \$138,295 for a 1-year period. Further, authorized the Procurement Division to renew the contract for two additional 1-year periods. ([Community, Environmental and Development Services Department Environmental Protection Division] Procurement Division)
2. Approval to award Invitation for Bids Y15-1047-JS, Emergency Generator Preventative Maintenance Field Services Division, to the low responsive and responsible bidder, Genset Services, Inc. in the estimated award amount of \$339,013.65 for a three-year contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Utilities Department Field Services Division] Procurement Division)
3. Approval to award Invitation for Bids Y15-1061-DG, Right-of-Way Mowing – West Orange Area, Section II, to the low responsive and responsible bidder, Begley's Cleaning Service, Inc. dba Millennium Grounds & Waters, in the estimated annual contract award amount of \$153,875. 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 Y15-1062-DG, Right-of-Way Mowing – Three Points Area, Section III, to the low responsive and responsible bidder, Groundtek of Central Florida, in the estimated annual contract award amount of \$200,490. 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 Y15-1063-DG, Right-of-Way Mowing – Bithlo Area, Section II, to the low responsive and responsible bidder, Begley's Cleaning Service, Inc. dba Millennium Grounds & Waters, in the estimated annual contract award amount of \$185,730. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
6. Ratification of Amendment Number 4, Contract Y13-1007, Sodium Hypochlorite, with Odyssey Manufacturing Company, in the estimated amount of \$60,000 for a revised total estimated contract amount of \$1,002,800. ([Utilities Department Water Division] Procurement Division)
7. Approval of Amendment No. 2, Contract Y14-1049-DG, Funding for the Affordable Care Act (ACA) Premiums, Co-Pays and Deductibles, with Hope and Help Center of Central Florida, Inc. for an additional \$43,000 to increase advance payment for Affordable Care Act premiums for the Ryan White clients to \$125,000. ([Health Services Department] Procurement Division)
8. Selection of Public Financial Management, Inc., RFP Y15-1034-LC, to provide Financial Advisory Services. Further, authorized the Procurement Division negotiate and execute a 3-year contract within a budget amount of \$450,000; and further, authorized the Procurement Division to renew the contract for two additional one year periods. ([Office of Accountability Fiscal and Business Services Division] Procurement Division)
9. Approval and execution of Sublease Agreement between Central Florida Disaster Medical Coalition, Inc. and Orange County for warehouse space for Central Florida Disaster Medical Coalition Suddath Drive Warehouse, Orlando, Florida. District 3. (Real Estate Management Division)
10. Approval and execution of Right of Entry Agreement from Holiday CVS, L.L.C. and Aleff LLC to Orange County for International Drive (Westwood Boulevard to Westwood Boulevard). District 1. (Real Estate Management Division)
11. Approval and execution of Owner Consent to Designation of Lands or Waterways as part of the Florida Greenways and Trails System from Orange County to Office of Greenways and Trails, Department of Environmental Protection, Designation Agreement Wekiwa Springs State Park between State of Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Greenways and Trails, Board of Trustees of the Internal Improvement Trust Fund of the State

of Florida, St. Johns River Water Management District and Orange County for Wekiwa Springs State Park. District 2. (Real Estate Management Division)

12. Approval and execution of Resolution 2015-M-18 and County Deed from Orange County to the City of Maitland and authorization to record instrument for Warrens Avenue, Tax Parcel 35-21-29-8636-00-341. District 5. (Real Estate Management Division)
13. Approval of As Is Residential Contract for Sale and Purchase between Orange County and Damaris Irizarry, approval and execution of County Deed from Orange County to Damaris Irizarry and authorization to perform all actions necessary and incidental to closing for NSP Resale – 2732 Middle Street, Orlando, FL 32807 (NCST). District 5. (Real Estate Management Division)
14. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase and Addendums to Contract between Orange County and Frankelis Diaz, approval and execution of County Deed from Orange County to Frankelis Diaz and Alma Diaz Narvaez and authorization to perform all actions necessary and incidental to closing for NSP Resale – 2211 Mountleigh Trail, Orlando, FL 32824 (NCST). District 4. (Real Estate Management Division)
15. Approval of Contract for Sale and Purchase subject to an appraisal that supports the purchase price and Warranty Deed from Mainstreet Community Bank of Florida to Orange County, authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Long Lake Pump Station. District 2. (Real Estate Management Division)
16. Approval of Utility Easement between Lakeside Village Commercial Venture, LLC and Orange County and authorization to record instrument for Bright Horizon's Childcare Center OCU Permit#:B14902655 – OCU File#:78525. District 1. (Real Estate Management Division)
17. Approval of Utility Easement between The Oasis at Moss Park, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Manufacturers and Traders Trust Company and authorization to record instruments for Oasis at Moss Park OCU Permit #: 14-E-059. District 4. (Real Estate Management Division)
18. Approval of Temporary Access and Utility Easement, Temporary Utility Easement between Beazer Homes Corp. and Orange County and authorization to record instruments for Yates PD Parcel 1 Phase 1D-1 OCU File #76468. 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. Districts 2, 3, and 6. (Code Enforcement Division)

LC 15-0099	LC 14-1656	LC 14-1744	LC 14-1884	LC 15-0009
LC 14-1858	LC 14-1657	LC 14-1751	LC 14-1886	LC 15-0010
LC 14-0120	LC 14-1676	LC 14-1753	LC 14-1891	LC 15-0016
LC 14-1221	LC 14-1685	LC 14-1756	LC 14-1892	LC 15-0017
LC 14-1258	LC 14-1694	LC 14-1776	LC 14-1896	LC 15-0019
LC 14-1435	LC 14-1700	LC 14-1805	LC 14-1908	LC 15-0020
LC 14-1468	LC 14-1701	LC 14-1807	LC 14-1917	LC 15-0023
LC 14-1476	LC 14-1702	LC 14-1809	LC 14-1923	LC 15-0024
LC 14-1555	LC 14-1707	LC 14-1814	LC 14-1926	LC 15-0029
LC 14-1603	LC 14-1710	LC 14-1819	LC 15-0005	LC 15-0032
LC 14-1606	LC 14-1739	LC 14-1820	LC 15-0006	LC 15-0039
LC 14-1608	LC 14-1741	LC 14-1831	LC 15-0007	LC 15-0092

- Approval of Resolutions of the Orange County Board of County Commissioners regarding Claim of Special Assessment Liens Pursuant to Section 9-278 of the Orange County Code, Property Maintenance and approval to file Claims of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. Districts 2, 5 and 6. (Code Enforcement Division)

<u>Case No.</u>	<u>Dist. #</u>	<u>Property Owner</u>	<u>Amount*</u>
A 13-0060	2	TAYLOR SAMUEL	\$ 7,732.10
A 14-0286	5	COMEAU STEPHEN J	\$ 5,794.73
A 14-0195	6	ROBERTSON DONOVAN; HENRY NORMA	\$ 9,646.44
A 14-0196	6	RADICE EUGENE	\$ 9,421.44

- Approval of Commercial Solar Service Agreement (CSSA) Customer-Sited Solar Systems by and between Orlando Utilities Commission and Orange County for property located at the Orange County Cooperative Extension Center whose service address is 6021 South Conway Road, Orlando, Florida. All Districts. (Environmental Protection Division)
- Approval of Recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation to approve an after-the-fact request to a waiver for Section 15-342 (b) (terminal platform size) and 15-343 (b) (side setback) with the condition the Applicant pay \$1,080 to the Conservation Trust Fund (CTF) to offset shading impacts for the oversized terminal platform, pay \$2,500 to the CTF as a penalty for unauthorized boat dock construction and impacts to a conservation easement, and that the applicant, Jim Wear, Jr. complete the Environmental Protection Division approved restoration plan for the conservation easement area within 30 days of this approval. District 1. (Environmental Protection Division)

5. Approval of DEP Agreement No. G0336 Amendment No. 2 between the State of Florida Department of Environmental Protection and Orange County, Florida for the Bay Lake Stormwater Retrofit Project. District 2. (Environmental Protection Division)
6. Approval of Conservation Area Permit CAI-14-06-022 for Eagle Creek Development Corporation. District 4. (Environmental Protection Division)

#### Family Services Department

1. Approval of Application for Federal Assistance Five Year Grant FY 2015-2020; SF424B Assurances-Non-Construction Programs; Certification regarding Lobbying; Certification regarding Compliance with Compensation Cap (Level II of the Executive Schedule); Certification of Filing and Payment of Federal Taxes; and Employee Compensation Cap Compliance Assurance between Orange County and Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the estimated amount of \$12,511,346 for the continued operation of the Head Start Program. The total required non-federal match in the amount of \$3,127,837 is derived from parent volunteerism, donation of goods and services, lease agreements, and Orange County support. (Head Start Division)
2. Approval of the May 2015 Business Assistance for Neighborhood Corridors Program grants for Castro Realty Group (\$2,975) and Image Graphics (\$4,315). Districts 3 and 5. (Neighborhood Preservation and Revitalization Division)
3. Approval of Contract No. GJ502 CFDA No. 93.667 between the Florida Department of Children and Families and Orange County Board of County Commissioners to deliver an array of residential group care and emergency shelter services to eligible children in Circuits 9 and 18 in an amount not to exceed \$2,686,963.25 for the period of July 1, 2015 through June 30, 2016; and Certification Regarding Lobbying Certification for Contracts, Grants, Loans and Cooperative Agreements; and authorization for the County Mayor or designee to approve any increases, decreases, renewals, or amendments to this contract. All Districts. (Youth and Family Services Department)

#### Public Works Department

1. Authorization to record the plat of Avalon Commons. District 5. (Development Engineering Division)
2. Authorization to record the plat of Reserves at Alafaya Tract 6. District 4. (Development Engineering Division)
3. Ratification of Change Order 15-PW to Contract No. Y14-713 Wetherbee Road (Balcombe to Orange Avenue) Improvements to The Middlesex Corporation in the amount of \$463,905.20 for a revised total contract amount of \$9,127,762.40. District 4. (Highway Construction Division)

4. Approval of Quiet Zone Improvement Agreement between the State of Florida Department of Transportation and Orange County, FM# 436014-1-52-04; Resolution 2015-M-19 of the Orange County Board of County Commissioners regarding the Quiet Zone Improvement Agreement between the State of Florida Department of Transportation and Orange County (Financial Management Number 436014-1-52-04); and Three Party Escrow Agreement. District 3. (Traffic Engineering Division)

#### Utilities Department

1. Approval of Utility Work Agreement (Wet Utilities – Contractor Design and Construction) Financial Management #: 432193-1-52-01 by and between Skanska-Granite-Lane and Orange County for the performance of Orange County Utilities work at the contractor's expense estimated in the amount of \$1,300,000. Districts 2, 5 and 6. (Utilities Department)

#### • INFORMATIONAL ITEMS

#### County Comptroller

1. Receipt of the following items to file for the record:
  - a. Minutes of the February 12, March 12, and April 9, 2015, Charter Review Commission.
  - b. Orange County Industrial Development Authority Oath of Office for Justin J. Vermuth.
  - c. Greenway Improvement District Proposed FY 2016 Operations & Maintenance Budget.
  - d. Boggy Creek Improvement District Proposed FY 2016 Operations & Maintenance Budget.
  - e. Myrtle Creek Improvement District Proposed FY 2016 Operations & Maintenance 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

#### Public Works Department

1. Board direction for proceeding with a Countywide Roadway Median Tree Program.

County staff presented an outline of long term funding impacts for installations, maintenance, operation, and a recommendation of a countywide program for planting median islands.

Board discussion ensued.

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

Action: None

- RECOMMENDATIONS

May 21, 2015 Planning and Zoning Commission Recommendations

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of May 21, 2015; subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Preliminary Subdivision Plan

1. David L. Evans, Evans Engineering, Inc., President's Park Planned PD/President's Park Preliminary Subdivision Plan, Case # PSP-15-01-017; District 5

Applicant: David L. Evans, Evans Engineering, Inc.

Consideration: President's Park PD / President's Park Preliminary Subdivision Plan, Case # PSP-15-01-017, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is proposing to subdivide and construct 33 single-family residential dwelling units on 12.29 acres.

Location: District 5; property generally located East of Rouse Road / North of University Boulevard; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- William Sullivan
- Marshall Bird

Motion/Second: Commissioners Edwards/Boyd

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved President's Park PD / President's Park Preliminary Subdivision Plan, Case # PSP-15-01-017 on the described property, subject to the following conditions:

1. Development shall conform to the President's Park PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; President's Park Preliminary Subdivision Plan dated "Received April 29, 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 April 29, 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. 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 in lieu of designing for the 100-year/24-hour storm event, 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.
5. 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.

6. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
7. Prior to the issuance of any vertical building permits, the property shall be platted.
8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
9. 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 seventy percent (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, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
10. Prior to commencement of any earth work or construction, if one acre or more will be disturbed, 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 by the developer.
11. Signage shall comply with Orange County Code Section 31.5-73.
12. 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.

13. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval. The MUP shall incorporate a design that addresses water and wastewater service for the parcels to the east and north of this PD.
14. 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.

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.

15. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
16. A Level One (1) Environmental Site Assessment (ESA) shall be submitted to the County for review, as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
17. A title opinion shall be submitted to the County with the construction plans.
18. Prior to the issuance of a Certificate of Completion for the subdivision, Tract D1 shall be conveyed to the owner of Parcel I.D. # 04-22-31-0000-00-072 & Tract D2 shall be conveyed to the owner of Parcel I.D. # 04-22-31-0000-00-056.

2. Constance A. Owens, Tri3 Civil Engineering Design Studio, Inc., Reams Road Parcel Commercial Preliminary Subdivision Plan, Case # PSP-14-11-340; District 1

• MEMBER EXITED: Commissioner Thompson

Applicant: Constance A. Owens, Tri3 Civil Engineering Design Studio, Inc.  
Consideration: Reams Road Parcel Commercial Preliminary Subdivision Plan, Case # PSP-14-11-340, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is proposing to subdivide 3 commercial lots on 14.68 acres  
Location: District 1; property generally located North of Reams Road / West of County Road 535; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Constance Owens.

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Reams Road Parcel Commercial Preliminary Subdivision Plan Case # PSP-14-11-340 on the described property, subject to the following conditions:

1. Development shall conform to the Reams Road Parcel Commercial Preliminary Subdivision Plan dated "Received April 21, 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 April 21, 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. Outside sales, storage, and display shall be prohibited. No storage of recreational vehicles, boats or similar items shall be permitted on-site.

5. At warehouse and self-storage facilities, plumbing shall not be provided to individual storage spaces, and plumbing fixtures such as sinks, toilets, and the like shall not be installed.
6. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
7. 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 in lieu of designing for the 100-year/24-hour storm event, 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.
8. Prior to the issuance of any vertical building permits, the property shall be platted.
9. Prior to issuance of the Certificate of Completion for this project, the offsite roadway, drainage, and utility improvements in the Preliminary Subdivision Plan must be substantially complete.
10. 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.
11. Prior to commencement of any earth work 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 by the developer.
12. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
13. 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 seventy percent (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, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.

14. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
15. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, and wastewater systems have been designed to support all development within the PSP.
16. A Conservation Area Impact (CAI) permit for wetland impacts obstructing the sight distance area within the dedicated unimproved right-of-way is required prior to construction plans approval.

#### Shoreline Alteration/Dredge and Fill

3. Toll FL XII Limited Partnership, Panther Lake, permit; District 1

• MEMBER EXITED: Commissioner Edwards

Applicant: Toll FL XII Limited Partnership

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to perform maintenance dredging within existing channels connected to Panther Lake, pursuant to Orange County Code, Chapter 15, Article VI

Location: District 1; on property located adjacent to Panther Lake, located at Seidel East Development off of Seidel Road; Section 05, Township 24 South, Range 27, East; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (SADF-14-10-011).

The following person addressed the Board: Mark McIntosh.

Motion/Second: Commissioners Boyd/Siplin

Absent: Commissioners Thompson, Edwards

AYE (voice vote): All present members

Action: The Board approved the request by Toll FL XII Limited Partnership for a Shoreline Alteration/Dredge and Fill Permit (SADF-14-10-011) to perform maintenance dredging within existing channels connected to Panther Lake, 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 'Canal Exhibit' submitted by Bio-Tech Consulting Inc., dated as received on March 27, 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 time extensions for the approved construction may be approved by way of Consent Agenda, if there are no changes.
4. All dredged debris material shall be removed to an upland location and stabilized appropriately.
5. The permittee shall conduct a baseline water quality monitoring event (at least 48 hours prior to the commencement of the permitted activity) and post activity water quality monitoring that includes the following parameters: pH, temperature, dissolved oxygen, turbidity, and nutrients (total nitrogen and total phosphorus). The depth of the collection shall be at 0.5 meters. Laboratory analyses shall be completed by a NELAC certified lab; field measured conditions calibration error allowances shall be that as listed in FDEP SOP FT 10000.
6. The permittee is required to maintain the turbidity and erosion control measures until EPD has approved, in writing, that the post activity water quality monitoring results indicate the project area meets the baseline monitoring results.
7. No filling is approved with this permit.

### 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 (EPO). Notice of the revocation shall be provided to the permit holder promptly thereafter.

9. 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.
10. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
11. 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.
12. 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 (60) 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.
13. 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.
14. 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 sovereign lands or other state-owned lands.



15. 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.
16. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
17. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Ordinance

4. Amending Orange County Code, Chapter 9, pertaining to Building Construction & Regulations

Consideration: AN ORDINANCE OF ORANGE COUNTY, FLORIDA, AMENDING CHAPTER 9 ("BUILDING AND CONSTRUCTION REGULATIONS") OF THE ORANGE COUNTY CODE; AMENDING ARTICLE I ("IN GENERAL"); AMENDING ARTICLE II ("BUILDING CODE") BY UPDATING CERTAIN PROVISIONS AND ADOPTING THE FLORIDA BUILDING CODE, 5TH EDITION (2014); AMENDING ARTICLE VII ("PROPERTY MAINTENANCE CODE") BY REPEALING DIVISION 2 ("RESIDENTIAL PROPERTY MAINTENANCE CODE") AND REPLACING IT WITH A NEW DIVISION 2, AND REPEALING DIVISION 3 ("NON-RESIDENTIAL PROPERTY MAINTENANCE CODE"); AMENDING ARTICLE XIII ("ARCHITECTURAL STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS") BY AMENDING SECTIONS 9-551 ("INTENT AND PURPOSE") AND 9-552 ("APPLICABILITY AND SCOPE"); AMENDING ARTICLE XIV ("MOVING OF STRUCTURES") BY AMENDING SECTION 9-597 ("APPLICATION"); AMENDING ARTICLE XVI ("EXTERIOR LIGHTING STANDARDS"); AND PROVIDING AN EFFECTIVE DATE.

- MEMBERS RE-ENTERED: Commissioners Thompson and Edwards

Motion/Second: Commissioners Clarke/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Orange County Comprehensive Plan; and further, adopted Ordinance 2015-06 amending Orange County Code Chapter 9, pertaining to Building and Construction & Regulations.

5. 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.

(This public hearing was cancelled and a new public hearing will be scheduled and advertised for the June 30, 2015, meeting of the Board of County Commissioners.)

Comprehensive Plan

6. Amending Orange County Code, adopting 2015-1 Regular Cycle and 2015-1 Small-Scale Cycle Development Amendments to the 2010-2030 Comprehensive Plan (CP)

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER:

County staff announced that according to the Florida Department of Economic Opportunity all of the amendments associated with Horizon West Sector Plan must be adopted under the State coordinated review process to comply with new legislation. As a result, the following Regular Cycle Amendments were continued to the July 28, 2015, Board of County Commissioners meeting as follows:

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2015-1-A-1-1  
Applicant/Owner: Kathy Hattaway Bengochea, HCI Planning; Mattamy Homes for Swirsky-Warner Revocable Trust; Helen Nguyen; Juan Carlos Quiroga; and Billy and Bonnie Whitlow  
Consideration: Horizon West, Lakeside Village Specific Area Plan (SAP) – Greenbelt (GB) and Wetland/Conservation (CONS) to Horizon West, Lakeside Village Specific Area Plan (SAP) - Village Home District (VHD) and Wetland/Conservation (CONS)  
Location: Generally described as located on the south side of Reams Rd., east of Seidel Rd., west of Center Dr., and north of Floridian Wy.; Parcel ID#'s 34-23-27-0000-00-035, 35-23-27-0000-00-013/015 and 02-24-27-0000-00-005; 98.75 gross ac.

and

NON-EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT AND CONCURRENT REZONING REQUEST

Amendment: 2015-1-A-1-2  
Applicant/Owner: R. Lance Bennett, P.E., Poulos and Bennett, LLC for Daryl M. Carter Tr.; Carter-Orange 45 SR 429 Land Trust; and Genesis 1:28 Business Partners, LLC  
Consideration: Horizon West, Town Center Specific Area Plan (SAP)-Urban Residential (UR-3) and Retail/Wholesale (RW-3) to Horizon West, Town Center Specific Area Plan (SAP)- Urban Residential (UR-3) and Retail/Wholesale (RW-3)  
Location: Generally described as located on the north side of New Independence Pkwy., west of SR 429, and west of Avalon Rd.,

Parcel ID#'s 17-23-27-0000-00-013 and 20-23-27-0000-00-009/017/018/027; 82.30 gross ac.

and

#### REZONING PUBLIC HEARING

Applicant: R. Lance Bennett, P.E., Poulos and Bennett, LLC for Daryl M. Carter Tr.; Carter-Orange 45 SR 429 Land Trust; and Genesis 1:28 Business Partners, LLC, Case # LUP-15-01-029  
Consideration: Request to rezone from A-1 (Citrus Rural District) to PD (Planned Development District)  
Location: Generally described as located on the north side of New Independence Pkwy., west of SR 429, and west of Avalon Rd., Parcel ID#'s 17-23-27-0000-00-013 and 20-23-27-0000-00-009/017/018/027; 82.30 gross ac.

and

#### NON-EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2015-1-A-1-3  
Applicant/Owner: James G. Willard, Shutts & Bowen, LLP for SLF IV/Boyd Horizon West JV, LLC; West Orange Land, LLC; Phillips Citrus Management, LLLP, and Beth A. Wincey  
Consideration: Horizon West, Town Center Specific Area Plan (SAP)- Corporate Campus Mixed Use (CCM-10), Urban Residential (UR-5), and Wetland/Conservation (CONS) to Horizon West, Town Center Specific Area Plan (SAP)- Retail/Wholesale (RW-4a), Corporate Campus Mixed Use (CCM-10), Urban Residential (UR-5), and Wetland/Conservation (CONS)  
Location: Generally described as located on the south side of New Independence Pkwy., west of SR 429, and east of Avalon Rd., Parcel ID #'s 19-23-27-0000-00-022, 20-23-27-0000-00-002/025, and a portion of 20-23-27-0000-00-007; 93.07 gross ac.

and

#### REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2015-1-B-FLUE-3  
Consideration: Text amendments to Future Land Use Element Policy FLU4.7.9 related to bonus units within Horizon West Town Center

and

**REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT**

Amendment: 2015-1-B-FLUE-4  
Consideration: Text and map amendments to the Goals, Objectives, and Policies of the Future Land Use Element related to Horizon West Lakeside Village – Reams Road Corridor Study Area

(Amendments were continued to the July 28, 2015, Board of County Commissioners meeting.)

**NON-EXPEDITED SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED AMENDMENT**

Amendment: 2015-1-S-1-1  
Applicant/Owner: James G. Willard for SLF IV/Boyd Horizon West JV, LLC  
Consideration: Town Center Specific Area Plan (SAP) – Greenbelt (GB), and Bridgewater Village Specific Area Plan (SAP) – Townhome/ Apartment District (THD), Wetland/Conservation (CONS), and Greenbelt (GB) to Town Center Specific Area Plan (SAP) – Corporate Campus Mixed Use (CCM-3), Wetland/Conservation (CONS), and Greenbelt (GB)  
Location: Generally described as located east of SR 429 and south of New Independence Pkwy., Parcel ID #s 21-23-27-0000-00-036, and portions of 21-23-27-0000-00-033/004 and 20-23-27-0000-00-030; 9.99 gross ac.

(County staff announced Amendment 2015-1-S-1-1 related to Horizon West was continued to the 2015-2 Regular Cycle.)

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER:

**EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED COMPREHENSIVE PLAN MAP AMENDMENT AND CONCURRENT REZONING REQUEST**

County staff announced the following were withdrawn:

Amendment: 2015-1-A-3-1  
Applicant/Owner: Steve Mellich, Mellich Blenden Engineering, Inc. / Forsyth Venture, LLC  
Consideration: Commerical (C) to Medium Density Residential (MDR)  
Location: Generally described as located on the east side of Forsyth Rd., south of Forsyth Commerce Rd., west of Goldenrod Rd., and north of Ebans Bend, Parcel ID#: Portion of 23-22-30-0000-00-116; 13.87 gross ac.

and

## REZONING PUBLIC HEARING

Applicant: Steve Mellich, Mellich Blenden Engineering, Inc. / Forsyth Venture, LLC, Case # RZ-14-12-026  
Consideration: Request to rezone from C-3 (Wholesale Commercial District) to R-2 (Residential District)  
Location: Generally described as located on the east side of Forsyth Rd., south of Forsyth Commerce Rd., west of Goldenrod Rd., and north of Ebans Bend; Parcel ID#: Portion of 23-22-30-0000-00-116; 13.87 gross ac.

(Amendment 2015-1-A-3-1 and concurrent rezoning Case # RZ-14-12-026 were withdrawn.)

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER:

### NON-EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

County staff announced the following were continued.

Amendment: 2015-1-A-4-2  
Applicant/Owner: R. Lance Bennett, P.E. Poulos and Bennett, LLC / LRS Volusia, LLC; Lursai LLC; and Forsyth L.C.  
Consideration: Industrial (IND) to Planned Development-Commercial/Low-Medium Density Residential (PD-C/LMDR)  
Location: 10162 Lake Underhill Rd.; Generally described as located on the south side of Lake Underhill Rd., east of S. Dean Rd. and west of Fieldstream West Blvd., Parcel ID#'s 32-22-31-0000-00-001/030/031/032/033; 38.14 gross ac.

and

### STAFF INITIATED COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2015-1-B-FLUE-2  
Consideration: Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County

(Amendment 2015-1-A-4-2 and Amendment 2015-1-B-FLUE-2 were continued to the 2015-2 Regular Cycle.)

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

### EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2015-1-A-3-2

Applicant/Owner: Thomas A. Cloud, Esquire, GrayRobinson, P.A. / WGML Investments, Ltd. and PRN Real Estate and Investments, Ltd.  
Consideration: O (Office) to Industrial (IND)  
Location: 7663 Winegard Rd.; Generally described as located on the east side of Winegard Rd. and the north side of W. Sand Lake Rd., west of S. Orange Ave. and south of W. Lancaster Rd.; Parcel ID # 26-23-29-0000-00-003; 20.12 gross ac.

and

#### EXPEDITED REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment:: 2015-1-B-TRAN-1  
Consideration: Amendments to Long Range Transportation Plan (LRTP) map and text amendments to related Transportation Element policies

Motion/Second: Commissioners Thompson/Clarke  
AYE (voice vote): All members  
Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed Future Land Use Map and text amendments are in compliance; and further, adopted Privately-Initiated Future Land Use Element Map Amendment 2015-1-A-3-2 and Staff Initiated Comprehensive Plan Map and Text Amendment 2015-1-B-TRAN-1.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

#### NON-EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT AND CONCURRENT SUBSTANTIAL CHANGE REQUEST

Amendment: 2015-1-A-1-5  
Applicant/Owner: Jim Hall, VHB, Inc., for DFD One, LLC  
Consideration: Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR)  
Location: 7701 Palm Pkwy.; Generally described as located on the west side of Palm Pkwy., north of Lake St., south of Fenton St., and east of S. Apopka Vineland Rd., Parcel ID#'s: 15-24-28-7774-00-001 and portions of 15-24-28-7774-00-010 and 15-24-28-7774-00-020; 41.70 gross ac.

and

#### SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Jim Hall, VHB, Inc., for DFD One, LLC, Case # CDR-14-07-197  
Consideration: Substantial change request to the Ruby Lake PD requesting the following waivers from the Orange County Code:  
1) A waiver from Orange County Code Section 38-1258 (a, b, c, and d) to allow for a maximum building height of 75 feet (6

stories) for multi-family buildings within the PD with a separation of 20 feet from single-family uses, all internal to the PD only, in lieu of the proximity based requirements. All other requirements of that section will still apply;

- 2) A waiver from Orange County Code Section 38-1393 to allow for maximum building heights within the PD to be preserved as previously approved by the Board of County Commissioners for lots other than Lot 3, with a minimum separation of 20 feet from single-family development within the PD, in lieu of the proximity based requirements as otherwise identified in Section 38-1393;
- 3) A waiver from Orange County Code Section 38-1300 to allow for a maximum building height of 75 feet (6 stories) for all multi-family residential; in lieu of 60 feet, or 35 feet when within 100 feet of single-family residential, or between 65-75 feet when within 300 feet of existing single family residential, all internal to the PD only. All other requirements of that section will still apply;
- 4) A waiver from Orange County Code Section 38-1258(f) to require no wall when a multi-family development is located adjacent to any single family zoned property internal to the project only, in lieu of a required 6 foot high masonry, brick or block wall;
- 5) A waiver from Orange County Code Section 38-1258(j) to require a minimum building separation of 20 feet between all multi-family buildings with no increase in proportion to additional structural height; in lieu of a minimum separation of 30 feet for two-story buildings, 40 feet for three-story buildings, and proportionate separation increases for additional building heights;
- 6) A waiver from Orange County Code Section 38-1392.1 to allow a 20-foot single family residential building setback from abutting residentially zoned property, external to the PD only; in lieu of a 35-foot building setback. All other requirements of that section will still apply;
- 7) A waiver from Orange County Code Section 38-1287(1)(b) to allow for a minimum 40-foot building setback from an abutting arterial right-of-way, in lieu of a minimum 60-foot building setback from an abutting arterial right-of-way;
- 8) A waiver from Orange County Code Section 38-1251(b) to allow the maximum coverage of all buildings to not exceed 75% of the gross land area, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area;
- 9) A waiver from Orange County Code Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located no closer than 7.5 feet from any single family zoned property internal to the project only, in lieu of the requirement that parking and other paved areas for



multi-family development be located no closer than 25 feet from any single family zoned property. In addition, a minimum 7.5-foot landscape buffer consistent with Type C landscape buffer requirements shall be provided, in lieu of a minimum 25-foot landscape buffer;

- 10) A waiver from Orange County Code Sections 31.5-67(b), 31.5-166(b), and 38-1395.2(1) and to allow for a maximum height of twelve (12) feet for multi-tenant ground signs; in lieu of a maximum height of eight (8) feet; and,
- 11) A waiver from Orange County Code Section 31.5-166(d) to allow for up to three (3) ground signs on a parcel with right-of-way frontage in excess of five hundred (500) linear feet, in lieu of a maximum number of two (2) ground signs.

Location: 7701 Palm Pkwy.; Generally described as located on the west side of Palm Pkwy., north of Lake St., south of Fenton St., and east of S. Apopka Vineland Rd., Parcel ID #'s 15-24-28-7774-00-001 and portions of 15-24-28-7774-00-010 and 15-24-28-7774-00-020; 41.70 gross ac.

The following persons addressed the Board:

- Chuck Whittall
- Jim Hall

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

Based upon input from the applicant and County staff the following new condition was added to the substantial change:

Condition # 29: Waivers from Chapter 38 related to landscaping requirements adjacent to road right-of-way may be requested at Preliminary Subdivision Plan (PSP) review. If approved by the Board of County Commissioners on the PSP, the waivers would constitute a non-substantial change to the PD Land Use Plan.

Motion/Second: Commissioners Boyd/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see International Drive Activity Center Element Goal 1, Goal 3, Objective 3.1, Policies ID1.1.4, ID1.1.7, ID2.1.5, ID3.1.1, ID3.1.3, ID5.1.2; and Future Land Use Element Policies FLU1.1.4 D and FLU8.2.1); further, determined that the proposed amendment is in compliance; and further, adopted Privately-Initiated Future Land Use Element Map Amendment 2015-1-A-1-5, Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR).

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 Jim Hall, VHB, Inc., for DFD One, LLC, to the Ruby Lake Planned Development / Land Use Plan (PD/ LUP), Case # CDR-14-07-197; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Ruby Lake PD Land Use Plan dated "Received March 13, 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 13, 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. The following Education Condition of Approval shall apply:

- a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board on January 27, 2015, and as amended on May 26, 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 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.
- 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.

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.

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. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
7. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.

8. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
9. Prior to approval of any Lot 3 multifamily DP, the Utility Easement Agreement between the owners of Lot 3 and Lot 6 (the Hilton property) shall be updated to address access, ownership, and maintenance for the private water and reclaimed water mains extending from Palm Parkway across Lot 3 to Lot 6. The water and reclaimed water meters currently located at the property boundary between Lot 3 and Lot 6 shall be relocated to be adjacent to Palm Parkway as part of the multifamily construction project, or prior to the completion of the development of the multifamily properties.
10. Outside sales, storage, and display shall be prohibited.
11. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
12. Signage shall comply with the Master Sign Plan.
13. All development shall comply with Buena Vista North Standards as well as the Tourist Commercial Activity Center with the exception of waivers explicitly granted by the Board of County Commissioners.
14. Length of stay for residential uses shall be 180 days or greater. Short term rental shall be prohibited for residential uses. Length of stay shall not exceed 179 days for commercial uses.
15. A waiver is granted from Orange County Code Section 38-1258 (a, b, c, and d) to allow for a maximum building height of 75 feet (6 stories) for multi-family buildings within the PD with a separation of 20 feet from single-family uses, all internal to the PD only, in lieu of the proximity based requirements. All other requirements of that section will still apply.
16. A waiver is granted from Orange County Code Section 38-1393 to allow for maximum building heights within the PD to be preserved as previously approved by the Board of County Commissioners for lots other than Lot 3, with a minimum separation of 20 feet from single family development within the PD, in lieu of the proximity based requirements as otherwise identified in Section 38-1393.
17. A waiver is granted from Orange County Code Section 38-1300 to allow for a maximum building height of 75 feet (6 stories) for all multi-family residential; in lieu of 60 feet, or 35 feet when within 100 feet of single-family residential, or between 65-75 feet when within 300 feet of existing single family residential, all internal to the PD only. All other requirements of that section will still apply.
18. A waiver is granted from Orange County Code Section 38-1258(f) to require no wall when a multi-family development is located adjacent to any single family

zoned property internal to the project only, in lieu of a required 6 foot high masonry, brick or block wall.

19. A waiver is granted from Orange County Code Section 38-1258(j) to require a minimum building separation of 20 feet between all multi-family buildings with no increase in proportion to additional structural height; in lieu of a minimum separation of 30 feet for two-story buildings, 40 feet for three-story buildings, and proportionate separation increases for additional building heights.
20. A waiver is granted from Orange County Code Section 38-1392.1 to allow a 20-foot single family residential building setback from abutting residentially zoned property, external to the PD only; in lieu of a 35-foot building setback. All other requirements of that section will still apply.
21. A waiver is granted from Orange County Code Section 38-1287(1)(b) to allow for a minimum 40-foot building setback from an abutting arterial right-of-way, in lieu of a minimum 60-foot building setback from an abutting arterial right-of-way.
22. A waiver is granted from Orange County Code Section 38-1251(b) to allow the maximum coverage of all buildings to not exceed 75% of the gross land area, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area.
23. A waiver is granted from Orange County Code Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located no closer than 7.5 feet from any single family zoned property internal to the project only, in lieu of the requirement that parking and other paved areas for multi-family development be located no closer than 25 feet from any single family zoned property. In addition, a minimum 7.5-foot landscape buffer consistent with Type C landscape buffer requirements shall be provided, in lieu of a minimum 25-foot landscape buffer.
24. A waiver is granted from Orange County Code Sections 31.5-67(b), 31.5-166(b), and 38.1395.2(1) and to allow for a maximum height of twelve (12) feet for multi-tenant ground signs; in lieu of a maximum height of eight (8) feet.
25. A waiver is granted from Orange County Code Section 31.5-166(d) to allow for up to three (3) ground signs on a parcel with right-of-way frontage in excess of five hundred (500) linear feet, in lieu of a maximum number of two (2) ground signs.
26. Development shall comply with all provisions of the Developer's Agreement for the Activity Center Turkey Lake Road Network Agreement, approved by the BCC on September 24, 1996, and recorded in O.R. Book 5138, Page 1988, Public Records of Orange County, Florida.
27. The following International Drive strategic conditions shall apply:

- a. Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center Plan.
  - b. If the housing linkage program is in place prior to development plan approval, the development of nonresidential development shall be conditioned upon the development of residential units within the designated as Activity Center Residential on the Future Land Use Map.
  - c. The Development Guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal, including, but not limited to, lighting standards, sign regulations, open space standards, building orientation, and location of parking lots.
  - d. The property owners shall be required to participate in the International Drive Property Owners' Association upon its creation.
  - e. Stormwater management facilities shall be designed as an aesthetic feature except when determined by the County Engineer to be technically unfeasible.
  - f. The development plan shall provide for interconnection of adjacent developable parcels either by cross-access easement or public right-of-way. This shall include connection into a continuation of an area-wide transportation plan for the International Drive Activity Center.
  - g. Electrical distribution lines shall be underground.
  - h. Participation in a shuttle service connecting area attractions, major transportation centers, and on-site development shall be provided.
28. A Level One (1) Environmental Site Assessment (ESA) shall be submitted to the County for review, as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
29. Waivers from Chapter 38 related to landscaping requirements adjacent to road right-of-way may be requested at Preliminary Subdivision Plan (PSP) review. If approved by the Board of County Commissioners on the PSP, the waivers would constitute a non-substantial change to the PD Land Use Plan.

NON-EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2015-1-A-4-1 (fka 2014-2-A-4-2)  
 Applicant/Owner: Jim Hall, VHB, Inc., for Eagle Creek Development Corp.  
 Consideration: Planned Development - Low Density Residential / Low-Medium Density Residential / Medium Density Residential / Commercial/ Institutional/Parks and Recreation/Open Space/Conservation (PD-LDR/LMDR/MDR/C/INST/PR/OS/CONS) to Planned Development - Low Density Residential/Low-Medium Density Residential/

Medium Density Residential/Commerical/Institutional/Parks and Recreation/Open Space / Conservation (PD-LDR / LMDR / MDR/ C/INST/PR/OS/CONS) and Urban Service Area (USA) Expansion  
Location: 13615 Narcoossee Rd.; Generally described as located on the east side of Narcoossee Rd., south of Tyson Rd., west of Kirby Smith Rd., and north of Clapp Simms Duda Rd., Parcel ID#: Portion of 29-24-31-0000-00-002; 86.00 gross ac.

Clerk's Note: The concurrent Substantial Change Request # CDR-14-09-253 advertised and to be considered with Amendment 2015-1-A-4-1 (fka 2014-2-A-4-2) was withdrawn by applicant.

The following person addressed the Board: Miranda Fitzgerald.

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objectives OBJ FLU1.1, OBJ FLU1.2, and OBJ FLU1.3, and Policies FLU1.1.1, Policies FLU1.3.1A, FLU1.3.1B, FLU1.3.1.C, FLU1.3.2, and FLU5.1.4); further, determined that the proposed amendment is in compliance; and further, adopted Privately-Initiated Future Land Use Element Map Amendment 2015-1-A-4-1, to expand the Urban Service Area (USA) boundary by approximately 86 acres to accommodate 254 new residential dwelling units.

#### REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2015-1-B-FLUE-1

Consideration: Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA)

Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, adopted Staff Initiated Comprehensive Plan Text Amendment 2015-1-B-FLUE-1.

#### ORDINANCE/COMPREHENSIVE PLAN

Amending Orange County Code, adopting 2015-1 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184, F.S.

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS

AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2015 CALENDAR YEAR (FIRST CYCLE); AND PROVIDING EFFECTIVE DATES.

County staff announced changes to the proposed Ordinance for the 2015-1 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184, F.S. County staff noted Lines 78 through 87 needed to be removed in order to take out the reference to Policy Number FLU8.1.4 and Appendix A would have to be amended to remove two cases that were either withdrawn or postponed. Those cases include 2015-1-A-3-1 and 2015-1-A-4-2.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the amendments are in compliance, further, adopted Ordinance 2015-07, amending Orange County Code, 2010-2030 Comprehensive Plan; and further, approved the proposed Future Land Use Map and Text Amendments consistent with today's actions, with the following changes to the Ordinance as follows:

- Page 4, delete lines 78 through 87
- Page 6, delete Amendments 2015-1-A-3-1 and 2015-1-A-4-2 from Appendix A

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

EXPEDITED SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT AND CONCURRENT REZONING REQUEST

Amendment: 2015-1-S-2-2

Applicant/Owner: Marvin Barrett for Zellwood Water Users, Inc.

Consideration: Low Density Residential (LDR) Rural Settlement (RS) to Commercial (C) Rural Settlement (RS)

Location: 3260 Robinson St., Generally described as located on the west side of Robinson St. and the north side of Jones Ave., north of N. Orange Blossom Tr., Parcel ID # 22-20-27-2736-07-010; 0.93 gross ac.

and

REZONING PUBLIC HEARING

Applicant: Marvin Barrett for Zellwood Water Users, Inc., Case # RZ-15-05-010

Consideration: Request to rezone Single Family Dwelling District (R-1) to Retail Commercial District (C-1)

Location: 3260 Robinson St., Generally described as located on the west side of Robinson St. and the north side of Jones Ave., north of N.



Orange Blossom Tl., Parcel ID # 22-20-27-2736-07-010; 0.93 gross ac.

and

**EXPEDITED SMALL SCALE DEVELOPMENT PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT AND CONCURRENT REZONING REQUEST**

Amendment: 2015-1-S-2-3  
Applicant/Owner: David Van Wormer, Van Wormer Realty and Development / Russell H. Unger, Trustee  
Consideration: Low-Medium Density Residential (LMDR) to Commercial (C)  
Location: 2250 W. Orange Blossom Tl; Generally described as located on the south side of W. Orange Blossom Tl. and the east side of Lake View Dr., west of Drage Dr. and north of Mayflower Ave., Parcel ID # Portion of 06-21-28-7188-01-010; 0.79 gross ac.

and

**REZONING PUBLIC HEARING**

Applicant: David Van Wormer, Van Wormer Realty and Development / Russell H. Unger, Trustee, Case # RZ-15-05-006  
Consideration: Request to rezone Single Family Dwelling District (R-1) to Retail Commercial District (C-1)  
Location: 2250 W. Orange Blossom Tl; Generally described as located on the south side of W. Orange Blossom Tl. and the east side of Lake View Dr., west of Drage Dr. and north of Mayflower Ave., Parcel ID # Portion of 06-21-28-7188-01-010; 0.79 gross ac.

and

**EXPEDITED SMALL SCALE DEVELOPMENT PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT AND CONCURRENT REZONING REQUEST**

Amendment: 2015-1-S-3-1  
Applicant/Owner: Kevin McCraw, Hunt Real Estate Services, Inc., for Harold Carver  
Consideration: Industrial (IND) to Commercial (C)  
Location: Generally described as located south of Hoffner Ave. and east of Patch Rd., Parcel ID # Portion of 22-23-30-0000-00-004; 1.57 gross ac.

and

**REZONING PUBLIC HEARING**

Applicant: Kevin McCraw, Hunt Real Estate Services, Inc., for Harold Carver, Case # RZ-15-05-005  
Consideration: Request to rezone Light Industrial District (IND-1/IND-5) to Retail Commercial District (C-1)  
Location: Generally described as located south of Hoffner Ave. and east of Patch Rd., Parcel ID # Portion of 22-23-30-0000-00-004; 1.57 gross ac.

and

#### EXPEDITED SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2015-1-S-3-2  
Applicant/Owner: Sam Susen, Hutton Growth One LLC, for Manohar H. Jain, Trustee  
Consideration: Office (O) to Planned Development-Commercial (PD-C)  
Location: Generally described as located at the intersection of N. Dean Rd. and Flowers Ave., south of E. Colonial Dr., and north of River Crest Ct., Parcel ID #s 19-22-31-0000-00-027 & portion of 19-22-31-0000-00-023; 1.46 gross ac.

and

#### EXPEDITED SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT AND CONCURRENT REZONING REQUEST

Amendment: 2015-1-S-6-1  
Applicant/Owner: Carlos Liesa, Fast Guy Parts, Inc.  
Consideration: Low Density Residential (LDR) to Commercial (C)  
Location: 1224 36th Street.; Generally described as located south of 36th St.; east of S. Orange Blossom Tl.; north of 37th St.; and west of Woods Ave., Parcel ID # 03-23-29-0182-96-060; 0.46 gross ac.

and

#### REZONING PUBLIC HEARING

Applicant: Carlos Liesa, Fast Guy Parts, Inc., Case # RZ-15-05-002  
Consideration: Request to rezone Single-Family Dwelling District (R-1A) to Retail Commercial District (C-1)  
Location: 1224 36th Street.; Generally described as located south of 36th St.; east of S. Orange Blossom Tl.; north of 37th St.; and west of Woods Ave., Parcel ID # 03-23-29-0182-96-060; 0.46 gross ac.

Motion/Second: Commissioners Nelson/Boyd  
AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further,

determined that the proposed Future Land Use Map amendments are in compliance; further, adopted the Small Scale Development Privately-Initiated Future Land Use Element Map amendments as follows:

Amendment 2015-1-S-2-2  
Amendment 2015-1-S-2-3  
Amendment 2015-1-S-3-1  
Amendment 2015-1-S-3-2  
Amendment 2015-1-S-6-1

and further, approved the concurrent rezoning requests on the expedited small scale agenda as follows:

Applicant: Marvin Barrett for Zellwood Water Users, Inc., Case # RZ-15-05-010  
Consideration: Request to rezone Single Family Dwelling District (R-1) to Retail Commercial District (C-1)  
Location: 3260 Robinson St., Generally described as located on the west side of Robinson St. and the north side of Jones Ave., north of N. Orange Blossom Tl., Parcel ID # 22-20-27-2736-07-010; 0.93 gross ac.

Subject to the following restrictions:

- The rezoning shall be become effective with the Comprehensive Plan Amendment.
- Maximum floor area ratio (FAR) shall be limited to 0.15.
- Billboards and pole signs shall be prohibited.
- Lounges and package sales of alcoholic beverages that are subject to 4COP licensing per Section 38-1414 shall be prohibited.

and

Applicant: David Van Wormer, Van Wormer Realty and Development / Russell H. Unger, Trustee, Case # RZ-15-05-006  
Consideration: Request to rezone Single Family Dwelling District (R-1) to Retail Commercial District (C-1)  
Location: 2250 W. Orange Blossom Tl; Generally described as located on the south side of W. Orange Blossom Tl. and the east side of Lake View Dr., west of Drage Dr. and north of Mayflower Ave., Parcel ID # Portion of 06-21-28-7188-01-010; 0.79 gross ac.

Subject to the following restrictions:

- The rezoning shall be become effective with the Comprehensive Plan Amendment.
- Billboards and pole signs shall be prohibited.

and

Applicant: Kevin McCraw, Hunt Real Estate Services, Inc., for Harold Carver, Case # RZ-15-05-005  
Consideration: Request to rezone Light Industrial District (IND-1/IND-5) to Retail Commercial District (C-1)  
Location: Generally described as located south of Hoffner Ave. and east of Patch Rd., Parcel ID # Portion of 22-23-30-0000-00-004; 1.57 gross ac.

Subject to the following restriction:  
- Billboards and pole signs shall be prohibited.

and

Applicant: Carlos Liesa, Fast Guy Parts, Inc., Case # RZ-15-05-002  
Consideration: Request to rezone Single-Family Dwelling District (R-1A) to Retail Commercial District (C-1)  
Location: 1224 36th Street.; Generally described as located south of 36th St.; east of S. Orange Blossom Tr.; north of 37th St.; and west of Woods Ave., Parcel ID # 03-23-29-0182-96-060; 0.46 gross ac.

Subject to the following restrictions:  
- The rezoning shall become effective with the Comprehensive Plan Amendment.  
- Billboards and pole signs shall be prohibited.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

NON-EXPEDITED SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED  
FUTURE LAND USE ELEMENT MAP AMENDMENT AND CONCURRENT  
REZONING REQUEST

Amendment: 2015-1-S-2-1  
Applicant/Owner: Charles H. Cox, Chazzes, Inc.  
Consideration: Office (O) to Commercial (C)  
Location: Generally described as located east of Forest City Rd., south of W. Kennedy Blvd., north of Edgewater Dr., and west of Weston Point Dr., Parcel ID#s 33-21-29-0000-00-090/129; 4.46 gross ac.

and

REZONING PUBLIC HEARING

Applicant: Charles H. Cox, Chazzes, Inc., Case # RZ-15-05-007  
Consideration: Request to rezone Multiple-Family Dwelling District (R-3) to Retail Commercial District (C-1)  
Location: Generally described as located east of Forest City Rd., south of W. Kennedy Blvd., north of Edgewater Dr., and west of Weston Point Dr., Parcel ID#s 33-21-29-0000-00-090/129; 4.46 gross ac.

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

Motion/Second: Commissioners Nelson/Boyd

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Policies FLU1.1.5, FLU1.4.4, FLU1.4.21, FLU2.2.1, FLU8.2.1 and FLU8.2.10, and Urban Design Element Objective OBJ UD3.1); further, determined that the proposed amendment is in compliance; and further, adopted the Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2015-1-S-2-1, Office (O) to Commercial (C).

Motion/Second: Commissioners Nelson/Boyd

AYE (voice vote): All members

Action: The Board approved the request by Charles H. Cox, Chazzes, Inc., Case # RZ-15-05-007 to rezone Multiple-Family Dwelling District (R-3) to Retail Commercial District (C-1), on the described property; subject to one restriction: Billboards and pole signs shall be prohibited.

#### NON-EXPEDITED SMALL SCALE DEVELOPMENT PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENTS

Amendment: 2015-1-S-4-1

Applicant/Owner: Matt Young, IBI Group (Florida), Inc., for Chuck Hollow, Inc., et al

Consideration: Commercial (C) to Planned Development-High Density Residential (PD-HDR)

Location: 12400 & 12464 East Colonial Dr.; Generally located at the southeast corner of East Colonial Dr. and Woodbury Rd., Parcel ID #s Portions of 23-22-31-0000-00-012 & 23-22-31-0000-00-013; 5.40 gross ac.

The following persons addressed the Board:

- Randy Morris
- Oluwaseun O Aduloju

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

- Exhibit 1, from Randy Morris
- Exhibit 2, from Randy Morris

Motion/Second: Commissioners Thompson/Siplin

AYE (voice vote): Commissioners Boyd, Clarke, Thompson, Siplin

NO (voice vote): County Mayor Jacobs; Commissioners Nelson, Edwards

Action: The Board denied adoption of the Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2015-1-S-4-1, Commercial (C) to Planned Development-High Density Residential (PD-HDR).

- MEMBER EXITED: Commissioner Nelson

Amendment: 2015-1-S-5-2  
Applicant/Owner: James Clayton Beck, III and Nick Jones / New Cheney 1, LLC  
Consideration: Low Medium Density Residential (LMDR) to Medium Density Residential (MDR)  
Location: 5528, 5534, and 5574 Old Cheney Hwy.; Generally described as located on the south side of Old Cheney Hwy., west of N. Semoran Blvd. and east of Shoreview Dr., Parcel ID #s 21-22-30-4312-01-021/030/040/050/060/070; 0.97 gross ac.

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

Motion/Second: Commissioners Edwards/Thompson  
Absent: Commissioner Nelson  
AYE (voice vote): All present members  
Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objectives FLU2.1 and FLU8.2; Policies FLU1.1.1, FLU1.1.5, FLU2.4.3, FLU8.2.1, FLU8.2.11, and FLU8.2.2; and Housing Element Goal H1 and Objective OBJ H1.1); further, determined that the proposed amendment is in compliance; and further, adopted Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2015-1-S-5-2, Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR).

Amendment: 2015-1-S-5-3  
Applicant/Owner: Mark Kinchla / Fekany Bros Enterprises, Inc.  
Consideration: Low Medium Density Residential (LMDR) to Medium Density Residential (MDR)  
Location: 5535 Old Cheney Hwy.; Generally described as located on the north side of Old Cheney Hwy. and the east side of Truman Rd., west of N. Semoran Blvd., Parcel ID # 21-22-30-0000-00-048; 0.87 gross ac.

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

Motion/Second: Commissioners Edwards/Clarke  
Absent: Commissioner Nelson  
AYE (voice vote): All present members  
Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2; Objectives FLU2.1 and FLU8.2; Policies FLU1.1.1, FLU1.1.5, FLU2.4.3, FLU8.2.1, FLU8.2.11, and FLU8.2.2; and Housing Element Goal H1 and Objective OBJ H1.1); further, determined that the proposed amendment is in compliance; and further, adopted Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2015-1-S-5-3, Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR).

## SMALL SCALE DEVELOPMENT STAFF INITATED TEXT AMENDMENT

Amendment: 2015-1-S-FLUE-1  
Consideration: Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Nelson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, adopted Small Scale Development Staff Initiated Text Amendment 2015-1-S-FLUE-1.

## ORDINANCE/COMPREHENSIVE PLAN

Amending Orange County Code, adopting 2015-1 Small Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3187, F.S.

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING SMALL SCALE DEVELOPMENT AMENDMENTS AND RELATED TEXT AMENDMENTS PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING EFFECTIVE DATES

Motion/Second: Commissioners Clarke/Thompson

Absent: Commissioner Nelson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan, further, determined that the amendments are in compliance; further, adopted Ordinance 2015-08, amending Orange County Code, 2010-2030 Comprehensive Plan Small Scale Development Amendments; and further, approved the proposed Future Land Use Map and Text Amendments.

- REMEMBRANCE

For the passing of Orange County citizen and community activist Katie Porta.

- MEMBER RE-ENTERED: Commissioner Nelson

Ordinance-1st Hearing


7. Amending Orange County Code, Chapter 38, pertaining to Pain Management Clinics and Pharmacies – (2nd hearing on June 30, 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.

Action: None

ADJOURNMENT, 5:03 p.m.

ATTEST:

  
\_\_\_\_\_  
County Mayor Teresa Jacobs  
Date:     AUG 04 2015    



ATTEST SIGNATURE:

Martha O. Haynie  
County Comptroller as Clerk

*for*     Jessica Moore      
Deputy Clerk