

BCC Mtg. Date: July 12, 2016

## ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, May 24, 2016  
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, Victoria P. Siplin;  
Commissioner Ted Edwards joined the meeting where indicated.  
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator  
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Senior  
Minutes Coordinator Craig Stopyra, Documents Coordinator  
Jennifer Lara-Klimetz

- CALL TO ORDER, 9:04 a.m.
- INVOCATION - Reverend Cicero Bailon, The Grace International Fellowship
- MEMBER JOINED: Commissioner Edwards
- PLEDGE OF ALLEGIANCE
- PRESENTATION  
Proclamation designating May as Asian Pacific American Heritage Month
- PRESENTATION  
Proclamation designating May as Community Action Month
- PRESENTATION  
Art in the Chambers
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Jonathan Blount
- Virgil Blocker
- William Corredor

The following material was presented to the Board during public comment: Exhibit 1,  
from William Corredor.

The following material was received by the Clerk during public comment. The material  
referenced by the speaker was not presented to the Board: Submittal 1, from William  
Corredor.

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Mayor

- Deferred action on Community, Environmental and Development Services Department Item 2 for consideration with public hearing for Ordinance relating to issuance of vertical land permits prior to platting
- Deferred action on Community, Environmental and Development Services Department Item 3 for consideration with public hearing for Ordinance relating to issuance of vertical land permits prior to platting

and further, the Board approved the balance of the County Consent Agenda items as follows, including Addendum 1, County Attorney Item 1:

County Comptroller

1. Approval of the minutes of the April 5, 2016, 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 06, 2016, to May 12, 2016; total of \$32,394,041.93.
  - May 13, 2016, to May 19, 2016; total of \$22,711,327.43.

(Finance/Accounting)

3. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. Scrap assets

County Administrator

1. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)
2. Confirmation of Commissioner Clarke's reappointment of Richard P. Richbourg and Lionel J. Robbins to the Lake Holden Advisory Board with terms expiring December 31, 2017. (Agenda Development Office)

3. Confirmation of Commissioner Clarke's reappointment of David G. Geller, Brett Barner, and Cynthia K. McCurry to the Lake Jessamine Water Advisory Board with terms expiring December 31, 2017. (Agenda Development Office)
4. Confirmation of Commissioner Clarke's reappointment of Douglas M. Spencer and Chad E. Wilkins to the Lake Mary MSTU Advisory Board with terms expiring December 31, 2017. (Agenda Development Office)
5. Confirmation of Commissioner Clarke's reappointment of Stephen E. Butler, Kenneth Carlson, and Jo Ann Nelson to the Lake Anderson Advisory Board with terms expiring December 31, 2017. (Agenda Development Office)
6. Approval and execution of Resolution 2016-B-07 of the Orange County Board of County Commissioners Regarding the Issuance of Tourist Development Tax Refunding Revenue Bonds, Series 2016. (Fiscal and Business Services Division)
7. Approval for the Orange County Sheriff's Office to spend \$29,400 from the FY 2016 Law Enforcement Trust Fund for the purchase of 744 doses of NARCAN Nasal Spray (\$27,900) and to provide an eligible contribution to Young Fathers of Central Florida (\$1,500). (Office of Management and Budget)
8. Approval of budget transfer #16C-0148. (Office of Management and Budget)
9. Approval of CIP amendment #16C-0150. (Office of Management and Budget)

#### Administrative Services Department

1. Approval to award Invitation for Bids Y16-182-EB, County Wide Roof Maintenance and Repair Services, to the low responsive and responsible bidder, Advanced Roofing, Inc. in the total estimated annual contract award amount of \$667,522.50. Further, authorized the Procurement Division to exercise contract option years one and two. ([Administrative Services Department Facilities Management Division] Procurement Division)
2. Approval to award Invitation for Bids Y16-1016-DG, Right-of-Way Mowing – Goldenrod Area, Section II, to the low responsive and responsible bidder, Groundtek of Central Florida, in the estimated annual contract award amount of \$250,260. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
3. Approval to award Invitation for Bids Y16-1017-DG, Right-of-Way Mowing – Three Points Area, Section IV, to the low responsive and responsible bidder, Lawnwalker Services, Inc., in the estimated annual contract award amount of \$158,100. 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 Y16-1018-DG, Right-of-Way Mowing – Taft Area, Section II, to the low responsive and responsible bidder, Lawnwalker Services, Inc., in the estimated annual contract award amount of \$175,820. 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 Y16-1020-LC, Office Supplies, to the low responsive and responsible bidder, Office Depot, Inc., for a 1-year term contract in the estimated contract amount of \$1,001,000 based on historical usage. Further, authorized the Procurement Division to renew the contract for two additional 1-year periods. ([Administrative Services Department Procurement Division] Procurement Division)
6. Approval to award Invitation for Bids Y16-619-JS, Rubber Tracked Dump Truck, to the low responsive and responsible bidder, Soft Track Supply, Inc., in the total contract award amount of \$214,750. Further, authorized the purchase of one additional rubber tracked dump truck in the amount of \$212,750 within the next twelve months. ([Utilities Department Solid Waste Division] Procurement Division)
7. Approval to award Invitation for Bids Y16-736-EB, Lake Anderson Stormwater Treatment System, to the low responsive and responsible bidder, Schuller Contractors Incorporated, in the total contract award amount of \$273,603. ([Public Works Department Highway Construction Division] Procurement Division)
8. Approval to award Invitation for Bids Y16-748-MM, Orange County Convention Center West Concourse Hall D Meeting Room Renovation, to the low responsive and responsible bidder, Axios Construction Services, LLC, for the total contract award amount of \$1,191,525, inclusive of Additives 1 and 2. ([Convention Center Facility Operations Division Procurement Division])
9. Approval to award Invitation for Bids Y16-749-MM, Orange County Convention Center North/South Building Wayfinding and Advertising System, to the low responsive and responsible bidder, Pillar Construction Group, LLC, for the total contract award amount of \$880,000. ([Convention Center Facility Operations Division] Procurement Division)
10. Approval to award Invitation for Bids Y16-753-CC, Sheriff Gun Range Complex HVAC Replacement, to the low responsive and responsible bidder, Pipeline Mechanical, Inc., in the total contract award amount of \$540,619. ([Administrative Services Department Capital Projects Division] Procurement Division)
11. Approval to award Invitation for Bids Y16-755-CC, Corrections Administration Building-Level 2 & 3 Lobby Renovation, to the sole responsive and responsible bidder, Grove Construction Corporation, in the total contract award amount of

- \$109,870. ([Administrative Services Department Capital Projects Division] Procurement Division)
12. Approval to award Invitation for Bids Y16-757-EB, Bithlo Community Center Shade Structure Repairs, to the low responsive and responsible bidder, Ryan Fitzgerald Construction, Inc., in the total contract award amount of \$134,286. ([Administrative Services Department Facilities Management Division] Procurement Division)
  13. Approval to award Invitation for Bids Y16-758-CC, Administration Building HVAC – Upper Roof RTU Replacement, to the sole responsive and responsible bidder, Air Mechanical & Service Corp., in the total contract award amount of \$598,800. ([Administrative Services Department Capital Projects Division] Procurement Division)
  14. Ratification of Purchase Order M78725, Renaissance Senior Center Chiller Replacement, with Mechanical Services of Central Florida, Inc. in the amount of \$107,858. ([Administrative Services Department Facilities Management Division] Procurement Division)
  15. Approval of Purchase Order M78714, Emergency Janitorial Services for the Orange County Courthouse and Juvenile Justice Center, with American Maintenance, in the amount of \$290,186.34. ([Administrative Services Department Facilities Management Division] Procurement Division)
  16. Selection of Parsons Brinckerhoff, Inc. to provide Professional Transportation Planning and Engineering Services for the Pine Hills Road Pedestrian and Bicycle Safety Study, Request for Proposals Y16-810-CH. Further, authorized negotiation and execution of the final contract by the Procurement Division that it does not exceed the budget of \$484,662. ([Community, Environmental and Development Services Department Transportation Planning Division] Procurement Division)
  17. Approval and execution of Distribution Easement between Orange County and Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for Deputy Jonathan "Scott" Pine Community Park. District 1. (Real Estate Management Division)
  18. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase between Orange County and Shateka M. Mobley, approval and execution of County Deed from Orange County to Shateka M. Mobley and authorization to perform all actions necessary and incidental to closing for NSP Resale – 3003 Sheringham Rd, Orlando, FL 32808 (NCST). District 2. (Real Estate Management Division)
  19. Approval of Donation Agreement and Recreational Trail Easement between Universal City Property Management III, LLC and Orange County and

authorization to disburse funds to pay all recording fees and record instrument for Shingle Creek Multi Use Trail. District 6. (Real Estate Management Division)

20. Approval of Utility Easement between A2Z Partners, LLC, Zimmer Poster Service, LLP and Orange County and authorization to record instrument for Shoppes of Goldenrod OCU Permit: B15902087 OCU File #: 81587. District 3. (Real Estate Management Division)
21. Approval of Utility Easement between Landstar Park Partners, Ltd and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Bank of America, N.A., Subordination of Encumbrances to Property Rights to Orange County from Bank of New York Mellon Trust Company, N.A., as trustee and Orange County Housing Finance Authority and authorization to record instruments for Landstar Park Apartments OCU Permit: B15901230 OCU File #: 81053. District 4. (Real Estate Management Division)
22. Approval of Conservation Easement between Venetian Isles at Horizon West, LLC and Orange County with Joinder and Consent to Conservation Easement from Centennial Bank, Temporary Access Easement between Jen Florida 22, LLC and Orange County and authorization to record instruments for Venetian Isles at Horizon West, LLC & Westside Shoppes, LLC – CAI-15-05-014. District 1. (Real Estate Management Division)

#### Community, Environmental and Development Services Department

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

LC 16-0318	LC 16-0319	LC 16-0127	LC 16-0261	LC 16-0328
LC 16-0362	LC 16-0321	LC 16-0212	LC 16-0279	LC 16-0335
LC 16-0366	LC 16-0323	LC 16-0231	LC 16-0280	LC 16-0337
LC 16-0390	LC 16-0227	LC 16-0242	LC 16-0283	LC 16-0338
LC 16-0022	LC 16-0307	LC 16-0243	LC 16-0284	LC 16-0339
LC 16-0258	LC 16-0361	LC 16-0246	LC 16-0324	LC 16-0340
LC 16-0290	LC 16-0289	LC 16-0252	LC 16-0325	LC 16-0341
LC 16-0314	LC 16-0099	LC 16-0254	LC 16-0327	LC 16-0343

2. Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Adoption of a Form Hold Harmless and Indemnification Agreement to be used when the Development Review Committee approves the issuance of vertical building permits prior to platting pursuant to Section 30-83(c) of the Orange County Code, and authorization for the Director of Community,

Environmental and Development Services or authorized designee to execute any such agreements. All Districts.

(This item was deferred.)

3. Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Repealing Resolution 95-M-20. All Districts.

(This item was deferred.)

4. Approval and execution of First Amendment to Adequate Public Facilities Agreement for Daryl M. Carter, Trustee of Carter-Orange 45 SR 429 Land Trust by and between Daryl M. Carter, Trustee of Carter-Orange 45 SR 429 Land Trust, and Orange County, Florida for New Independence PD/UNP. District 1. (Planning Division)
5. Approval and execution of Proportionate Share Agreement for Sant Commercial Building, Inc. Reams Road: From Center Drive (f/k/a Cast Drive) to Taborfield Avenue by and between Sant Commercial Building, Inc. and Orange County for a proportionate share payment in the amount of \$233,266. District 1. (Roadway Agreement Committee)

#### Family Services Department

1. Approval and execution of State of Florida Statewide Voluntary Prekindergarten Provider Contract Form OEL-VPK 20 by and between Early Learning Coalition of Orange County and Orange County, Florida; State of Florida Statewide Voluntary Prekindergarten Provider Contract Private Provider Attachment Form OEL-VPK 20PP by and between Early Learning Coalition of Orange County and Orange County, Florida; and Delegation of Signing Authority for the State of Florida Statewide Voluntary Prekindergarten Provider Contract related to the Orange County Head Start Program. (Head Start Division)
2. Receipt and filing of Head Start Policy Council Program Information and Updates April 2016 and Head Start Policy Council Meeting Minutes March 17, 2016 for the official county record. (Head Start Division)

#### Office of Regional Mobility

1. Approval and execution of Interlocal Agreement (Pursuant to the Florida Interlocal Cooperation Act of 1969, Part I, Chapter 163, Florida Statutes) by and between Orange County, Florida and Central Florida Regional Transportation Authority (d/b/a/ LYNX) relating to a Transit Corridor Study of State Road 436 (Semoran Boulevard). Districts 3, 4, and 5.

## Public Works Department

1. Authorization to record the plat of Oasis at Grande Pines. District 1. (Development Engineering Division)
2. Approval of Americans with Disabilities Act (ADA) in the Public Rights-of-Way Transition Plan April 2016. All Districts.
3. Approval of Traffic Control Devices and "No Parking" sign installations in Magnolia Estates (aka The Highlands at Summerlake Groves) Phase 1. District 1. (Traffic Engineering Division)
4. Approval of Traffic Control Devices and "No Parking" sign installations in Enclave at Maitland Boulevard (aka Retreat at Lake Bosse). District 2. (Traffic Engineering Division)
5. Approval to install a "No Parking" zone on both sides of Glitter Court on school days from 2:00 PM to 4:00 PM. District 1. (Traffic Engineering Division)
6. Approval to install a "No Parking" zone on both sides of Gleam Court on school days from 2:00 PM to 4:00 PM. District 1. (Traffic Engineering Division)
7. Approval to install a "No Parking" zone on both sides of the road from 8100 Diamond Cove Circle through 8138 Diamond Cove Circle on school days from 2:00 PM to 4:00 PM. District 1. (Traffic Engineering Division)
8. Approval to install a "No Parking" zone on both sides of Solitaire Court on school days from 2:00 PM to 4:00 PM. District 1. (Traffic Engineering Division)
9. Approval to construct speed humps on Acadian Drive. District 3. (Traffic Engineering Division)
10. Approval and execution of (1) Interlocal Agreement between Orange County and the City of Winter Garden regarding the Intersection of Stoneybrook West Parkway/Roberson Road and Windermere Road for a roundabout at the intersection; (2) authorization to transfer jurisdiction to the City of Winter Garden for the control, maintenance, and operation of the roundabout area; and (3) approval and execution of County deed for conveyance of right-of-way to the City of Winter Garden. District 1. (Engineering Division)



Addendum #1

County Attorney

1. Approval and execution of (1) Orange County, Florida, and The School Board of Orange County, Florida Agreement Regarding West Orange County Relief High School Stadium and (2) West Orange Relief High School Stadium Escrow Agreement.

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
  - a. Orange County Convention Center Annual Financial Report for the years ended September 30, 2015 and 2014.
  - b. Florida Public Service Commission Consummating Order. In re: Joint petition for approval of amendment to territorial agreement in Orange County, by Orlando Utilities Commission and Duke Energy Florida, LLC.
  - c. City of Winter Garden Notice of Annexation Ordinance, Attachment A (Legal Description) and Attachment B (Location Map). Ordinance 16-29, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.23 ± acres located at 856 Myrtle Avenue on the south side of Myrtle Avenue, east of Taratine Drive and west of Beulah Road into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.
  - d. City of Ocoee Ordinance No. 2016-005, with Exhibit "A" (Legal Description), and Exhibit "B" (Location Map). Ordinance No. 2016-005, (Annexation Ordinance for James Passilla Property), Tax Parcel ID #: 07-22-28-0000-00-017; Case No. AX-12-15-56: James Passilla Annexation. An Ordinance of the City of Ocoee, Florida, annexing into the corporate limits of the City of Ocoee, Florida, certain real property containing approximately 0.48 acres located on the east side of Pine Street, approximately 625 feet west of Ocoee Apopka Road; pursuant to the application submitted by the property owner, finding said annexation to be consistent with the Ocoee Comprehensive Plan, the Ocoee City Code, and the Joint Planning Area Agreement; providing for and authorizing the updating of Official City Maps; providing direction to the City Clerk; providing for severability; repealing inconsistent Ordinances; providing for an effective date.

- e. Filing of Legal Notice and International Drive Community Redevelopment Agency (CRA) Fiscal Year 2014-2015 Annual Report.
- f. Jurisdictional Boundary Map Update in reference to:
  - Ordinance No. 2016-10, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land generally located to the south and southwest of the intersection of Narcoossee Rd and Harbor Bend Cir and comprised of 8.62 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Office Low Intensity on the City's Official Future Land Use Maps; designating the property as the O-1 Office and Residential District along with the Aircraft Noise Overlay District on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors and an effective date.
  - Ordinance No. 2016-32, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land generally located north of WD Judge Dr, east of Mercy Dr, south of W Princeton St and west of N John Young Pkwy and comprised of 9.6 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Industrial on the City's Official Future Land Use Maps; designating the property as the Planned Development District along with the Wekiva Zoning Overlay District on the City's Official Zoning Maps; providing a development plan and special land development regulations of the Planned Development District; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors and an effective date.
- g. City of Orlando Voluntary Annexation Request – 10123 William Carey Drive - ANX2015-00029. Notice of Proposed Enactment. Proposed Ordinance 2016-44, entitled: An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located south of State Road 417, north of Tyson Road and east of Narcoossee Road, addressed as 10123 William Carey Drive and 12345 Narcoossee Road and comprised of 54.16 acres of land, more or less; providing for consent to the municipal services taxing unit for Lake Whippoorwill; providing for severability, correction of scrivener's errors, and an effective date. A public hearing on this Ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida.
- h. Audit Report No. 454 – Audit of Bithlo Community Park Picnic Pavilion and Field Use Revenues

\*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

Administrative Services Department

1. Selection of one firm and an alternate to provide Design Services for East Orange Multipurpose Fields, Request for Proposals Y16-811-CC, from the following firms listed alphabetically:

- Cribb Philbeck Weaver Group, Inc.
- SK Consortium, Inc.

Further recommend the Board authorize negotiation and execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$250,000. ([Administrative Services Department Capital Projects Division] Procurement Division)

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board selected one firm, SK Consortium, Inc., and an alternate, Cribb Philbeck Weaver Group, Inc., to provide Design Services for East Orange Multipurpose Fields; and further, authorized negotiation and execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$250,000, Request for Proposals Y16-811-CC.

Family Services Department

1. Community Action Division Annual Update. (Community Action Division)

County staff presented an annual update on the Community Action Division and provided a summary of the Community Service Block Grant (CSBG) program, the Community Centers, the Low Income Home Energy Assistance Program (LHEAP), and the Weatherization Assistance program (WAP).

Action: None

2. Authorization of a referendum on the question to levy a special assessment in the Pine Hills Neighborhood Improvement District of up to \$500. Districts 2 and 6. (Neighborhood Preservation and Revitalization Division)

County staff presented an update on the Pine Hills Neighborhood Improvement District and the request for a special assessment levy on property owners within the district for additional funding to include infrastructure upgrades, business development, safety and security measures, and aesthetic improvements.

Board discussion ensued.

Motion/Second: Commissioners Siplin/Nelson

AYE (voice vote): All members

Action: The Board approved the request to proceed with the referendum for the special assessment to a ballot vote, sunseting after ten (10) years.

- WORK SESSION AGENDA

Community, Environmental and Development Services Department

1. International Drive Development Code. All Districts. (Planning Division)

County staff presented an overview of the International Drive Development Code that implements the I-Drive 2040 District Vision completed by the International Drive Steering Review Group. The presentation included the development standards that address and reinforce a vibrant urban environment including site and building requirements, block configuration, street types, parking and landscaping.

Board discussion ensued.

Action: None

2. Horizon West Sector Plan. (Planning Division)

- RELINQUISHED CHAIR

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

County staff presented an overview of the proposed changes to the Horizon West Sector Plan.

Board discussion ensued.

Action: None

- MEETING RECESSED, 11:10 a.m.

- MEETING RECONVENED, 1:51 p.m.

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

Others Present: County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator Craig Stopyra, Documents Coordinator Jennifer Lara-Klimetz

- PRESENTATION

Employee Service Awards to Wanzo Galloway, Jr. (20), County Attorney, County Administration.

- MEMBER JOINED: Commissioner Nelson

- PRESENTATION (CONTINUED)

Employee Service Awards to Paul Stokes (20), Housing & Community Development, Dianna L. Batchelor (25), Parks & Recreation, Community, Environmental and Development Services; Leonard R. Jones (20), Sammy J. Stokes (30), Event Operations, Convention Center; Sarah L. Higgins Williams (30), Inmate Administration, Frank A. Priola (20), Fiscal & Operational Support, Corrections; Richard V. Radin (20), Youth and Family Services, Family Services.

- MEMBER JOINED: Commissioner Boyd

- PRESENTATION (CONTINUED)

Employee Service Awards to Timothy B. Turner (20), Fire Operations, Fire Rescue; Damian E. Czapka (20), Engineering, Frank Yokiell (20), Traffic Engineering, Vernon J. Carruthers (30), Roads & Drainage, Public Works; James C. Pelkey (25), Robert Hall, Jr. (20), Frank A. Mooney (30), Field Services, Utilities.

- PRESENTATION

Proclamation designating May as Haitian American Heritage Month

- RECOMMENDATIONS

May 5, 2016 Board of Zoning Adjustment Recommendations

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of May 5, 2016, with the exception of and authorizing public hearings be scheduled for those listed below; subject to the usual right of appeal by any aggrieved party:

- Case # VA-16-04-008, Crown Castle USA, (appeal filed)
- Case # VA-15-12-118, Margaret Rogers (Pulled for public hearing by Commissioner Nelson)

- PUBLIC HEARINGS

Municipal Service Benefit Unit

2. Beacon Park Boulevard First Amendment Replat, establish for retention pond maintenance(s); District 4

Applicant: Larry Kaufmann, Greenway Park DRI, LLC, Developer  
Consideration: Establish by resolution a Municipal Service Benefit Unit for retention pond(s) maintenance at Beacon Park Boulevard First Amendment Replat  
Location: District 4; Parcel ID (multiple parcels); Section 28, Township 24, Range 30; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Clarke  
AYE (voice vote): All members  
Action: The Board adopted a resolution establishing a Municipal Service Benefit Unit for maintenance of retention pond(s) at Beacon Park Boulevard First Amendment Replat, annual cost of \$77.00 per lot for maintenance of retention pond(s).

3. Meadow Woods Parcel 12.1 Area, amend for retention pond maintenance(s); District 4

Applicant: Guy L Trussell, Vice President of Land Development, Landstar Development Corporation, Developer  
Consideration: Amend by resolution an existing Municipal Service Benefit Unit for retention pond(s) maintenance at Meadow Woods Parcel 12.1 Area  
Location: District 4; Parcel ID (multiple parcels); Section 25, Township 24, Range 29; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Nelson  
AYE (voice vote): All members  
Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for maintenance of retention pond(s) to include Meadow Woods Parcels 11 and 12 and Landstar Business Center Condominiums to Meadow Woods Parcel 12.1 Area, annual cost of \$77.00 per lot for maintenance of retention pond(s).

- RELINQUISHED CHAIR

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

4. Orlando Airport Park, establish for retention pond maintenance(s); District 4

Applicant: Allison E Turnbull, Baker & Hostetler LLP, Developer  
Consideration: Establish by resolution a Municipal Service Benefit Unit for retention pond(s) maintenance at Orlando Airport Park

Location: District 4; Parcel ID (multiple parcels); Sections 17 and 20, Township 24, Range 30; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution establishing a Municipal Service Benefit Unit for maintenance of retention pond(s) at Orlando Airport Park, annual cost of \$77.00 per lot for maintenance of retention pond(s).

5. Reserve at Sawgrass and Sawgrass Plantation Areas, amend for streetlighting; District 4

Applicant: Jeremy Camp, Beazer Homes Orlando Office, David Baselice, CalAtlantic Homes (Formerly The Ryland Group, Inc), Developers

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting at Reserve at Sawgrass and Sawgrass Plantation Areas

Location: District 4; Parcel ID (multiple parcels); Sections 19 and 20, Township 24, Range 30; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for streetlighting to include Reserve at Sawgrass Phase 4A, Reserve at Sawgrass Phase 5 and Sawgrass Plantation Phase 1D-1 subdivision to Reserve at Sawgrass and Sawgrass Plantation Areas, annual cost of \$110.00 per lot for streetlighting for operational expenses and administrative fees.

6. Summerport Village Center Parcel CB-8 and Summerport Village Center Parcel CB-8 Phase 2, establish for retention pond maintenance(s); District 1

Applicant: Andrew S Eitingon, Shutts and Bowen LLP, Developer

Consideration: Establish by resolution a Municipal Service Benefit Unit for retention pond(s) maintenance at Summerport Village Center Parcel CB-8 and Summerport Village Center Parcel CB-8 Phase 2

Location: District 1; Parcel ID (multiple parcels); Sections 14, 15, 22 and 23, Township 23, Range 27; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution establishing a Municipal Service Benefit Unit for maintenance of retention pond(s) at Summerport Village Center Parcel CB-8 and Summerport Village Center Parcel CB-8 Phase 2, annual cost of \$77.00 per lot for maintenance of retention pond(s).

7. Village of Bridgewater Planned Development, amend for streetlighting; District 1

Applicant: David Baselice, The Ryland Group Inc. now known as CaiAtlantic, Homes and Nick Gargas, Beazer Homes Corporation for Orchard Hills Phase 2, Wayne Horowitz, KB Home Orlando, LLC for Orchard Park at Stillwater Crossing, Wayne Horowitz and Dan Edwards, KB Home Orlando, LLC for Orchard Park at Stillwater Crossing Phase 2, Dan Edwards and John Valantasis, KB Home Orlando, LLC for Orchard Park at Stillwater Crossing Phase 2A, James Bagley, Encore Summerport Builder LLC for Summerport Trail Phase 2, Developers

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting at Village of Bridgewater Planned Development

Location: District 1; Multiple parcels and Sections, Townships, and Ranges; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for streetlighting at Village of Bridgewater Planned Development, annual cost of \$32.00 per lot for streetlighting for operational expenses and administrative fees.

1. Pointe at Hunter's Creek, establish for retention pond(s) maintenance; District 1  
(Continued from March 1, 2016 and April 5, 2016)

Applicant: Craig C. Harris, Manager, JTD Land Company, LLC, Developer

Consideration: Establish by resolution a Municipal Service Benefit Unit for retention pond(s) maintenance at Pointe at Hunter's Creek

Location: District 1; Parcel ID (multiple parcels); Section 36, Township 24, Range 28; Orange County, Florida (legal property description on file)

County Staff presented two (2) options for the transfer of the maintenance of retention pond(s) to the Hunter's Creek Community Association, Inc. (HCCA).

The following person addressed the Board: Robert Taylor.

Based upon input by County staff and agreed upon by the legal counsel of Hunter's Creek Community Association, Inc., Option #1 was added as paragraph #5 of the resolution to read as follows:



5. Special Condition- In the event that the Hunter's Creek Community Association, Inc. (HCCA) indicates a desire to have the retention ponds transferred to HCCA for maintenance, the initial yearly assessment proceeds shall be placed in a County escrow account. Should the HCCA complete all steps needed to accomplish such transfer on or before May 1, 2017, the escrow account balance will be paid to HCCA and this MSBU will terminate as of the transfer date. In the interim period that ends on or before May 1, 2017, HCCA must assume mowing and spraying maintenance responsibilities under a Use Agreement to be executed by October 1, 2016. Failure to meet this Special Condition shall render this paragraph as null and void.

Comptroller staff noted with the added new paragraph #5 all remaining paragraphs shall be renumbered sequentially from #6 to #11.

Motion/Second: Commissioners Boyd/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution establishing a Municipal Service Benefit Unit for maintenance of retention pond(s) at Pointe at Hunter's Creek, annual cost of \$77.00 per lot for maintenance of retention pond(s) with the following modification to paragraph #5 of the resolution, to read as follows:

5. Special Condition- In the event that the Hunter's Creek Community Association, Inc. (HCCA) indicates a desire to have the retention ponds transferred to HCCA for maintenance, the initial yearly assessment proceeds shall be placed in a County escrow account. Should the HCCA complete all steps needed to accomplish such transfer on or before May 1, 2017, the escrow account balance will be paid to HCCA and this MSBU will terminate as of the transfer date. In the interim period that ends on or before May 1, 2017, HCCA must assume mowing and spraying maintenance responsibilities under a Use Agreement to be executed by October 1, 2016. Failure to meet this Special Condition shall render this paragraph as null and void.

#### Special Assessment Resolution

8. Resolution for Special Assessment for One Time Only Lot Cleaning Assessments;  
All Districts

Applicant: Orange County Code Enforcement

Consideration: Establish a Resolution for Special Assessments for one-time only lot cleaning assessments

Location: All Districts; Multiple parcels and Sections, Townships, and Ranges;  
Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted Resolution 2016-M-17, for Special Assessment for One Time Only Lot Cleaning Assessments.

#### Petition to Vacate

9. Jay R. Jackson, P.E., on behalf of Orlando Equity Partners, LLC and 30 West Pershing, LLC, Petition to Vacate #15-12-023, vacating a portion of a drainage easement; District 1

Applicant: Jay R. Jackson, of Kimley-Horn and Associates, Inc., on behalf of Orlando Equity Partners, LLC and 30 West Pershing, LLC

Consideration: Resolution granting Petition to Vacate # 15-12-023, vacating a portion of a drainage easement containing approximately 6.08 acres

Location: District 1; The parcels are unaddressed; S36/T23/R28; Orange County, Florida (legal property description on file)

The following person addressed the Board: Jennifer Stickler.

The subject area was published in the Orlando Sentinel as District 1, however, County staff noted the area is located in District 6.

Motion/Second: Commissioners Siplin/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution granting Petition to Vacate #15-12-023, vacating a portion of a drainage easement containing approximately 6.08 acres, on the described property.

#### Land Use Plan Amendment

10. Dennis Seliga, Boyd Development Corporation, Hamlin Planned Development / Unified Neighborhood Plan (PD / UNP), Case # LUPA-15-10-288; District 1

Applicant: Dennis Seliga, Boyd Development Corporation, Hamlin Planned Development (PD), Case # LUPA-15-10-288

Consideration: A request to aggregate and rezone 6.88 acres from the adjacent Avalon Woods I PD into the existing Hamlin PD; to add a note stating that the Hamlin PD will not be entitled to any of the previously approved Transferable Development Rights (TDR) Credits derived from the aggregated property; and to add a Master sign Plan. The overall development program for the PD remains unchanged; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located on the east side of State Road 429; north and south of New Independence Parkway; and west of Lake

Hartley and Lake Hancock; Orange County, Florida (legal property description on file in the Planning Division)

County staff noted the waivers listed as conditions #8a, 8b, and 8c were consolidated into one waiver, #8a. This consolidation results in three total waiver conditions instead of five, but the total number of waivers remains the same.

- MEMBER EXITED: Commissioner Thompson

The following person addressed the Board: Jim Willard.

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs; Commissioner Thompson

AYE (voice vote): All present members

Action: The Board approved the request by Dennis Seliga, Boyd Development Corporation, Hamlin Planned Development (PD), Case # LUPA-15-10-288 to aggregate and rezone 6.88 acres from the adjacent Avalon Woods I PD into the existing Hamlin PD; to add a note stating that the Hamlin PD will not be entitled to any of the previously approved Transferable Development Rights (TDR) Credits derived from the aggregated property; and to add a Master sign Plan, on the described property; subject to the following conditions:

1. Development shall conform to the Hamlin Planned Development / Unified Neighborhood Plan (PD / UNP) dated "Received April 15, 2016," 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 Unified Neighborhood Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the Unified Neighborhood Plan dated "Received April 15, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving

the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this Unified Neighborhood Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/UNP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as

determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. As proof of satisfaction of the project's transportation concurrency obligations, the project must comply with that certain Town Center East Road Network Agreement recorded at O.R. Book 10306, Page 1364, Public Records of Orange County, Florida. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to plat approval. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
7. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
8. The following waivers from Orange County Code are granted:
  - a. A waiver from Section 31.5-71(b)(e)(f) to allow the maximum height of any "landmark" roof sign to be thirty (30) feet as measured from base of roof to top of sign face, in lieu of a maximum height of fifteen (15) feet; to allow a maximum allowable copy area of any roof sign to be four hundred (400) square feet, in lieu of two hundred (200) square feet; and to allow the sign structure of the "landmark" roof sign to be visible from any public right-of-way, in lieu of the sign structure not being visible from any public right-of-way.
  - b. A waiver from Section 31.5-71(c) to allow a "landmark" roof sign to be erected on a building which is at least twenty-two (22) feet in height, in lieu of a building which is at least fifty (50) feet in height;
  - c. A waiver from Section 31.5-194(3)(c) to allow community identification signs (as identified on the Master Sign Plan) to be internally lit, in lieu of the requirement that community identification signs shall not be internally lit.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 1, 2015, shall apply:
  - a. The following waivers from Orange County Code are granted:
    - 1) A waiver from Section 38-1384(g)(2) to allow for a minimum thirteen (13) foot front-loaded garage door setback from the front property line, in lieu of a minimum twenty (20) foot front-loaded garage door setback from the front

property line, and applicable to the Overlook 2 at Hamlin PSP lots 46, 49, and 55 only; and

- 2) A waiver from Section 38-1384(g)(2) to allow front-loaded garage doors to be located a maximum of 5.7 feet forward of the nearest adjacent plane of the primary structure (living area), in lieu of the requirement that front-loaded garage doors be recessed a minimum of ten (10) feet (or 7 feet with a qualifying porch) behind the nearest adjacent plane of the primary structure, and applicable to the Overlook 2 at Hamlin PSP lots 38, 42, 45, 46, 49, 55, and 58 only.
- b. The applicant has requested that the County release the hold on building permits for lots 38, 45, and 58 prior to the approval of the waiver listed in condition of approval #4b. Such building permits may be released only after the applicant executes a Hold Harmless and Indemnification Agreement acceptable to the County, and which recognizes that the applicant is proceeding with construction on lots 38, 45, and 58 at their own risk and, should the above-referenced waivers be denied by the Board, may be required to substantially modify or completely remove, if necessary, any previously constructed improvements on lots 38, 45, or 58 in order to meet County Code.
  - d. Except as amended, modified, and/or superseded, the following previous BCC Conditions of Approval, dated February 10, 2015, shall apply:
    - a. To demonstrate concurrency entitlements have been met for this project the developer must provide an Assignment of Vested Trips document concurrent with or prior to Development Plan submittal. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
    - b. 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.
    - c. The following Education Condition of Approval shall apply:
      - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreements (CEA 06-11-09) entered into with the Orange County School Board as of 11/14/2006, CEA OC-12-002 entered into with the Orange County School Board on 01/29/2013, and CEA OC-12-002 A1 approved by the Orange County School Board on 01/29/2015.
      - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing

building permits for any residential units in excess of the 22 residential units allowed under the zoning existing prior to the approval of the PD zoning.

- 3) The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - 4) Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreements, 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.
  - 5) 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. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreements.
- e. Except as amended, modified, and/or superseded, the following previous BCC Conditions of Approval, dated July 8, 2014, shall apply:
- a. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination and a Conservation Area Impact Permit. Approval of this plan does not permit any proposed conservation impacts.
  - b. The covenants, conditions, and restrictions (CC&Rs) shall contain notification to potential purchasers, builders or tenants of this development of the proximity of the West Orange & 545 solid waste disposal facilities that are located 0.2 miles to the southwest.
  - c. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Village Center standards of Section 38-1389 (d)(5) with the exception of any waivers explicitly granted by the Board.
- f. Except as amended, modified, and/or superseded, the following previous BCC Conditions of Approval, dated March 12, 2013, shall apply:
- a. No activity will be permitted within the boundaries of the site that may disturb, influence or interfere with: areas of soil or groundwater contamination,

remediation activities, or with the hydrological zone of influence of the contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection. Such approval may include, but is not limited to: an FDEP No Further Action letter, Site Rehabilitation Completion Order (SRCO), or documentation of specific permission from FDEP. Such documentation shall be provided to the Environmental Protection Division of Orange County.

- b. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.
- c. On properties where contamination has been documented, the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the property has been identified with solid and groundwater contamination and shall state the status of the resulting remediation.
- d. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- e. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.
- f. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
- g. Prior to construction plan approval, all property owners within the Hamlin PD shall be required to sign an agreement between the parties, addressing their proportionate share of funds for the costs of the offsite and onsite master utilities, sized to the Town Center Village (SAP) build-out requirements.
- h. Prior to final approval of the first PSP/DP for any portion of the project, applicant shall form a Property Owners Association (POA) for the project, which association shall be responsible for the maintenance of (i) street lighting, landscaping, irrigation, common signage and hardscape within the rights-of-way of New Independence Parkway, Hamlin Trail and Porter Road, and (ii) public sidewalks, multi-use trails, master stormwater system, on-street parking and common areas I open space and park elements within the project and as required by the Town Center Planned Development Code. A Right-of-Way Use Agreement describing maintenance responsibilities will be required. It is understood that none of the foregoing public areas or elements will be owned or maintained by the County unless herein specifically agreed to in writing by the County.



- i. Waivers to any development standard of Chapter 38 of the Orange County Code may be granted by the Board of County Commissioners at a public hearing in conjunction with the approval of any PSP for a parcel(s) of land within the Hamlin PD/UNP, except as may be provided to the contrary in Section 38-1207 regarding substantial changes to a PD Land Use Plan. A revised PD/UNP noting the requested waivers (applicable to the specific PSP) shall be submitted with the PSP application. Notification of waiver requests prior to the public hearing shall be the same as that required for a substantial change to a PD Land Use Plan, e.g., including notice to owners of property within 300 feet of the perimeter of the PD/UNP. Board approval of the PSP and requested waivers shall constitute Board approval of the revised PD/UNP (waivers applicable to the specific PSP), which shall be deemed a non-substantial change.

#### Preliminary Subdivision Plan/Development Plan

11. Dennis Seliga, Boyd Horizon West, LLC, Hamlin PD / UNP / Lakewalk at Hamlin Preliminary Subdivision Plan / Development Plan, Case # PSP-15-08-222; District 1 (Continued from March 15, 2016 and April 5, 2016)

Applicant: Dennis Seliga, Boyd Horizon West, LLC, Hamlin PD / UNP / Lakewalk at Hamlin Preliminary Subdivision Plan / Development Plan, Case # PSP-15-08-222

Consideration: Hamlin PD I UNP I Lakewalk at Hamlin Preliminary Subdivision Plan I Development Plan, Case # PSP-15-08-222, submitted in accordance with Section 34-69 Orange County Code (Subdivision Regulations); and Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct 316 multi-family residential dwelling units on 21.96 gross acres in one (1) phase; The following waiver from Chapter 38 of the Orange County Code is also requested: 1. A waiver from Orange County Section 38-1890.51 Table 4-1 and Section 38-1390.55 (C)(10) is granted to allow a minimum setback of zero (0) feet for the locations identified on the PSP-DP, in lieu of ten (10) feet.

Location: District 1; property generally located South of New Independence Parkway / East of Hamlin Groves Trail; Orange County, Florida (legal property description on file)

The Notice of Public Hearing advertisement included one (1) waiver, however, the staff report includes two (2) waivers from Orange County Code and County staff noted Conditions of Approval #21 and #22 are for the waivers.

The following person addressed the Board: Jim Willard.

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs; Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Hamlin PD / UNP / Lakewalk at Hamlin Preliminary Subdivision Plan / Development Plan - Case # PSP-15-08-222 on the described property, subject to the following conditions:

1. Development shall conform to the Hamlin PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Lakewalk at Hamlin Preliminary Subdivision Plan dated "Received April 11, 2016," 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 11, 2016," 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. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges

and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. 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.
7. Unless otherwise allowed by County Code, the property shall be platted prior to the issuance of any vertical building permits.
8. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal. 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.
9. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review, as part of Construction Plan initial submittal.
10. 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 otherwise

vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.

11. Prior to commencement of any earth work or construction, if one acre or more of land 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.
12. 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.
13. 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).
14. 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.
15. 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.
16. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any

excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

17. 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/DP, and that construction plans are consistent with an approved Master Utility Plan for the PD/Village.
18. Length of stay shall be for 180 days or greater. Short term/transient rental shall be prohibited.
19. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with the approved Master Sign Plan. In the absence of an approved Master Sign Plan signage shall comply with Section 38-1389(d)(5).
20. The covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the lake level fluctuates significantly with periods of extreme low water resulting in marsh habitat rather than surface water adjacent to this property. During marsh conditions, watercraft access is not available to Lake Hancock.
21. A waiver from Orange County Section 38-1890.51 Table 4-1 and Section 38-1390.55 (C)(10) is granted to allow a minimum setback of zero (0) feet for the locations identified on the PSP-DP, in lieu of ten (10) feet.
22. A waiver from Code Section 34-152(c) is granted to allow access to the pond Tract via the parking lot internal to the apartment complex on Lot 1, in lieu of twenty feet (20') access via a dedicated public paved street.

#### Rezoning

12. Marco Manzie, Avanti Resort Expansion PD/LUP, Case # LUP-16-02-061; District 6

Applicant: Marco Manzie, IDrive Orlando Hotel, LLC, Avanti Resort Expansion Planned Development (PD) Land Use Plan (LUP) Case # LUP-16-02-061

Consideration: Request to rezone one (1) parcel containing 10.19 gross acres from C-2 to PD, in order to expand an existing hotel to include 1,004 hotel rooms, and 2,967 square feet of restaurant use. The request also provides for a maximum building height of 250 feet. In addition, the following seven (7) waivers from the Orange County Code have been requested:

1. For the existing pole sign at the northwest corner of the property, adjacent to Interstate-4:

- a. A waiver from Section 31.5-166(a) to allow two hundred twenty-one (221) square feet of copy area for a monument sign in lieu of eighty (80) square feet.
  - b. A waiver from Section 31.5-166(b) to allow a height of twenty-five feet (25') for a monument sign in lieu of ten feet (10').
  - c. A waiver from Section 31.5-166(f) to allow a property with less than one thousand (1,000) feet of total road frontage to have a changeable copy sign.
2. For the overall parcel:
- a. A waiver from Section 31.5-166(d) to allow three (3) ground signs per parcel with property frontage that does not exceed five-hundred feet (500'); in lieu of the requirement that allows a maximum of one (1) ground sign per parcel, unless the property frontage of the parcel exceeds five hundred feet (500').
  - b. A waiver from Section 31.5-168(b) to allow two (2) wall signs on one (1) building face, in lieu of the requirement for a maximum number of one (1) wall sign per building face for a single tenant, or per store front for a multitenant site.
  - c. A waiver from Section 38-1272(a)(3) to allow a ten foot (10') building setback along the south PD perimeter for the proposed parking garage, in lieu of the requirement for a twenty-five foot (25') building setback along the perimeter of the PD.
  - d. A waiver from Section 38-1272(a)(5) to allow a maximum height of two-hundred fifty feet (250'), in lieu of a maximum height of fifty feet (50'); pursuant to Orange County Code, Chapter 30

Location: District 6; property located at 8738 International Drive; or generally located between International Drive and Interstate-4, south of Austrian Court; Orange County, Florida (legal property description on file)

- MEMBER RE-ENTERED: Commissioner Thompson

The following person addressed the Board: Marco Manzie.

Motion/Second: Commissioners Siplin/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Marco Manzie, IDrive Orlando Hotel, LLC, Avanti Resort Expansion Planned Development (PD) Land Use Plan (LUP) - Case # LUP-16-02-061 to rezone one (1) parcel containing 10.19 gross acres from C-2 to PD, in order to expand an existing hotel to include 1,004 hotel rooms, and 2,967 square feet of restaurant use. The request also provides for a maximum building height of 250 feet. In addition, the following seven (7) waivers from the Orange County Code have been requested:

1. For the existing pole sign at the northwest corner of the property, adjacent to Interstate-4:
  - a. A waiver from Section 31.5-166(a) to allow two hundred twenty-one (221) square feet of copy area for a monument sign in lieu of eighty (80) square feet.
  - b. A waiver from Section 31.5-166(b) to allow a height of twenty-five feet (25') for a monument sign in lieu of ten feet (10').
  - c. A waiver from Section 31.5-166(f) to allow a property with less than one thousand (1,000) feet of total road frontage to have a changeable copy sign.
2. For the overall parcel:
  - a. A waiver from Section 31.5-166(d) to allow three (3) ground signs per parcel with property frontage that does not exceed five-hundred feet (500'); in lieu of the requirement that allows a maximum of one (1) ground sign per parcel, unless the property frontage of the parcel exceeds five hundred feet (500').
  - b. A waiver from Section 31.5-168(b) to allow two (2) wall signs on one (1) building face, in lieu of the requirement for a maximum number of one (1) wall sign per building face for a single tenant, or per store front for a multitenant site.
  - c. A waiver from Section 38-1272(a)(3) to allow a ten foot (10') building setback along the south PD perimeter for the proposed parking garage, in lieu of the requirement for a twenty-five foot (25') building setback along the perimeter of the PD.
  - d. A waiver from Section 38-1272(a)(5) to allow a maximum height of two-hundred fifty feet (250'), in lieu of a maximum height of fifty feet (50')

on the described property; subject to the following conditions:

1. Development shall conform to the Avanti Resort Expansion Planned Development / Land Use Plan (PD/LUP) dated "Received April 20, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this land use plan and the land use plan dated "Received April 20, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this Land Use Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the



responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
7. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the PD
8. The Developer shall obtain wastewater service from Orange County Utilities.
9. Outside sales, storage, and display shall be prohibited.
10. At the Developer's expense the I-Drive south bound U-turn on the North bound approach across from the proposed right-out access point needs to be closed. The existing I-Drive grassed median shall be extended and landscaping shall be provided replacing the U-turn opening.
11. Billboards and new pole signs are prohibited.
12. The existing pole sign at the northwest corner of the property, adjacent to I-4, shall be converted to a monument sign not to exceed twenty-five feet (25') in height and two hundred twenty-one (221) square feet in copy area, and may be converted to an Electronic Message Center (EMC) not to exceed fifty percent (50%) of the copy face.
13. The following waivers are hereby granted from Orange County Code:
  - a. For the existing pole sign at the northwest corner of the property, adjacent to Interstate-4:
    - 1) A waiver from Section 31.5-166(a) to allow two hundred twenty-one (221) square feet of copy area for a monument sign in lieu of eighty (80) square feet;
    - 2) A waiver from Section 31.5-166(b) to allow a height of twenty-five feet (25') for a monument sign in lieu of ten feet (10'); and

3) A waiver from Section 31.5-166(f) to allow a property with less than one thousand (1,000) feet of total road frontage to have a changeable copy sign.

b. For the overall parcel:

1) A waiver from Section 31.5-166(d) to allow three (3) ground signs per parcel with property frontage that does not exceed five-hundred feet (500'); in lieu of the requirement that allows a maximum of one (1) ground sign per parcel, unless the property frontage of the parcel exceeds five-hundred feet (500');

2) A waiver from Section 31.5-168(b) to allow two (2) wall signs on one (1) building face, in lieu of the requirement for a maximum number of one (1) wall sign per building face for a single tenant, or per store front for a multitenant site;

3) A waiver from Section 38-1272(a)(3) to allow a ten foot (10') building setback along the south PD perimeter for the proposed parking garage, in lieu of the requirement for a twenty-five foot (25') building setback along the perimeter of the PD; and

4) A waiver from Section 38-1272(a)(5) to allow a maximum height of two-hundred fifty feet (250'), in lieu of a maximum height of fifty feet (50').

13. Richard C. Wohlfarth, Goldenrod Reserve PD/LUP, Case # LUP-15-12-391; District 3

Applicant: Richard C. Wohlfarth, Goldenrod II, LLC, Goldenrod Reserve Planned Development (PD) Land Use Plan (LUP) Case # LUP-15-12-391

Consideration: Request to rezone one (1) parcel containing 40.07 gross acres from R-T to PD, in order to construct 156 single-family lots with attached dwelling units, with minimum 20-foot wide lots. In addition, the following one (1) waiver from the Orange County Code has been requested: 1. A waiver from Section 38-1254(2)(c) to allow for an arterial street setback from South Goldenrod Road of thirty (30) feet, in lieu of the required arterial street setback of fifty (50) feet; pursuant to Orange County Code, Chapter 30

Location: District 3; property located at 4190 S. Goldenrod Road, or generally located north of Hoffner Avenue and west of South Goldenrod Road; Orange County, Florida (legal property description on file)

• MEMBER RE-ENTERED: County Mayor Jacobs

The following person addressed the Board: Richard Wohlfarth.

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Richard C. Wohlfarth, Goldenrod II, LLC, Goldenrod Reserve Planned Development (PD) Land Use Plan (LUP) - Case # LUP-15-12-391 to rezone one (1) parcel containing 40.07 gross acres from R-T to PD, in order to construct 156 single-family lots with attached dwelling units, with minimum 20-foot wide lots. In addition, the following one (1) waiver from the Orange County Code has been requested:

1. A waiver from Section 38-1254(2)(c) to allow for an arterial street setback from South Goldenrod Road of thirty (30) feet, in lieu of the required arterial street setback of fifty (50) feet.

on the described property; subject to the following conditions:

1. Development shall conform to the Goldenrod Reserve Planned Development / Land Use Plan (PD/LUP) dated "Received March 22, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 22, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have

been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this Land Use Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. 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. A Master Utility Plan (MUP) for the PD 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.

8. The Developer shall obtain water and wastewater from Orange County Utilities.
9. Short term rental shall be prohibited. Length of stay shall be for 180 days or greater.
10. This property is located within Airport Noise Zone D and E. Compliance with the Airport Noise Ordinance is required.
11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
12. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
13. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
14. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
15. A waiver is granted from Orange County Code Section 38-1254(2)(c) to allow for an arterial street setback from South Goldenrod Road of thirty (30) feet, in lieu of the required arterial street setback of fifty (50) feet.

#### Substantial Change

14. Heather Isaacs, Tavistock Development Company, LLC, Isleworth - Four Corners Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-11-355, amend plan; District 1

Applicant: Heather Isaacs, Tavistock Development Company, LLC, Isleworth – Four Corners Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-11-355

Consideration: Substantial change request to amend the Isleworth – Four Corners Planned Development / Land Use Plan (PD/LUP), to add notes to clarify the allowable amount of commercial square footage within the PD, and to modify an existing waiver from Orange County Code to

read as follows: 1. A waiver from Section 38-1372(f) to allow no more than two (2) restaurants (coffee shop establishments) with drive-thru within the Southwest Quadrant; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 1, property generally located South of Conroy Windermere Road / West of S. Apopka Vineland Road; Orange County, Florida (legal property description on file)

• REASSUMED CHAIR

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

The following persons addressed the Board:

- Cecelia Bonifay
- Town of Windermere Mayor Gary Bruhn
- Molly Rose
- Lorisa Motko
- John Florio

Board discussion ensued.

Motion/Second: Commissioners Boyd/Edwards

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 Heather Isaacs, Tavistock Development Company, LLC, Isleworth – Four Corners Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-11-355, to amend the Isleworth – Four Corners Planned Development / Land Use Plan (PD/LUP) to add notes to clarify the allowable amount of commercial square footage within the PD, and to modify an existing waiver from Orange County Code to read as follows:

1. A waiver from Section 38-1372(f) to allow no more than two (2) restaurants (coffee shop establishments) with drive-thru within the Southwest Quadrant;

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

1. Development shall conform to the Isleworth - Four Corners Planned Development / Land Use Plan dated "Received March 28, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and

complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 28, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
4. 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.

5. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this Land Use Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
6. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
7. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
8. 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.
9. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.



10. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
11. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition and nothing in the decision to approve this land use plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
12. A waiver from Section 38-1372(f) is granted to allow no more than two (2) restaurants (coffee shop establishments) with drive-thru within the Southwest Quadrant.
13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 3, 2015, April 5, 2011, and November 13, 2012, shall apply:
  - a. A waiver from Section 38-1354(2) to allow an increase in the maximum copy area for monument signs from forty (40) square feet to seventy-six (76) square feet per the Master Sign Plan.
  - b. A waiver from Section 38-1354(2) to allow an increase in the maximum height of monument signs from ten (10) feet to eleven feet six inches (11'6") per the Master Sign Plan.
  - c. A waiver to amend a previously approved waiver from Section 38-1354(2) to allow an increase in the maximum number of tenant names on monument signs from three (3) names to five (5) names per the Master Sign Plan.
  - d. A waiver from Section 38-1354(4) to allow no more than two (2) signs paralleling the store front in lieu of one (1) for parcels 1-3, and 5-8 per the Proposed Overall Copy Area Chart on the Master Sign Plan.
  - e. A waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and eighty eight (188) square feet of copy area in lieu of one hundred and eighty-five point five (185.5) square feet of a combined copy area on parcel one (1) per the Proposed Overall Copy Area Chart on the Master Sign Plan.
  - f. A waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and ninety-five (195) square feet of copy area in lieu of one hundred and six point seventeen (106.17) square feet on parcel two (2) per the Proposed Overall Copy Area Chart on the Master Sign Plan.

- g. A waiver from Section 38-1354(4) to allow a total combined copy area of three hundred thirty-two (332) square feet of copy area in lieu of a combined square footage of two hundred (200) square feet on parcel seven (7) per the Proposed Overall Copy Area Chart on the Master Sign Plan.
14. All previous applicable BCC Conditions of Approval, dated November 23, 2010, shall apply:
- a. Separate Development Plan(s) and community meeting(s), as well as BCC approval, shall be required for all Future Development Sites.
  - b. Prior to the issuance of any vertical building permits, the plat shall be approved on the BCC Consent Agenda.
  - c. A Right-of-Way Use Agreement shall be required for any landscaping and/or hardscape installation within the County's right-of-way.
  - d. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be send to the Florida Department of Environmental Protection.
  - e. Signage shall comply with the Master Sign Plan.
  - f. A waiver from Section 38-1354(2) is granted to allow one (1) additional ground sign to be located on the northeast corner of the southwest quadrant at the existing right-in/right out access on Apopka Vineland road, in lieu of one (1) ground sign per each full access point for non-residential development.
  - g. Outdoor sales, storage, and display shall be prohibited.
  - h. A cross access / parking agreement will be required at building permit submittal.
15. All previous applicable BCC Conditions of Approval, dated April 5, 2011, or earlier, shall apply, including:
- a. A waiver from Section 38-1356(n) and Section 38-1372(j)(1) to allow a maximum building height of 54 feet for a previously-constructed dome which will be mounted upon an existing building in the Southeast Quadrant.

- b. Master water, reclaimed water, and wastewater plans, including preliminary calculations, shall be updated and approved prior to approval of the construction plans.
  - c. No special exceptions shall be permitted in the Professional Office Districts.
  - d. Billboards and pole signs are prohibited.
  - e. Approve the amended and restated Developer's Agreement concerning second-story commercial. Development shall comply with the Developer's Agreement dated June 4, 2002.
  - f. A waiver from Section 38-1356(c) is granted to allow zero (0) foot setbacks in lieu of ten (10) feet for the interior lots in the Southwest Quadrant.
  - g. Buildings within Parcel SW3 in the Southwest Quadrant may include clock towers, cupolas, atriums, domes, and similar architecture features that exceed thirty-five (35) feet, but less than fifty (50) feet, that require Orange County BCC approval during the building(s) Development Plan approval process.
  - h. A waiver from Section 38-1476 is granted, on the Southwest Quadrant only, to allow for a minimum of 1,170 spaces, or a ratio of 4 spaces per 1,000 square feet, in lieu of 1,463 spaces, or a ratio of 5 spaces per 1,000 square feet.
15. Steve Brandon, Brandon Partners, Orangewood PD/ Williamsburg Downs Shopping Center Preliminary Subdivision Plan – Substantial Change, Case # CDR-16-01-016, amend plan; District 1

Applicant: Steve Brandon, Brandon Partners, Orangewood PD / Williamsburg Downs Shopping Center Preliminary Subdivision Plan – Substantial Change, Case # CDR-16-01-016

Consideration: Substantial change request to add 5,600 square feet of retail / commercial uses to the Orangewood PD / Williamsburg Downs Preliminary Subdivision Plan to support the renovation / expansion of the existing Publix store and the development of a future outparcel; pursuant to Orange County Code, Sections 34-69 and 30-89.

Location: District 1; property generally located South of Central Florida Parkway / West of Orangewood Boulevard; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Kathy Hattaway.

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 Steve Brandon, Brandon Partners,

Orangewood PD / Williamsburg Downs Shopping Center Preliminary Subdivision Plan – Substantial Change, Case # CDR-16-01-016, to add 5,600 square feet of retail / commercial uses to the Orangewood PD / Williamsburg Downs Preliminary Subdivision Plan to support the renovation / expansion of the existing Publix store and the development of a future outparcel; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Orangewood PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Williamsburg Downs Shopping Center Preliminary Subdivision Plan dated "Received April 7, 2016," 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 7, 2016," 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. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this Preliminary Subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes.

Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Prior to commencement of any earth work or construction, if one acre or more of land 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.
7. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater system has been designed to support all development within the PSP.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 5, 1991 shall apply:
  - a. Water and sewer infrastructure required to service lots #1 and #3 shall be constructed and accepted by the county or secured consistent with orange county subdivision regulations prior to platting, utility easements for the water and sewer mains shall be recorded with the plat.
  - b. A ten-foot (10') utility easement over the existing water main on the north property line is required.

Ordinance

16. Enacting Orange County Code, Article XVII, Chapter 9, pertaining to Vehicle Impact Protection Requirements and Standards for Child Care Centers

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; CREATING A NEW ARTICLE XVII OF CHAPTER 9 OF THE ORANGE COUNTY CODE BY ESTABLISHING REQUIREMENTS AND STANDARDS PERTAINING TO VEHICLE IMPACT PROTECTION MEASURES FOR CHILD CARE CENTERS; AND PROVIDING AN EFFECTIVE DATE

Board discussion ensued. Deputy Counsel Prinsell contributed to the discussion.

Based upon input from the Board, County staff recommended that paragraph four (4) be deleted from Section 9-661 in the proposed Ordinance as follows:

Section 9-661. Applicability; exemptions; grant.

- (a) Subject to subsection (b) of this section, the vehicle impact protection requirements and standards in section 9-662 shall be met in any of the following circumstances:
- (1) When an application for a new child care center is submitted on or after June 1, 2016;
  - (2) When an exposed area is created at a child care center that was approved on or after June 1, 2016 without an exposed area;
  - (3) When an exposed area is created or enlarged at a child care center existing prior to June 1, 2016; or
  - ~~(4) When a change in ownership of a child care center occurs at a child care center existing prior to June 1, 2016.~~

Motion/Second: County Mayor Jacobs/Commissioner Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with Chapter 30-2; further, the Ordinance shall be known in Orange County Code as the "Lily Quintus Ordinance"; and further, adopted Ordinance 2016-09, creating a new Article XVII of Chapter 9 of the Orange County Code by establishing requirements and standards pertaining to vehicle impact protection measures for child care centers; with the deletion of paragraph four (4) in Section 9-661. as shown below:

Section 9-661. Applicability; exemptions; grant.

- (a) Subject to subsection (b) of this section, the vehicle impact protection requirements and standards in section 9-662 shall be met in any of the following circumstances:

- (1) When an application for a new child care center is submitted on or after June 1, 2016;
- (2) When an exposed area is created at a child care center that was approved on or after June 1, 2016 without an exposed area; or
- (3) When an exposed area is created or enlarged at a child care center existing prior to June 1, 2016; or
- ~~(4) When a change in ownership of a child care center occurs at a child care center existing prior to June 1, 2016.~~

• MEMBER EXITED: Commissioner Edwards

17. Amending Orange County Code, Chapter 38, Article VIII, pertaining to Land Development and Use

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38, ORANGE COUNTY CODE, ENTITLED "ZONING", ARTICLE VIII, ENTITLED "P-D PLANNED DEVELOPMENT DISTRICT", DIVISION 8, ENTITLED "VILLAGE PLANNED DEVELOPMENT CODE", SECTION 38-1384, ENTITLED "GENERAL RESIDENTIAL DEVELOPMENT STANDARDS"; AND PROVIDING FOR AN EFFECTIVE DATE.

Clerks Note: Single underline and strikethrough represent the draft ordinance dated April 28, 2016. Double underline represents the proposed revisions made during the public hearing to the ordinance for consideration.

County staff recommended the following revisions to the proposed Ordinance as follows:

Page 2-3 Paragraph (e)  
Section 38-1384

(e) Fences. Fencing ~~is may be~~ permitted in the front yard within three (3) feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than three (3) feet six (6) inches in height. Materials shall be limited to decorative metal, wood or PVC picket style. Other fences shall only be allowed consistent with section 38-1408 of this chapter, except that chain link fencing is prohibited unless vinyl coated black and used in association with a tennis or other sports court or field. Fences or walls parallel to alleys, or fences along street side lots, shall not exceed six (6) feet in height and shall be no more than fifty (50) percent opaque above four (4) feet in height. The restriction on fence opacity shall not apply to the rear yard fencing of front-loaded lots, including those which may abut an alley in the rear. In addition, rear yard fencing on rear-loaded lots that does not meet the opacity restriction but that received a permit from the County prior to April 30, 2016, shall be considered conforming under this Code.

Page 5 Paragraph (i)

Section 38-1384

(i) Access and off-street parking.

(5) Garage access from the front or side of any lot that ~~has access to~~ abuts a rear alley easement shall be prohibited. However, garages located on the front or side of lots that abut a rear alley easement shall be considered conforming structures under this Code, if they received a building permit from the County prior to April 30, 2016.

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, allowed staff to correct any non-substantial grammatical or scrivener's errors ; and further, adopted Ordinance 2016-10, amending the Village Planned Development Code; with the following changes:

Section 38-1384

(e) Fences. Fencing ~~is may be~~ permitted in the front yard within three (3) feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than three (3) feet six (6) inches in height. Materials shall be limited to decorative metal, wood or PVC picket style. Other fences shall only be allowed consistent with section 38-1408 of this chapter, except that chain link fencing is prohibited unless vinyl coated black and used in association with a tennis or other sports court or field. Fences or walls parallel to alleys, or fences along street side lots, shall not exceed six (6) feet in height and shall be no more than fifty (50) percent opaque above four (4) feet in height. The restriction on fence opacity shall not apply to the rear yard fencing of front-loaded lots, including those which may abut an alley in the rear. In addition, rear yard fencing on rear-loaded lots that does not meet the opacity restriction but that received a permit from the County prior to April 30, 2016, shall be considered conforming under this Code.

Section 38-1384

(i) Access and off-street parking.

(5) Garage access from the front or side of any lot that ~~has access to~~ abuts a rear alley easement shall be prohibited. However, garages located on the front or side of lots that abut a rear alley easement shall be considered conforming structures under this Code, if they received a building permit from the County prior to April 30, 2016.



NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

18. Amending Orange County Code, Chapter 30, Article III relating to issuance of vertical land permits prior to platting

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA RELATING TO THE ISSUANCE OF VERTICAL PERMITS PRIOR TO PLATTING; AMENDING THE ORANGE COUNTY LAND DEVELOPMENT AND USE ORDINANCE CODIFIED AT ARTICLE III, CHAPTER 30, OF THE ORANGE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

- MEMBER RE-ENTERED: Commissioner Edwards

- RELINQUISHED CHAIR

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

County staff recommended the following revisions to the proposed Ordinance as follows:

Line 72

Section 30-83. Plats; vertical construction prior to plat approval; vacation

(d) Model homes may be permitted on not more than twenty percent (20%) of the lots in a single family residential development with an approved preliminary subdivision plan, or phase thereof, but in no event may the number of model homes exceed five per phase. The model homes shall be situated on contiguous lots or clustered within a readily identified area. Not more than one model home may be used as a sales office/center, subject to the requirements of subsection 38-79(5).

Line 116

Section 30-83. Plats; vertical construction prior to plat approval; vacation

(d) (2) (D) all construction ~~and permitting~~ is at the applicant/developer's own risk and expense;

Line 210

Section 2 This ordinance shall take effect on ~~May 31, 2016~~ June 1, 2016.

County staff recommended establishing a Model Home Fee for permitting in the amount of \$258.25.

The following persons addressed the Board:

- John Florio
- Ben Shoemaker

Based upon input from the public, County staff recommended the following revisions to the proposed Ordinance as follows:

Section 30-83. Plats; vertical construction prior to plat approval; vacation  
(d) (2) (H) ~~the water and wastewater systems~~ serving the proposed model home shall have been partially or fully cleared for service by the Florida Department of Environmental Protection;

Section 30-83. Plats; vertical construction prior to plat approval; vacation  
(d) (3) (H) the wastewater system serving the model home(s) shall have been partially or fully cleared for service by the Florida Department of Environmental Protection; and

• REASSUMED CHAIR

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

Clerk's Note: After the public hearing, County staff corrected non-substantial grammatical and/or scrivener's errors removing the word "proposed" in Lines 164, 175, 185, new paragraph added as Section 30-83(d)(3)(h) became Section 30-83(d)(3)(g) and existing Section 30-83(d)(3)(g) became Section 30-83(d)(3)(h) in the final ordinance.

Motion/Second: Commissioners Boyd/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, allowed staff to correct any non-substantial grammatical or scrivener's errors; and further, adopted Ordinance 2016-11, amending Chapter 30 of the Orange County Code; with the following changes:

Section 30-83. Plats; vertical construction prior to plat approval; vacation  
(d) Model homes may be permitted on not more than twenty percent (20%) of the lots in a single family residential development with an approved preliminary subdivision plan, or phase thereof, but in no event may the number of model homes exceed five per phase. The model homes shall be situated on contiguous lots or clustered within a readily identified area. Not more than one model home may be used as a sales office/center, subject to the requirements of subsection 38-79(5).

Section 30-83. Plats; vertical construction prior to plat approval; vacation  
(d) (2) (D) all construction ~~and permitting~~ is at the applicant/developer's own risk and expense;

Section 2 This ordinance shall take effect on ~~May 31, 2016~~ June 1, 2016.

Section 30-83. Plats; vertical construction prior to plat approval; vacation  
(d) (2) (H) the water ~~and wastewater~~ systems serving the proposed model home shall have been partially or fully cleared for service by the Florida Department of Environmental Protection;

Section 30-83. Plats; vertical construction prior to plat approval; vacation  
(d) (3) (H) the wastewater system serving the model home(s) shall have been partially or fully cleared for service by the Florida Department of Environmental Protection; and

and

- COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

2. Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Adoption of a Form Hold Harmless and Indemnification Agreement to be used when the Development Review Committee approves the issuance of vertical building permits prior to platting pursuant to Section 30-83(c) of the Orange County Code, and authorization for the Director of Community, Environmental and Development Services or authorized designee to execute any such agreements. All Districts.

and

3. Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Repealing Resolution 95-M-20. All Districts.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board approved and executed Resolution 2016-M-18 of the Orange County Board of County Commissioners regarding Adoption of a Form Hold Harmless and Indemnification Agreement to be used when the Development Review Committee approves the issuance of vertical building permits prior to platting pursuant to Section 30-83(c) of the Orange County Code, and authorization for the Director of Community, Environmental and Development Services or authorized designee to execute any such agreements; and further, approved and executed Resolution 2016-M-19 of the Orange County Board of County Commissioners regarding Repealing Resolution 95-M-20.


Motion/Second: Commissioners Clarke/Edwards

AYE (voice vote): All members

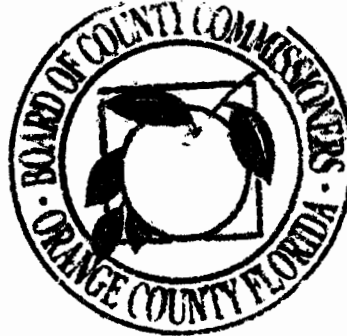
Action: The Board approved establishing the Model Home Fee for permitting in the amount of \$258.25.

- ADJOURNMENT, 4:42 p.m.

ATTEST:

  
\_\_\_\_\_  
County Mayor Teresa Jacobs

Date:     JUL 12 2016    



ATTEST SIGNATURE:

Martha O. Haynie  
County Comptroller as Clerk

for Jessica Karpel  
Deputy Clerk