

JAN 29 2013 NP/BS

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, December 11, 2012
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, Fred
Brunner, Pete Clarke, Jennifer Thompson, Ted Edwards;
Commissioner Tiffany Russell 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

- CALL TO ORDER, 9:07 a.m.
- INVOCATION - Pastor David Loveless, Discovery Church
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Great Oaks Village Caroling
- MEMBER JOINED: Commissioner Russell
- PUBLIC COMMENT

The following person addressed the Board for public comment: Bobby Beagles.

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board deferred Administrative Services Department Item 16; and further,
approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. 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:
 - November 21, 2012, to November 29, 2012; total of \$30,536,611.73
 - November 30, 2012, to December 6, 2012; total of \$34,726,172.81.

(Finance/Accounting)

2. Disposition of Tangible Personal Property as follows: (Property Accounting)
 - a) Scrap assets.
 - b) Trade assets for a \$10 allowance towards maintenance of equipment.

County Administrator

1. Approval of the Membership and Mission Review Board recommendations for advisory board appointments/reappointments: (Agenda Development Office)
 - a. Agricultural Advisory Board: Appointment of Brenda A. Hagemeister to serve in the equine representative category, succeeding Kathrein Markle, with a term expiring December 31, 2013; the appointment of Joseph Chambers in the citrus representative category, succeeding Jay Sockriter, with a term expiring December 31, 2014; and the appointment of Alexander H. Smith to serve in the at large representative category, succeeding James M. "Monty" Knox, III, with a term expiring December 31, 2014. Ms. Markle was serving in the flowering plant industry representative category, Mr. Sockriter was serving in the flowering trees and woody ornamentals industry representative category, and Mr. Knox was serving in the bedding plant industry representative category.
 - b. Environmental Protection Commission: Appointment of Glenn W. Dunkelberger to succeed Ronald A. Hearst in the professional engineer representative category with a term expiring December 31, 2014.
 - c. Industrial Development Authority: Appointment of Jean Michel Abi-Aoun to succeed Michael T. Waldrop in the at large representative category with a term expiring December 31, 2015.
2. Approval for the Orange County Sheriff's Office to spend \$12,500 from the Law Enforcement Trust Fund to provide eligible contributions to the Kingdom Network Empowering Communities (\$1,500), (Fraternal Order of Police) FOP "Cops and Kids" (\$5,000), Legal Aid Society (\$1,000), and to (Young Men's Christian Association) YMCA Teen Achievers Program (\$5,000). (Office of Management and Budget)
3. Approval of budget amendments #13-09, #13-10, #13-11, #13-12, #13-13, #13-14, #13-15, and #13-16. (Office of Management and Budget)
4. Approval of budget transfer #13-0565. (Office of Management and Budget)
5. Approval of faithful performance bond for Commissioner Peter D. Clarke, District 3. (Risk Management Division)

Administrative Services Department

1. Approval to award Invitation for Bids Y13-701-PH, Eastern Water Supply Facility Roof Replacement (Buildings 50 and 80), to the low responsive and responsible bidder, Astor Construction Services, Inc., in the contract award amount of \$129,053 plus Additive Bid Item No. 1 for \$3,200 for a total contract award amount of \$132,253. ([Utilities Department Engineering Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y13-702-PH, Western Water Supply Facility Roof Replacement to the low responsive and responsible bidder, Roof USA, LLC., in the total contract award amount of \$241,140.36. ([Utilities Department Engineering Division] Purchasing and Contracts Division)
3. Approval of Purchase Order M60309 for Renewal of the Software Maintenance Agreement for the AMS Financial Software (Advantage), for the period of October 1, 2012 through September 30, 2013, with CGI Technologies and Solutions, Inc. (formerly American Management Systems, Inc.), in the annual amount of \$682,839.67. ([Office of Accountability Information Systems and Services Division] Purchasing and Contracts Division)
4. Approval of Purchase Order M60927, Second Life Re-Build of Caterpillar 740 Articulated Dump Truck, to Ring Power Corporation in the total amount of \$319,486.63. ([Utilities Department Solid Waste Division] Purchasing and Contracts Division)
5. Approval to renew Software Support and Licensing for (Geographic Information Systems) GIS Software, with Environmental Systems Research Institute, Inc. (ESRI), from October 1, 2012 through September 30, 2013, in the amount of \$113,550. ([Community, Environmental and Development Services Department] Purchasing and Contracts Division)
6. Approval of Contract Y13-2044, On-Line Medical Control Agreement for Emergency Medical Services (EMS), with Orlando Health Central, Inc. in the estimated annual contract award amount of \$180,000 for a 1-year period. Further, authorized the Purchasing and Contracts Division to renew the contract for two, additional 1-year periods. ([Health Services Department] Purchasing and Contracts Division)
7. Approval of Amendment No. 8 to Contract Y7-100-GJ, Janitorial Services at the Convention center, with American Maintenance extending the contract through March 31, 2013 in the estimated amount of \$462,086.10 for a revised estimated contract amount of \$6,826,079.10 ([Convention Center] Purchasing and Contracts Division)
8. Approval and execution of Fourth Amendment to Lease Agreement between Pyramid Properties VI, LLP and Orange County and delegation of authority to the

Real Estate Management Division to exercise renewal options, if needed for FM/ISS/911 Fourth Amendment, 3511, 3517 and 3521 Parkway Center Court, Orlando, Florida. District 2. (Real Estate Management Division)

9. Approval and execution of Third Amendment to Lease Agreement between Lakeside Behavioral Healthcare, Inc. f/k/a Lakeside Alternatives, Inc. and Orange County and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed for CRC (Central Receiving Center) - Third Amendment, 1800 Mercy Drive, Orlando, Florida. District 6. (Real Estate Management Division)
10. Approval and execution of Easement Agreement for Monitoring Purposes between the City of St. Cloud, the Tohopekaliga Water Authority, Orange County, Polk County and Reedy Creek Improvement District and authorization to disburse funds to pay all recording fees and record instrument for Water Supply Monitoring Program (STOPR Sites 17, 18, 19, 20, 23, 24, 30, 31, 32 and 39). Districts 1, 2 and 4, Osceola County, Polk County. (Real Estate Management Division)
11. Approval and execution of Resolution and authorization to initiate condemnation proceedings for Innovation Place Water, Wastewater and Reclaimed Water Transmission Main Project. District 4. (Real Estate Management Division)
12. Approval of As Is Residential Contract for Sale and Purchase with Addendum to Contract between Orange County and Lelimar Santiago, approval and execution of County Deed from Orange County to Lelimar Santiago and authorization to perform all actions necessary and incidental to closing for NSP (Neighborhood Stabilization Program) Resale – 12820 Ohio Woods Lane, Orlando FL 32824 ((National Community Stabilization Trust) NCST). District 4. (Real Estate Management Division)
13. Approval of As Is Residential Contract for Sale and Purchase between Orange County and Lauren Yuka Obitsu, approval and execution of County Deed from Orange County to Lauren Yuka Obitsu and authorization to perform all actions necessary and incidental to closing for NSP (Neighborhood Stabilization Program) Resale – 4718 Fort Knox Court, Orlando FL 32822 ((National Community Stabilization Trust) NCST). District 4. (Real Estate Management Division)
14. Approval of As Is Residential Contract for Sale and Purchase with Addendums to Contract between Orange County and Franklin Miguel Astacio, approval and execution of County Deed from Orange County to Franklin Miguel Astacio and Alma Yazmin Miranda and authorization to perform all actions necessary and incidental to closing for NSP (Neighborhood Stabilization Trust) Resale – 7661 Fordham Creek Lane, Orlando, FL 32818. District 2. (Real Estate Management Division)

15. Approval of Drainage Easement and Ingress-Egress Easement between Lake Tyler Condominium Association, Inc. and Orange County and authorization to disburse funds to pay all recording fees and record instruments for Lake Tyler Stormwater Improvements. District 6. (Real Estate Management Division)
16. Approval of purchase price above appraised value, Purchase Agreement and Utility Easement between OCP Management Company, LLC and Orange County, authorization to disburse funds to pay purchase price and recording fees and record instrument for Pump Station No. 3148 (Penney's Warehouse). District 6. (Real Estate Management Division)

(This item was deferred.)

Community, Environmental and Development Services Department

1. Approval of State Financial Assistance Agreement DEP Agreement No. LP6044 Orange County Amendment No. 7 between the Florida Department of Environmental Protection and Orange County for the Lake Mary Jess Stormwater Improvement Project to extend the grant completion date to June 30, 2013. District 3. (Environmental Protection Division)
2. Approval of Orange County, Florida and City of Apopka, Florida, City of Maitland, Florida, City of Ocoee, Florida, City of Orlando, Florida, City of Winter Garden, Florida, and City of Winter Park, Florida Interlocal Agreements for Watershed Atlas Project. All Districts. (Environmental Protection Division)
3. Approval of DEP Agreement No. S0599 Amendment No.1 between the State of Florida Department of Environmental Protection and Orange County, Florida for Kelly Park/Camp Joy-FCT (Florida Communities Trust) Grant Agreement. District 2. (Parks and Recreation Division)

Health Services Department

1. Approval of the renewal Certificate of Public Convenience and Necessity for Reedy Creek Emergency Services to provide Advanced Life Support Transport Service. The term of this certificate is from January 31, 2013 through January 31, 2015. There is no cost to the County. (EMS Office of the Medical Director)

Public Works Department

1. Approval of the installation of a traffic signal on Narcoossee Road at Tavistock Lakes Boulevard/Emerson Lake Boulevard. District 4. (Traffic Engineering Division)
2. Authorization to record the plat of Villagio At Waterford Lakes. District 4. (Development Engineering Division)

Utilities Department

1. Approval of: a) Resolution 2012-M-51 of the Orange County Board of County Commissioners regarding the State Revolving Fund Loan Program; and b) Resolution 2012-M-52 of the Orange County Board of County Commissioners regarding the Declaration of Official Intent of the County to Reimburse Itself from Proceeds of a Loan from the State Revolving Fund Loan Program for Expenses to be Incurred by the County with respect to the South Service Area/East Service Area Water Main and Reclaimed Water Main Projects; and Related Matters. District 1. (Administration)
- INFORMATIONAL ITEMS FILED FOR THE RECORD IN THE ORANGE COUNTY COMPTROLLER CLERK'S OFFICE*

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Orlando Ordinance 2012-42, An Ordinance of the City of Orlando, Florida relating to a street name change; renaming a segment of "Andes Ave.," generally located west of the northerly extension of Andes Ave., north of Lake Underhill Dr. and S.R. 408/East-West Expwy., to "George Desalvia Way," directing amendments to the official maps of the City of Orlando, Florida; providing for severability, correction of scrivener's errors, and an effective date.
 - b. City of Orlando Ordinance 2012-39, An Ordinance of the City of Orlando, Florida relating to a street name change; renaming "Bellevue Ave.," generally located between Kaley St. and 147 ft. north of Pennsylvania St., to "Kuhl Ave.," directing amendments to the official maps of the City of Orlando, Florida; providing for severability, correction of scrivener's errors, and an effective date.
 - c. City of Orlando Voluntary Annexation Request - ANX2012-00011. Notice of Proposed Enactment. On December 3, 2012, the Orlando City Council will consider proposed Ordinance #2012-47, entitled an Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City of Orlando, Florida, certain real property generally located north of the E. Par St., south of Cornell Ave., east of Formosa Ave., and west of Pinewood Dr.; comprised of .48 acres, 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 Map; and designating the property as low intensity office with the Wekiva Overlay District on the city's official Zoning Map; providing for severability, correction of scrivener's errors, and an effective date. A public hearing on this Ordinance will be held during the Council's regular meeting beginning at 2:00 p.m., in the Council Chambers, 2nd floor, in Orlando City Hall, 400 S. Orange Ave., Orlando Florida.

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

- ADMINISTRATIVE SERVICES DEPARTMENT CONSENT AGENDA ITEM 16 DEFERRED

Approval of purchase price above appraised value, Purchase Agreement and Utility Easement between OCP Management Company, LLC and Orange County, authorization to disburse funds to pay purchase price and recording fees and record instrument for Pump Station No. 3148 (Penney's Warehouse). District 6. (Real Estate Management Division)

Commissioner Edwards announced a conflict of interest for the following reason, as stated in a Memorandum of Voting Conflict filed in the Clerk's Office: "A measure came or will come before my agency which inured to my special private gain or loss; inured to the special gain or loss of my relative, Jesse Edwards, Buzz Edwards, Charles Edwards, Blaise Edwards. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I. CONSENT AGENDA

C. ADMINISTRATIVE SERVICES DEPARTMENT

16. Approval of purchase price above appraised value, Purchase Agreement and Utility Easement between OCP Management Company, LLC and Orange County, authorization to disburse funds to pay purchase price and recording fees and record instrument for Pump Station No. 3148 (Penney's Warehouse). District 6. (Real Estate Management Division)

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Motion/Second: Commissioners Russell/Thompson

Abstain: Commissioner Edwards

AYE (voice vote): County Mayor Jacobs; Commissioners Boyd, Brummer, Clarke, Thompson, Russell

Action: The Board approved purchase price above appraised value, Purchase Agreement and Utility Easement between OCP Management Company, LLC and Orange County, authorization to disburse funds to pay purchase price and recording fees and record instrument for Pump Station No. 3148 (Penney's Warehouse).

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 1

Election of Vice-mayor.

Commissioner Brummer nominated Commissioner Clarke as Vice Mayor.

Commissioner Russell nominated Commissioner Edwards as Vice Mayor.

Commissioner Clarke declined the nomination as Vice Mayor.

AYE votes cast by voice vote for Commissioner Edwards as follows: County Mayor Jacobs; Commissioners Boyd, Brummer, Clarke, Thompson, Edwards, Russell.

Commissioner Edwards received a majority to succeed Commissioner Thompson as the Vice Mayor; no further votes were cast.

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 2

Appointment/reappointment of three commissioners to serve on the MetroPlan Orlando Board of Directors with terms expiring December 1, 2015 and appointment of one commissioner to serve as the permanent alternate with a term expiring December 1, 2014.

The Board member made reappointments as follows:

Commissioner Brummer: Commissioners Boyd, Thompson, Edwards.

The Board member made an appointment as follows:

Commissioner Brummer: Commissioner Clarke.

AYE votes cast by voice vote for Commissioners Boyd, Clarke, Thompson, and Edwards as follows: County Mayor Jacobs; Commissioners Boyd, Brummer, Clarke, Thompson, Edwards, Russell.

Commissioners Boyd, Thompson and Edwards received a majority to be reappointed on the MetroPlan Orlando Board of Directors with terms expiring December 1, 2015; no further votes were cast.

Commissioner Clarke received a majority to be appointed as permanent alternate on the MetroPlan Orlando Board of Directors with a term expiring December 1, 2014; no further votes were cast.

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 3

Reappointment of Craig Mateer to the Visit Orlando Board of Directors with a term expiring December 31, 2014 or appointment of an individual to succeed him.

Motion/Second: Commissioners Brummer/Boyd

AYE (voice vote): All members

Action: The Board reappointed Craig Mateer to the Visit Orlando Board of Directors.

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 4

Proposed Pedestrian Bridge connecting Orange County Convention Center and Rosen Plaza Hotel.

Commissioner Edwards announced a conflict of interest for the following reason, as stated in a Memorandum of Voting Conflict filed in the Clerk's Office: "A measure came or will come before my agency which inured to my special private gain or loss; inured to the special gain or loss of Rosen Plaza Hotels, by whom I am retained. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

III. DISCUSSION AGENDA

A. COUNTY ADMINISTRATOR

4. Proposed Pedestrian Bridge connecting Orange County Convention Center and Rosen Plaza Hotel.

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Motion/Second: Commissioners Brummer/Russell

Abstain: Commissioner Edwards

AYE (voice vote): County Mayor Jacobs; Commissioners Boyd, Brummer, Clarke, Thompson, Russell

Action: The Board approved creating a Memorandum of Understanding, which will come before the Board prior to approval, so that the County has approval of the bridge design; further, approved that the bridge would be taken down if the parcel is being actively developed and the developer wants the bridge removed or a bridge consistent with the County's master plan bridge system is completed with a connectivity node practical for a connection to the Rosen Plaza Hotel that will allow the pedestrian access to the Orange County Convention Center; further, approved a decision whether removal is required would be made by the Orange County Commission at the time that the master bridge plan bridge is constructed; further, approved the hotel company provides a demolition bond for removal of the bridge should that be required in the future; and further, approved that the bridge be named "The Gary Sain Walkway".

- ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Selection of one firm and two ranked alternates to provide Final Engineering Design Services for Lake Underhill Road (from East of Econlockhatchee Trail to West of Rouse Road), under Request for Proposals Y12-824-CH, from the following firms listed alphabetically:

- Corzo, Castella, Carballo, Thompson, Salman, P.A.
- DRMP, Inc.
- Kimley-Horn and Associates, Inc.

Further request the Board authorize the Purchasing and Contracts Division to negotiate and award a contract provided that it does not exceed the budget \$1,300,000. ([Public Works Department Engineering Division] Purchasing and Contracts Division)

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board selected one firm, Corzo, Castella, Carballo, Thompson, Salman, P.A., and two ranked alternates, #1 DRMP, Inc., and #2 Kimley-Horn and Associates, Inc., to provide Final Engineering Design Services for Lake Underhill Road (from East of Econlockhatchee Trail to West of Rouse Road); and further, authorized the Purchasing and Contracts Division to negotiate and award a contract provided that it does not exceed the budget \$1,300,000, Request for Proposals Y12-824-CH.

- OFFICE OF REGIONAL MOBILITY DISCUSSION AGENDA ITEM 1

MetroPlan Orlando Board Meeting Briefing.

- RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice Mayor Edwards.

- REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice Mayor Edwards.

Action: None

- MEETING RECESSED, 11:08 a.m.

- MEETING RECONVENED, 2:15 p.m.

Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Fred Brummer, Pete Clarke, Jennifer Thompson, Ted Edwards, Tiffany Russell

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

- PRESENTATION

Gold LEED (Leadership in Energy and Environmental Design) Award to Orlando Science Center

- PLANNING AND ZONING COMMISSION RECOMMENDATIONS, NOVEMBER 15, 2012

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Planning and Zoning Commission under the date of November 15, 2012, with the exception of and authorizing a public hearing be scheduled for Case LUPA-12-08-178, Jamie T. Poulos, Poulos & Bennett, on January 15, 2013; subject to the usual right of appeal by any aggrieved party.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Harry Newkirk, Upham, Inc., Woodland Lakes Planned Development (PD) Land Use Plan (LUP), (Case #CDR-12-09-189)
Consideration: Substantial change request to grant a waiver from Section 38-1272(a)(3) to allow a zero (0) foot interior side yard setback in lieu of ten (10) feet for Parcel A Lot 6B only; pursuant to Orange County Code, Chapter 30, Section 38-1207
Location: District 4; property generally located south of Lake Underhill Road, East and north of Huckleberry Finn Drive; Parcel ID 27-22-31-8987-00-061; S/T/R: 27/22/31; Orange County, Florida (legal property description on file)

Clerk's Note: After the Notice of Public Hearing published in the newspaper and landowners' notifications were distributed, the request was modified by County staff as follows:

A waiver from Orange County Code Section 38-1272(a)(3) to allow for a zero-foot (0') foot interior side yard setback in lieu of ten (10) feet for PD Parcel Tract A - Lot 6B only, in lieu of a ten-foot (10') side setback.

The following person addressed the Board: Harry Newkirk.

Motion/Second: Commissioners Thompson/Boyd

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 Harry Newkirk, Upham, Inc., Woodland Lakes Planned Development (PD) Land Use Plan (LUP), (Case #CDR-12-09-189), to grant a waiver from Orange County Code Section 38-1272(a)(3) to allow for a zero-foot (0') interior side setback for PD Tract A - Lot 6B only, in lieu of a ten-foot (10') side setback; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the PD Land Use Plan dated "Received October 17, 2012," 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, ordinance 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 zoning and the land use plan dated "Received October 17, 2012," 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. A waiver from Section 38-1272(a)(3) is granted to allow a zero (0') foot interior side yard setback for PD Tract A - Lot 6B only, in lieu of ten (10') feet.
4. All previous applicable BCC Conditions of Approval, dated March 16, 1999, shall apply:
 - a. Prior to approval of any development plan, a developer's agreement shall be approved by Orange County addressing road improvements outlined in the Development Order.
 - b. A ten-acre (10) park shall be dedicated to Orange County. Prior to construction of the park, the developer shall have the opportunity to review the master plan of the park. If the developer opts to develop the park site prior to the County, it shall be permitted subject to approval of the park plan by Orange County.
 - c. A 15-acre elementary school site shall be dedicated to the Orange County School Board at no cost to Orange County or the School Board.
 - d. Biomedical waste incineration shall be prohibited.
 - e. The number of multi-family units shall not exceed 821; Tract N shall be designated as mixed use.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: John Florio, Donald W. McIntosh Associates, Inc., Isleworth Planned Development (PD) Land Use Plan (LUP) (Case #CDR-12-09-197)

Consideration: Substantial change request to change the existing use of a portion of Lot 114 within the Isleworth PD from golf course/open space to residential use; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located west of Fairway Oaks Drive, north of Isleworth Country Club Drive; Parcel ID 16-23-28-3899-01-140; S/T/R: 16/23/28; Orange County, Florida (legal property description on file)

Clerk's Note: After the Notice of Public Hearing published in the newspaper and landowners' notifications were distributed, the request was modified by County staff as follows:

To convert change the existing the land use of a ~0.433-acre portion of an existing Lot 114 within the Isleworth PD from golf course/open space tract to residential for one (1) single family lot use.

The following person addressed the Board: John Florio.

Motion/Second: Commissioners Boyd/Thompson

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 John Florio, Donald W. McIntosh Associates, Inc., Isleworth Planned Development (PD) Land Use Plan (LUP) (Case #CDR-12-09-197), to convert the land use of a ~0.433-acre portion of an existing golf course/open space tract to residential for one (1) single family lot; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Isleworth PD Land Use Plan dated "September 25, 2012" 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, ordinance 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 zoning and the land use plan dated "September 25, 2012" the condition of approval shall control to the extent of such conflict or inconsistency.

2. All previous applicable BCC (Board of County Commissioners) Conditions of Approval dated October 4, 2011 shall apply:
 - a. 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.
 - b. Seven lots (Lots 15, 62, 63, 64, 71, a portion of lot 114, and 375) shall be used for Golf Course & Tournament Events for a period not to exceed ten years. After ten years, the lots shall revert back to residential uses. If at any time within the said ten years the applicant wishes to utilize the lots for residential purposes, a substantial change to the Land Use Plan shall be required.
3. All previous applicable BCC (Board of County Commissioners) Conditions of Approval dated October 10, 1995, and December 19, 1983, shall apply:
 - a. Waiver of Section 28-1203(3) for Development Plan submittal in conjunction with the Land Use Plan is granted.
 - b. The developer shall submit to the Environmental Protection Department application for the construction of the boat ramp which shall be reviewed at a public hearing.
 - c. Use of the boat ramp shall be limited to residents and their guests only.
 - d. DENSITIES:
 - 1) There shall be a maximum of two hundred (200) one-quarter (1/4) acre lots in the entire Isleworth Golf and Country Club P.D.; with a maximum of one hundred (100) one-quarter (1/4) acre lots in the East Village. In the event all the one-quarter (114) acre lots are not used in the East Village,

the balance of the two hundred (200) one-quarter (114) acre lots may be used in the West Village.

e. CONSERVATION:

- 1) Limited development will be permitted in the Conservation Area between holes 10 and 17 in the West Village, provided that development is minimized to preserve, to the greatest extent possible, the Conservation Area. The extent of this development shall be determined by Orange County after the Environmental Study now being conducted has been completed.
- 2) Selective clearing of shoreline vegetation, as listed in the Conservation Area criteria, may be selectively removed only along golf holes 2 and 18 of the East Village. A tree removal plan shall be submitted for approval prior to clearing. The extent of the vegetation clearing and tree removal shall be determined by Orange County after the Environmental Study now being conducted has been completed.
- 3) Due to the extensive Conservation Area along the shoreline, shoreline clearing and alteration for residential area will be limited in accordance with the Lakeshore Protection Ordinance, effective June 10, 1983 and any successor ordinances.
- 4) The extension and widening of the two roads through the Conservation Areas shall be allowed, provided that filling is minimized and drainage structures to insure the flow of water between wetlands are maintained. The extent of this encroachment shall be determined by Orange County after the Environmental Study now being conducted has been completed.
- 5) Where the Final Development Plan contemplates the installation of berms and reverse swales, along lakeshores on lakefront lots to impede direct drainage into lakes, the plat shall clearly reflect a drainage/swale easement of sufficient width to accommodate such berms and swales and their associated retention areas and clearly indicate that alteration and/or removal of the berm and swale system is prohibited. The development rights to this easement area shall be dedicated to Orange County. The bottom swale elevation shall be at no less than the 101 foot elevation. Restrictive covenants shall also prohibit alteration or removal of any such berms and swales. Enforcement responsibility shall be assigned to mandatory homeowners' association and Orange County. This swale/berm system shall be included in and installed as part of the developer's primary drainage plan.
- 6) All Conservation Areas shall be clearly designated as "Conservation Areas" on the Final Development Plan and on the plat of the Isleworth

Planned Development On the plat of lakefront residential lots platted to the normal high water elevation, and which contain only narrow band Conservation Areas within their boundaries, the narrow band conservation areas shall be clearly identified as "narrow band Conservation Areas." Development rights to all "Conservation Areas" including the "narrow band Conservation Areas" shall be dedicated to Orange County provided, however, that such dedication of development rights to the narrow band Conservation Areas shall not preclude the construction private docks and/or boathouses pursuant to applicable Orange County permitting procedures. Within this dedication there shall be a provision allowing clearing and vegetation removal for lake access of an area of not more than 20% or 30 feet, whichever is greater, within "narrow band Conservation areas" by the owner of a lakefront residential lot Except as to this clearing and vegetation removal of the aforesaid 20% or 30 feet, whichever is greater for lake access, such dedication and the restrictive covenants applicable to the Isleworth Planned Development shall prohibit all but selective clearing of undergrowth to permit lake views on lakefront lots. Enforcement responsibility shall be assigned to mandatory homeowners' association and Orange County.

- 7) No docks or boathouses shall be constructed unless a permit is issued pursuant to applicable State and County ordinances and procedures.
- 8) Clubhouse boat docks shall be temporary daytime use only. There shall be no overnight marina-type boat storage at these facilities. Fueling and repair services shall be prohibited.
- 9) There shall be no more than 210 lakefront lots having a minimum of one-half (1/2) acre, exclusive of any Conservation Area included within lot lines.
- 10) There shall be no variance to the requirement that lakefront lots have a minimum width of 100 feet at the water's edge, as measured along the normal high water elevation.
- 11) Trees (other than citrus trees) shall not be removed from lakefronts without written consent given by Windermere Navigation Control District after a tree removal plan is first submitted, except on East Village Golf Course holes 2 and 18, where Item 3(B) requires submittal of a tree removal plan to the County.

f. ZONING REQUIREMENTS:

- 1) Minimum living area shall be 2,000 square feet. Setbacks and accessory uses shall be established at the time of Development Plan submittals, except that there shall be a 50 foot setback from the centerline of the

major internal collector road and 50feet from the right of way of Conroy Road.

- 2) Stables shall be limited to private boarding uses. Stables and barns shall be setback a minimum of 100 feet from perimeter of Isleworth PD; corral fencing shall be a minimum of 50 feet from perimeter of Isleworth PD. Developer shall address method of animal care, disposal of animal waste and size of grazing and corral area at the time of Development Plan submittal.
- 3) All lakefront lots shall be a minimum of 100 feet in width at the waters edge, measured along the normal high water elevation.
- 4) Thirty-five (35) foot maximum building height restriction shall be placed on all structures except where the developer can demonstrate that topographical features cause a substantial design constraint with regards to clubhouses.
- 5) Building elevations and locations of guard houses or security gates shall be presented with the development plans.
- 6) A ten foot wide landscaped buffer is required along the entire perimeter of the Isleworth project; with the exception of designated entry points and golf course frontage. This buffer will include a wall where off-site residential lots abut the property boundary or landscape material and fencing where the abutting property is open space. Where the golf course abuts a dedicated right of way line, a minimum width of 75 feet from the edge of the fairway will be maintained as buffer. In addition, a fence and landscape screen shall be provided. The details of the screening will be provided with the submittal of Development Plans for Isleworth.
- 7) If any (Professional Golf Association) PGA or (Ladies Professional Golf Association) LPGA sanctioned golf tournaments are held on the project (coursers), the sponsors shall provide for adequate remote parking and transportation for the tournament, as approved by the Public Works Director.
- 8) The following waivers are granted:
 - *Private Streets*
 - *Water Line Extensions/Fire Protection*
 - *Sidewalks*

g. UTILITIES:

- 1) Fire protection shall be provided in accordance with Section 9.7.2 of Subdivision Regulations which require that hydrants be within 500 feet of each dwelling and flow 500 gallons/minute at 20 (per square inch) psi, and with Ordinance #81-19 for the two club houses which require that hydrants be within 250 feet of each structure and flow 1500 gallons/minute at 20 psi with minimum 8 inch mains.
- 2) Potable water and fire protection water service shall be provided by Orange County Public Utilities. The developer shall be responsible for extending off-site water systems from existing system to project, subject to Agreement with the County Utilities Department.
- 3) The use of septic tanks may be permitted subject to the following conditions:
 - Lot-by-lot approval in accordance with all State and County Regulations, as adopted by the Board of County Commissioners on April 18, 1983, and the Growth Management Policy.
 - Where Leon fine soils exist, soil borings will be required. Location and number of borings to be determined by the Consulting Engineers an Orange County Health Department.
 - Where the tennis clubhouse is proposed in Rudedge Fine Sands located north of Tibbett Butler, the disposal facilities shall be located in suitable soils.
 - The clubhouse must comply with State and County regulations.
- 4) Available water capacity will be committed only upon approval of final construction plans and submission of (Florida Department of Environmental Regulations) FDER Permit Application. Priority will be based on first come, first served. (Executed Agreements and County Ordinance being the only exception to the above.)

h. STORMWATER MANAGEMENT:

- 1) Stormwater Management plans shall comply with Orange County Subdivision Regulations and shall be subject to the approval of the County Engineer and the Director of Pollution Control. Retention/detention facilities shall be designed for the retention of the runoff, resulting from the first inch of rainfall, with detention of the runoff resulting from a 25 year, 24 hour storm (8.6") such that the peak rate of discharge is limited to redeveloped conditions. A soils report will be required from a certified soil laboratory for the retention area. Permeability test are required. Borings shall indicate

AASHTO soils classification, gradation, determination of water table elevation (24 hour test), and anticipated wet/dry season fluctuation.\

- 2) Retention/detention facilities shall be designed with a "dry bottom" with the exception of water features associated with the golf course.
- 3) Compensating storage will be required for all fill material placed below the 100 year flood elevation. Minimum finished floor elevation is to be established at elevation 104 feet or 18 inches above centerline grade, whichever is greater. These elevations may need to be modified higher, taking into consideration septic tank drain field elevations. A detailed lot grading plan shall be required prior to construction plan approval.

i. TRANSPORTATION:

- 1) The Final Development Plan will provide for unrestricted vehicular access for all residents of the Isleworth PD along the internal major collector road from Conroy-Windermere Road through East and West Villages to State Road 535.
- 2) Chase Road:
 - Chase Road will be a public road and within the project shall have 60 feet of dedicated right of way; additional right of way may be required for drainage facilities for a two-lane roadway. Dedication shall be at no cost to the County. The relocated road will be two lanes with 24 foot travel way and appropriate intersection construction at East and West Village collector roads.
 - All golf cart crossings on public roads shall be grade separated.
 - All improvements to Chase Road, internal to the project, will be accomplished prior to issuance of Certificate of Occupancy for the East Village.
- 3) Off-Site Improvements:
 - The intersection of Main Street and Conroy-Windermere Road shall be signalized and a southbound left turn lane, a northbound right turn lane, and westbound left and right turn lanes shall be constructed by the Developer when warranted and determined by the Manual on Uniform Traffic Control Devices.
 - Developer shall dedicate at no cost to the County eighty (80) feet of right of way from the centerline of Conroy-Windermere Road abutting the project in conjunction with the recording of plat for East Village.

- Full intersection improvements including traffic signal modification and turn lanes at Conroy Windermere Road and Apopka-Vineland Road intersection shall be completed prior to issuance of Certificates of Occupancy for East Village.
- Prior to proceeding with Development Plan for the West Village a traffic analysis will be provided identifying off-site impacts and proportionate Isleworth participation in the cost of any required four-laning of Conroy-Windermere Road from the main entrance of Isleworth to Kirkman Road must be assured.
- Dedication of access rights to Orange County for all lots adjacent to Conroy Road, Chase Road, and Winter Garden-Vineland Road (State Road-S.R. 535).
- Documentation of abandonment for the railroad right of way shall be submitted prior to approval for the Development Plan for the East Village.
- All roads shall be designed in accordance with the Manual on Uniform Standards for Design, Construction and Maintenance for Streets and Highways, State of Florida and at the time of plan submittal, the engineer of record shall submit certification that the project complies with the minimum standards for street design. Traffic control signs and markings shall conform to the Manual on Uniform Traffic Control Devices.
- Swale drainage will be permitted only if the subgrade soil conditions are suitable as certified by a certified soils engineer and provided that the wet weather water elevation is at least two feet below the invert of the swales.
- The typical road cross section shall conform to County Standards and may include landscaping and signage. All signs, other than traffic signs, shall conform with the Orange County Zoning Resolution, Article XXII. Maintenance of landscaping and signage shall be the responsibility of the property owners association in accordance with the Developer's Agreement, or restrictive covenants as approved by the County Attorney.

j. DEVELOPER'S AGREEMENT:

- 1) The Developer shall prepare a Developer's Agreement or restrictive covenants, recorded in the public records, to insure that the present and future property owners are aware that future assessments are to be made against all property owners within the project to insure maintenance of private roads, drainage and common areas. The Developer's Agreement shall contain language to insure that an organization is created for the purpose of managing the assessments against the property and providing the necessary maintenance for the systems listed above. This Developer's

Agreement shall be submitted and approved by the Board prior to Development Plan approval as approved by the County Attorney.

k. MAINTENANCE BUILDINGS:

- 1) Maintenance buildings for the Golf Course and Club House that are to be located adjacent to off-site residential property are required to have a 25 foot landscaped or wall butter.

I. DEVELOPMENT OF REGIONAL IMPACT ISSUE:

- 1) Prior to submission of any Development Plan, any Preliminary Subdivision Plan or any other application for development permit, the Developer shall deliver to Orange County a binding letter of interpretation that the Isleworth PD is not a Development of Regional Impact (DRI) or shall have completed the DRI process under Chapter 380, Florida Statutes, in which case all conditions of approval for such DRI shall be incorporated in and Development Plan.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Rick Ortiz, Davidson Design Group, Inc., ILH Interchange Center Planned Development (PD) Land Use Plan (LUP), (Case #CDR-12-07-137)

Consideration: Substantial change request to allow land uses that are permitted in the underlying and applicable Activity Center Mixed Uses (ACMU) Future Land Use Map designation with the exception of Residential Land Use. Maximum allowable construction under each category as follows:

Timeshare:	60 units/acre	4,043 units
Hotel:	60 units/acre	4,043 units
Commercial:	0.34 F.A.R.	997,925 Square Feet
Office:	1.5 F.A.R.	4,402,609 Square Feet;

pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located south of Central Florida Parkway, East and west of Westwood Boulevard; Parcel IDs 11-24-28-3829-00-010, 11-24-28-3829-00-020; S/T/R: 11/24/28; Orange County, Florida (legal property description on file)

(This public hearing was cancelled.)

• PRESENTATION CONTINUED:

Gold LEED (Leadership in Energy and Environmental Design) Award to Orlando Science Center

- COUNTY MAYOR DISCUSSION AGENDA ITEM 1

Open Discussion on issues of interest to the board.

Action: None

- ADJOURNMENT, 2:54 p.m.

ATTEST:


County Mayor Teresa Jacobs

Date: JAN 29 2013

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk


Assistant Deputy Clerk

