

BCC Mtg. Date: Apr. 5, 2016

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, February 16, 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, Ted Edwards,
Victoria P. Siplin
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk
Katie Smith, Senior Minutes Coordinator Noelia Perez

- CALL TO ORDER, 9:10 a.m.
- INVOCATION - Father Thomas Luu Vu, of the St. Philip Phan Van Minh Catholic Church
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Augustin Martinez
- Trini Quiroz

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Mayor deferred action on Public Works Department Item 1 for consideration with public hearing for Diego "Woody" Rodriguez, Avalon Park PD/South Villages PSP/Charter Schools USA Avalon Park DP, Case # DP-15-07-191; and further, the Board 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. Period as follows: February 5, 2016, to February 11, 2016; total of \$35,777,534.67. (Finance/Accounting)
2. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. Dispose of assets totaled by our Third Party Administrator for their salvage value.
- b. 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. Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments: (Agenda Development Office)
 - A. Citizens' Commission for Children: Consideration of the reappointment of Demetrius V. Smith, Melvin Rogers, and Jennifer E. Felder-Smith in the at large representative category with the terms expiring December 31, 2017; the appointment of Sean Bradford to succeed Alexander C. Hernandez in the at large representative category with a term expiring December 31, 2017; and the appointment of Carmel Munroe to succeed Donna H. Parker in the at large representative category with a term expiring December 31, 2016.
 - B. Citizens' Review Panel for Human Services: Consideration of the reappointment of Willie J. Patterson in the senior advocate representative category with a term expiring December 31, 2018.
 - C. Orange Blossom Trail Development Board: Consideration of the appointment of Demetrius Summerville to succeed John J. Davis in the Orange County representative category with a term expiring January 1, 2017.
3. Approval of budget amendment #16-26. (Office of Management and Budget)
4. Approval of Ratification of payment of Intergovernmental claims of December 31, 2015 and January 14, 2016 totaling \$689,927.84 (Risk Management Division)

Administrative Services Department

1. Approval to award Invitation for Bids Y15-7014-EB, Orange County Health Services – EMS Building Renovation, to the low responsive, responsible, MWBE compliant bidder, Marbek Construction Company, in the total contract award amount of \$1,160,800. ([Administrative Services Department Capital Projects Division] Procurement Division)
2. Approval to award Invitation for Bids Y16-161-JS, MSBU and Non-MSBU Retention Pond Mowing and Maintenance Taft II, to the low responsive and responsible bidder, Groundtek of Central Florida, LLC, in the annual estimated contract award amount of \$226,930 for the basic year. Further, authorized the Procurement Division to exercise two additional 1-year options. ([Public Works Department Stormwater Management Division] Procurement Division)

3. Approval to award Invitation for Bids Y16-707-J2, Lake Price Drainage and Water Quality Improvements, to the low responsive and responsible bidder, Jordan Brothers Construction, LLC, in the total contract award amount of \$756,019.51. ([Public Works Department Highway Construction Division] Procurement Division)
4. Approval to award Invitation for Bids Y16-712-MM, Orange County Convention Center West Concourse D Smoke Damper Replacement, to the low responsive and responsible bidder, Air Mechanical and Service Corporation, for the total contract award amount of \$238,492. ([Convention Center] Procurement Division)
5. Approval to award Invitation for Bids Y16-713-CC, John Bridges Community Center Buildings D & F HVAC Replacement, to the low responsive and responsible bidder, Enthalpy ENC, LLC, in the total contract award amount of \$498,934 which includes additive bid item 1. ([Administrative Services Department Capital Projects Division] Procurement Division)
6. Approval to award Invitation for Bids Y16-717-MM, Orange County Convention Center West Entrance Flooring and Wall Finishes Replacements, to the sole responsive and responsible bidder, Axios Construction Services, LLC, for the total contract award amount of \$230,144 which includes Additive bid item No. 1. ([Convention Center] Procurement Division)
7. Approval to award Invitation for Bids Y16-721-MM, Orange County Convention Center Phase III Valencia Ballroom Renovation, to the low responsive and responsible bidder, J. Kokolakis Contracting, Inc., for the total contract award amount of \$10,408,000. ([Convention Center] Procurement Division)
8. Approval to award Invitation for Bids Y16-722-MM, Orange County Convention Center North/South Building CCTV System Upgrade, to the low responsive and responsible bidder, American Systems Corporation, for the total contract award amount of \$1,248,681 which includes additive bid item 1. ([Convention Center] Procurement Division)
9. Approval to award Contract Y16-121-JS, SaniGLAZE to Cubix, Inc. in the estimated contract amount of \$800,000 for a 1-year contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Administrative Services Department Facilities Management Division] Procurement Division)
10. Approval to award contracts under Request for Proposals Y16-149-DG, Health and Support Services for Persons with HIV Spectrum Disease (Ryan White Part A) to Aspire Health Partners, Inc. for Mental Health Services in the amount of \$193,820 and Substance Abuse Treatment in the amount of \$231,000; Department of Health in Orange County for Early Intervention Services (EIS) in the amount of \$227,840 and Non-Medical Case Management Services in the amount of \$227,840; Hope and Help Center of Central Florida, Inc. for Medical Nutrition Therapy Services in the amount of \$210,000, Non-Medical Case Management Services in the amount of \$569,600 and

Psychosocial Support Services in the amount of \$89,100; Miracle of Love, Inc. for Non-Medical Case Management in the amount of \$113,920; Nehemiah Educational and Economic Development, Inc. for Non-Medical Case Management in the amount of \$227,840; The Center for Multicultural Wellness and Prevention, Inc. for Non-Medical Case Management in the amount of \$113,920 and Psychosocial Support Services in the amount of \$89,100; and Turning Point of Central Florida, Inc. for Mental Health Services in the amount of \$193,820 and Substance Abuse Treatment in the amount of \$231,000 for the total overall amount of \$2,718,800. Further, authorized the Procurement Division to execute 1-year contracts with two additional 1-year renewals. ([Health Services Department] Procurement Division)

11. 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 John Young Community Park. District 1. (Real Estate Management Division)
12. Approval of Conservation and Access Easement between Reams Development, LLC and Orange County and authorization to record instrument for Reams Road Commercial Project Site (CAI-15-04-012). District 1. (Real Estate Management Division)
13. Approval of Conservation and Access Easement between KB Home Orlando LLC and Orange County and authorization to record instrument for Hardman Property/Ward Road Project Site CAI-13-12-037. District 4. (Real Estate management Division)
14. Approval of Utility Easement between AG-RW Grande Pines, L.L.C. and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Calmwater Capital 3, LLC and authorization to record instruments for Oasis at Grande Pines OCU Permit: B15902685 OCU File #:82086. District 1. (Real Estate management Division)

Community, Environmental and Development Services Department

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

LC 15-1285	LC 15-1497	LC 16-0018	LC 15-1478	LC 15-1548
LC 15-1500	LC 15-1507	LC 16-0019	LC 15-1479	LC 15-1558
LC 15-1564	LC 15-1539	LC 15-1686	LC 15-1481	LC 15-1598
LC 15-1617	LC 15-1551	LC 16-0071	LC 15-1482	LC 15-1599
LC 15-1623	LC 15-1560	LC 15-1595	LC 15-1483	LC 15-1604
LC 15-1673	LC 15-1563	LC 15-1429	LC 15-1488	LC 15-1605
LC 16-0055	LC 15-1596	LC 15-1430	LC 15-1512	LC 15-1613

LC 16-0056	LC 15-1619	LC 15-1441	LC 15-1514	LC 15-1620
LC 15-1434	LC 16-0147	LC 15-1448	LC 15-1516	LC 15-1631
LC 15-1472	LC 15-1527	LC 15-1449	LC 15-1533	LC 15-1661
LC 15-1477	LC 15-1587	LC 15-1452	LC 15-1540	LC 15-1663
LC 15-1494	LC 15-1685	LC 15-1471	LC 15-1547	LC 15-1669

2. Approval and execution of Developer's Agreement for Construction of a Semi-Private Boat Ramp Facility by and among Orange County, Florida, Royal Cypress Preserve Homeowners Association, Inc., and Toll FL Limited Partnership for Semi-Private Boat Ramp Facility Permit BR-14-08-003. District 1. (Environmental Protection Division)
3. Approval and execution of Right-of-Way Agreement LakeSide Neighborhood Reams Road by and between Sant Commercial Building, Inc. and Orange County for the conveyance of 0.43 acres of right-of-way for Reams Road for no transportation impact fee credits. District 1. (Roadway Agreement Committee)

Family Services Department

1. Approval of License Agreement between Orange County, Florida and YMCA Teen Achievers regarding the use of Orange County's Community Centers for the Holden Heights Community Center. (Community Action Division)

Health Services Department

1. Approval of proposed draft letter to the Orlando VA Medical Center regarding Standing Written Request for Release of Protected Health Information and authorization for the Chief Medical Examiner to sign the letter. (Medical Examiner)

Office of Regional Mobility

1. Approval and execution of Resolution 2016-M-09 of the Orange County Board of County Commissioners regarding Support for Innovative Traffic Signal Technologies Pilot Project. All Districts.

Public Works Department

1. Authorization to record the plat of Avalon Park South Phase 1A. District 4. (Development Engineering Division)

(This item was deferred.)

Utilities Department

1. Approval and execution of: a) First Amendment to Winter Garden Agreement for the Delivery and Use of Reclaimed Water by and between City of Orlando, Orange County, Florida, and the City of Winter Garden; b) Sale and Purchase Agreement for Reclaimed Water Distribution System Assets and Easements by and amongst the City of Orlando, Florida, Orange County, and the City of Winter Garden, Florida; c) City of Winter Garden, City of Orlando and Orange County, Florida Temporary Utility Easement; d) Bill of Sale; and e) Assignment and Assumption of Utility Easements by and between the City of Orlando, Florida, Orange County, and the City of Winter Garden, Florida. District 1. (Engineering Division)

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Florida Public Service Commission Order Approving Revisions to Tariffs. In re: Petition to approve revisions to Tariff Sheets Nos. 6.2811, 6.282, and 6.284 Rate Schedule LS-1 - Lighting Service, by Duke Energy Florida, LLC.
 - b. City of Orlando Voluntary Annexation Requests with copy of advertisement associated with the proposed annexation as follows:
 - Voluntary Annexation Request: Daubert St. and Lake Baldwin Lane (ANX2015-00012) Notice of Proposed Enactment. On February 29, 2016, the Orlando City Council will consider proposed Ordinance #2016-5, 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 Daubert St., East of Maltby Ave., south of Roush Ave., and west of Jamajo Blvd., and comprised of 1.88 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Residential Low Intensity, in part, and Industrial, in part, on the City's Official Future Land Use Maps; designating the property as the R-1 one family residential district along with the aircraft noise overlay district, in part, and the Industrial-Commercial District along with the aircraft noise overlay district, in part, 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. 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.
 - Voluntary Annexation Request: Ewing Irrigation (447 De Leon Ave.: ANX2015-00014). Notice of Proposed Enactment. On February 29, 2016, the Orlando City Council will consider proposed ordinance #2016-8, 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 Old Winter

Garden Rd., east of Ferguson Dr., south of W. Colonial Dr., and west of Haralson Ave., and comprised of 0.42 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 Industrial-General 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. 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.

*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

Office of Regional Mobility

1. SunRail Update.

Noranne Downs, District 5 Secretary for the Florida Department of Transportation, and Tawny Olore, SunRail Project Manager, addressed the Board regarding SunRail.

Board discussion ensued.

Action: None

Health Services Department

1. Mosquito Control Update. (Mosquito Control Division)

County staff presented information regarding mosquito-borne diseases and the control methods available to decrease the likelihood of local transmission. The update included information regarding the Zika virus and preventing local transmission by controlling the mosquito population.

Board discussion ensued.

Action: None

Community, Environmental and Development Services Department

1. Development Activity Report. All Districts.

County staff presented a permitting services activity report. The presentation focused on permitting services, development activity, service initiatives, use of technology and the plating process.

Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

Action: None

- COUNTY WORK SESSION AGENDA

Community, Environmental and Development Services Department

1. Rural Residential Enclaves. (Planning Division)

County staff presented a report regarding a study of the rural residential enclaves. The study focused on the existing conditions and challenges of preserving the rural neighborhood character and lifestyle of four existing communities within Orange County's Urban Service Area boundary. These four communities include Berry Dease, Chickasaw South, Rocking Horse and Lake Mabel.

Board discussion ensued.

Action: None

- MEETING RECESSED, 11:27 a.m.

- MEETING RECONVENED, 1:55 p.m.

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

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

- PRESENTATION

Employee Service Awards to Purita Salud Sorreda Pearce (25), Communications, County Administrator; Nancy Kay Rodlun (25), Environmental Protection, Community, Environmental and Development Services; Hung Phung Cao (25) , Facility Maintenance, Convention Center; Phyllis Jeanette Devose (25), Elizabeth Ann Weathers (25), Security Operations, Juanita Michele Beason (20), Community Corrections, Roberta A. Mack (25), Inmate Administration, Corrections; Mercedes Carmen Grullon (20), Head Start, Carla McClendon (30), Neighborhood Services, Family Services; Billy F. Richardson, Jr. (30), Scott D. Clugston (30), Randy L. Rogers (30), Fire Operations, Fire Rescue; Dil D. Luther (25), Animal Services, Health Services; Penny R. Post (20), Stormwater Management, Gary Showe (35), Fiscal & Operational Support, Public Works.

- RECOGNITION

Commissioner Thompson recognized District 4 Aide Susan Makowski and her five years of employee service.

- PRESENTATION
2015 National Road Safety Award

- MEMBER EXITED: Commissioner Thompson

- RECOMMENDATIONS

January 21, 2016 Planning and Zoning Commission Recommendations

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of January 21, 2016; subject to the usual right of appeal by any aggrieved party.

- MEMBER RE-ENTERED: Commissioner Thompson

- PUBLIC HEARINGS

Municipal Service Benefit Unit

1. Notice of Intent Resolution to Use the Uniform Ad Valorem Method of Collection of Non-Ad Valorem Assessments; All Districts

Consideration: Adoption of a Resolution authorizing the Orange County Board of County Commissioners to use the uniform method of collecting non-ad valorem assessments levied by the Orange County Board of County Commissioners as provided in Section 197.3632, Florida Statutes.

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

The following persons addressed the Board:

- Catherine Nelder
- Geri Konas

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board adopted a Resolution authorizing the Orange County Board of County Commissioners to use the uniform method of collecting non-ad valorem assessments levied by the Orange County Board of County Commissioners as provided

in Section 197.3632, Florida Statutes.

Development Plan

2. Cas Suvongse, SK Consortium, Inc., Lake Reams Neighborhood PD/Parcel 3 – Lakeside Neighborhood Development Plan – Case # DP-15-06-148; District 1

Applicant: Cas Suvongse, SK Consortium, Inc., Lake Reams Neighborhood PD / Parcel 3 – Lakeside Neighborhood Development Plan – Case # DP-15-06-148

Consideration: Lake Reams Neighborhood PD / Parcel 3 – Lakeside Neighborhood Development Plan submitted in accordance with Article II of the Orange County Subdivision Regulations; The request is to construct two (2) commercial buildings with a total of 19,994 square feet on a total of 2.0 acres. The request also includes the following waivers from the Orange County Code:

1. A waiver is requested from Section 38-1388(c)(7) to allow zero (0) percent of the façade to be placed at the ten (10) foot building setback line in lieu of the requirement that facades shall be built directly in the front building setback line for at least fifty (50) percent of the linear frontage.
2. A waiver is requested from Section 38-1388(c)(8) to eliminate the requirement that buildings within the Neighborhood Commercial areas shall have a side yard setback of zero (0) feet on at least (1) property line.
3. A waiver is requested from Section 38-1388(c)(12)(c) to eliminate the requirement of sidewalk areas at the front of Neighborhood Commercial areas shall be placed in an easement and not made part of the public right-of-way.
4. A waiver requested from Section 38-1384(d) to allow zero (0) street trees along Taborfield Avenue in lieu of the requirement of six (6) trees; pursuant to Orange County Code, Section 38-1381

Location: District 1; property generally located East of Reams Road / North of Taborfield Avenue; Orange County, Florida (legal property description on file)

County staff modified Conditions 17a through 17d to read as follows:

- a. A waiver is granted ~~requested~~ from Section 38-1388(C)(7) to allow zero (0) percent of the façade to be placed at the ten (10) foot building setback line in lieu of the requirement that facades shall be built directly in the front building setback line for at least fifty (50) percent of the linear frontage.
- b. A waiver is granted ~~requested~~ from Section 38-1388(c)(8) to eliminate the requirement that buildings within the Neighborhood Commercial Areas shall have a side yard setback of zero (0) feet on at least one (1) property line.

- c. A waiver is granted ~~requested~~ from Section 38-1388(c)(12)(c) to eliminate the requirement of sidewalk areas at the front of Neighborhood Commercial ~~Areas~~ Areas. The sidewalk shall be placed in an easement and not made part of the public right-of-way.
- d. A waiver is granted ~~requested~~ from Section 38-1384(d) to allow zero (0) street trees along Taborfield Avenue in lieu of the requirement of six (6) trees.

The following persons addressed the Board:

- Cas Suvongse
- Aristides Diaz
- Vernon Bliven

Based upon input from County staff the following new condition was added:

18. The applicant may be required to establish an MSBU for stormwater if the property drains into the PUD master Stormwater system.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Lake Reams Neighborhood PD/Parcel 3 – Lakeside Neighborhood Development Plan – Case # DP-15-06-148 on the described property, subject to the following conditions:

1. Development shall conform to the Lake Reams Neighborhood Planned Development; Orange County Board of County Commissioners (BCC) approvals; Parcel 3 - Lakeside Neighborhood Development Plan dated "Received October 29, 2015"; and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
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. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
5. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
6. Prior to the issuance of any vertical building permits, the property shall be platted.
7. A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
8. 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 Construction Plan submittal.
9. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
10. 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).
11. Prior to commencement of any earth work or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System

(NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

12. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, reclaimed water, and wastewater systems have been designed to support all development within the DP, and that construction plans are consistent with an approved Master Utility Plan.
13. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the original Horizon West Village Center standards dated June 6, 1995.
14. No vertical permits will be accepted for review until the Orange County Property Appraiser's Office has transferred PID and addressing information to the permitting system.
15. Outside sales, storage, and display shall be prohibited.
16. The project shall comply with the terms of the Right-of-Way Agreement for Lakeside Neighborhood / Reams Road being considered as of even date herewith.
17. The following waivers from Orange County Code are granted:
 - a. A waiver is granted from Section 38-1388(C)(7) to allow zero (0) percent of the façade to be placed at the ten (10) foot building setback line in lieu of the requirement that facades shall be built directly in the front building setback line for at least fifty (50) percent of the linear frontage.
 - b. A waiver is granted from Section 38-1388(c)(8) to eliminate the requirement that buildings within the Neighborhood Commercial Areas shall have a side yard setback of zero (0) feet on at least one (1) property line.
 - c. A waiver is granted from Section 38-1388(c)(12)(c) to eliminate the requirement of sidewalk areas at the front of Neighborhood Commercial Areas. The sidewalk shall be placed in an easement and not made part of the public right-of-way.
 - d. A waiver is granted from Section 38-1384(d) to allow zero (0) street trees along Taborfield Avenue in lieu of the requirement of six (6) trees.
18. The applicant may be required to establish an MSBU for stormwater if the property drains into the PUD master stormwater system.

Substantial Change

• RELINQUISHED CHAIR

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

3. John Florio, Donald W. McIntosh Associates, Inc., Spring Isle Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-01-028, amend plan; District 4

Applicant: John Florio, Donald W. McIntosh, Inc., Spring Isle Planned Development / Land Use Plan (PD/LUP), Case # CDR-15-01-028

Consideration: Substantial change request to: add one (1) parcel containing 4.20 acres; add 95 townhome units to PD Parcel G by converting 24,739 square feet of Office development entitlements into 66 townhome units, and by using 11 remaining units and 18 density credit units; add a Transportation Equivalency Matrix to include townhome, self-storage, day care, and elementary school uses with updated trip and student generation calculations; introduce commercial, townhome, day care, self-storage and elementary school uses to PD Parcel H, while eliminating park use from PD Parcel I (resulting in the County stormwater use only); and, reconfigure PD Parcels G, H and I boundaries. The applicant is also requesting the following waivers from the Orange County Code:

1. A waiver from Section 24-4(a)(2) to eliminate landscaping requirements between vehicular use areas on adjacent non-residential properties.
2. A waiver from Section 38-1272(a)(3) to allow a minimum setback from the side and rear property lines of zero (0) feet for non-residential (commercial) development, in lieu of ten (10) feet.; pursuant to Orange County Code, Chapter 30, and Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4; property generally located East side of Avalon Park Boulevard, south of Waterford Chase Boulevard and Sunflower Trail, and north of Timber Springs Boulevard; Orange County, Florida (legal property description on file)

County staff modified Conditions 6a, 6b and 10 to read as follows:

- 6a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of 02 09, 2016.
- 6b. 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 11 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement

Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

10. All proposed vertical structures shall be located a minimum of ~~20~~ 18 feet from the centerline of the existing 30-inch water main and 30-inch wastewater force main.

The following person addressed the Board: John Florio.

Motion/Second: Commissioners Thompson/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by John Florio, Donald W. McIntosh, Inc., Spring Isle Planned Development / Land Use Plan (PD/LUP), Case # CDR-15-01-028, to add one (1) parcel containing 4.20 acres; add 95 townhome units to PD Parcel G by converting 24,739 square feet of Office development entitlements into 66 townhome units, and by using 11 remaining units and 18 density credit units; add a Transportation Equivalency Matrix to include townhome, self-storage, day care, and elementary school uses with updated trip and student generation calculations; introduce commercial, townhome, day care, self-storage and elementary school uses to PD Parcel H, while eliminating park use from PD Parcel I (resulting in the County stormwater use only); and, reconfigure PD Parcels G, H and I boundaries; and further, the applicant is requesting the following waivers from the Orange County Code:

1. A waiver from Section 24-4(a)(2) to eliminate landscaping requirements between vehicular use areas on adjacent non-residential properties.
2. A waiver from Section 38-1272(a)(3) to allow a minimum setback from the side and rear property lines of zero (0) feet for non-residential (commercial) development, in lieu of ten (10) feet;

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

1. Development shall conform to the Spring Isle Planned Development / Land Use Plan (PD/LUP) dated "Received September 28, 2015," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities,

the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received September 28, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. 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.

5. 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.
6. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of 02 09, 2016.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 11 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. 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).
7. A waiver from Orange County Code Section 24-4(a)(2) is granted to eliminate landscaping requirements between vehicular use areas on adjacent non-residential properties.

8. A waiver from Orange County Section 38-1272(a)(3) is granted to allow a minimum setback from the side and rear property lines of zero (0) feet for non-residential (commercial) development, in lieu of ten (10) feet.
9. 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.
10. All proposed vertical structures shall be located a minimum of 18 feet from the centerline of the existing 30-inch water main and 30-inch wastewater force main.
11. The developer/property owner shall sign an agreement which releases Orange County from liability associated with the presence of the 30-inch water main and 30-inch wastewater force main located on Parcel H. The agreement shall be approved by the BCC prior to construction plan approval.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 19, 2010 and August 5, 2003, shall apply:
 - a. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - b. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
 - c. Outdoor storage and display shall be prohibited.
 - d. At the time of the first commercial or office Preliminary Subdivision Plan or Development Plan, a Master Sign Plan consistent with the Avalon Park Corridor requirements shall be submitted.
 - e. This project shall comply with the Avalon Park Boulevard Design Standards, with the following exceptions:
 - Golden Isle Boulevard shall have a minimum 10-foot-wide landscape parkway and incorporate one 5-foot walk and one 8-foot walk.
 - The commercial and office/commercial portion of the PD (Tracts G and H) shall be 27.71 acres in size but shall not exceed 150,000 square feet of building.
 - Main commercial "anchors" may front an internal drive isle and face Avalon Park Boulevard, so long as any side building façade fronting Golden Isle Boulevard is addressed as a primary building façade.

- The commercial and office/commercial portion of the PD (Tracts G and H) shall each be considered a "Community Commercial" / "Office" site.
 - Signage requirements for Parcels G and H shall be in accordance with an approved Master Sign Plan.
- f. Billboards and pole signs shall be prohibited.
 - g. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan, with a tree removal and mitigation plan, have been approved by Orange County.
 - h. A waiver from Section 38-1272(3)(b) is granted to allow a 15-foot building setback along Avalon Park Boulevard in lieu of the required 40 feet.
 - i. A waiver from Section 38-1272(3)(a) is granted to allow a 20-foot setback along the north/south connector road in lieu of the required 30 feet.
 - j. A waiver from Section 38-1272(3)(d) is granted to allow 15-foot setbacks from internal streets in lieu of the required 30 feet.
 - k. The commercial uses shall be limited to Commercial (C-1) uses.
 - l. Construction traffic shall not be permitted to access the PD via Sunflower Trail.

Board of Zoning Adjustment Appeal

4. Pedro J. Malaret

Kung Fu-Sion, LLC, Case # VA-15-12-126, December 3, 2015; District 4
(Continued from February 9, 2016)

Appellant: Pedro J. Malaret
 Applicant: Kung Fu-Sion, LLC
 Case: Board of Zoning Adjustment Case # VA-15-12-126; November 5, 2015
 Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request for a Variance by the applicant to allow for on-site consumption of beer and wine (2COP) 369.8 ft. from Legacy Middle School in lieu of 1000 ft.
 Location: District 4; property generally located North side of Lake Underhill Rd., east of Rouse Rd.; Orange County, Florida (legal property description on file in Zoning Division)

• REASSUMED CHAIR.

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

The following persons addressed the Board:

- Pedro Malaret
- Trini Quiroz
- Julie Salvo (phonetic)

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

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board overruled the decision of the Orange County Board of Zoning Adjustment and approved the request by Kung Fu-Sion, LLC for a Variance by the applicant to allow for on-site consumption of beer and wine (2COP) 369.8 ft. from Legacy Middle School in lieu of 1000 ft., on the described property; subject to the following conditions:

1. Development in accordance with application package submitted by applicant on October 14, 2015, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;
3. This approval shall be limited to Kung-Fu-Sion, LLC, Danketsu Restaurant located at 11425 Lake Underhill Rd., for a 2 COP license to serve beer and wine for on-premise consumption only.

4. Restrict the sales of beer and wine with meals and shall commence no sooner than 4:00 p.m. and extend beyond no later than 2:00 a.m., Monday through Saturday. Sales of beer and wine with meals is permitted on Sundays in accordance with all other regulations.

Development Review Committee Appeal

5. Christina Baxter, Moss Park PD/Western Portion of Parcel N PSP, Case # CDR-15-12-394; District 4

Appellant: Christina Baxter, Poulos and Bennett, Moss Park PD / Western Portion of Parcel N PSP- Case # CDR-15-12-394

Consideration: Appeal of the decision by the Orange County Development Review Committee, dated December 2, 2015, on a request to deny the revision of Condition of Approval #18 to allow a second access point to the future Innovation Way South alignment to be provided prior to or concurrent with the certificate of completion of Phase 5, in lieu of Phase 2, and to impose condition of approval #8, which requires the applicant to relocate the outfall ditch from Pond SW-7 to the eastern boundary of the PSP to lie within the proposed B-2 and B-3 tracts with a drainage easement dedicated to the County or provide an additional drainage easement over the existing outfall ditch

Location: District 4; property generally located South of Wewahootee Road / East of John Wycliffe Boulevard; Orange County, Florida (legal property description on file in Planning Division)

County staff indicated Condition of Approval #18 is renumbered in the staff report as Condition of Approval #9r; and further, Condition of Approval #9r will read as follows:

- 9r. A second access point to the future Innovation Way South alignment shall be provided prior to or concurrent with the certificate of completion of ~~Phase 5~~ Phase 4 of this Moss Park Parcel N PSP and said second access point may be located across Parcel FD02 as a non-substantial change to this Moss Park Parcel N PSP.

The following person addressed the Board: Brock Nicholas.

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board overruled the decision of the Development Review Committee and approved the request by Christina Baxter, Poulos and Bennett, Moss Park PD / Western Portion of Parcel N PSP- Case # CDR-15-12-394 to allow a second access point to the future Innovation Way South alignment to be provided prior to or concurrent with the certificate of completion of Phase 4, in lieu of Phase 2, and to impose condition of approval #8, which requires the applicant to relocate the outfall ditch from Pond SW-7 to the eastern boundary of the PSP to lie within the proposed B-2 and B-3 tracts with a drainage easement dedicated to the County or provide an additional drainage easement

over the existing outfall ditch, on the described property; subject to the following conditions:

1. Development shall conform to the Moss Park PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Western Portion of Parcel N Preliminary Subdivision Plan dated "Received November 20, 2015," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received November 20, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

5. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
6. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
7. Prior to Certificate of Completion for the subdivision infrastructure, a Development Plan shall be submitted, approved and constructed for the park tracts located within this PSP or within any phase of the PSP.
8. The outfall ditch from Pond SW-7 to the eastern boundary of the PSP shall be relocated to lie within the proposed B-2 and B-3 tracts with a drainage easement dedicated to the County or an additional drainage easement must be provided over the existing outfall ditch. The relocation or easement dedication must occur prior to the Phase 2 Certificate of Completion.

Clerk's Note: The Board replaced Conditions of Approval 9a. through 9f., dated June 3, 2014, with Conditions of Approval 1 – 6, respectively. Subsequently, new Condition of Approval 9 includes 9g. through 9s.

9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 3, 2014, shall apply:
 - g. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
 - h. The applicant must apply for a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate

prior to platting. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

- i. Prior to performance of any earth work or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
- j. 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.
- k. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with an approved and up-to-date Master Utility Plan for the PD.
- l. Design of the intersection at the entrance to Parcel "N" must be approved by the County Engineer, with notice provided to property owner(s) to the north of the project.
- m. Developer shall provide pedestrian connectivity to the Innovation Way South Sidewalk from Park & Rec Tracts, P3 and P4 at the time Tract FD02 is developed.
- n. Simultaneously with the recording of the subdivision plat, the developer shall record in the public records of Orange County, Florida, a declaration of covenants, conditions, and restrictions governing Parcel N, the terms of which shall include a conspicuous requirement that each purchaser of a residential lot in the subdivision for the personal or family uses of the purchaser(s) must be given a copy of the declaration at or prior to the time the sales contract is executed by the purchaser(s), together with a disclosure statement to be executed by the initial purchaser(s) stating as follows: "I/We acknowledge, understand, and accept that I/we am/are purchasing a lot or home in a subdivision that, on the date of its approval by the Board of County Commissioners on June 3, 2014, is located west of a fuse and explosive element manufacturing and testing facility located at 13336 Wewahootee Road, the Orange County Shooting Range located at 14500 Wewahootee Road, and the Central Florida Rifle Pistol Club located at 14646 Wewahootee Road. I/We also acknowledge, understand, and accept that noises, odors, vibrations, and aesthetic objections may be associated with those uses."

In addition to the declaration requirement described above, the developer shall incorporate the following statement into each deed initially conveying title to a lot: "The property being conveyed is part of the Moss Park PD I Western Portion of Parcel N Subdivision, which is located adjacent to a fuse and explosive manufacturing and testing facility, a shooting range, and a rifle/pistol club." (LUP Condition of Approval #14 from BCC Minutes of June 3, 2014).

The proximity of the subdivision to the fuse and explosive element manufacturing and testing facility, shooting range, and rifle/pistol club shall also be conspicuously notated on the plat.

- o. A Utilities Developer Agreement related to the oversizing of utility mains included in this PSP will be required and executed prior to construction plan approval. The terms of the agreement will be determined based on the MUP for this PSP.
- p. Prior to Certificate of Completion for any phase, a Development Plan shall be submitted, approved and constructed for the park tracts located within that phase of the PSP.
- q. The area designated on the plan as "future development" (Tract FD-02) is not approved with this plan and shall be resubmitted as a later phase of the PSP.
- r. A second access point to the future Innovation Way South alignment shall be provided prior to or concurrent with the certificate of completion of Phase 4 of this Moss Park Parcel N PSP and said second access point may be located across Parcel FD02 as a non-substantial change to this Moss Park Parcel N PSP.
- s. Within 150 days of approval of this Moss Park Parcel N PSP and prior to the platting and recordation of the plat of Phase 2 of the Moss Park Parcel N PSP ("Phase 2"), Developer shall cause the modification of the Conservation Easement granted to the South Florida Water Management District recorded in Orange County Official Records Book 09815, Pages 850-864 to allow for passive recreation within the Conservation Easement area. Within 60 days of the recording of the above described modification to the Conservation Easement ("Amended Conservation Easement") and prior to platting of Phase 2, Developer shall convey to the County by Special Warranty Deed the northerly 4 acres (the "4 acres") of that area described as Wetland 20 in the above-described Conservation Easement, which wetland is contiguous to county-owned property. The 4 acres shall be conveyed in accordance with County requirements, including but not limited to an acceptable signed and sealed legal description and sketch, Title Insurance Commitment evidencing the property is free and clear of all liens and encumbrances except the Amended Conservation Easement and other matters of record that do not materially interfere with utilization of the property to be conveyed for passive recreation purposes. The Developer shall be solely responsible for all costs

associated with the conveyance. The property is to be used for purposes of being combined with adjacent County owned property of approximately 16 acres for a 20 acre County park.

Comprehensive Plan

8. Transmittal of the 2016-1 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP)

County staff announced the Comprehensive Plan Transmittal of the 2016-1 Session Regular Cycle Amendments. Furthermore, Privately-Initiated Future Land Use Map Amendment 2016-1-A-1-7 has been withdrawn.

2016-1 COMPREHENSIVE PLAN TRANSMITTAL – REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE MAP AMENDMENTS

Amendment: 2016-1-A-1-1
Applicant/Owner: Kendell Keith, Planning Design Group for Tony & Charleen Benedict
Consideration: Horizon West, Lakeside Village Specific Area Plan (SAP) - Conservation (CONS) and Greenbelt (GB) to Horizon West, Lakeside Village Specific Area Plan (SAP) - Estate District (ED), Conservation (CONS) and Greenbelt (GB)
Location: 14124 Reams Rd., Generally described as located on the west side of Reams Rd., east and south of Lake Hancock Rd.; Parcel ID#: 34-23-27-0000-00-026; 36.60 gross ac.

The following person addressed the Board: Kendell Keith.

Motion/Second: Commissioners Boyd/Clarke
AYE (voice vote): All members
Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Policies FLU1.4.2, FLU4.1.1, FLU4.1.5, FLU4.5.1, FLU4.5.4.1, FLU4.5.6, FLU8.2.1, FLU8.2.2, and FLU8.2.11); further determined, the proposed amendment is in compliance; and further, approved transmitting Privately-Initiated Future Land Use Map Amendment 2016-1-A-1-1, Horizon West Lakeside Village Specific Area Plan (SAP) Conservation (CONS) and Greenbelt (GB) to Horizon West Lakeside Village Specific Area Plan (SAP) Estate District (ED), Conservation (CONS), and Greenbelt (GB).

Amendment: 2016-1-A-1-4
Applicant/Owner: James G. Willard, Esq., Shutts & Bowen, LLP for Beth A. Wincey
Consideration: Horizon West, Town Center Specific Area Plan (SAP) - Urban Residential (UR-4) and Open Space (OS) to Horizon West, Town Center Specific Area Plan (SAP) - Retail/Wholesale (RW-4b)

Location: 17450 McKinney Rd.; Generally described as located on the southwest corner of McKinney Rd. and Avalon Rd.; Parcel ID#: portion of 19-23-27-0000-00-012; 10.05 gross ac.

The following person addressed the Board: Geoff McNeill.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Objective OBJ4.7 and Policies FLU1.4.3, FLU4.7.1, FLU4.7.7.1, FLU4.7.9, and FLU8.2.1); further, determined the proposed amendment is in compliance; and further, approved transmitting Privately-Initiated Future Land Use Map Amendment 2016-1-A-1-4, Horizon West, Town Center Specific Area Plan (SAP) Urban Residential (UR-4) and Open Space (OS) to Horizon West, Town Center Specific Area Plan (SAP) Retail/Wholesale (RW-4b).

Amendment: 2016-1-A-1-5

Applicant/Owner: Jim Hall, VHB, Inc. for DFD One, LLC

Consideration: Activity Center Mixed Use (ACMU) and Activity Center Residential (ACR) to Planned Development-Low-Medium Density Residential (PD-LMDR)

Location: 7701 Palm Pkwy.; Generally described as located on the west side of Palm Pkwy., north of Lake St., south of Fenton St., and east of S. Apopka Vineland Rd.; Parcel ID#'s: 15-24-28-7774-00-001/010 and portions of 15-24-28-7774-00-002/020; 159.40 gross ac.

The following person addressed the Board: Jim Hall.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Policies FLU1.4.1, FLU1.4.2, FLU2.2.1, FLU8.1.4, and International Drive Activity Center Element Goals 1 and 3 and Policy ID5.1.2); further, determined the proposed amendment is in compliance; and further, approved transmitting Privately-Initiated Future Land Use Map Amendment 2016-1-A-1-5, Activity Center Mixed Use (ACMU) and Activity Center Residential (ACR) to Planned Development-Low Medium Density Residential (PD-LMDR).

Amendment: 2016-1-A-1-6

Applicant/Owner: Kathryn Hattaway, HCi Planning & Development / Flamingo Crossings, LLC and Reedy Creek Improvement District

Consideration: East Portion: Reedy Creek Improvement District (RCID)-Mixed Use; West Portion: Reedy Creek Improvement District (RCID)-Mixed Use/Conservation to East Portion: Growth Center-Commercial/Medium Density Residential (GC-C/MDR); West Portion: Growth Center-Commercial/Medium Density Residential/Conservation (GC-C/MDR/CONS)

Location: 12831, 12840, and 13325 Flamingo Crossings Blvd.; Generally described as located east and west of Flamingo Crossings Blvd., west of SR 429, south of Western Wy.; Parcel ID#'s: 21-24-27-0000-00-003 (portion of), 21-24-27-0000-00-005 (portion of), and 28-24-27-0000-00-001/021; 154.35 gross ac.

The following persons addressed the Board:

- Kathy Hattaway
- Trini Quiroz

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Housing Element Objective H1.1, Future Land Use Element Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.4.F, FLU1.4.4, FLU1.4.7, FLU7.4.1, FLU7.4.4, FLU7.4.6, and FLU8.2.1; and Conservation Element Objective C1.4 and Policy C1.4.1); further, determined the proposed amendment is in compliance; and further, approved transmitting Privately-Initiated Future Land Use Map Amendment 2016-1-A-1-6, Reedy Creek Improvement District (RCID)-Mixed Use (east portion) and Reedy Creek Improvement District (RCID)-Mixed Use/Conservation (west portion) to Growth Center-Commercial/Medium Density Residential (GC-C/MDR) (east portion) and Growth Center-Commercial/Medium Density Residential/Conservation (GC-C/MDR/CONS) (west portion).

Amendment: 2016-1-A-1-7

Applicant/Owner: Dennis Abbate and Angi Perretti / PerriHouse, LLC for PerriHouse, LLC and Orange County BCC

Consideration: Commercial (C), Medium Density Residential (MDR), and Low Density Residential (LDR) to Planned Development-Commercial/High Density Residential (PD-C/HDR)

Location: 10275 Winter Garden Vineland Rd. and 10304, 10324, 10330, 10336, 10405, 10417, and 10450 Vista Oaks Ct.; Generally described as located on the east and west side of Vista Oaks Ct., west of Winter Garden Vineland Rd. and north of Perrihouse Acres Ln.; Parcel ID#'s: 08-24-28-8912-00-001/010/020/050/060/070/071/080; 12.69 acres

The application was withdrawn at the applicants' request and the public hearing was cancelled.

Amendment: 2016-1-A-1-8
Applicant/Owner: David Evans, Evans Engineering, Inc. for Casher Family Dynasty Trust
Consideration: Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR)
Location: Generally described as located on the east side of Avalon Rd., south of Hartzog Rd., north of Arrowhead Blvd., and west of Vista Del Lago Blvd.; Parcel ID#'s: 31-24-27-0000-00-039/040/044; 23.94 acres

Motion/Second: Commissioners Boyd/Clake
AYE (voice vote): All members
Action: The Board made a finding of consistency with the Comprehensive Plan (see Housing Element Goal H1, Housing Element Objective H1.1, Future Land Use Element Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.4.f, FLU1.4.4, FLU7.4.4, FLU8.2.1, FLU8.2.2, and FLU8.2.10); further, determined the proposed amendment is in compliance; and further, approved transmitting Privately-Initiated Future Land Use Map Amendment 2016-1-A-1-8, Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR).

2016-1 COMPREHENSIVE PLAN TRANSMITTAL – REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT AND MAP AMENDMENTS

Amendment: 2016-1-B-FLUE-3
Consideration: Text amendments to Future Land Use Element Policy FLU4.7.9 related to the Horizon West, Town Center Neighborhood development programs

Motion/Second: Commissioners Boyd/Thompson
AYE (voice vote): All members
Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined the proposed amendment is in compliance; and further, approved transmitting Staff-Initiated Comprehensive Plan Text Amendment 2016-1-B-FLUE-3.

Amendment: 2016-1-B-FLUE-4
Consideration: Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County

Motion/Second: Commissioners Clarke/Boyd
AYE (voice vote): All members
Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined the proposed amendment is in compliance; and further, approved transmitting Staff-Initiated Comprehensive Plan Text Amendment 2016-1-B-FLUE-4.

Amendment: 2016-1-B-CP-1
Consideration: Text and map amendments to the International Drive Activity Center Element and Future Land Use Element, amending the Goals, Objectives, and Policies to incorporate the area identified by the I-Drive 2040 Strategic Vision and create appropriate policies to facilitate the implementation of the vision plan

Motion/Second: Commissioners Siplin/Boyd
AYE (voice vote): All members
Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff-Initiated Comprehensive Plan Text and Map Amendment 2016-1-B-CP-1.

Amendment: 2016-1-B-CIE-1
Consideration: Text amendments to incorporate the most recently adopted CIP and clarify the relationship between the OCPS 10 Year Capital Outlay Plan and Orange County land approval process

County staff indicated the request is for the annual update to the Capital Improvements Element (CIE) of the Comprehensive Plan, amending the text of Goals, Objectives, and Policies (GOPS) of the CIE, updating the Capital Improvements Schedule, and incorporating the Orange County 2015-2016 Capital Improvements Program and OCPS 10-Year Capital Outlay Plan into the CIE. Amendments to clarify relationship between OCPS 10-Year Capital Outlay Plan and OCPS land use approvals.

Motion/Second: Commissioners Clarke/Boyd
AYE (voice vote): All members
Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff-Initiated Comprehensive Plan Text Amendment 2016-1-B-CIE-1.

Amendment: 2016-1-B-CP-2
Consideration: Amendments to Map 1: Long Range Transportation Plan (LRTP) and to the list of constrained/backlogged facilities in Policies T2.2.3.1 and CIE1.8.4

Motion/Second: Commissioners Boyd/Thompson
AYE (voice vote): All members
Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff-Initiated Comprehensive Plan Map Amendment 2016-1-B-CP-2.

Development Review Committee Appeal

6. Diego "Woody" Rodriguez, Orange County Public Schools (OCPS) Avalon Park PD/Avalon Town Center PSP/Tract 2 – Pinecrest Avalon Academy DP, Case # DP-15-08-228; District 4

Appellant: Diego "Woody" Rodriguez, Orange County Public Schools (OCPS), Avalon Park PD / Avalon Town Center PSP / Tract 2 – Pinecrest Avalon Academy DP – Case # DP-15-08-228

Consideration: Request an appeal of a decision of Orange County's Development Review Committee (DRC) to approve a 96,945 square foot Charter School

Location: District 4; property generally located North of Avalon Lake Drive / East of Avalon Park East Boulevard; Orange County, Florida (legal property description on file in Planning Division)

Court Reporters: Jennifer B. Sanders, 1st First Choice Reporting & Video Services
Lisa Trombly, LGT Reporting

The staff report indicates the applicant is Steven Mellich.

The following persons addressed the Board:

- Ted Brown
- Woody Rodriguez
- Rick Baldocchi
- Dave Torbert
- Debra Alexander
- Jill Meunier
- Trey Fragala
- Tiffany Brittain
- Keith Severns
- Sean Ashby
- Crystal Adams
- Steven Clark
- Drew Odermann
- Jason Souza
- Jackie Carroll

● RELINQUISHED CHAIR

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

The following persons addressed the Board:

- Diana Heinzman
- Lisa Halle
- Mike Byrnes
- Eric Mazetis
- Jeffrey Koch
- Caroline Driscoll

- REASSUMED CHAIR.

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

The following persons addressed the Board:

- Scott Puckett
- Ignacio Quinones
- Todd Callahan
- Priscilla Rivers
- Pamela Sanders
- Chris Meyer
- Renee Pancoast
- Nina Yoakum
- Veronica Quinones
- Joyce James
- Lee Eaton
- Greg Meunier
- Mohammed Abdallah
- Rolando Llanes
- Beat Kahli

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

- Exhibit 1, from Woody Rodriguez
- Exhibit 2, from Jill Meunier
- Exhibit 3, from Sean Ashby
- Exhibit 4, from Sean Ashby
- Exhibit 5, from Sean Ashby
- Exhibit 6, from Crystal Adams
- Exhibit 7, from Mohammed Abdallah

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

- Submittal 1, from Woody Rodriguez
- Submittal 2, from Ted Brown
- Submittal 3, from Ted Bown

The material referenced by the speaker was not received by the Clerk prior to the close of the public hearing: Mohammed Abdallah.

Motion/Second: Commissioners Thompson/Siplin
AYE (voice vote): All members

Action: The Board granted the appeal by Diego "Woody" Rodriguez, Orange County Public Schools (OCPS) and overruled the DRC's decision to approve a 96,945 square foot Charter School based upon the following findings:

1. Traffic
2. Parking
3. Stacking
4. Extremely close proximity to a full service liquor bar
5. Size of campus in relation to the approved student enrollment which is 3 acres and 1,400 students;

and further, denied the request by Steve Mellich, Avalon Park PD / Avalon Town Center PSP / Tract 2 – Pinecrest Avalon Academy DP – Case # DP-15-08-228 for a 96,945 square foot Charter School, on the described property.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

7. Diego "Woody" Rodriguez, Orange County Public Schools (OCPS), Avalon Park PD/South Villages PSP/Charter Schools USA Avalon Park DP, Case # DP-15-07-191; District 4

Appellant: Diego "Woody" Rodriguez, Orange County Public Schools (OCPS), Avalon Park PD / South Villages PSP / Charter Schools USA Avalon Park DP – Case # DP-15-07-191

Consideration: Appeal of the decision by the Orange County's Development Review Committee (DRC) on a request to approve a 68,156 square foot Charter School

Location: District 4; property generally located East of Alafaya Trail / North of Mailer Boulevard; Orange County, Florida (legal property description on file in Planning Division)

Court Reporter: Lisa Trombly, LGT Reporting

and

• COUNTY CONSENT AGENDA (CONTINUED)

Public Works Department (Deferred)

1. Authorization to record the plat of Avalon Park South Phase 1A. District 4. (Development Engineering Division)

Staff report indicates the applicant is Steven Mellich.

The following persons addressed the Board:

- Ted Brown
- Diego Woody Rodriguez

- Rick Baldocchi
- Dave Torbert
- Jeffrey Koch
- Jackie Carroll

- RELINQUISHED CHAIR

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

The following persons addressed the Board:

- Diana Heinzman
- Trini Quiroz
- Eric Mazetis
- Joshua Brown

- REASSUMED CHAIR.

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

The following persons addressed the Board:

- Michele Casey Driscoll
- Tiffany Brittain
- Greg Meunier
- James Benscoter
- Joyce James
- Nina Yoakum
- Trey Fragala
- Crystal Adams
- Annmarie Connor
- Drew Odermann
- Lee Eaton
- Mohammed Abdallah
- Chip Cordis (phonetic)

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

- Exhibit 1, from Diego Woody Rodriguez
- Exhibit 2, from Crystal Adams
- Exhibit 3, from Mohammed Abdallah
- Exhibit 4, from Chip Cordis
- Exhibit 5, from Dave Torbert

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

- Submittal 1, from Diego Woody Rodriguez

- Submittal 2, from Ted Brown
- Submittal 3, from Ted Brown

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board granted the appeal by Diego "Woody" Rodriguez, Orange County Public Schools (OCPS) and overruled the DRC's decision to approve a 68,156 square foot Charter School based upon the following findings:

1. Lack of adequate parking
2. Concerns over EMS response time
3. Concerns regarding children safety related to the stacking capacity and the stacking plan;

and further, denied the request by Steve Mellich, Avalon Park PD / South Villages PSP / Charter Schools USA Avalon Park DP – Case # DP-15-07-191 for a 68,156 square foot Charter School, on the described property.

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board authorized to record the plat of Avalon Park South Phase 1A.

- ADJOURNMENT, 9:36 p.m.

ATTEST:




County Mayor Teresa Jacobs

Date: 4/5/10



ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk



Deputy Clerk