



AGENDA

Orange County Government • Board of County Commissioners • 201 South Rosalind Avenue
County Commission Chambers • 1st Floor • County Administration Center
www.OrangeCountyFL.net

TUESDAY, DECEMBER 20, 2016

MEETING STARTS AT 2:00 p.m.

- Invocation – District 6
- Pledge of Allegiance
- Public Comment*

I. CONSENT AGENDA

A. COUNTY COMPTROLLER

1. Approval of the minutes of the October 4, October 18, and November 1, 2016 meetings of the Board of County Commissioners. **(Clerk's Office) Page 13-71**
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. **(Finance/Accounting) Page 13**

B. COUNTY ADMINISTRATOR

1. Confirmation of Commissioner Clarke's reappointment of David M. Harding to the Lake Anderson Advisory Board with a term expiring December 31, 2018. **(Agenda Development Office) Page 72**
2. Confirmation of Commissioner Clarke's reappointment of Michael Powell and appointment of Dana L. Kruetzfeldt and Caroline St. Clair to the Lake Holden Advisory Board with terms expiring December 31, 2018. **(Agenda Development Office) Page 73**
3. Confirmation of Commissioner Clarke's reappointment of Judy I. Martin and Carolyn Accola to the Lake Jessamine Water Advisory Board with terms expiring December 31, 2018. **(Agenda Development Office) Page 74**

CONTINUED

*Pursuant to Section 209 of the Orange County Charter, as amended on Nov. 4, 2008, the Board of County Commissioners must set aside at least 15 minutes at the beginning of each regular meeting for citizens to speak to the Board on any matter of public interest under the Board's authority and jurisdiction, regardless of whether the public issue is on the Board's agenda, but excluding matters that are not appropriate for public discussion, such as pending procurement or land use issues.

TUESDAY, DECEMBER 20, 2016

I. CONSENT AGENDA (Continued)

B. COUNTY ADMINISTRATOR (Continued)

4. Confirmation of Commissioner Clarke's reappointment of Edwin Johnson, Nancy Crowell, and Russ E. Tatum to the Lake Mary MSTU Advisory Board with terms expiring December 31, 2018. **(Agenda Development Office) Page 75**
5. 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) Page 76-77**
6. Confirmation of the reappointment to the Board of Zoning Adjustment of Charles Norman as the Mayor's representative with a term expiring December 31, 2018. **(Agenda Development Office) Page 78**
7. Confirmation of the reappointment to the Membership and Mission Review Board of Picton Warlow as the Mayor's representative with a term expiring December 31, 2018. **(Agenda Development Office) Page 79**
8. Confirmation of the reappointment to the Orange County Citizen Corps Council of Stephan DeLucca and Jaime Halscott as Mayor's representatives with terms expiring December 31, 2018.
-and-
Confirmation of the appointment of Lt. James Kelley as the District 1 representative on the Orange County Citizen Corps Council with a term effective immediately and expiring December 31, 2018. **(Agenda Development Office) Page 80**
9. Confirmation of the reappointment to the Planning and Zoning Commission of Paul L. Wean as the Mayor's representative with a term expiring December 31, 2018.
-and-
Confirmation of the appointment of J. Gordon Spears as the District 5 representative on the Planning and Zoning Commission with a term effective immediately and expiring December 31, 2018. **(Agenda Development Office) Page 81**
10. Confirmation of Commissioner VanderLey's reappointment to the Big Sand Lake Advisory Board of John Jennings, Alan C. Charron, David A. Winslow, and Brett M. Kingstone with terms expiring December 31, 2018. **(Agenda Development Office) Page 82**
11. Acceptance of the Audit Report on agreed-upon procedures performed for the Public Service Tax Collection process of the Office of the Comptroller. **(Office of Management and Budget) Page 83-101**
12. Approval of budget amendment #17-12. **(Office of Management and Budget) Page 102-103**

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TUESDAY, DECEMBER 20, 2016

I. CONSENT AGENDA (Continued)

B. COUNTY ADMINISTRATOR (Continued)

13. Approval of budget transfer #17C-00000054. **(Office of Management and Budget) Page 104-105**
14. Approval of CIP amendment #17C-054. **(Office of Management and Budget) Page 106-107**
15. Approval of Ratification of payment of Intergovernmental claims of October 13, 2016 and October 20, 2016 totaling \$835,901.55. **(Risk Management Division) Page 108**

C. ADMINISTRATIVE SERVICES DEPARTMENT

1. Approval of Change Order No. 5, Contract No. Y15-770-CC with Pipeline Mechanical, Inc. in the amount of \$20,660 for the Regional History Center HVAC Replacement Project. The revised lump sum contract amount is \$786,618. District 6. **(Capital Projects Division) Page 109-111**
2. Approval of Change Order No. 2, Contract No. Y16-704-CC with Axios Construction Services LLC in the amount of \$55,510.37, for the Corrections D, E, F Inmate Safety Rails Project. The revised lump sum contract amount is \$745,695.38. District 6. **(Capital Projects Division) Page 112-114**
3. Approval to award Invitation for Bids Y17-121-MV, Motor Oils and Lubricants, Lot 1 to the low responsive and responsible bidder, Lynch Oil Company, Inc. The estimated contract award amount is \$193,640.15 for a 1-year term. **(Administrative Services Department Fleet Management Division] Procurement Division) Page 115-117**
4. Approval to award Invitation for Bids Y17-128-TA, HVAC Maintenance and Repairs for Utility Building Operations, to the low responsive and responsible bidder, Air Mechanical & Service Corporation for a 1-year term. The total estimated contract award amount is \$452,916.64. **(Utilities Department Fiscal and Operational Support Division] Procurement Division) Page 118-120**
5. Approval to award Invitation for Bids Y17-146-PD, EMS Medication, to the low responsive and responsible bidders, Bound Tree Medical, LLC for line items 1-4, 6-7, 12, 17, 19, 20, 22, 26, 36 and 38 for a 1-year term in the total estimated contract award amount of \$161,676.50. and Taylors Pharmacy for line items 5, 8-11, 13-16, 18, 21, 23, 25-33 and 35 for a 1-year term in the total estimated contract award amount of \$274,635. **(Fire Rescue Department] Procurement Division) Page 121-123**

CONTINUED

TUESDAY, DECEMBER 20, 2016

I. CONSENT AGENDA (Continued)

C. ADMINISTRATIVE SERVICES DEPARTMENT (Continued)

6. Approval to award Invitation for Bids Y17-707-CC, Juvenile Assessment Center HVAC & Roof Replacement, to the low responsive and responsible bidder, Mulligan Constructors, Inc. The total contract award amount is \$1,544,700. ([Administrative Services Department Capital Projects Division] **Procurement Division**) **Page 124-127**
7. Approval to award Invitation for Bids Y17-708-RM, Orange County Convention Center Dynamic Message Signage Upgrade, to the sole responsive and responsible bidder, American Systems Corporation. The total contract award amount is \$248,782. ([Convention Center Capital Planning Division] **Procurement Division**) **Page 128-131**
8. Approval to award Invitation for Bids Y17-714-CC, Seawall Repair at Kelly Park, to the low responsive and responsible bidder, Construct Co. Inc. The total contract award amount is \$138,138. ([Administrative Services Department Capital Projects Division] **Procurement Division**) **Page 132-135**
9. Approval of Purchase Order M81871 to Implement a Fully Managed Digital Network Infrastructure to serve each of the County's 10 Public Safety Answering Points, with AT&T, in the amount of \$396,841.89 for the period of September 1, 2017 through August 31, 2022. ([Office of Accountability Information Systems and Services Division] **Procurement Division**) **Page 136-137**
10. Approval of Purchase Order M82049, Line Items 2 and 3, Purchase of Caterpillar Hydraulic Excavator Premier Warranty and Total Maintenance and Repair Service Contract, with Ring Power Corporation, in the total amount of \$108,022. ([Utilities Department Solid Waste Division] **Procurement Division**) **Page 138-139**
11. Approval of Purchase Order M82095, Line Items 2, 3 and 4, Purchase of Caterpillar Premier Warranty, Total Maintenance and Repair Service Contract and Trimble GPS System, with Ring Power Corporation, in the total amount of \$171,897.80. ([Utilities Department Solid Waste Division] **Procurement Division**) **Page 140-141**
12. Approval of Purchase Order M82105, Line Items 2 and 3, Purchase of Caterpillar Bulldozer Canopy Tractor Premier Warranty and Total Maintenance and Repair Service Contract, with Ring Power Corporation, in the total amount of \$145,968.40. ([Utilities Department Solid Waste Division] **Procurement Division**) **Page 142-143**
13. Approval and execution of Six-Month Lease Agreement between the District Board of Trustees of the Tallahassee Community College and Orange County and delegation of authority to the Real Estate Management Division to execute Tenant Estoppel Certificates, if needed for TCC Capitol Center – Communal Office, 300 West Pensacola Street, Suite R, Tallahassee, Florida. Leon County. **(Real Estate Management Division) Page 144-145**

CONTINUED

TUESDAY, DECEMBER 20, 2016

I. CONSENT AGENDA (Continued)

C. ADMINISTRATIVE SERVICES DEPARTMENT (Continued)

14. Approval and execution of Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for Deputy Jonathan "Scott" Pine Community Park. District 1. **(Real Estate Management Division) Page 146-147**
15. Approval of Contract for Sale and Purchase and Warranty Deed between IRA Services Trust Company CFBO: Rami A. Fakhoury IRA Account #429090, Tax ID #26-267205 and Orange County and authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Cypress Grove Park Addition (Invest). District 3. **(Real Estate Management Division) Page 148-149**
16. Approval of Temporary Drainage Easement between DRP FL 1, LLC and Orange County and authorization to record instrument for Hilltop Reserve Ph 2 – Marden Rd PSP/DP Case # 5028441. District 2. **(Real Estate Management Division) Page 150-151**
17. Approval of Sidewalk Easement between MG3 Orlando School, LLC and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Advantage Academy of Hillsborough, Inc., Subordination of Encumbrances to Property Rights to Orange County from EB-5 Charter School Florida, LP and authorization to record instruments for MG3 Orlando School LLC NC B15902347. District 5. **(Real Estate Management Division) Page 152-153**

D. 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) Page 154-156**

LC 16-1060	LC 16-0907	LC 16-1157	LC 17-0053	LC 16-1115
LC 16-1134	LC 16-0909	LC 16-1216	LC 17-0057	LC 16-1122
LC 16-1150	LC 16-1054	LC 16-1203	LC 16-1195	LC 16-1124
LC 17-0015	LC 16-1055	LC 16-1204	LC 16-1193	LC 16-1126
LC 17-0016	LC 16-1064	LC 16-1208	LC 17-0058	LC 16-1129
LC 17-0026	LC 16-1068	LC 16-1231	LC 16-0970	LC 16-1130
LC 17-0079	LC 16-1070	LC 17-0001	LC 16-1056	LC 16-1143
LC 16-0901	LC 16-1147	LC 17-0048	LC 16-1080	LC 16-1156

CONTINUED

TUESDAY, DECEMBER 20, 2016

I. CONSENT AGENDA (Continued)

**D. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT
(Continued)**

2. Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Claim of Special Assessment Lien Pursuant to Section 9-278 of the Orange County Code, Property Maintenance, and approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. District 6. **(Code Enforcement Division) Page 157-158**

<u>Case No.</u>	<u>Dist. #</u>	<u>Property Owner</u>	<u>Amount*</u>
A 15-0325	6	TAX LIEN SERVICE GROUP; PRO TAX FINANCIAL LLC	\$ 10,099.70
A 15-0352	6	UNITED BRETHREN BUSINESS DEVELOPMENT CORP INC	\$ 10,564.25
A 15-0386	6	WALCOTT RICARDO; PINKSTON ELIZABETH	\$ 10,760.06
A 15-0607	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SEC THREE INC	\$ 11,005.05

3. Approval and execution of Agreement to Offer Donation of Real Property by and between Orange County, Florida and OCE West Orange, LLC, in accordance with Solid Waste Management Facility Permit No. 04-F13-1560 for the West Orange Environmental Resources - Construction and Demolition Debris Disposal Facility. District 1. **(Environmental Protection Division) Page 159-178**
4. Approval and execution of Hold Harmless and Indemnification Agreement Parcel ID 12-23-29-4530-04-010 by and between Evan Landis and Susan Landis and Orange County to construct a porch at 436 Jennie Jewel Drive, Orlando, Florida. District 3. **(Zoning Division) Page 179-185**

E. FAMILY SERVICES DEPARTMENT

1. Approval of the November 2016 Business Assistance for Neighborhood Corridors Program Grants for Sai Mini Mart (Andy's Corner) (\$2,582) and House of Plastics Unlimited, Inc. (\$5,000). Districts 2 and 6. **(Neighborhood Preservation and Revitalization Division) Page 186-188**

CONTINUED

TUESDAY, DECEMBER 20, 2016

I. CONSENT AGENDA (Continued)

F. PUBLIC WORKS DEPARTMENT

1. Authorization to record the plat of University Storage. District 5. **(Development Engineering Division) Page 189**
2. Approval and execution of Hold Harmless and Indemnification Agreement for home addition at Richard Fender and Xi Lu residence, 500 29th Street Orlando, FL 32805 Parcel ID No. 03-23-29-0183-21-001 by and between Orange County and Richard ("Rick") Austin Fender and Xi Lu and acceptance of a Drainage Easement from Richard Austin Fender and Xi Lu to Orange County. District 3. **Page 190-211**

CONTINUED

TUESDAY, DECEMBER 20, 2016

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. Receipt of the following items to file for the record: **(Clerk's Office)**
Page 212

- a. City of Orlando Ordinance with Exhibit A (Legal Description Form), Exhibits B, C & D (Future Land Use Maps and Zoning Maps), Fiscal Impact Statements and Orlando Sentinel Notice of Proposed Enactment for Ordinance No. 2016-71 entitled: An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located to the north of W. Colonial Dr., east and south of Fairvilla Rd., and west of Mercy Dr., and comprised of 1.33 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Industrial on the City's Official Future Land Use Maps; designating the property as the Industrial-General District along with the Wekiva Overlay District on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, permit disclaimer, and an effective date.
- b. Audit Report No. 459 – Audit of Orange County Graffiti Abatement

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

CONTINUED

TUESDAY, DECEMBER 20, 2016

III. DISCUSSION AGENDA

A. COUNTY ADMINISTRATOR

1. Election of Vice Mayor for 2017. **Page 213**

CONTINUED

TUESDAY, DECEMBER 20, 2016

IV. RECOMMENDATIONS

December 1, 2016 Board of Zoning Adjustment Recommendations

CONTINUED

TUESDAY, DECEMBER 20, 2016

V. PUBLIC HEARINGS

Public hearings scheduled for 2:00 p.m.

A. Petition to Vacate

1. Applicant: Scott T. Boyd, on behalf of SLF IV/Horizon West JV, LLC, Petition to Vacate # 16-08-022, vacate a portion of a utility easement; District 1

B. Board of Zoning Adjustment Board-Called

- 2.✓ Applicant: Khaldoun Mamlouk, Case # VA-16-10-128, October 6, 2016; District 5

C. Substantial Change

- 3.✓ Applicant: Marco Manzie, IDrive Orlando Hotel, LLC, Avanti Resort Expansion Planned Development (PD), Case # CDR-16-11-378, amend plan; District 6
- 4.✓ Applicant: Heather Himes, Esq., Akerman, LLP, Village F Master Planned Development (PD), Case # CDR-16-06-202, amend plan; District 1

✓ The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

CONTINUED

TUESDAY, DECEMBER 20, 2016

V. PUBLIC HEARINGS (Continued)

Public hearings scheduled for 2:00 p.m. (Continued)

C. Substantial Change (Continued)

- 5.✓ Applicant: Ashton Residential Orlando, LLC, Sweetwater Golf and Country Club Planned Development (PD), Case # CDR-15-11-333, amend plan; District 2
- 6.✓ Applicant: Lance Bennett, Poulos and Bennett, LLC, University Planned Development (PD), Case # CDR-16-02-070, amend plan; District 5

✓ The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

* * *

Any person wishing to appeal any decision made by the Board of County Commissioners at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5517.

Para mayor información en español, por favor llame al (407) 836-3111.

NOTE: Reports from the County Mayor, the County Commissioners, the County Administrator, and the County Attorney may be presented at unscheduled times throughout the day, depending on the length of time required for advertised public hearings.

Copies of Specific Project Expenditure Reports and Relationship Disclosure Forms are not included with agenda items unless there is a listed expenditure or disclosure. Copies of these completed reports and forms may be obtained by contacting the relevant Department/Division Office.



OFFICE OF THE COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

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COUNTY COMMISSION AGENDA
Tuesday, December 20, 2016

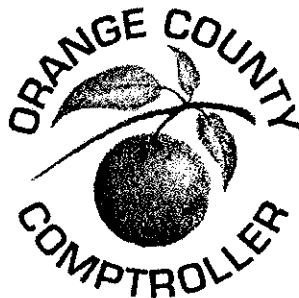
COUNTY COMPTROLLER

Items Requiring Consent Approval

1. Approval of the minutes of the October 4, October 18, and November 1, 2016 meetings of the Board of County Commissioners.
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Signature authorization and accompanying detail of most recently disbursed County funds are available in the Clerk's Office and on the Comptroller's web site.

Orange County Government

*Orange County Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393*



Minutes - Final

Tuesday, October 4, 2016

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Teresa Jacobs called the meeting to order at 9:07 a.m.

Present: 7 - Mayor Teresa Jacobs, Commissioner Bryan Nelson, Commissioner Jennifer Thompson, Commissioner S. Scott Boyd, Commissioner S. Scott Boyd, Commissioner Ted Edwards, and Commissioner Victoria P. Siplin

Absent: 1 - Commissioner Pete Clarke

Others present:

County Comptroller Martha Haynie as Clerk

County Administrator Ajit Lalchandani

County Attorney Jeffrey J. Newton

Deputy Clerk Katie Smith

Senior Minutes Coordinator Craig Stopyra

Minutes Coordinator Jennifer Lara-Klimetz

Invocation

Pastor Billy Brath, Live UCF

Pledge of Allegiance**Public Comment**

The following persons addressed the Board for public comment:

- Philip Seidenberg
- Catherine Ojeda Figueroa
- Spike Hopkins

The following materials were presented to the Board during public comment.

- Exhibit 1, from Philip Seidenberg
- Exhibit 2, from Spike Hopkins

I. CONSENT AGENDA**Approval of the Consent Agenda**

The Mayor deleted Administrative Services Department Consent Item 4; further, deferred action on Community, Environmental and Development Services Department Item 2 for consideration with public hearing for Ben Snyder, Hickory Nut, LLC, Avalon Cove PD/LUP, Case # LUP-15-07-193; further, deferred action on Community, Environmental and Development Services Department Item 5 for consideration with public hearing for Thomas A. Cloud, Gray

Robinson, Lake Bryan Planned Development/Land Use Plan (PD/LUP), Case # CDR-16-06-214; and further, a motion was made by Commissioner Boyd, seconded by Commissioner Thompson, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

A. COUNTY COMPTROLLER

1. 16-001 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:
 - September 16, 2016, to September 22, 2016; total of \$20,587,332.11.
 - September 23, 2016, to September 29, 2016; total of \$33,947,566.66.(Finance/Accounting)
2. 16-002 Approval to dispose of records held by the Comptroller in accordance with record retention schedules (GS1-SL and GS 11) as approved by the State of Florida, Bureau of Archives and Records Management. (Property Accounting)

B. COUNTY ADMINISTRATOR

1. 16-003 Approval and execution of A Resolution 2016-B-11 of the Board of County Commissioners of Orange County, Florida, approving the issuance by the Orange County Health Facilities Authority of its Revenue Refunding Bonds (Orlando Senior Health Network Project), Series 2016, in an aggregate principal amount not to exceed \$21,000,000; and providing an effective date. (Health Facilities Authority)
2. 16-004 Approval of a 3.5% Fiscal Year 2015-16 salary increase to employee ID#'s 112018, 112123, and 122635, retroactive to October 11, 2015. (Human Resources Division)
3. 16-005 Confirmation of the County Mayor's staff reappointments for the 4th Quarter FY 2015-2016. (Human Resources Division)
 - Carol A. Burkett, Director, Office Drug Free Community, Health Services
 - Loretta E. Cunniff, Deputy Director, Community, Environmental and Development Services
 - Sheena D. Ferguson, Manager, Business Development, Administrative Services
 - Paulette V. Julien, Deputy Chief, Corrections

Troy E. Layton, Manager, Utilities Field Services, Utilities
Bryan D. Lucas, Manager, Fleet Management, Administrative Services
Alex J. Morales, Manager, Fiscal & Operational Support, Fire Rescue
Yulita M. Osuba, Deputy Director, Convention Center
John L. Petrelli, Jr., Director, Risk Management & Professional Standards, Office of Accountability
Ruby D. Rozier, Manager, Traffic Engineering, Public Works
Richard F. Steiger Jr., Manager, Facilities Management, Administrative Services
Kimberly B. Stewart-Horan, Division Chief Communications, Fire Rescue
Michael J. Wajada, Division Chief, Fire Rescue

4. 16-006 Approval and execution of A Resolution 2016-B-12 of the Board of County Commissioners of Orange County, Florida approving for the purposes of Section 147 (f) of the Internal Revenue Code of 1986, as amended, the issuance of Orange County Industrial Development Authority Revenue Note (Hope Charter School and Legacy High School Project), Series 2016, in an aggregate principal amount not to exceed \$6,000,000.00; and providing for an effective date. (Industrial Development Authority)
5. 16-007 Approval to disburse payment for the Florida Association of Counties (FAC) membership fee totaling \$118,234 as provided in the FY 2016-17 adopted budget. (Office of Management and Budget)
6. 16-008 Approval to disburse payment for the East Central Florida Regional Planning Council (ECFRPC) annual assessment totaling \$209,068 as provided in the FY 2016-17 adopted budget. (Office of Management and Budget)
7. 16-009 Approval of budget amendments #16-60 and #16-61. (Office of Management and Budget)
8. 16-010 Approval of budget transfers #16-000001446 and #16-000001462. (Office of Management and Budget)
9. 16-011 Approval of CIP amendments #17C-001, #17C-002, #17C-003, #17C-004, #17C-005, #17C-006, and #17C-007. (Office of Management and Budget)

C. COUNTY ATTORNEY

1. 16-012 Approval and execution of the proposed Settlement Agreement and Release in the case of *Dorothy J. Copeland Howard v. Orange County*, Case No.: 2014-CA-8704-O.

D. ADMINISTRATIVE SERVICES DEPARTMENT

1. 16-013 Approval to award Invitation for Bids Y16-1082-MR, Tree Trimming and Related Services - Roads and Drainage Division, to the two low responsive

and responsible bidders, The Davey Tree Expert Company, in the estimated contract award amount of \$1,567,540.71 and Blades of Green, Inc., in the estimated contract award amount of \$1,862,720. The total estimated annual contract amount is \$3,430,260.71. ([Public Works Department Roads and Drainage Division] Procurement Division)

2. 16-014 Approval to award Invitation for Bids Y16-1110-MG, OEM Replacement Parts for Automotive and Light Trucks-Term Contract, to the low responsive and responsible bidder per item, Don Mealey Automotive, LLC for Item 1, in the estimated contract award amount of \$148,400 and Rush Truck Center of Florida, Inc. for Item 3, in the estimated contract award amount of \$184,500 for 1-year term contracts. ([Administrative Services Department Fleet Management Division] Procurement Division)
3. 16-015 Approval to award Invitation for Bids Y16-7006-EB, Bonnie Brook Pump Station Outfall Erosion Control Project, to the low responsive and responsible bidder, Condor Construction Corporation. The total contract award amount is \$377,125. ([Public Works Department Highway Construction Division] Procurement Division)
4. 16-016 Approval to award Invitation for Bids Y16-7007-RM, Orange County Convention Center Valencia & Chapin Theater Dressing Rooms Renovations, to the low responsive and responsible bidder, S.A. Casey Construction, Inc. The total contract award amount is \$914,084.04. ([Convention Center Capital Planning Division] Procurement Division)

(This item was deleted.)
5. 16-017 Approval to award Invitation for Bids Y17-702-CC, Regional History Center Chiller & Computer Room Air Conditioning Unit Replacement, to the low responsive and responsible bidder, Starr Mechanical, Inc. The total contract award amount is \$496,250. ([Administrative Services Department Capital Projects Division] Procurement Division)
6. 16-018 Approval and execution of Corrective Special Warranty Deed and Disclaimer from South Orange Properties, Inc. to Orange County and authorization to record instrument for Wetherbee Road - Phase II (Landstar Blvd to Harness Track Property). District 4. (Real Estate Management Division)
7. 16-019 Approval and execution of Utility Easement between the School Board of Orange County, Florida and Orange County and authorization to record instrument for Waterford ES OCU File No. 74646. District 4. (Real Estate Management Division)
8. 16-020 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 Young Pine Community Park. District 4. (Real Estate Management Division)

9. 16-021 Approval of Donation Agreement and Roadway Easement between E.C. Parkway Developments, LLC and Orange County and authorization to disburse funds to pay all recording fees and record instrument for Palm Parkway at Lake Street Intersection Improvements (Destination Parkway to Sand Lake Road). District 1. (Real Estate Management Division)
10. 16-022 Approval of Contract for Sale and Purchase subject to an appraisal that supports the purchase price and Warranty Deed between Allen Real Estate Holdings, LLC and Orange County, authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for 2-Gen Center District 3 (Invest). District 3. (Real Estate Management Division)
11. 16-023 Approval of Conservation Easement between Waterford Trails Partnership, LLP and Orange County and authorization to record instrument for Waterford Trails Commercial #CAI-14-03-006. District 4. (Real Estate Management Division)
12. 16-024 Approval of Access and Utility Easement between Moss Park Properties, LLLP, f/k/a Moss Park Properties, LTD and Orange County and authorization to record instrument for Dowden Road Ph 1 OCU Permit: 14-U-025 OCU File #: 77446. District 4. (Real Estate Management Division)
13. 16-025 Approval of Utility Easement between Orchid Bay Development, LLC and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Sunshine Restaurant Merger Sub, LLC and authorization to record instruments for IHOP - Orchid Bay NC OCU Permit: B15902141 OCU File #: 83227. District 1. (Real Estate Management Division)

E. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. 16-026 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. Districts 1, 2, 3, 4, and 6. (Code Enforcement Division)

LC 16-0884 LC 16-0933 LC 16-0869 LC 16-0739 LC 16-0849
 LC 16-0987 LC 16-0934 LC 16-0946 LC 16-0748 LC 16-0858
 LC 16-0684 LC 16-0938 LC 16-0797 LC 16-0784 LC 16-0864
 LC 16-0772 LC 16-0942 LC 16-0872 LC 16-0802 LC 16-0878
 LC 16-0774 LC 16-0950 LC 16-0873 LC 16-0805 LC 16-0881
 LC 16-0877 LC 16-0994 LC 16-0672 LC 16-0813 LC 16-0893

LC 16-0905 LC 16-0788 LC 16-0720 LC 16-0842 LC 16-0895
LC 16-0930 LC 16-0801 LC 16-0731 LC 16-0847 LC 16-0903

3. 16-028 Acceptance of Recommendation of the Environmental Protection Commission to approve the request for Variance to Orange County Code, Chapter 15, Article IX, Section 15-342(c), walkway width for the Santini Dock Construction Permit BD-16-06-061. District 1. (Environmental Protection Division)
4. 16-029 Acceptance of Recommendation of the Environmental Protection Commission to uphold the Recommendation of the Environmental Protection Officer to approve the request for Variance to Section 15-342(e) (Roof Height) for the Sing Dock Construction Permit BD-16-02-021. District 1. (Environmental Protection Division)
6. 16-031 Approval and execution of Agreement # P0220 Grant Agreement State of Florida Department of Economic Opportunity by and between the State of Florida, Department of Economic Opportunity and Orange County, Florida for the Community Planning Technical Assistance Grant in the amount of \$60,000. Districts 3 and 4. (Planning Division)

F. FAMILY SERVICES DEPARTMENT

1. 16-032 Receipt and filing of Head Start Policy Council Program Information and Updates August 2016 and Head Start Policy Council Meeting Minutes July 21, 2016 for the official county record. (Head Start Division)

G. FIRE RESCUE DEPARTMENT

1. 16-033 Approval of payment of the FY 2016-2017 annual fee associated with the Interlocal Agreement between Orange County and the Central Florida Fire Consortium in the amount of \$114,812.40 for membership services.
2. 16-034 Authorization for County staff to complete the Medicare Enrollment Application with all associated documents; delegation of authority to the County Administrator to serve as the Authorized Official to execute the application and all future Medicare revalidation enrollment applications and associated documentation; and assignment of the Director of the Fire Rescue Department to serve as the Delegated Official. (Fiscal & Operational Support Division)

H. HEALTH SERVICES DEPARTMENT

1. 16-035 Approval and execution of the Paratransit Services License for BrightStart Pediatrics, LLC to provide wheelchair/stretchers service. The term of this license is from October 1, 2016 through October 1, 2018. There is no cost to the County. (EMS Office of the Medical Director)

2. 16-036 Approval and execution of the renewal Certificate of Public Convenience and Necessity for Winter Garden Fire Rescue Department to provide Advanced Life Support Transport Service. The term of this certificate is from October 31, 2016 through October 31, 2018. There is no cost to the County. (EMS Office of the Medical Director)
3. 16-037 Approval of FY17 Department of Health and Human Services Substance Abuse and Mental Health Services Administration, Adult Drug Court Program Grant Number: 1H79T1026728-01 in the amount of \$975,000 over a three year period beginning September 30, 2016 through September 29, 2019. No match is required. (Office for a Drug Free Community)
4. 16-038 Approval of the U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance FY16 Award Number 2016-DJ-BX-0153, in the amount of \$405,024 for the period of October 1, 2015 through September 30, 2019. No match is required. (Office for a Drug Free Community)

I. PUBLIC WORKS DEPARTMENT

1. 16-039 Approval to install a "No Parking" zone on both sides of the road from 319 Windrose Drive extending 400 feet south. District 4. (Traffic Engineering Division)
2. 16-040 Approval of Traffic Control Devices and "No Parking" sign installations in Waterleigh Phase 1C. District 1. (Traffic Engineering Division)
3. 16-041 Approval and execution of State of Florida Department of Transportation Quiet Zone Improvement Agreement Amendment Number 1 FM#436014-1-52-04 between the State of Florida and Orange County. District 3. (Traffic Engineering Division)
4. 16-042 Approval and execution of Utility Relocation Agreement by and between Orange County and Bellsouth Telecommunications, LLC d/b/a AT&T Florida for the relocation of utility facilities on Wallace Road at Dr. Phillips Blvd. District 1. (Engineering Division)

J. UTILITIES DEPARTMENT

1. 16-043 Approval of commercial refuse license for Trash Taxi, LLC to provide solid waste hauling services to commercial generators in Orange County. All Districts. (Solid Waste Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. 16-044 Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Winter Garden Notice of Annexation Ordinances, Attachment A (Legal Descriptions) and Attachment B (Location Maps) as follows:
 - Ordinance 16-47, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.15 ± acres located at 310 East Story Road on the south side of East Story Road, east of Summer Street and west of 9th Street into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.
 - Ordinance 16-50, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 1.7 ± acres located at 917 Carter Road on the east side of Carter Road, south of East Story Road and north of West Colonial Drive into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.
 - b. Minutes of the June 9 and June 21, 2016 Charter Review Commission.
 - c. Audit Report No. 458 - Audit of the Indirect Cost Rate Awarded in Contract Y13-813PH

This item was received and filed.

III. DISCUSSION AGENDA

A. ADMINISTRATIVE SERVICES DEPARTMENT

1. 16-045 Selection of one firm and an alternate to provide Professional Engineering Services for Class III Cell 2, Sequence 2, Request for Proposals Y16-813-RM, from the following two firms, listed alphabetically:
 - S2L, Incorporated
 - Stearns, Conrad and Schmidt, Consulting Engineering, Inc. (dba SCS) Engineers

((Utilities Department Solid Waste Division] Procurement Division)

A motion was made by Commissioner Nelson, seconded by Commissioner Thompson, to appoint S2L, Incorporated as the selected firm; and further, appoint Stearns, Conrad and Schmidt, Consulting Engineering, Inc. (dba SCS) Engineers as alternate. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

Absent: 1 - Commissioner Clarke

B. FAMILY SERVICES DEPARTMENT

1. 16-046 Head Start Division Progress Report.

This item was no action.

C. COUNTY MAYOR

1. 16-047 Open discussion on issues of interest to the Board.

This item was no action.

ADDENDUM #1

D. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. 16-078 Authorize staff to process refund of dishonored check fees in the amount of \$37,000.68. District 6.

A motion was made by Commissioner Nelson, seconded by Commissioner Edwards, that this item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

Absent: 1 - Commissioner Clarke

IV. WORK SESSION AGENDA

A. UTILITIES DEPARTMENT

1. 16-048 Material Recovery Facilities Contract. (Solid Waste Division)

This item was no action.

PRESENTATION OF EMPLOYEE SERVICE AWARDS

Gary A. Bell (20), Fleet Management, Administrative Services; Vernard A. Batson (25), Community Action, Family Services; Thomas L. Crosskey (20), Fire Communications, Darrel J. McCrystal (35), Fire Operations, Fire Rescue; Sandra Santana (30), Fiscal & Operational Support, Arthur T. Erskine (20), Roads & Drainage, Public Works; Melvin W. Black (30), Field Services, Irene A. Taylor (30), Water, Shirley C. Lano (20), Customer Service, Dilsaz A. Walji (30), Fiscal & Operational Support, Utilities.

V. RECOMMENDATIONS

1. 16-049 September 15, 2016 Planning and Zoning Commission Recommendations

A motion was made by Commissioner Siplin, seconded by Commissioner Nelson, that this item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

Announcement

County Administrator Lalchandani officially announced a Brownfield Notice. Florida Statutes requires this meeting be advertised and posted as well as the County making an announcement of the public hearing taking place. The purpose of the meeting is to designate a parcel located west of the intersection of Universal Boulevard and Destination Parkway and north of the Orange County Convention Center in unincorporated Orange County as a Brownfield Area. This topic will be brought before the Board of County Commissioners for a public hearing on October 18, 2016 at 2:00 p.m.

VI. PUBLIC HEARINGS

1. 16-050 Shoreline Alteration/Dredge and Fill

Darryl and Abigail Hoffman, Lake Killarney, permit; District 5

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to re-construct an existing seawall, pursuant to Orange County Code, Chapter 15, Article VI. Pumping and Dredging Control; Section 15-218(d)

Location: District 5; on property located adjacent to Lake Killarney, located at 21 Killarney Drive; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Edwards, seconded by Commissioner Boyd, to approve the Shoreline Alteration/Dredge and Fill Permit (SADF-16-07-006) for Darryl and Abigail Hoffman, subject to the conditions listed in the staff report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

2. 16-051 Shoreline Alteration/Dredge and Fill

Ronald and Laura McCoy, Lake Sawyer, after-the-fact permit; District 1

Consideration: Request for an After-the-fact Shoreline Alteration/Dredge and Fill Permit to re-construct an existing seawall on a canal connected to Lake Sawyer, pursuant to Orange County Code, Chapter 33, Article IV, Windermere Water and Navigation Control District; Section 33-129(d)

Location: District 1; on property located adjacent to Lake Sawyer, located at 6518 Sawyer Shores Lane; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Boyd, seconded by Commissioner Nelson, to approve the After-the Fact Shoreline Alteration/Dredge and Fill Permit (SADF-16-07-007) for Ronald and Laura McCoy, subject to the conditions listed in the staff report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

3. 16-052 Preliminary Subdivision Plan

Scott M. Gentry, Kelly, Collins & Gentry, Inc., Hamlin PD/UNP/Hamlin North PSP/DP, Case # PSP-16-02-067; District 1

Consideration: Hamlin PD / UNP / Hamlin North PSP / DP - Case # PSP-16-02-067, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct 113 single-family residential attached and detached dwelling units on 31.81 gross acres. The following waivers from Chapter 34 of the Orange County Code are also requested:

1. A waiver is requested from Sec. 34-152(C) to allow Lots T-77 through T-84 (as depicted on the Preliminary Subdivision Plan) to front a new, park, open space, etc. in lieu of the 20 foot access to a dedicated public street.
2. A waiver is requested from Sec. 34-152(C) to allow access to the pump station tract, Tract LS-1, external to the subdivision and via an access easement in lieu of a 20 foot fee simple access to a dedicated public paved street.

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

The following person addressed the Board: Scott Gentry.

A motion was made by Commissioner Boyd, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan (CP); and approve the request subject to the conditions of approval listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

4. 16-053 Rezoning

Ben Snyder, Hickory Nut, LLC, Avalon Cove PD/LUP, Case # LUP-15-07-193; District 1

Consideration: Request to rezone one (1) parcel containing 67.08 gross acres from A-1 to PD, in order to develop 49 single-family lots with detached dwelling units; pursuant to Orange County

Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property located at 10150 Avalon Road; or generally located on the west side of Avalon Road / County Road 545, immediately south of Seidel Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Major Stacy.

A motion was made by Commissioner Boyd, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan (CP); and approve the request subject to the conditions listed under the PZC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

2. 16-027 Approval and execution of Adequate Public Facilities Agreement for Avalon Cove PD by and between Hanover Hickory Nut, LLC and Orange County for the Horizon West - Village H. District 1. (Development Review Committee)

A motion was made by Commissioner Boyd, seconded by Commissioner Thompson, to approve this item. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

5. 16-054 Substantial Change

Scott M. Gentry, Kelly, Collins & Gentry, Inc., Hamlin PD/ UNP/Publix PSP/DP, Case # CDR-16-03-109, amend plan; District 1

Consideration: Substantial change request to add two (2) commercial buildings with a total of 19,911 square feet to Lot D of the existing Hamlin PD / UNP / Publix PSP / DP. This will result in a cumulative development program of 74,155 square feet of commercial on Lot D; pursuant to Sections 34-69 and 30-89, Orange County Code

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

The following person addressed the Board: Scott Gentry.

A motion was made by Commissioner Boyd, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan (CP); and approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

6. 16-055 Substantial Change

Thomas A. Cloud, Gray Robinson, Lake Bryan Planned Development/Land Use Plan (PD/LUP), Case # CDR-16-06-214, amend plan; District 1

Consideration: A PD substantial change request to make the following changes to the PD/LUP, concurrent with a request to rescind the Lake Bryan Development of Regional Impact (DRI):

1. Incorporate existing DRI / Development Order (DO) Conditions 3 (Vegetation, Wildlife and Wetlands), 4 (Stormwater Management), 5 (Floodplains), 6 (Transportation Concurrency and Roadway Impact), 11 (Transportation Interconnectivity), 12 (Transit Systems) and 15 (Other / Historic Resources) as PD Conditions of Approval (with modifications);
2. Add / update Parcel ID numbers;
3. Add previous BCC Conditions of Approval; and
4. Add notes related to wetland, buffer, mitigation / enhancement and conservation area acreages, boat docks or ramps and impact permit requirements; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located east of Vineland Avenue, west of International Drive, and north of World Center Drive; Orange County, Florida (legal property description on file)

The following person addressed the Board: Thomas Cloud.

A motion was made by Commissioner Boyd, seconded by Commissioner Edwards, to make a finding of consistency with the Comprehensive Plan (CP); and approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

**5. 16-030 Adoption and execution of Order Approving Rescission of the Development Order for the Lake Bryan Development of Regional Impact. District 1.
(Planning Division)**

A motion was made by Commissioner Boyd, seconded by Commissioner Edwards, to approve this item. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

7. 16-056 Substantial Change

Douglas Hoffman, Pulte Home Corporation, Lake Pickett Cluster Parcel 4 & 5 Preliminary Subdivision Plan - Substantial Change, Case # CDR 16-05-171, amend plan; District 5

Consideration: Substantial change request to add a gated entrance and to construct Pond 1 in Phase 2 in the Lake Pickett Cluster Parcel 4 & 5 Preliminary Subdivision Plan; pursuant to Sections 34-69 and 30-89, Orange County Code.

Location: District 5, property generally located East of Chuluota Road / North of Old Lake Pickett Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Jamie Poulos.

A motion was made by Commissioner Edwards, seconded by Mayor Jacobs, to make a finding of consistency with the Comprehensive Plan (CP); and approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

8. 16-057 Ordinance/Comprehensive Plan

Amending Orange County Code, adopting 2016-2 Out-of-Cycle Privately-Initiated Small-Scale Development Amendment to the 2010-2030 Comprehensive Plan (CP) and concurrent Substantial Change request; and Adoption of Ordinance

PRIVATELY-INITIATED SMALL SCALE DEVELOPMENT FUTURE LAND
USE MAP AMENDMENT

Amendment: 2016-2-C-1-1

Applicant/Owner Jim Hall, VHB, Inc. / WPFF Majorca Land Investor, LLC

Consideration: Commercial (C) to High Density Residential (HDR)

Location: Generally located on the west side of Majorca Pl., west of Turkey Lake Rd., north of W. Sand Lake Rd., south of Toscana Blvd., and east of Dr. Phillips Blvd; Parcel ID #s Portions of 26-23-28-5411-00-030/031; 6.5 gross/net developable ac.

A motion was made by Mayor Jacobs, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1); and determine that the proposed amendment is in compliance; and further adopt Amendment 2016-2-C-1-1, Commercial (C) to High Density Residential (HDR). The motion carried by the following vote:

Aye: 5 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Edwards, and Commissioner Siplin

Nay: 1 - Commissioner Boyd

9. 16-058 Substantial Change

Applicant: Jim Hall, VHB, Inc. / WPFF Majorca Land Investor, LLC,
Case # CDR-16-08-297

Consideration: Substantial Change Request to the Majorca PD to add 325 multi-family

residential dwelling units to the development program with the following waiver requests:

1. A waiver from Orange County Code Section 38-1258(a) to allow a maximum height of 85 feet and 5 stories for multi-family buildings located within 25 feet of single-family residential, in lieu of a maximum height of a single story for multi-family buildings located within 100 feet of single-family zoned property.
2. A waiver from Orange County Code Section 38-1258(b) to allow a maximum height of 85 feet and 5 stories for 100% of the multi-family buildings located between 100 feet and 150 feet from single-family zoned property; in lieu of varying multi-family building heights, with a maximum of 50% of the buildings being a maximum of 3 stories and 40 feet and the remaining buildings being 1 or 2 stories when located between 100 feet and 150 feet from single-family zoned property.
3. A waiver from Orange County Code Section 38-1258(c) to allow a maximum height of 85 feet and 5 stories for multi-family buildings located within 150 feet of single-family zoned property, in lieu of a maximum building height of 3 stories and 40 feet for multi-family buildings located within 150 feet of single-family zoned property.
4. A waiver from Orange County Code Section 38-1258(d) to allow a maximum multi-family building height of 85 feet and 5 stories, in lieu of a maximum multi-family building height of 40 feet and 3 stories.
5. A waiver from Orange County Code Section 38-1258(e) to allow paved areas for multi-family development to be located 7 feet from any single-family zoned property, in lieu of 25 feet.
6. A waiver from Orange County Code Section 38-1258(f) to eliminate the requirement to construct a six-foot high masonry, brick, or block wall when multi-family development is located adjacent to any single-family zoned property.

Location: Generally located on the west side of Majorca Pl, west of Turkey Lake Rd., north of W. Sand Lake Rd., south of Toscana Blvd., and east of Dr. Phillips Blvd.; Parcel ID#s 26-23-28-5411-00-010/020/030/031 (overall Substantial Change Request; requested waivers would apply only to Parcel ID#s 26-23-28-5411-00-030/031); 26.81 gross ac./9.2 net developable ac.

Court Reporter: Christy LeRette, First Choice Reporting

The following persons addressed the Board:

- Kurt Ardaman
- Jim Hall
- Paul McGarigal
- Ron Chewning
- Ed Chittenden
- Charles Norman
- Nicci Dillon
- Louis Roeder
- Roy Messinger
- Fabricio Ponce

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

- Exhibit 1, from Jim Hall
- Exhibit 2, from Paul McGarigal
- Exhibit 3, from Ed Chittenden
- Exhibit 4, from Charles Norman
- Exhibit 5, from Roy Messinger

New Conditions of Approval

16. No preliminary subdivision plan or development plan shall be approved unless and until the Board of County Commissioners has approved a proportionate fair share agreement for the surrounding road network.
17. The number of multi-family residential units shall not exceed 300.
18. The applicant agrees to send the City of Orlando a written notice or letter withdrawing its consent (or not consenting, if consent wasn't previously given) to the pending annexation of the subject property scheduled for a second reading/public hearing with the City of Orlando City Council on October 24, 2016.

A motion was made by Mayor Jacobs, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the fifteen (15) conditions listed in the staff report; and further approve three (3) new conditions of approval. The motion carried by the following vote:

Aye: 5 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Edwards, and Commissioner Siplin

Nay: 1 - Commissioner Boyd

10. 16-059 Ordinance/Comprehensive Plan Public Hearing

Amending Orange County Code, adopting 2016-2 Small Scale Development Amendment to the 2010-2030 Comprehensive Plan (CP), adopting amendment pursuant to Section 163.3187, F.S.

2016-2 COMPREHENSIVE PLAN ADOPTION - SMALL SCALE DEVELOPMENT Ordinance

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

A motion was made by Mayor Jacobs, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan; further determine that the amendment is in compliance; and further adopt the Ordinance 2016-20 consistent with today's actions, approving the proposed Future Land Use Map Amendment. The motion carried by the following vote:

Aye: 5 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Edwards, and Commissioner Siplin

Nay: 1 - Commissioner Boyd

ATTEST:

County Mayor Teresa Jacobs

Date: _____

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk

Katie Smith
Deputy Clerk

√ The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

* * *

Any person wishing to appeal any decision made by the Board of County Commissioners at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5517.

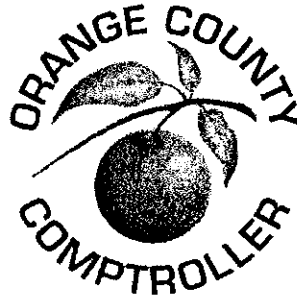
Para mayor información en español, por favor llame al (407) 836-3111.

NOTE: Reports from the County Mayor, the County Commissioners, the County Administrator, and the County Attorney may be presented at unscheduled times throughout the day, depending on the length of time required for advertised public hearings.

Copies of Specific Project Expenditure Reports and Relationship Disclosure Forms are not included with agenda items unless there is a listed expenditure or disclosure. Copies of these completed reports and forms may be obtained by contacting the relevant Department/Division Office.

Orange County Government

*Orange County Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393*



Minutes - Final

Tuesday, October 18, 2016

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Teresa Jacobs called the meeting to order at 9:06 a.m.

Present: 8 - Mayor Teresa Jacobs, Commissioner Bryan Nelson, Commissioner Jennifer Thompson, Commissioner Pete Clarke, Commissioner S. Scott Boyd, Commissioner S. Scott Boyd, Commissioner Ted Edwards, and Commissioner Victoria P. Siplin

Others Present:

County Comptroller Martha Haynie as Clerk
County Administrator Ajit Lalchandani
County Attorney Jeffrey J. Newton
Deputy Clerk Katie Smith
Sr. Minutes Coordinator Noelia Perez

Invocation

Eddie Ingram, Orange County Communications Division

Pledge of Allegiance**Public Comment**

The following persons addressed the Board for public comment:

- Lori Nassofer
- Phillip Arroyo
- Maria Bolton-Joubert
- Aradhana Tiwari

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

Presentation

Proclamation designating October 23 through October 31, 2016 as Red Ribbon Week

I. CONSENT AGENDA**Approval of the Consent Agenda**

The Mayor deleted County Administrator 2A; further deferred action on Community,

Environmental and Development Services Department Consent Item 3 for consideration with Community, Environmental and Development Services Department Work Session Item 1; and further a motion was made by Commissioner Edwards, seconded by Commissioner Clarke, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

A. COUNTY COMPTROLLER

1. 16-084 Approval of the minutes of the August 16 and August 23, 2016 meeting of the Board of County Commissioners. (Clerk's Office)
2. 16-085 Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. (Finance/Accounting)
 - September 30, 2016, to October 5, 2016; total of \$116,429,710.64
 - October 6, 2016, to October 13, 2016; total of \$41,267,957.09

B. COUNTY SHERIFF

1. 16-086 Approval and execution of U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance Cooperative Agreement Award Number: 2016-BC-BX-K055 for the FY16 Body-Worn Camera Policy and Implementation Program: Implementation or Expansion of BWC Programs for Extra-Large Agencies, in the amount of \$225,000, with a required cash match of \$468,682 from the Orange County Sheriff's Office, for the period of October 1, 2016 through September 30, 2018.

C. COUNTY ADMINISTRATOR

1. 16-088 Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings. (Agenda Development Office)
2. 16-089 Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments: (Agenda Development Office)
 - A. Agricultural Advisory Board: Appointment of Jeff Hogan and Robert A. Worthington in the at large representative category with terms expiring December 31, 2018.

(Item 2A was deleted.)
 - B. Animal Services Classification Committee: Appointment of Vicky Otero

to succeed Ronald A. Breeding in the obedience trainer or handler representative category and Marc A. Larusso to succeed Vanessa Bouffard in the alternate representative category with terms expiring December 31, 2017.

- C. Arts and Cultural Affairs Advisory Council: Reappointment of Melvin Rogers in the Mayor's representative category, Rebecca Roper in the District 1 representative category, Richard P. Richbourg in the District 3 representative category, Evelyn Martinez in the District 4 representative category, Hal H. Kantor in the District 5 representative category, and Patrick Noze in the District 6 representative category with terms expiring June 30, 2018; the appointment of Cecilia Bonifay to succeed Edgar Lopez in the United Arts of Central Florida, Inc. representative category with a term expiring June 30, 2017; and the appointment of Sharon Fenwick to succeed Beverly B. Winesburgh in the District 2 representative category with a term expiring June 30, 2018. Note: This will be a fourth term for Ms. Roper and a third term for Mr. Kantor and will require a supermajority (5) vote of the BCC.
- D. Development Advisory Board: Reappointment of Elaine Imbruglia in the primary group representative category (environmental specialist) and Mohammed N. Abdallah in the secondary group representative category (professional civil engineer); the appointment of Brock M. Nicholas to succeed Donald M. Williams in the secondary group representative category (builder); and the appointment of Mark D. Thomson to succeed Michael Statham in the secondary group representative category (licensed landscape architect) with terms expiring June 30, 2018.
- E. Fire and Life Safety Code Board of Adjustments and Appeals: Appointment of Drew Havron to succeed Diana L. Giron in the fire and casualty insurance executive representative category and Robert J. Szfaranski to succeed John M. Sprinkle in the general contractor representative category with terms expiring December 31, 2018.
- F. Health Council of East Central Florida: Reappointment of Pauline Taylor in the health care provider representative category and Stephanie K. Prewitt in the health care purchaser representative category with terms expiring September 30, 2018.
- G. International Drive CRA Advisory Committee: Appointment of Donald W. Mills to succeed Doug Gehret in the Efficient Transportation for the Community of Central Florida representative category with a term expiring January 1, 2017.
- H. M/WBE Advisory Committee: Reappointment of Elena I. Crosby and Francine V. Thomas and the appointment of Maria Pena to succeed Augusto Sanabria in the at large representative category with terms expiring June 30, 2018.
- I. Neighborhood Grants Advisory Board: Reappointment of Frayda R. Morris in the District 1 representative category and Karen S. Willis in the District 5 representative category and the appointment of Adam Soucie

- to succeed Frayda R. Morris in the at large representative category with terms expiring June 30, 2018. Note: Ms. Morris was serving in the at large representative category. She will now be serving in the District 1 representative category.
- J. Nuisance Abatement Board: Appointment of James D. Freeman to succeed Richard-Paul Danner in the at large representative category with a term expiring January 1, 2019.
 - K. Parks and Recreation Advisory Board: Reappointment of Bobby R. Beagles in the District 5 representative category with a term expiring June 30, 2018 and the appointment of Roderick K. Davenport to succeed Howard T. Gentry in the District 6 representative category with a term expiring June 30, 2017.
 - L. Public Works Advisory Board: Reappointment of Eric Bain in the construction discipline representative category; the appointment of Laini R. Schultz to succeed Claude L. Cassagnol in the stormwater discipline representative category; and the appointment of Michael J. Hart to succeed Mara Lugo Rudner in the at large representative category with terms expiring June 30, 2018.

(Item 2A was deleted.)

- 3. 16-095 Approval of Contract #Y17-2059 Orange County, Florida and United Arts of Central Florida Inc., Management/Fiscal Agency Agreement for Orange County Arts & Cultural Affairs Tourist Development Tax (TDT) Revenue - Arts & Cultural Program Funding in the amount of \$5,300,942. (Arts and Cultural Affairs Office)
- 4. 16-097 Approval of Contract # Y17-2060 Orange County, Florida and United Arts of Central Florida Inc. from the General Fund in the amount of \$709,475 for fiscal year 2016-2017. (Arts and Cultural Affairs Office)
- 5. 16-099 Approval and execution of A Resolution 2016-B-13 of the Board of County Commissioners of Orange County, Florida, approving the issuance by the Orange County Health Facilities authority of its revenue bonds (Presbyterian Retirement Communities Project), series 2016, in an aggregate principal amount not to exceed \$170,000,000; and providing an effective date. (Health Facilities Authority)
- 6. 16-100 Approval for the Orange County Sheriff's Office to spend \$5,000 from the FY 2017 Law Enforcement Trust Fund to provide an eligible contribution to Harbor House. (Office of Management and Budget)
- 7. 16-103 Approval and execution of A Resolution 2016-B-13 of the Board of County Commissioners of Orange County, Florida, approving the issuance by the Orange County Health Facilities authority of its revenue bonds (Presbyterian Retirement Communities Project), series 2016, in an aggregate principal amount not to exceed \$170,000,000; and providing an effective date.

(Health Facilities Authority)

8. 16-104 Approval of budget amendment #17-01. (Office of Management and Budget)
9. 16-105 Approval of budget transfer #16-000001486. (Office of Management and Budget)
10. 16-106 Approval of Ratification of payment of Intergovernmental claims of August 25, 2016 and September 1, 2016 totaling \$400,332.09. (Risk Management Division)

D. ADMINISTRATIVE SERVICES DEPARTMENT

1. 16-107 Approval to award Invitation for Bids Y16-1065-MG Lot 1, Inmate Personal Care and Recreation Products, to the low responsive and responsible bidder, ICS Jail Supplies, Inc. The estimated contract award amount is \$142,722 for a 3-year term contract. ([Corrections Department Fiscal and Operational Support Division] Procurement Division)
2. 16-108 Approval to award Invitation for Bids Y16-1076-PD, Median Tree Program, to the low responsive and responsible bidder, James F. McCann, Inc. for Lot A, Commission Districts 1, 2 and 3. The estimated contract award amount is \$782,456.55 for a 3-year term contract. ([Public Works Department Engineering Division] Procurement Division)
3. 16-109 Approval to award Invitation for Bids Y16-1116-DG, Janitorial Supplies for the Fire Rescue Department, to the low responsive, responsible M/WBE compliant bidder, Premier Janitorial Supply, Inc. The estimated contract award amount is \$215,503 for a 1-year term contract. ([Fire Rescue Department Infrastructure and Asset Management Division] Procurement Division)
4. 16-110 Approval to award Invitation for Bids Y16-776-PH, International Drive Potable Water Booster Pump Station, to the low responsive and responsible bidder, Close Construction, LLC. The total contract award amount is \$3,477,440. ([Utilities Department Engineering Division] Procurement Division)
5. 16-111 Approval to award Invitation for Bids Y16-783-PH, Cypress Walk, Orangewood, Hunters Creek, Oak Meadows Water Supply Facilities Chemical Feed System Upgrade, to the low responsive and responsible bidder, TLC Diversified, Inc. The total contract award amount is \$3,145,900. ([Utilities Department Engineering Division] Procurement Division)
6. 16-112 Approval to award Invitation for Bids Y16-785-PH, Northwest Water Reclamation Facility Odor Control System Upgrade, to the low responsive and responsible bidder, SGS Contracting Services, Inc. The total contract

- award amount is \$606,500. ([Utilities Department Engineering Division] Procurement Division)
7. 16-113 Approval to award Invitation for Bids Y16-793-RM, Apopka & Ocoee Service Centers AHU Upgrade and Chilled Water Piping Replacement, to the low responsive and responsible bidder, Air Mechanical & Service Corp. The total contract award amount is \$599,060. ([Administrative Services Department Capital Projects Division] Procurement Division)
8. 16-114 Approval to award Invitation for Bids Y17-701-CC, Regional Computing Center A Side Power Feed and Emergency Generator Replacement, to the low responsive and responsible M/WBE compliant bidder, Comelco, Inc. The total contract award amount is \$1,666,704.86, which includes additive bid item 1. ([Administrative Services Department Capital Projects Division] Procurement Division)
9. 16-115 Approval to award Invitation for Bids Y17-704-MM, Orange County Convention Center North/South Building Show Power Upgrades, to the low responsive and responsible bidder, Comelco, Inc. The total contract award amount is \$4,606,896. ([Convention Center Capital Planning and Building Systems Division] Procurement Division)
10. 16-116 Ratification of Amendment No. 9, Contract Y11-1136B-MG, OEM Replacement Parts for Automotive and Light Trucks, with Greenway Chrysler Jeep Dodge in the estimated amount of \$16,000 for a revised estimated contract amount of \$112,950. ([Administrative Services Department Fleet Management Division] Procurement Division)
11. 16-117 Approval and execution of Land Exchange Agreement between Hamlin Retail Partners West, LLC and Orange County, Resolution 2016-M-49 from Orange County, County Deed from Orange County to Hamlin Retail Partners West, LLC, approval of Non-Exclusive Drainage Easement (Joint Use) and Non-Exclusive Access and Drainage Easement between Hamlin Retail Partners West, LLC and Orange County and authorization to perform all actions necessary and incidental to closing for New Independence Parkway Stormwater Pond and Access Drive. District 1. (Real Estate Management Division)
12. 16-118 Approval and execution of Resolution 2016-M-50 and Assignment of Easement between Orange County and City of Winter Garden and authorization to disburse funds to pay recording fees and record instrument for City of Winter Garden Assignment of Sidewalk Easement from Orange County. District 1. (Real Estate Management Division)
13. 16-119 Approval of Sidewalk Easement between MLD 4, LLC and Orange County, with Joinder and Consent of Mortgagee to Sidewalk Easement from US Employment Development Lending Center, LLC, Joinder and Consent of

Mortgagee to Sidewalk Easement from Aileron Investment Management, LLC, Joinder and Consent of Association to Sidewalk Easement from International Center Property Owners' Association, Joinder and Consent of Mortgagee to Sidewalk Easement from Live Oak Banking Company, and Subordination of Encumbrances to Property Rights to Orange County from US Employment Development Lending Center, LLC, Subordination of Encumbrances to Property Rights to Orange County from Aileron Investment Management, LLC, Subordination of Encumbrances to Property Rights to Orange County from Live Oak Banking Company and authorization to record instruments for ILH Interchange Center PD (Staybridge Suites) Staybridge Suites Hotel B14903783. District 1. (Real Estate Management Division)

14. 16-120 Approval of Utility Easement between AWH Orlando Property, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Orlando Hotel Funding LLC and authorization to record instruments for Double Tree Ballroom Expansion OCU Permit: B16900703 OCU File #: 84506. District 1. (Real Estate Management Division)

15. 16-121 Approval of Utility Easement between Ancora International, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Wells Fargo Bank, National Association and authorization to record instruments for Ancora Apartments NC OCU Permit: B15902294 OCU File #: 81769. District 1. (Real Estate Management Division)

E. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. 16-122 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 16-0925	LC 16-0947	LC 16-0749	LC 16-0812	LC 16-0828
LC 16-0990	LC 16-0975	LC 16-0750	LC 16-0816	LC 16-0829
LC 16-0695	LC 16-0977	LC 16-0756	LC 16-0817	LC 16-0830
LC 16-0755	LC 16-0876	LC 16-0764	LC 16-0823	LC 16-0834
LC 16-0792	LC 16-0957	LC 16-0777	LC 16-0824	LC 16-0836
LC 16-0887	LC 16-0789	LC 16-0796	LC 16-0825	LC 16-0844
LC 16-0809	LC 16-0122	LC 16-0806	LC 16-0826	LC 16-0850
LC 16-0865	LC 16-0706	LC 16-0810	LC 16-0827	LC 16-0892

2. 16-123 Approval of Conservation Area Impact Permit CAI-16-08-037 for Quest Village, LTD. District 4. (Environmental Protection Division)

4. 16-125 Approval and execution of Single Family Affordable Housing Developer's Agreement between Orange County, Florida and Habitat for Humanity of Greater Orlando, Inc.; Resolution 2016-M-51 of the Orange County Board of

County Commissioners regarding Authorizing the Conveyance of County Foreclosed Property; and County Deed from Orange County to Habitat for Humanity of Greater Orlando, Inc. and authorization to perform all actions necessary and incidental to closing to facilitate the conveyance of a property for affordable housing. District 5. (Housing and Community Development Division)

5. 16-126 Approval and execution of Multi-Family Affordable Housing Developer's Agreement for Impact Fee Subsidy by and between Orange County, Florida and Wellington Park Apartments, Ltd. District 2. (Housing and Community Development Division)
6. 16-127 Approval and execution of Escrow Agreement for Hamlin West Road Network Agreement by and among Hamlin Retail Partners West, LLC, Carter-Orange 45 SR 429 Land Trust, Orange County and Shutts & Bowen, LLP for an escrow payment in the amount of \$358,029.65. District 1. (Roadway Agreement Committee)

F. FIRE RESCUE DEPARTMENT

1. 16-128 Approval and execution of Sub-Recipient Contract Award for Citizen Corps Council program between the State of Florida, Division of Emergency Management through Volunteer Florida, serving as the Administrative Agency, and Orange County for Fiscal Year 2016-2017 in the amount of \$7,800. These funds will require a dollar-for-dollar match or in-kind match. (Office of Emergency Management)
2. 16-129 Approval and execution of Sub-Recipient Contract Award for Community Emergency Response Team (CERT) between the State of Florida, Division of Emergency Management through Volunteer Florida, serving as the Administrative Agency, and Orange County for Fiscal Year 2016-2017 in the amount of \$7,800. These funds will require a dollar-for-dollar or in-kind match. (Office of Emergency Management)

G. HEALTH SERVICES DEPARTMENT

1. 16-130 Approval and execution of Florida Department of Agriculture and Consumer Services Division of Administration State Financial Assistance Recipient Agreement FDACS Contract # 023781 by and between the Florida Department of Agriculture and Consumer Services and Orange County Arthropod Control in the estimated amount of \$43,009 from October 1, 2016 through September 30, 2017 and approval for the County Mayor or designee to sign future amendments to this Agreement. No county match is required. (Mosquito Control Division)

Addendum #1

2. 16-142 Approval and execution of Hospital LIP/DSH Letters of Agreement by and between Orange County and the State of Florida, Agency for Healthcare Administration in the amounts of \$2,076,536 (Orlando Health), \$409,905 (Health Central), and \$5,196,967 (Florida Hospital) for a total of \$7,683,408 through the Intergovernmental Transfer Program. The Intergovernmental Transfer Program is the primary funding mechanism for Orange County's Primary Care Access Network (PCAN). (Medical Clinic)

H. PUBLIC WORKS DEPARTMENT

1. 16-131 Approval and execution of Resolution 2016-M-52 of the Orange County Board of County Commissioners regarding the Local Agency Program Agreement for the North Fort Christmas Road Project with the Florida Department of Transportation and approval and execution of State of Florida Department of Transportation Local Agency Program Agreement FPN 437458-1-38-01 between the State of Florida, Department of Transportation and Orange County for Paved Shoulders Design of North Fort Christmas Road from Lake Pickett Road to Northwest of Lake Pickett Road. District 5. (Transportation Planning Division)
2. 16-132 Authorization to record the plat of Summerport Tract R-5. District 1. (Development Engineering Division)

II. INFORMATIONAL ITEMS****A. COUNTY COMPTROLLER**

1. 16-133 Receipt of the following items to file for the record: (Clerk's Office)
 - a. St. Johns River Water Management District's Revised 2016 Governing Board Meeting Schedule.

This item was received and filed.

III. WORK SESSION AGENDA**A. COUNTY ADMINISTRATOR**

1. 16-134 Option to Refund City's Venues Debt.

This item was no action.

IV. DISCUSSION AGENDA**A. COUNTY ADMINISTRATOR**

1. 16-135 Approval of the Arts and Cultural Affairs Advisory Council's funding recommendations for the Cultural Tourism program for FY 2017. (Arts and Cultural Affairs Office)

The following person addressed the Board: Hal Kantor.

A motion was made by Commissioner Edwards, seconded by Commissioner Thompson, that this item be approved with the exception of funding for Mad Cow Theatre to be reviewed at a future Board meeting. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

B. ADMINISTRATIVE SERVICES DEPARTMENT

1. 16-136 Selection of one firm and an alternate to provide a Group Vision Plan, Request for Proposals Y16-1099-LC, for a 3-year contract from the following three firms, listed alphabetically:
 - Davis Vision, Inc.
 - Humana Insurance Company
 - Metropolitan Life Ins.([Office of Accountability Human Resources Division] Procurement Division)

A motion was made by Commissioner Boyd, seconded by Commissioner Clarke, to appoint Humana Insurance Company as the selected firm; and further to appoint Davis Vision, Inc. as alternate. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

The following items were considered together.

III. WORK SESSION AGENDA (Continued)**B. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT**

1. 16-137 Board direction regarding the Impact Fee Grant for Qualified Non-profit Organizations Program. All Districts.

This item was no action.

and

CONSENT AGENDA**E. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT**

3. 16-124 Approval of Application for Impact Fee Grant for Qualified Non-Profit Organizations in the amount of \$4,512.40 to be used for the Law Enforcement, Fire Rescue and Road Impact Fees for the United Global Outreach Inc. - Model Center. District 5. (Fiscal and Operational Support Division)

A motion was made by Commissioner Edwards, seconded by Commissioner Boyd, that this item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

Presentation

Proclamation designating October 20, 2016 as Lights on After School Day

V. PUBLIC HEARINGS

1. 16-061 Municipal Service Benefit Unit
- Black Lake - Lake Tilden, amend for general lake cleaning maintenance, water quality improvement, maintenance and aquatic plant control; District 1

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for general lake cleaning, water quality improvement, maintenance and aquatic plant control services at Black Lake - Lake Tilden

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

A motion was made by Commissioner Boyd, seconded by Commissioner Clarke, that this item be Approved. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

2. 16-064 Shoreline Alteration/Dredge and Fill

Nikki Marie Miglore, Fischer Canal, permit, District 1

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to expand an existing boat basin on the Fischer Canal which connects to the Lake Down-Wauseon Bay Canal, pursuant to Orange County Code, Chapter 33, Section 33-129(d) and Chapter 15, Article VI. Pumping and

Dredging Control; Section 15-218(d) Chapter 33, Article IV. Windermere Water and Navigation Control District; Section 33-129(d)

Location: District 1; on property located adjacent to Fischer Canal, located at 58 Oakdale Street; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Boyd, seconded by Commissioner Clarke, that this item be approved, subject to the conditions listed in the staff report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

3. 16-071 Shoreline Alteration/Dredge and Fill

Scott and Lori Francis, Lake Rowena, permit, District 5

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to construct approximately 11 feet of vinyl seawall to fill in an old, unused boat basin, pursuant to Orange County Code, Chapter 15, Article VI. Pumping and Dredging Control; Section 15-218(d)

Location: District 5; property located at 1610 Lakeside Drive, on Lake Rowena, Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Edwards, seconded by Commissioner Thompson, that this item be approved with conditions as listed in the staff report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

4. 16-062 Substantial Change

Kathy Hattaway, HCI Planning & Land Development Consultants, Village F Master Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-12-381, amend plan; District 1
(Continued from August 2, 2016)

Consideration: Substantial change request to the Village F Master PD by revising the Village Center Conceptual Block inset on the PD/LUP, expanding permitted Village Center District uses; and requesting the following seven (7) waivers from Orange County Code, applicable to PD Parcels S-6 and N-35 only (Village Center District):

1. A waiver from Section 38-1389(b) to allow a grocery store and up to three (3) additional buildings south of the internal main street to face Seidel Road and/or Seton Creek Boulevard; in lieu of the requirement that primary building entries and façade face the internal streets of the Village Center.

2. A waiver from Section 38-1389(d)(3)(g) to allow for interior blocks, not including Seidel Road or Seton Creek Boulevard, to have a minimum of forty percent (40%) of the build-to-line of any block or parcel to be occupied by buildings and/or street-walls, and up to one-hundred percent (100%) of that requirement to be landscaped street-walls; in lieu of the requirement that a

minimum of seventy percent (70%) of the build-to-line of any block or parcel be occupied by buildings and/or street-walls, and that landscaped street-walls not make up more than fifty percent (50%) of the required frontage.

3. A waiver from Section 38-1389(d)(4)(d) to allow parking adjacent to Seidel Road and Seton Creek Boulevard to span the length of the roadway frontage; in lieu of the maximum frontage for parking lots of sixty-five (65) feet along a Village Center circulator or a Village Center major local street.

4. A waiver from Section 38-1389(d)(4)(g) to allow parking lots to abut street intersections or civic use areas; in lieu of the requirement that parking lots and parking garages not abut street intersections or civic use areas.

5. A waiver from Section 38-1389(d)(4)(h) to allow parking in the front of the grocery store and buildings south of the internal main street; in lieu of the requirement that off-street parking be located to the rear or side of buildings.

6. A waiver from Section 38-1389(d)(4)(i)(i) to allow parking in the front of the grocery store; in lieu of the requirement that parking be located at the rear or side of the grocery store front façade.

7. A waiver from Section 24-5(a)(3) to allow a buffer to be less than six (6) feet in height and less than fifteen (15) feet wide; in lieu of the requirement that a buffer be completely opaque from the ground up to a height of at least six (6) feet and a minimum of fifteen (15) feet wide; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located West of Seidel Road, approximately one-half (1/2) mile east of the Western Beltway; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Boyd, seconded by Commissioner Edwards, to make a finding of consistency with the Comprehensive Plan (CP); approve the substantial change request subject to the Conditions of Approval listed under the DRC Recommendation in the Staff Report and five new Conditions of Approval as follows:

8. On-street parking is prohibited on Seton Creek Boulevard.

9. Sale of alcohol for on-premises consumption, including drinking establishments, cocktail lounges, pubs and bars, is prohibited with the exception of full-service restaurants, which may have ancillary alcohol sales.

10. Drive-through establishments shall be limited to the area between the south side of the internal main street and Seidel Road, with an exception for the grocery store that is off the internal main street and which may incorporate a drive-through feature.

11. The Developer/Applicant shall hold a community meeting to allow residents to view and comment upon the development plan(s), prior to the development plan(s) being heard by the Development Review Committee.

12. Construction vehicles and construction traffic shall use Seidel Road only for access to the site, rather than Seton Creek Boulevard or any other neighborhood/residential street.

The addition of these Conditions of Approval will result in renumbering the Conditions of Approval

listed in the staff report for a total of 23 conditions.

The motion carried by the following vote:

Aye: 6 - Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

Nay: 1 - Mayor Jacobs

5. 16-063 Substantial Change

Jeffry B. Fuqua, Spring Isle C, LLC, Spring Isle Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-02-071, amend plan; District 4

Consideration: A PD substantial change to request approval of a Master Sign Plan (MSP) for Parcels G, H, and I. The applicant is requesting the following waiver from Orange County Code for the MSP:

A waiver from Section 31.5-5 to allow for two (2) multi-tenant signs as depicted on the Master Sign Plan to advertise for property within this PD in lieu of signs only advertising for tenants on-site; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4; property generally located East of Avalon Park Boulevard / South of Waterford Chase Parkway; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Frank Coffin (phonetic).

A motion was made by Commissioner Thompson, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan (CP); and further, approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

6. 16-066 Substantial Change

Adam Smith, VHB, Inc., Waterleigh Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-130, amend plan; District 1

Consideration: A PD substantial change to request approval of a Master Sign Plan (MSP). The applicant is requesting the following waivers from Orange County Code for the MSP:

1. A waiver from Section 38-79(114) to allow a maximum accessory structure height of up to twenty-five (25) feet in lieu of twenty (20) feet with a roof slope of 2:12 or steeper for locations as depicted on the Master Sign Plan;
2. A waiver from Section 31.5-193(c)(2) to allow a maximum ground sign height of twelve (12) feet in lieu of eight (8) feet within the Village Center;
3. A waiver from Section 31.5-193(1)(c)(5) to allow a maximum copy area of sixty (60) square feet

for the primary subdivision sign in lieu of twenty (20) square feet and to allow the copy area of secondary subdivision signs to have a maximum copy area of twenty (20) square feet in lieu of ten (10) square feet;

4. A waiver from Section 31.5-67(b) to allow for a maximum subdivision sign height of twelve (12) feet in lieu of eight (8) feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located South of Old YMCA Road / West of S.R. 429 / East of the Orange / Lake County line; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board for public comment: Adam Smith.

A motion was made by Commissioner Boyd, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan (CP); and further, approve the substantial change request subject to conditions listed under the DRC Recommendation in the staff report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

7. 16-067 Substantial Change

Mark Clayton, Chickasaw Property, LLC, Expressway Center Planned Development / Land Use Plan (PD/LUP), Case # CDR-16-03-099; amend plan; District 3 (Continued from September 13, 2016)

Consideration: Substantial change request to the Expressway Center Planned Development / Land Use Plan (PD/LUP) to add multi-family as a permitted use; and to amend the existing development program by using a trip equivalency matrix to convert 78,778 square feet of Business Park uses into 238 multi-family residential dwelling units, and to convert 143,702 square feet of Business Park uses into 68,414 square feet of commercial uses; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 3; property located at 401 North Chickasaw Trail; or generally located north of State Road 408 and east of North Chickasaw Trail; Orange County, Florida (legal property description on file in Planning)

The following person addressed the Board during public comment: Rebecca Wilson.

New Condition of Approval #10:

10. A traffic signal, if justified, at the intersection of Wind Song Drive / northern project entrance and Chickasaw Trail shall be required at the time of Certificate of Occupancy for the multi-family development. All costs for the signal design and installation shall be borne by the developer. 50% of the design, installation and construction cost for the signal, as approved by the County, shall be impact fee credit eligible.

A motion was made by Commissioner Clarke, seconded by Commissioner Edwards, to make a finding of consistency with the Comprehensive Plan (CP); and further, approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report and new Condition of Approval # 10. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

8. 16-068 Substantial Change

James L. Zboril, Tavistock East Services, International Corporate Park (ICP)
Planned Development / Land Use Plan (PD / LUP), Case #
CDR-16-08-271, amend plan; District 4 (Continued from October 18, 2016)

Consideration: A PD substantial change to extract 2,476.18 gross acres from the existing International Corporate Park (ICP) Planned Development (PD), concurrently with an associated request to rescind the ICP Development of Regional Impact (DRI). The proposed PD/LUP has been revised to include updated Parcel ID Numbers, site datum, and an adjusted Development Program consisting of up to 667,000 square feet of manufacturing; 1,967,640 square feet of warehouse / distribution; and 473,360 square feet of warehouse / distribution / office showroom / manufacturing; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4; property generally located south of S.R. 528, north of Wewahootee Road, east of Monument Parkway, and south/southwest of Aerospace Parkway. Orange County, Florida (legal property description on file)

A motion was made by Commissioner Thompson, seconded by Commissioner Nelson, that this item be continued until November 29, 2016, at 2 p.m. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

Absent: 1 - Commissioner Clarke

9. 16-065 Resolution

Consideration: Designating certain land within unincorporated Orange County: Parcel IDs 06-24-29-0000-00-004 AND 06-24-29-6101-01-000 as the Universal Boulevard: ROCC (Redeveloping Orange County Communities) and as a Brownfield Area for the purpose of environmental remediation, rehabilitation, and economic development.

The following person addressed the Board for public comment: Vivien Monaco.

A motion was made by Commissioner Siplin, seconded by Commissioner Nelson, that Resolution 2016-M-53 be approved as amended regarding designating certain land within unincorporated Orange County Parcel ID 06-24-29-6101-01-000 as the OEP Universal Boulevard: ROCC (Redeveloping Orange County Communities) and as a Brownfield Area for the purpose of environmental remediation, rehabilitation, and economic development; and further, continued the hearing until 2:00 p.m. on November 29, 2016 on a resolution regarding

designating certain land within unincorporated Orange County consisting of two portions of Parcel ID 06-24-29-0000-00-004 as the Universal Boulevard East: ROCC and the Universal Boulevard West: ROCC and as Brownfield Areas for the purpose of environmental remediation, rehabilitation, and economic development. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

11. 16-069 Development Review Committee Appeal

Brent G. Siegel for Julieta Corredor, Sand Lake Resort Club PD / Westgate Lakes Resort Phase 5B DP, Case # CDR-16-06-207; District 1

Consideration: Appeal of a decision of the Orange County's Development Review Committee (DRC) of July 27, 2016 to approve the Sand Lake Resort Club PD / Westgate Lakes Resort Phase 5B Development Plan, Case # CDR-16-06-207, for 161 resort residential / timeshare units

Location: District 1; South of West Sand Lake Road / West of Turkey Lake Road; Orange County, Florida (legal property description on file in Planning)

Court Reporter: Sharon L. Tramonte, RPR, CM 1st First Choice

The following persons addressed the Board during public comment:

David Siegel
Kurt Ardaman
Dan Langley
Jim Hall
Mark Waltrip

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

- Exhibit 1, from David Siegel
- Exhibit 2, from Kurt Ardaman
- Exhibit 3, from Jim Hall

The following material was presented to the Board prior to the close of the public hearing:
Submittal 1, from Kurt Ardaman.

A motion was made by Commissioner Boyd, seconded by Commissioner Nelson, that the appeal request be denied, and uphold the July 27, 2016, DRC decision to approve CDR 16-06-20 Sand Lake Resort Club PD/Westgate Lakes Resort Phase 5B DP for the construction of 161 Resort Rental/Timeshare Units. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

Nay: 1 - Commissioner Thompson

10. 16-070 Development Review Committee Appeal

David R. Lenox, Sand Lake Resort Club PD / Westgate Lakes Resort
Phase 5B Amended Buildings 60 & 70 DP, Case # CDR-15-06-167;
District 1

Consideration: Appeal of a decision of the Orange County's Development Review Committee (DRC), Case # CDR-16-03-099, to rescind DRC actions of October 7, 2015 (approval of CDR-15-06-167 and September 12, 2012 (approval of CDR-12-09-179) due to lack of Agent Authorization for the entirety of the property within the Development Plan boundary

Location: District 1; South of West Sand Lake Road / West of Turkey Lake Road; Orange County, Florida (legal property description on file in Planning)

Court Reporter: Sharon L. Tramonte, RPR, CM 1st First Choice Reporting and Video Services

This item was withdrawn.

12. 16-060 Plat Vacation

Bryan DeCunha on behalf of Windermere Country Club, LLC, Petition to Vacate the development and access rights of Tract A (Golf Course) of the Butler Bay - Unit Three development; District 1

Consideration: Windermere County Club Plat Vacation, Petition to vacate the development and access rights of Tract A (Golf Course) of the Butler Bay - Unit Three development dedicated to Orange County per the plat of Butler Bay - Unit Three.

Location: District 1 The parcel address is 2710 Butler Bay Drive North; S01/T23/R27; Orange County, Florida (legal property description on file in Development Engineering Division)

Court Reporters:

Sharon L. Tramonte, RPR, CM 1st First Choice Reporting & Video Services

Sharon A. Moser, RPR, FPR Realtime Reporters, Inc.

The following persons addressed the Board during public comment:

- Truong Nguyen
- City of Windermere Mayor Gary Bruhn
- Kurt Ardaman
- Ed Williams
- Cathy Novokowsky
- Rene Herring
- Larry Herring
- Chris Yarn
- Alberto Lugo
- Jim McAvoy
- Leigh Ann Dyal
- Fred Hernandez

- Chet Moody
- Louise Hawthorne
- Robert McChesney
- Mel Wright
- Greg Pounds
- Scott Glass
- Dan Knuth
- Galen Miller
- David Tottle
- Michael Eckhoff
- Paul Kenard
- Shelby Kolar

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

- Exhibit 1, from Truong Nguyen
- Exhibit 2, from Kurt Ardaman
- Exhibit 3, from Kurt Ardaman
- Exhibit 4, from Rene Herring
- Exhibit 5, from Louise Hawthorne
- Exhibit 6, from Robert McChesney
- Exhibit 7, from Shelby Kolar

A motion was made by Commissioner Boyd, seconded by Commissioner Siplin, that this item be denied. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

ATTEST:

County Mayor Teresa Jacobs

Date: _____

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk

Katie Smith
Deputy Clerk

√ The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

* * *

Any person wishing to appeal any decision made by the Board of County Commissioners at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5517.

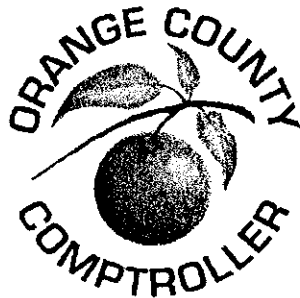
Para mayor información en español, por favor llame al (407) 836-3111.

NOTE: Reports from the County Mayor, the County Commissioners, the County Administrator, and the County Attorney may be presented at unscheduled times throughout the day, depending on the length of time required for advertised public hearings.

Copies of Specific Project Expenditure Reports and Relationship Disclosure Forms are not included with agenda items unless there is a listed expenditure or disclosure. Copies of these completed reports and forms may be obtained by contacting the relevant Department/Division Office.

Orange County Government

*Orange County Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393*



Minutes - Final

Tuesday, November 1, 2016

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Jacobs called the meeting to order at 9:10 a.m.

Present: 8 - Mayor Teresa Jacobs, Commissioner Bryan Nelson, Commissioner Jennifer Thompson, Commissioner Pete Clarke, Commissioner S. Scott Boyd, Commissioner S. Scott Boyd, Commissioner Ted Edwards, and Commissioner Victoria P. Siplin

Others Present:

County Comptroller Martha Haynie as Clerk
County Administrator Ajit Lalchandani
County Attorney Jeffrey J. Newton
Deputy County Attorney Joel Prinsell
Deputy Clerk Katie Smith
Senior Minutes Coordinator Craig Stopyra
Minutes Coordinator Lakela Christian
Minutes Coordinator Jennifer Lara-Klimetz

Invocation

Pastor Ronda Rieves, Hoops Church

Pledge of Allegiance**Presentation**

Proclamation designating November 12, 2016 as Orange County Recycles Day

Presentation

Proclamation designating November 5 through November 12, 2016 as Week of the Family

Public Comment

The following persons addressed the Board for public comment:

- Maria Bolton-Joubert
- Edwin Ambrosi
- Helen Unser
- Pamela Dimarzio

I. CONSENT AGENDA

Approval of the Consent Agenda

The Mayor deferred action on County Administrator Items 1 and 2 for consideration with Ordinance pertaining to Taxation in Orange County, Florida; further deferred action on County Administrator Item 4 for consideration with Ordinance pertaining to granting an Economic Development Exemption from certain ad valorem taxation for the International Association of Amusement Parks and Attractions; and further a motion was made by Commissioner Boyd, seconded by Commissioner Clarke, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

A. COUNTY COMPTROLLER

1. 16-191 Approval of the minutes of the September 13, 2016 meeting of the Board of County Commissioners. (Clerk's Office)
2. 16-192 Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Periods are as follows: (Finance/Accounting)
 - October 14, 2016, to October 20, 2016; \$29,176,957.60
 - October 21, 2016, to October 27, 2016; \$35,923,938.63

B. COUNTY SHERIFF

1. 16-193 Approval and execution of U.S. Department of Justice/Florida Department of Law Enforcement Agency Response to Pulse Nightclub Grant Number 2017-JAGE-ORAN-3-E8-004 in the amount of \$200,000 for the period of June 1, 2016 through December 31, 2016.

C. COUNTY ADMINISTRATOR

3. 16-196 Approval and execution of Resolution 2016-B-16 for the issuance of Multi Family Housing Mortgage Revenue Bonds, to finance the acquisition and construction of Westwood Park Apartments, a proposed development in unincorporated Orange County, Florida, District 1, in an amount not to exceed \$17,750,000. (Housing and Finance Authority)
5. 16-198 Approval to disburse CRA funds totaling \$33,232,141 to Orange County's 15 Community Redevelopment Agencies. (Office of Management and Budget)
6. 16-199 Approval of budget amendments #17-02, #17-03, and #17-04. (Office of Management and Budget)
7. 16-200 Approval to pay quarterly assessments to the Florida Department of Financial Services for self-insurer assessments in an amount not to exceed \$450,000. These payments will satisfy the County's obligations to the State

of Florida pursuant to Sections 440.49(9) and 440.51, Florida Statutes.
(Risk Management Division)

D. COUNTY ATTORNEY

1. 16-201 Approval and execution of Orange County, Florida and Florida Citrus Sports Events, Inc. Atlantic Coast Conference Championship Game Agreement.

E. ADMINISTRATIVE SERVICES DEPARTMENT

1. 16-202 Approval to award Invitation for Bids Y16-1125-PD, Exterior Painting Services, to the low responsive and responsible bidders for a 1-year term.

Bidders	Estimated Amount
Silva's Painting & General Services, LLC	Lot A \$273,600
Lenard Bell Painting, Inc.	Lot B \$340,825
Quick Painting Group Corporation	Lot C \$299,825

([Administrative Services Department Facilities Management Division] Procurement Division)
2. 16-203 Approval to award Invitation for Bids Y17-107-DG, Fire Protection Systems Testing, Inspection and Repairs, to the low responsive and responsible bidder, Space Coast Fire and Safety Inc. The estimated contract award amount is \$443,925 for the basic year. ([Administrative Services Department Facilities Management Division] Procurement Division)
3. 16-204 Approval to award Invitation for Bids Y17-109-PD, Pest Control Services, to the low responsive and responsible bidder, Florida Pest Control & Chemical Company. The estimated contract award amount is \$178,133 for a 1-year term. ([Administrative Services Department Facilities Management Division] Procurement Division)
4. 16-205 Approval to award Invitation for Bids Y17-115-PD, Application of Posi-Shell for the Landfill, to the sole responsive and responsible bidder, Sterns, Conrad and Schmidt Consulting Engineers, Inc. dba SCS Field Services. The estimated contract award amount is \$918,000 for a 1-year term. ([Utilities Department Solid Waste Division] Procurement Division)
5. 16-206 Approval to award Invitation for Bids Y16-7001-PH, Little Egypt/Ring Road Sanitary Sewer Improvements, to the low responsive and responsible bidder, Uribe Site Development, Inc. The estimated contract award amount is \$318,396. ([Utilities Department Engineering Division] Procurement Division)
6. 16-207 Approval of Contract Y17-2040, Intergovernmental Transfer Program (IGT) with Orlando Health, Inc. and Adventist Health System, Inc. d/b/a Florida

- Hospital, in the estimated annual contract award amount of \$7,683,408 for a 1-year period. ([Fiscal and Operational Support Division] Procurement Division)
7. 16-208 Approval and execution of Utility Easement between The School Board of Orange County, Florida and Orange County and authorization to record instrument for Lockhart ES OCU File No. 81667. District 2. (Real Estate Management Division)
 8. 16-209 Approval and execution of Utility Easement between The School Board of Orange County, Florida and Orange County and authorization to record instrument for Lake Whitney ES OCU File No. 79085. District 1. (Real Estate Management Division)
 9. 16-210 Approval and execution of Utility Easement between The School Board of Orange County, Florida and Orange County and authorization to record instrument for Little River ES OCU File No. 70646. District 3. (Real Estate Management Division)
 10. 16-211 Approval and execution of Non-Exclusive Drainage Easement and Joint Utilization Agreement Modification between KB Home Orlando, LLC and Orange County and authorization to record instrument for Sawgrass Pointe Phase 2. District 4. (Real Estate Management Division)
 11. 16-212 Approval of Warranty Deed from Mattamy Orlando LLC to Orange County, approval and execution of Subordination of Utility Interests between Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation and Orange County and authorization to perform all actions necessary and incidental to closing for Reams Road Property PD. District 1. (Real Estate Management Division)
 12. 16-213 Approval of purchase price above appraised value, plus fees for seller's attorney, engineer, and appraiser, Purchase Agreement, Warranty Deed, Drainage, Slope and Fill Easement, Temporary Construction Easement between Perennial Apartments Orlando LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from KeyBank National Association, Subordination of Encumbrances to Property Rights to Orange County from Bright House Networks, LLC, doing business as Bright House Networks, through its Florida Division, f/k/a Time Warner Entertainment-Advance/Newhouse Partnership, d/b/a Time Warner Cable formerly known as American Television & Communications Corporation, formerly doing business as Orange/Seminole Cablevision and authorization to disburse funds to pay purchase price, fees and closing costs and perform all actions necessary and incidental to closing for Holden Avenue RCA (John Young Parkway to Orange Blossom Trail). District 6. (Real Estate Management Division)

13. 16-214 Approval of Donation Agreement and Temporary Drainage Easement between Abbas Sassanfar, Individually and as Trustee and Orange County and authorization to disburse funds to pay all recording fees and record instrument for Royal Estates Neighborhood PD/Lakeside Village SAP Reams Road. District 1. (Real Estate Management Division)
14. 16-215 Approval of Utility Easement between Lennar Homes, LLC and Orange County and authorization to record instrument for Storey Park Parcel M Permit: 15-U-101 OCU File # 82187. District 4. (Real Estate Management Division)
15. 16-216 Approval of Utility Easement between Colonial Equity Partners, LLC and Orange County and authorization to record instrument for Verizon Heartland OCU Permit: B15902574 OCU File #: 82191. District 5. (Real Estate Management Division)

F. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. 16-217 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 16-0654	LC 16-0954	LC 16-0982	LC 16-0820	LC 16-0914
LC 16-1027	LC 16-0974	LC 16-0984	LC 16-0821	LC 16-0920
LC 16-0768	LC 16-0993	LC 16-1008	LC 16-0853	LC 16-0921
LC 16-0771	LC 16-0996	LC 16-1007	LC 16-0854	LC 16-0926
LC 16-0923	LC 16-0997	LC 16-1013	LC 16-0859	LC 16-0932
LC 16-0943	LC 16-1000	LC 16-1015	LC 16-0899	LC 16-0967
LC 16-0949	LC 16-0956	LC 16-0814	LC 16-0902	LC 16-0989
LC 16-0951	LC 16-1011	LC 16-0819	LC 16-0911	LC 16-0998

2. 16-218 Acceptance of Recommendation of the Environmental Protection Commission to uphold the Recommendation of the Environmental Protection Officer to approve the request for Variance to Section 15-343(a) (side setback) for the Paoli Dock Construction Permit BD-16-05-052. District 1. (Environmental Protection Division)
3. 16-219 Acceptance of Recommendation of the Environmental Protection Commission to uphold the Recommendation of the Environmental Protection Officer to approve the request for after the fact Waiver to Section 15-342(b) (Terminal Platform Size) with the condition that the applicant pay \$725 to the Conservation Trust Fund for the Fender Dock Construction Permit BD-14-01-001. District 3 (Environmental Protection Division)

G. FAMILY SERVICES DEPARTMENT

1. 16-220 Approval and execution of Federal Fiscal Year (FFY) 2017 Florida Community Services Block Grant (CSBG) Bridge Funding Subgrant Agreement Agreement Number: 17SB-0D-12-00-01-019/E1887 between the Florida Department of Economic Opportunity and Orange County in the amount of \$142,859 for Community Services Block Grant (CSBG) funding and authorization for the County Mayor or designee to approve any increases, decreases, or amendments to this contract. The term of this Agreement is from October 1, 2016 through September 30, 2017. (Community Action Division)
2. 16-221 Approval of the October 2016 Business Assistance for Neighborhood Corridors Program Grants for Destinations Travel Service, Inc. (\$3,300), Men Working, Inc. (\$5,000), and Silver Star Center, LLC (\$5,000). Districts 3, 4, and 6. (Neighborhood Preservation and Revitalization Division)

H. HEALTH SERVICES DEPARTMENT

1. 16-222 Approval and execution of the Certificate of Public Convenience and Necessity for LifeFleet Southeast Inc. d/b/a American Medical Response (AMR) to provide Advanced Life Support and Basic Life Support Transport Services. The term of this certificate is from November 1, 2016 through November 1, 2018. There is no cost to the County. (EMS Office of the Medical Director)

I. PUBLIC WORKS DEPARTMENT

1. 16-223 Approval and execution of Temporary License Agreement for Construction Access by and between Orange County and The Middlesex Corporation in conjunction with SunRail Phase 2 project. District 4

J. UTILITIES DEPARTMENT

1. 16-224 Approval of Hold Harmless and Indemnification Agreement Parcel ID: 09-24-29-3051-04-000 by and between NADG (Grande Lakes) LP and Orange County. District 4. (Engineering Division)

II. INFORMATIONAL ITEMS**A. COUNTY COMPTROLLER**

1. 16-225 Receipt of the following items to file for the record: (Clerk's Office)
 - a. Greater Orlando Aviation Authority Orlando International Airport and Greater Orlando Aviation Authority Orlando Executive Airport, Fiscal

Budget for Fiscal Year 2016-2017.

- b. City of Orlando Voluntary Annexation Request - Narcoossee Cove I & II - ANX2015-00028. Notice of Proposed Enactment. Proposed Ordinance 2016-34, 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 east of Narcoossee Road, south of Kirby Smith Road and west of Lake Whippoorwill and comprised of 48.78 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Urban Village in part, and Conservation in part, on the City's Official Future Land Use Maps; establishing a new Subarea Policy for the same property to provide a maximum Development Program, required land development regulations, and inclusion in the Southeast Orlando Sector Plan; providing for amendment of the City's Official Future Land Use Maps; providing for a Lot Split Application; providing for consent to the municipal services taxing unit for Lake Whippoorwill; providing for severability, correction of scrivener's errors, and an effective date. A public hearing on this Ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida.
- c. Orange County, Florida Declaration of State of Local Emergency Executive Order No. 16-02; Orange County, Florida Emergency Executive Order No. 16-03; concerning curfew; Orange County, Florida Emergency Executive Order No. 16-04; concerning curfew; Orange County, Florida Emergency Executive Order No. 16-05; concerning termination of curfew.
- d. City of Orlando Ordinance with Exhibit A (Legal Descriptions), Exhibit B (Annexation Maps), and Exhibits C & D (Future Land Use Maps and Zoning Maps), Fiscal Impact Statements and Orlando Sentinel Notices of Proposed Enactment for Ordinance No. 2016-63 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 E. Michigan Street, east of S. Brown Street, south of E. Crystal Lake Avenue, addressed as 1401 E. Michigan Street., and comprised of 0.697 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 mixed use corridor medium intensity village, in part, on the City's Official Future Land Use Maps; designating the property as the R-2A family district along with the traditional city overlay, in part and the MU-1 Medium Intensity mixed use corridor district along with the traditional city 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, permit disclaimer, and an effective date.

This item was received and filed.

III. DISCUSSION AGENDA

A. COMMISSIONER'S REPORT

1. 16-226 Commissioner Edwards would like to discuss Regulation of Private Water Utilities and negotiating the purchase of the Wedgefield utility system from Pluris.

This item was No Action.

B. COUNTY ADMINISTRATOR

1. 16-227 Visit Orlando Bi-Annual Update.

The following person addressed the Board: George Aguel.

This item was No Action.

C. ADMINISTRATIVE SERVICES DEPARTMENT

1. 16-228 Selection of one firm and a ranked alternate to provide Professional Services for the Orange County Convention Center Arc Flash Analysis & Development of Electrical Safety Program Per (NFPA 70E) National Fire Protection Association, Request for Proposals Y16-812-MM, from the following two firms listed alphabetically:

- RTM Engineering Consultants, LLC

- SGM Engineering, Inc.

([Convention Center Capital Planning and Building Systems Division]
Procurement Division)

A motion was made by Commissioner Nelson, seconded by Commissioner Boyd, to appoint RTM Engineering Consultants, LLC as the selected firm; and further appoint SGM Engineering, Inc. as alternate. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

2. 16-229 Selection of one firm and an alternate to provide Professional Transportation Planning and Engineering Services for Reams Road Roadway Conceptual Analysis Study, Request for Proposals Y16-816-CH, from the following two firms, listed alphabetically:

- Inwood Consulting Engineers, Inc.
- Parsons Brinckeroff, Inc.
- ([Community, Environmental and Development Services Department
Transportation Planning Division] Procurement Division)

A motion was made by Commissioner Nelson, seconded by Commissioner Boyd, to appoint Inwood Consulting Engineers, Inc. as the selected firm; and further appoint Parsons Brinckeroff, Inc. as alternate. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

3. 16-230 Selection of one firm and an alternate to provide Continuing Professional Consulting Services for Construction Engineering and Inspection (CEI) Services for Construction Projects with Local Agency Program (LAP) Funding, Request for Proposals Y16-906-CH, from the following two firms, listed alphabetically:

- AECOM Technical Services, Inc.
- CDM Smith, Inc.
- ([Public Works Department Highway Construction Division]
Procurement Division)

A motion was made by Commissioner Boyd, seconded by Commissioner Clarke, to appoint CDM Smith, Inc. as the selected firm; and further appoint AECOM Technical Services, Inc. as alternate. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

D. COUNTY MAYOR

1. 16-231 Open discussion on issues of interest to the Board.

The following person addressed the Board: Wade Vose.

This item was No Action.

IV. WORK SESSION AGENDA

A. FAMILY SERVICES DEPARTMENT

1. 16-232 Approval to fund the pilot Residential Human Trafficking Program. The estimated budget for the program is \$850,000. (Youth and Family Services Division)

The following person addressed the Board: Thomas Lares.

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to

approve this item. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

Absent: 1 - Commissioner Nelson

V. RECOMMENDATIONS

1. 16-233 October 6, 2016 Board of Zoning Adjustment Recommendations

A motion was made by Commissioner Boyd, seconded by Commissioner Clarke, to approve the Recommendations, with the exception of Case VA-16-10-128, Khaldoun Mamlouk, which was pulled from the Recommendations. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

VI. PUBLIC HEARINGS

1. 16-072 Petition to Vacate

Dayalal G. Bharadva, Petition to Vacate # 15-04-011, vacate an opened and improved right-of-way; District 1

Consideration: Resolution granting Petition to Vacate # 15-04-011, vacating a 16 ft wide portion of an opened and improved 66 ft wide right-of-way known as Kilgore Road, containing approximately 0.074 acres.

Location: District 1; The parcel address is 9900 Kilgore Road; S04/T24/R28; Orange County, Florida (legal property description on file)

The following person addressed the Board: Nicole Latham Carolan.

A motion was made by Commissioner Boyd, seconded by Commissioner Thompson, to continue the public hearing until January 10, 2017, at 2 p.m. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

2. 16-073 Petition to Vacate

Robert Meeks, on behalf of Meeks Investments, LLC & Meeks Forestras One, LLC, Petition to Vacate # 16-02-004, vacate a portion of unopened and unimproved right-of-way; District 3

Consideration: Resolution granting Petition to Vacate # 16-02-004, vacating a portion of a 60 ft wide unopened and unimproved right-of-way known as Escambia Avenue, containing approximately 0.891 acres, and a portion of a 30 ft wide unopened and unimproved right-of-way known as Wakulla Street, containing approximately 0.240 acres, for a total of 1.131 acres.

Location: District 3; The parcel addresses are 6701, 6720 and 6768 Holiday Place, and 6766

Narcoossee Road; S14,23/T23/R30; Orange County, Florida (legal property description on file)

The following person addressed the Board: William Fogle.

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to approve the request. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

3. 16-074 Petition to Vacate

Page P. Pierce, on behalf of Golden Oak Development, LLC, Petition to Vacate # 16-02-006, vacate a portion of right-of-way easement; District 1

Consideration: Resolution granting Petition to Vacate # 16-02-006, vacating a portion of a 60 ft wide right-of-way easement, containing approximately 0.580 acres.

Location: District 1; The parcel is unaddressed; S17/T24/R28; Orange County, Florida (legal property description on file)

The following person addressed the Board: Vance Carper.

A motion was made by Commissioner Boyd, seconded by Commissioner Clarke, to approve the request. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

4. 16-075 Shoreline Alteration/Dredge and Fill

Robert Davis, Lake Crescent Canal, permit, District 1

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit SADF-16-07-009 to construct a 36-foot long seawall, associated with a cantilevered boat dock, pursuant to Orange County Code, Chapter 33, Article IV, Windermere Water and Navigation Control District; Section 33-129(d)

Location: District 1; property located at 2804 Marquesas Court, on the Lake Crescent Canal; Orange County, Florida (legal property description on file in Environmental Protection Division)

The following persons addressed the Board:

- Mark Griffin
- Sheila Cichra

A motion was made by Commissioner Boyd, seconded by Commissioner Clarke, to approve the Shoreline Alteration/Dredge and Fill Permit (SADF-16-07-009) for Robert Davis, subject to the conditions listed in the staff report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

Absent: 1 - Commissioner Nelson

5. 16-076 Rezoning

Richie Webster, Pro-Tec Construction, Storage Units, LLC PD/LUP, Case #
LUP-16-03-087; District 2

Consideration: Request to rezone 3.15 acres from I-4 and C-1 to PD in order to construct 71,150 square feet of indoor storage uses, including boats, recreational vehicles, and 404 self-storage units. In addition, the following waivers from Orange County Code have been requested:

1. A waiver from Section 38-1272(3) to allow for a five (5) foot western boundary setback adjacent to parcel 30-21-28-0000-00-009, a twenty (20) foot western boundary setback adjacent to parcel 30-21-28-4256-01-360, a fifteen (15) foot northern boundary setback, and a twenty (20) foot southern boundary setback; in lieu of the required twenty-five (25) foot PD perimeter setback.
2. A waiver from Section 38-1272(3)(d) to allow for a twenty (20) foot setback adjacent to Beach Avenue; in lieu of a thirty (30) foot right-of-way setback; pursuant to Orange County Code, Chapter 30.

Location: District 2; property generally located North of Beach Avenue and west of Ocoee Apopka Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: William A. Ray.

A motion was made by Commissioner Nelson, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan (CP); and approve the request subject to the conditions listed under the PZC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

6. 16-080 Ordinance

Amending Orange County Code, Article V, Chapter 2, to add Section 2-176,
pertaining to Orange County's Research and Development Authority

Consideration: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, PERTAINING TO ORANGE COUNTY'S RESEARCH AND DEVELOPMENT AUTHORITY; AMENDING ARTICLE V OF CHAPTER 2 OF THE ORANGE COUNTY CODE TO ADD SECTION 2-176 TO REFLECT THE AUTHORITY'S STATUS AS AN INDEPENDENT SPECIAL DISTRICT; AND PROVIDING AN EFFECTIVE DATE

A motion was made by Commissioner Thompson, seconded by Commissioner Boyd, to adopt Ordinance 2016-21 pertaining to the Orange County Research and Development Authority amending Article V, Section 2 of the Orange County Code; adding Section 2-176 to the Orange County Code to reflect the Authority's status as an independent special district. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

8. 16-081 Ordinance

Granting an Economic Development Exemption from Certain Ad Valorem Taxation for the International Association of Amusement Parks and Attractions, a New Business

Consideration: AN ORDINANCE OF ORANGE COUNTY, FLORIDA RELATING TO TAXATION; GRANTING AN ECONOMIC DEVELOPMENT EXEMPTION FROM CERTAIN AD VALOREM TAXATION FOR THE INTERNATIONAL ASSOCIATION OF AMUSEMENT PARKS AND ATTRACTIONS, A NEW BUSINESS; PROVIDING FOR DEFINITIONS; PROVIDING FINDINGS; PROVIDING FOR THE ESTIMATED REVENUE LOSS ATTRIBUTABLE TO THE EXEMPTION GRANTED TO THE INTERNATIONAL ASSOCIATION OF AMUSEMENT PARKS AND ATTRACTIONS; PROVIDING THE LEVEL OF EXEMPTION AND TERM THE EXEMPTION WILL REMAIN IN EFFECT; PROVIDING FOR APPLICABILITY; PROVIDING AN EFFECTIVE DATE.

The following persons addressed the Board:

- John McReynolds
- Paul Nolan
- Hal McElroy

A motion was made by Commissioner Boyd, seconded by Commissioner Clarke, to adopt Ordinance 2016-22 of Orange County, Florida relating to taxation; granting an economic development exemption from certain ad valorem taxation for International Association of Amusement Parks and Attractions; and further approve the Economic Development Ad Valorem Tax Exemption Agreement between Orange County and International Association of Amusement Parks and Attractions. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

I. CONSENT AGENDA ITEM DEFERRED

C. COUNTY ADMINISTRATOR

- 4. 16-197 Approval and execution of Resolution 2016-M-54 of the Orange County Board of County Commissioners regarding International Association of Amusement Parks and Attractions Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)**

A motion was made by Commissioner Clarke, seconded by Commissioner Boyd, to approve this item. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner

Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

VI. PUBLIC HEARING

7. 16-079 Ordinance

Amending Orange County Code, Article IV, Chapter 25, Section 25-140,
pertaining to Taxation in Orange County, Florida

Consideration: AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING ARTICLE IV OF CHAPTER 25 OF THE ORANGE COUNTY CODE SECTION 25-140, TOURIST DEVELOPMENT PLAN; PROVIDING FOR AN EFFECTIVE DATE.

The following persons addressed the Board:

- Jim Pugh
- Chuck Steinmetz
- Kathy Ramsburger
- Rich Maladecki

A motion was made by Mayor Jacobs, seconded by Commissioner Thompson, to adopt Ordinance 2016-23 of the Board of County Commissioners of Orange County, Florida Pertaining to Taxation in Orange County, Florida; Amending Article IV of Chapter 25 of the Orange County Code Section 25-140, Tourist Development Plan; Providing an Effective Date. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

I. CONSENT AGENDA ITEMS DEFERRED

C. COUNTY ADMINISTRATOR

1. 16-194 Approval and execution of Second Amended and Restated Orlando/Orange County Interlocal Agreement, which incorporates all amendments to date, together with any conforming changes which may be necessary as a result of such amendment and restatement.

A motion was made by Mayor Jacobs, seconded by Commissioner Boyd, to approve and execute the Second Amended and Restated Orlando/Orange County Interlocal Agreement, which incorporates all amendments to date, together with any conforming changes which may be necessary as a result of such amendment and restatement. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

2. 16-195 Approval and execution of Resolution 2016-B-15 of the Orange County

Board of County Commissioners regarding the issuance of Tourist Development Tax Revenue Bonds, Series 2016A and Tourist Development Tax Refunding Revenue Bonds, Series 2016B. (Fiscal and Business Services Division)

A motion was made by Mayor Jacobs, seconded by Commissioner Clarke, to approve and execute Resolution 2016-B-15 of the Orange County Board of County Commissioners Regarding the Issuance of Tourist Development Tax Revenue Bonds, Series 2016A and Tourist Development Tax Refunding Revenue Bonds, Series 2016B. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

VI. PUBLIC HEARING

9. 16-082 Ordinance

Amending Orange County Code, Article IV, Chapter 32, Sections 32-153, 32-155, 32-160 & 32-178, pertaining to Bear Management

Consideration: AN ORDINANCE AFFECTING SOLID WASTE IN ORANGE COUNTY, FLORIDA, RELATING TO BEAR MANAGEMENT; AMENDING THE ORANGE COUNTY ORDINANCE CODIFIED AT ARTICLE IV, CHAPTER 32, OF THE ORANGE COUNTY CODE; AMENDING SECTION 32-153, DEFINITIONS; AMENDING SECTION 32-155, RULES, REGULATIONS, AND PROGRAM REQUIREMENTS; AMENDING SECTION 32-160, FULL SOLID WASTE AND RECYCLING COLLECTION SERVICE; AMENDING SECTION 32-178, RESIDENTIAL FRANCHISE, COMMERCIAL LICENSE AND REGISTRATION REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The following person addressed the Board: Mike Orlando.

A motion was made by Commissioner Nelson, seconded by Commissioner Boyd, to adopt Ordinance 2016-24 amending Article IV of Chapter 32, Orange County Code. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

√ The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

ADJOURNMENT: 3:40 p.m.

ATTEST:

County Mayor Teresa Jacobs

Date: _____

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk

Katie Smith
Deputy Clerk

* * *

Any person wishing to appeal any decision made by the Board of County Commissioners at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5517.

Para mayor información en español, por favor llame al (407) 836-3111.

NOTE: Reports from the County Mayor, the County Commissioners, the County Administrator, and the County Attorney may be presented at unscheduled times throughout the day, depending on the length of time required for advertised public hearings.

Copies of Specific Project Expenditure Reports and Relationship Disclosure Forms are not included with agenda items unless there is a listed expenditure or disclosure. Copies of these completed reports and forms may be obtained by contacting the relevant Department/Division Office.



I. CONSENT AGENDA
COUNTY ADMINISTRATOR

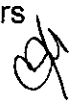
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32802-1393

AGENDA DEVELOPMENT
301 South Rosalind Avenue • F
407-836-5426 • Fax: 407-836-2

December 6, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Cheryl J. Gillespie, Supervisor 
Agenda Development Office

SUBJECT: Reappointment to the Lake Anderson Advisory Board
CONSENT AGENDA ITEM DECEMBER 20, 2016

Commissioner Clarke has requested Board confirmation of his reappointment of David M. Harding to the Lake Anderson Advisory Board with a term expiring December 31, 2018.

ACTION REQUESTED: Confirmation of Commissioner Clarke's reappointment of David M. Harding to the Lake Anderson Advisory Board with a term expiring December 31, 2018.




AGENDA DEVELOPMENT
201 South Rosalind Avenue •
407-836-5426 • Fax: 407-836-

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
2

a 32802-1393

December 6, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Cheryl J. Gillespie, Supervisor 
Agenda Development Office

SUBJECT: Appointments/Reappointment to the Lake Holden Advisory
Board
CONSENT AGENDA ITEM DECEMBER 20, 2016

Commissioner Clarke has requested Board confirmation of his reappointment of Michael Powell; appointment of Dana L. Kruetzfeldt to succeed Michael B. Smith; and appointment of Caroline St. Clair to succeed Ronald Strickler on the Lake Holden Advisory Board with terms expiring December 31, 2018.

ACTION REQUESTED: Confirmation of Commissioner Clarke's reappointment of Michael Powell and appointment of Dana L. Kruetzfeldt and Caroline St. Clair to the Lake Holden Advisory Board with terms expiring December 31, 2018.



AGENDA DEVELOP

201 South Rosalind Avenue • 1
407-836-5426 • Fax: 407-836-2

December 6, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Cheryl J. Gillespie, Supervisor 
Agenda Development Office

SUBJECT: Reappointments to the Lake Jessamine Water Advisory Board
CONSENT AGENDA ITEM DECEMBER 20, 2016

Commissioner Clarke has requested Board confirmation of his reappointment of Judy I. Martin and Carolyn Accola to the Lake Jessamine Water Advisory Board with terms expiring December 31, 2018.

ACTION REQUESTED: Confirmation of Commissioner Clarke's reappointment of Judy I. Martin and Carolyn Accola to the Lake Jessamine Water Advisory Board with terms expiring December 31, 2018.



AGENDA DEVELOPMENT
201 South Rosalind Avenue • Rt
407-836-5426 • Fax: 407-836-28

December 6, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Cheryl J. Gillespie, Supervisor 
Agenda Development Office

SUBJECT: Reappointments to the Lake Mary MSTU Advisory Board
CONSENT AGENDA ITEM DECEMBER 20, 2016

Commissioner Clarke has requested Board confirmation of his reappointment of Edwin Johnson, Nancy Crowell, and Russ E. Tatum to the Lake Mary MSTU Advisory Board with terms expiring December 31, 2018.

ACTION REQUESTED: Confirmation of Commissioner Clarke's reappointment of Edwin Johnson, Nancy Crowell, and Russ E. Tatum to the Lake Mary MSTU Advisory Board with terms expiring December 31, 2018.




AGENDA DEVELOPMENT
201 South Rosalind Avenue
407-836-5426 • Fax: 407-836

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
5

da 32802-1393

December 6, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Cheryl J. Gillespie, Supervisor 
Agenda Development Office

SUBJECT: Filing of Minutes for the Official County Record
CONSENT AGENDA ITEM DECEMBER 20, 2016

The Agenda Development Office has received minutes of the following meetings and requests receipt and filing of the minutes for the official county record:

Citizens' Review Panel for Human Services on January 28, 2016 and October 13, 2016
Citizens' Review Panel for Human Services House of Healing, Inc. on November 1, 2016
Citizens' Review Panel for Human Services L&M's Complete Care Mental Health Counseling on November 1, 2016
Citizens' Review Panel for Human Services Revelations II, Inc. on November 3, 2016
Citizens' Review Panel for Human Services Hope Central, Inc. on November 3, 2016
Citizens' Review Panel for Human Services ROICH on November 8, 2016
Citizens' Review Panel for Human Services Mye-Dash Consulting, Inc. on November 8, 2016
Citizens' Review Panel for Human Services Man Up Mentoring on November 8, 2016
Citizens' Review Panel for Human Services Orlando/Orange County COMPACT on November 8, 2016
Citizens' Review Panel for Human Services Impact Outreach Ministry of Central Florida, Inc. on November 15, 2016
Citizens' Review Panel for Human Services Images of Glory (IOG), Inc. on November 15, 2016
Citizens' Review Panel for Human Services Future Leaders Community Development Corp, Inc. on November 15, 2016
Intergovernmental Risk Management Committee on October 13, 2016 and October 20, 2016
Orange County Citizen Corps Council on October 19, 2016
Orange County Library Board of Trustees on October 12, 2016
Orange County Research and Development Authority on September 15, 2016
Special Magistrate on November 7, 2016


Subject: Filing of Minutes for the Official County Record
December 6, 2016
Page 2

Copies of the minutes are available in the Agenda Development Office and the Clerk's Office.

ACTION REQUESTED: **Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record.**

December 11, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Cheryl J. Gillespie, Supervisor 
Agenda Development Office

SUBJECT: Reappointment to the Board of Zoning Adjustment
CONSENT AGENDA ITEM DECEMBER 20, 2016

The Board of Zoning Adjustment is composed of seven members, one appointed from each of the county commission districts upon recommendation of the district commissioner and one appointed at large upon recommendation of the County Mayor. All appointments must be confirmed by the Board of County Commissioners.

The terms of appointment for the current members of the Board of Zoning Adjustment will expire on December 31, 2016. Board confirmation of the following reappointment is requested.

- 1) Confirmation of the reappointment of Charles Norman as the Mayor's representative as requested by Mayor Jacobs.

The term of the reappointment will expire December 31, 2018. Please let me know if you require further information.

ACTION REQUESTED: Confirmation of the reappointment to the Board of Zoning Adjustment of Charles Norman as the Mayor's representative with a term expiring December 31, 2018.



AGENDA DEVELOPMENT

201 South Rosalind Avenue • Rm. 201
407-836-5426 • Fax: 407-836-2881


**I. CONSENT AGENDA
COUNTY ADMINISTRATOR**

7

2802-1393

December 11, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Cheryl J. Gillespie, Supervisor 
Agenda Development Office

**SUBJECT: Reappointment to the Membership and Mission Review Board
CONSENT AGENDA ITEM DECEMBER 20, 2016**

The Membership and Mission Review Board is composed of nine members, one appointed from each of the county commission districts upon recommendation of the district commissioner, one appointed at large upon recommendation of the County Mayor, and two at large members nominated by the County Mayor or any County Commissioner and appointed by the full board. The district commissioner and County Mayor appointments must be confirmed by the Board of County Commissioners.

The terms of appointment for seven of the current members of the Membership and Mission Review Board will expire on December 31, 2016. Board confirmation of the following reappointment is requested.

- 1) Confirmation of the reappointment of Picton Warlow as the Mayor's representative as requested by Mayor Jacobs.

The term of the reappointment will expire December 31, 2018. Please let me know if you require further information.

ACTION REQUESTED: Confirmation of the reappointment to the Membership and Mission Review Board of Picton Warlow as the Mayor's representative with a term expiring December 31, 2018.



AGENDA DEVELO
201 South Rosalind Avenue •
407-836-5426 • Fax: 407-836

December 11, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Cheryl J. Gillespie, Supervisor 
Agenda Development Office

SUBJECT: Appointment/Reappointments to the Orange County Citizen
Corps Council
CONSENT AGENDA ITEM DECEMBER 20, 2016

The Orange County Citizen Corps Council is composed of nine members, one appointed by each County Commissioner and three appointed by the County Mayor. All appointments must be confirmed by the Board of County Commissioners.

The terms of appointment for the current members of the Orange County Citizen Corps Council will expire on December 31, 2016. Board confirmation of the following appointment/reappointments is requested.

- 1) Confirmation of the reappointment of Stephan DeLucca and Jaime Halscott as Mayor's representatives as requested by Mayor Jacobs.
- 2) Confirmation of the appointment of Lt. James Kelley to succeed Elisabeth J. Mendes as the District 1 representative as requested by Commissioner VanderLey.

The term of the appointment/reappointments will take effect immediately and will expire December 31, 2018. A copy of Lt. Kelley's advisory board application for appointment is available upon request. Please let me know if you require further information.

ACTION REQUESTED: Confirmation of the reappointment to the Orange County Citizen Corps Council of Stephan DeLucca and Jaime Halscott as Mayor's representatives with terms expiring December 31, 2018.

-and-

Confirmation of the appointment of Lt. James Kelley as the District 1 representative on the Orange County Citizen Corps Council with a term effective immediately and expiring December 31, 2018.



AGENDA DEVELOPM
201 South Rosalind Avenue • Rep
407-836-5426 • Fax: 407-836-2895

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
9

802-1393

December 11, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Cheryl J. Gillespie, Supervisor *ck*
Agenda Development Office

SUBJECT: Appointment/Reappointment to the Planning and Zoning
Commission
CONSENT AGENDA ITEM DECEMBER 20, 2016

The Planning and Zoning Commission is composed of nine members, one appointed from each of the county commission districts upon recommendation of the district commissioner, one appointed at large upon recommendation of the County Mayor, and two at large members nominated by the County Mayor or any County Commissioner and appointed by the full board. The district commissioner and County Mayor appointments must be confirmed by the Board of County Commissioners.

The terms of appointment of seven members of the Planning and Zoning Commission will expire on December 31, 2016. Board confirmation of the following appointment/reappointment is requested.

- 1) Confirmation of the reappointment of Paul L. Wean as the Mayor's representative as requested by Mayor Jacobs.
- 2) Confirmation of the appointment of J. Gordon Spears as the District 5 representative as requested by Commissioner Bonilla.

Terms of the appointment/reappointment are effective immediately and will expire December 31, 2018. A copy of Mr. Spears' advisory board application for appointment is available upon request. Please let me know if you require further information.

ACTION REQUESTED: Confirmation of the reappointment to the Planning and Zoning Commission of Paul L. Wean as the Mayor's representative with a term expiring December 31, 2018.

-and-

Confirmation of the appointment of J. Gordon Spears as the District 5 representative on the Planning and Zoning Commission with a term effective immediately and expiring December 31, 2018.




AGENDA DEVELOPMENT
201 South Rosalind Avenue • Rm. 200
407-836-5426 • Fax: 407-836-2828

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
10

12802-1393

December 11, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Cheryl J. Gillespie, Supervisor 
Agenda Development Office

SUBJECT: Reappointments to the Big Sand Lake Advisory Board
CONSENT AGENDA ITEM DECEMBER 20, 2016

Commissioner VanderLey has requested Board confirmation of her reappointment to the Big Sand Lake Advisory Board of John Jennings, Alan C. Charron, David A. Winslow, and Brett M. Kingstone with terms expiring December 31, 2018.

ACTION REQUESTED: Confirmation of Commissioner VanderLey's reappointment to the Big Sand Lake Advisory Board of John Jennings, Alan C. Charron, David A. Winslow, and Brett M. Kingstone with terms expiring December 31, 2018.



Interoffice Memorandum

AGENDA ITEM

December 1, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management and Budget *K.N.P.*

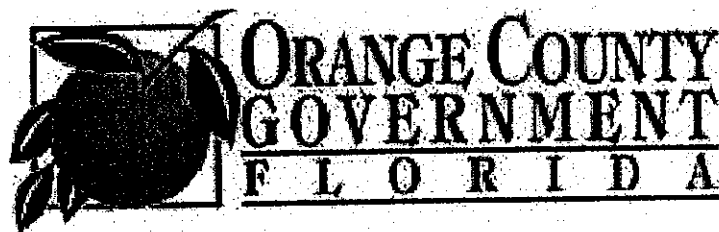
SUBJECT: Consent Agenda Item for December 20, 2016
Acceptance of Audit Report

Section 712 of the Orange County Charter requires the Orange County Board of County Commissioners to order audits, including performance audits, of the Orange County Comptroller. The most recent audit, which focused on the Public Service Tax Collection process, was concluded by the audit company of Withum, Smith & Brown on November 16, 2016. The final report is attached for review and acceptance.

ACTION REQUESTED: Acceptance of the Audit Report on agreed-upon procedures performed for the Public Service Tax Collection process of the Office of the Comptroller.

KP/DH

c: County Administrator
Clerk of the Board of County Commissioners
Finance
File



ORANGE COUNTY, FLORIDA OFFICE OF MANAGEMENT AND BUDGET
Application of Agreed-Upon Procedures
With Respect to the Public Service Tax Collection Process of the
Orange County, Florida Comptroller's Office
Year Ended September 30, 2016
With Independent Accountants' Report on Applying Agreed-Upon Procedures

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Executive Summary	2
Scope, Objectives, and Methodology	3-5
Results of Agreed-Upon Procedures	6-11
Findings, Recommendations, and Management's Responses	12

**INDEPENDENT ACCOUNTANTS' REPORT ON
APPLYING AGREED-UPON PROCEDURES**

Honorable Mayor Theresa Jacobs
and the Board of County Commissioners
Orange County, Florida

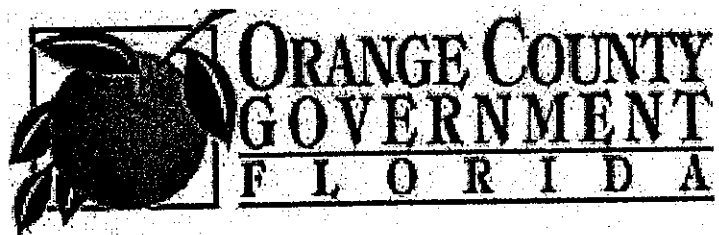
We have performed the procedures enumerated on pages 6 through 11, which were agreed to by Orange County, Florida Office of Management and Budget (the "specified party"), solely to assist you with respect to the Public Service Tax collection process of the Orange County, Florida Comptroller's Office for the year ended September 30, 2016. The management of Orange County, Florida Comptroller's Office is responsible for the county's accounting records. This agreed-upon procedures engagement was conducted in accordance with attestation standards contained in *Government Auditing Standards* issued by the Comptroller General of the United States ("Yellow Book") and the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described on pages 6 through 11 either for the purpose for which this report has been requested or for any other purpose.

We were not engaged to, and did not, conduct an audit, the objective of which would be the expression of an opinion on the Public Service Tax collection process of the Orange County, Florida Comptroller's Office. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of Orange County, Florida Office of Management and Budget and is not intended to be used, and should not be used, by anyone other than those specified parties.

WithumSmith+Brown, PC

November 16, 2016



EXECUTIVE SUMMARY

Orange County, Florida Office of Management and Budget
Executive Summary
Year Ended September 30, 2016

We performed agreed-upon procedures with respect to the Public Service Tax ("PST") collection process of the Orange County, Florida Comptroller's Office. The objectives of our agreed-upon procedures were:

1. To observe management and control policies and procedures for risk assessment.
2. To observe transactions to ensure procedures are being followed.
3. To test a sample of potential vendors for completeness.
4. To observe reports and trends for accuracy, cut-off, and classification.
5. To test credits and trends to test that tax occurrence is properly recorded.
6. To test policies and procedures to ensure compliance with appropriate regulations.
7. To test procedures for taxpayer audits, including:
 - Selection of taxpayers
 - Testing procedures
 - Records retention, confidentiality, and compliance
 - Exemption and dispute resolution

RECOMMENDATIONS

We recommend the following as they relate to the PST collection process:

Determination of Completeness of Vendors

- Update the comprehensive search for utility providers to ensure completeness on annual basis.

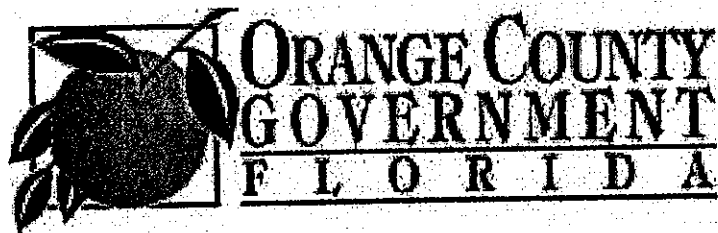
Taxpayer Audit Procedures

- Complete the update of the audit program for utility provider audits to ensure the procedures are up to date and address all audit assertions.

Other Items

- Consider SOC 1 Type 2 report under Statement on Standards for Attestation ("SSAE") No. 16 for the software used in the PST receipt and filing process to ensure proper control structure.

Refer to Findings, Recommendations, and Management's Responses section for responses from the Orange County, Florida Comptroller's Office.



SCOPE, OBJECTIVES, AND METHODOLOGY

**Orange County, Florida Office of Management and Budget
Scope, Objectives, and Methodology
Year Ended September 30, 2016**

MANAGEMENT AND CONTROL POLICIES AND PROCEDURES FOR RISK ASSESSMENT

The scope of management and control policies and procedures for risk assessment consists of the policies and procedures in effect for the period October 1, 2015, to September 30, 2016.

Management's objective is to have control policies and procedures set forth by management of the Orange County, Florida Comptroller's Office sufficient to reduce risk related to the PST collection process to a sufficiently low level.

Procedures performed include the following:

- A. Obtain the "Office of the Comptroller, Orange County, Florida Public Service Tax Policies."
- B. Obtain the "Orange County Comptroller, Department of Finance and Accounting, Public Service Tax Procedures Manual."
- C. Obtain the "Protest and Appeal Rights, Public Service Tax" policy.

OBSERVE TRANSACTIONS TO ENSURE PROCEDURES ARE BEING FOLLOWED

The scope of the observation of transactions includes all PST active accounts for fiscal year ended September 30, 2016.

The objective is to observe procedures in place for the PST collection process.

The procedures performed include the following:

- A. Select six (6) vendors haphazardly from the Comptroller's Office list of active PST accounts including a minimum of one (1) selection for each tax type. For the vendors selected, review documentation for PST payments and filings for each month in the fiscal year. Analyze for proper remittances and filings with the Comptroller as follows:
 1. PST return was filed in each month of the fiscal year.
 2. Payment was remitted each month of the fiscal year in an amount consistent with the PST return filed.
 3. Late remittances and failures to file, if any, were appropriately identified and penalties were applied.
 4. Amount filed on PST return and remitted as payment was consistent with PST rate policies for Orange County, Florida.

SAMPLE POTENTIAL VENDORS FOR COMPLETENESS

The scope of potential vendors for completeness includes all utility providers providing services in Orange County, Florida.

The objective is to sample utility providers within the Orange County PST jurisdiction for proper remittance of PST and filing of PST returns.

The procedures performed include the following:

- A. Interview Director of County Audit and Information Technology Audit Manager regarding procedures for ensuring completeness of the PST vendor population.
- B. Obtain the most recent completeness study.
- C. Select a sample of ten (10) utility providers from an internet search and perform the following procedures:
 1. Determine whether provider is within the Orange County jurisdiction for PST. For vendors determined to be within the Orange County jurisdiction for PST, trace to list of active PST accounts.

**Orange County, Florida Office of Management and Budget
Scope, Objectives, and Methodology
Year Ended September 30, 2016**

REPORTS AND TRENDS REGARDING ACCURACY, CUT-OFF, AND CLASSIFICATION

The scope of reports and trends consists of reports generated by the Orange County, Florida Comptroller's Office related to PST revenue on a monthly and annual basis for the fiscal year ended September 30, 2016.

The objective is that management has reports to identify trends and potential unusual activity.

The procedures performed include the following:

- A. Obtain monthly PST collection reports for each month in the fiscal year.
- B. Obtain fiscal year PST collection reports for the current fiscal year, prior fiscal year and variance analysis.

CREDITS AND TRENDS REGARDING THE PROPER RECORDING OF TAX OCCURRENCE

The scope of credits issued to utility providers related to PST remittances includes fiscal year ended September 30, 2016.

The objective that credits are recorded and properly applied to vendor accounts and that the credits are issued for valid reasons. The objective is also that trends in amount of credits issued are monitored.

The procedures performed include the following:

- A. Obtain monthly PST credit reports for each month in the fiscal year.
- B. Obtain fiscal year PST credit reports for the current fiscal year, prior fiscal year and variance analysis.

POLICIES AND PROCEDURES FOR COMPLIANCE WITH APPROPRIATE REGULATIONS

The scope is policies and procedures in place for the fiscal year ended September 30, 2016.

The objective is that the Orange County, Florida Comptroller's Office has policies and procedures to ensure compliance with appropriate regulations.

The procedures performed include the following:

- A. Obtain the "Office of the Comptroller, Orange County, Florida Public Service Tax Policies."
- B. Obtain the "Orange County Comptroller, Department of Finance and Accounting, Public Service Tax Procedures Manual" with exhibits.
- C. Obtain the "Protest and Appeal Rights, Public Service Tax" policy.
- D. Obtain the "Orange County, Florida – Code of Ordinances, Supplement 93."

Orange County, Florida Office of Management and Budget
Scope, Objectives, and Methodology
Year Ended September 30, 2016

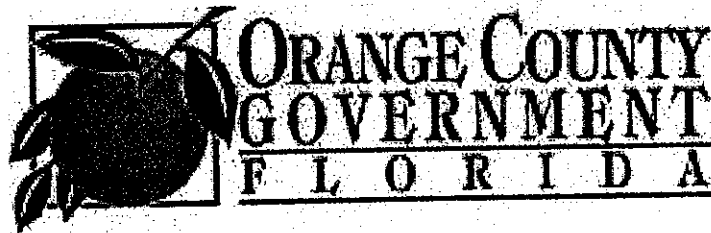
PROCEDURES FOR TAXPAYER AUDITS

The scope consists of PST vendor audits performed during the fiscal year ended September 30, 2016.

The objective is that taxpayer audits are performed by the Orange County, Florida Comptroller's Office to provide adequate support that the PST collection process is properly designed and implemented.

The procedures performed include the following:

- A. Obtain the Orange County, Florida Comptroller's Office policy for the selection of taxpayers to be audited.
- B. Interview the Orange County, Florida Comptroller's Office Director of County Audit and the Information Technology Audit Manager.
- C. Obtain the policy for dispute resolution as it relates to audit findings and/or exemption status.
- D. Select two (2) taxpayer audits performed during the fiscal year. For each taxpayer audit selected, perform the following procedures:
 - 1. Obtain taxpayer file, including monthly PST remittances and filings.
 - 2. Obtain audit program for PST audits including indication of assertions.
 - 3. Obtain audit binders for performance and documentation of procedures enumerated in the audit program.



RESULTS OF AGREED-UPON PROCEDURES

**Orange County, Florida Office of Management and Budget
Results of Agreed-Upon Procedures
Year Ended September 30, 2016**

MANAGEMENT AND CONTROL POLICIES AND PROCEDURES FOR RISK ASSESSMENT

A. Obtain the "Office of the Comptroller, Orange County, Florida Public Service Tax Policies":

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained the "Office of the Comptroller, Orange County, Florida Public Service Tax Policies."	√		Received from Orange County, Florida Comptroller's Office.

B. Obtain the "Orange County Comptroller, Department of Finance and Accounting, Public Service Tax Procedures Manual":

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained the "Orange County Comptroller, Department of Finance and Accounting, Public Service Tax Procedures Manual."	√		Received from Department of Finance and Accounting.

C. Obtain the "Protest and Appeal Rights, Public Service Tax" policy:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained the "Protest and Appeal Rights, Public Service Tax" policy.	√		Received from Orange County, Florida Comptroller's Office.

Orange County, Florida Office of Management and Budget
Results of Agreed-Upon Procedures
Year Ended September 30, 2016

OBSERVE TRANSACTIONS TO ENSURE PROCEDURES ARE BEING FOLLOWED

A. Select six (6) vendors from the list of active Public Service Tax accounts:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	PST return was filed in each month of the fiscal year.	√		Based on timing of examination, September 2016 returns were not available for review. Not considered an exception.
2.	Payment was remitted each month of the fiscal year in an amount consistent with the PST return filed.	√		
3.	Late remittances and failures to file, if any, were appropriately identified and penalties were applied.	√		
4.	Amount filed on PST return and remitted as payment was consistent with PST rate policies for Orange County, Florida.	√		

SAMPLE POTENTIAL VENDORS FOR COMPLETENESS

A. Interview Director of County Audit and Information Technology Audit Manager regarding procedures for ensuring completeness of the PST vendor population:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Interviewed Director of County Audit and Information Technology Audit Manager regarding procedures for ensuring the completeness of the PST vendor population.	√		

B. Obtain the most recent completeness study:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained the most recent completeness study.	√		The most recent study was performed in 2005. Consideration should be given to updating and performing the study on a more regular basis.

Orange County, Florida Office of Management and Budget
Results of Agreed-Upon Procedures
Year Ended September 30, 2016

C. Select a sample of ten (10) utility providers from an internet search of vendors in Orange County, Florida:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Determined whether providers are within Orange County, Florida's jurisdiction for PST.	√		No issues were noted identifying jurisdiction.
2.	Traced vendors determined to be within Orange County, Florida's jurisdiction to list of active PST accounts.	√		

REPORTS AND TRENDS REGARDING ACCURACY, CUT-OFF, AND CLASSIFICATION

A. Obtain monthly Public Service Tax collection reports for each month in the fiscal year:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained monthly PST collection summaries for each month in the fiscal year.	√		No indications of issues with accuracy, cut-off, and classification.

B. Obtain fiscal year Public Service Tax collection reports for the current and prior fiscal years:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained fiscal year PST collection summaries for the current and prior fiscal years and variance analysis.	√		No indications of issues with accuracy, cut-off, and classification.

CREDITS AND TRENDS REGARDING THE PROPER RECORDING OF TAX OCCURRENCE

A. Obtain monthly Public Service Tax credit reports for each month in the fiscal year:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained monthly PST credit summaries for each month in the fiscal year.	√		

Orange County, Florida Office of Management and Budget
Results of Agreed-Upon Procedures
Year Ended September 30, 2016

- B. Obtain fiscal year Public Service Tax credit reports for the current and prior fiscal years:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained fiscal year PST credit summaries for the current and prior fiscal years and variance analysis.	√		

POLICIES AND PROCEDURES FOR COMPLIANCE WITH APPROPRIATE REGULATIONS

- A. Obtain the "Office of the Comptroller, Orange County, Florida Public Service Tax Policies":

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained the "Office of the Comptroller, Orange County, Florida Public Service Tax Policies."	√		Received from Orange County, Florida Comptroller's Office.

- B. Obtain the "Orange County Comptroller, Department of Finance and Accounting, Public Service Tax Procedures Manual":

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained the "Orange County Comptroller, Department of Finance and Accounting, Public Service Tax Procedures Manual."	√		Received from Department of Finance and Accounting.

- C. Obtain the "Protest and Appeal Rights, Public Service Tax" policy:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained the "Protest and Appeal Rights, Public Service Tax" policy.	√		Received from Orange County, Florida Comptroller's Office.

Orange County, Florida Office of Management and Budget
Results of Agreed-Upon Procedures
Year Ended September 30, 2016

- D. Obtain the "Orange County, Florida – Code of Ordinances, Supplement 93":

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained Supplement 93 of the Orange County, Florida – Code Ordinances.	√		

PROCEDURES FOR TAXPAYER AUDITS

- A. Obtain the Orange County, Florida Comptroller's Office policy for the selection of taxpayers to be audited:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained the policy for selection of taxpayers for audit.	√		Obtained through discussion with Director of County Audit.

- B. Interview the Orange County, Florida Comptroller's Office Director of County Audit and the Information Technology Audit Manager:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Interviewed Director of County Audit and Information Technology Audit Manager.	√		

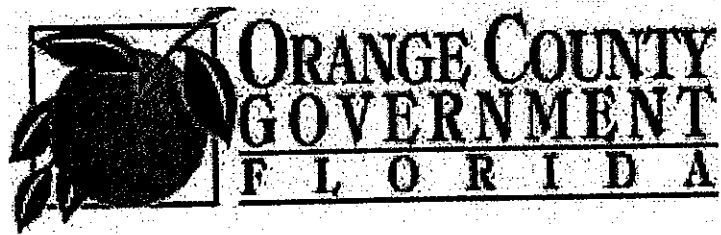
- C. Obtain policy for dispute resolution as it relates to audit findings and/or exemption status:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained the "Protest and Appeal Rights, Public Service Tax" policy.	√		Received from Orange County, Florida Comptroller's Office.
2.	Inquired of Director of County Audit regarding the process for dispute resolution.	√		Disputes arise primarily related to jurisdiction.

Orange County, Florida Office of Management and Budget
Results of Agreed-Upon Procedures
Year Ended September 30, 2016

D. Select two (2) taxpayer audits performed during the fiscal year ended September 30, 2016:

Step No.	Procedures Performed	No Exception Noted	Exception Noted	Comments/Description
1.	Obtained taxpayer file, including monthly PST filings and remittances.	√		
2.	Obtained the audit program for the PST audits including indication of assertions.	√		Noted that the audit program is not current and contains steps that may not be relevant to the process.
3.	Obtained audit binders for performance and documentation of procedures enumerated in the audit program.	√		



FINDINGS, RECOMMENDATIONS, AND MANAGEMENT'S RESPONSES

**Orange County, Florida Office of Management and Budget
Findings, Recommendations, and Management's Responses
Year Ended September 30, 2016**

SAMPLE POTENTIAL VENDORS FOR COMPLETENESS

1. Finding

During our performance of procedures regarding the completeness of utility providers for Public Service Tax we noted that there is no standard for frequency of assessing completeness. The most recent completeness study was conducted in 2005.

Recommendation

The Orange County, Florida Comptroller's Office should implement a standard for frequency of testing for completeness of utility providers on a recurring basis of no greater than four (4) years.

Management's Response

Management concurs and will develop procedures to ensure an updated completeness study occurs.

PROCEDURES FOR TAXPAYER AUDITS

2. Finding

During our performance of procedures regarding the audit program used for Public Service Tax taxpayer audits we noted that the audit program is not current and includes steps which are not relevant to the process. Additionally, certain steps are considered too ambiguous to determine applicability to audit assertions.

Recommendation

The Orange County, Florida Comptroller's Office should revise and update the audit program to relate specifically to the Public Service Tax taxpayer audits. The program should include the use of current audit methodologies and map to specific audit assertions.

Management's Response

Management concurs and is currently in the process of updating the audit program.

OTHER ITEMS NOTED

3. Finding

During our performance of procedures regarding the Public Service Tax filing process we noted that the taxpayer returns can be filed electronically using a software developed and supported by Pioneer Technology Group.

Recommendation

The Orange County, Florida Comptroller's Office should consider requesting a SOC 1 report for the Pioneer Technology Group tax filing software to ensure the design and effectiveness of the control structure supporting the software.

Management's Response

Management concurs and will request a SOC 1 report from Pioneer Technology Group.



Interoffice Memorandum

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
12

AGENDA ITEM

December 5, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Item for December 20, 2016
Budget Amendment #17-12

Provided for Board approval is a copy of the budget amendment processed by the Office of Management and Budget.

ACTION REQUESTED: Approval of budget amendment #17-12.

KP/vh

Attachment



Interoffice Memorandum

AGENDA ITEM

December 5, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management and Budget

SUBJECT: Consent Agenda Item for December 20, 2016
Budget Amendment #17-12
Tourist Development Tax Revenue Bonds, Series 2016AB

On November 1, 2016, the Board of County Commissioners approved a resolution authorizing the issuance of Tourist Development Tax Refunding Revenue Bond, Series 2016AB. Pursuant to the resolution, the bonds were sold through a competitive bid process on November 29, 2016; the final closing of that transaction is scheduled for December 21, 2016. The proceeds of the Series 2016AB Bonds, together with other available monies will be used to fulfill the County funding obligation of the 1st through 5th cent Tourist Development Tax in the 2007 Community Venues Interlocal Agreement between the County and the City of Orlando to fund portions of the Dr. Phillips Performing Arts Center and help renovate the Camping World Stadium; and to pay all expenses incidental to the issuance of the Series 2016AB Bonds.

In accordance with Section 129.06(2)(d), Florida Statutes, the FY 2016-17 budget requires an amendment to recognize the receipt of bond proceeds and their intended use according to bond covenants.

Revenues:

Account Number	Classification	Amount
4430-035-0900-8410	Proceeds of Refunding Bonds	\$ 291,685,000
4430-035-0900-8411	Premium on Refunding Revenue Bond	8,977,940
	TOTAL REVENUES	\$ 300,662,940

Expenditures:

Account Number	Classification	Amount
CCT-4430-001-0065-7640	Payment to Escrow Agent	\$ 218,779,991
CCT-4430-001-0065-7620	Bond Issuance Costs	4,382,949
KFQ-4430-001-0065-7410	Interest – Bonds & Notes	9,623,785
CCJ-4430-035-0935-3166	Payments to City of Orlando	28,805,412
CCG-4430-035-0475-9580	Reserve for Debt Service	12,373,438
CCG-4430-035-0475-9530	Restricted Reserves	26,697,365
	TOTAL EXPENDITURES	\$ 300,662,940

KP/RW/KH/vh

c: County Administrator
Clerk of the Board of County Commissioners
Finance
File



Interoffice Memorandum

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
13

AGENDA ITEM

December 2, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Item for December 20, 2016
Budget Transfer #17C-00000054

Provided for Board approval is a copy of the budget transfer processed by the Office of Management and Budget.

ACTION REQUESTED: Approval of budget transfer #17C-00000054.

KP/vh

Attachment

BUDGET TRANSFER REQUEST

CONTROL NO 17C-00000054

BCC

(To be assigned by OMB)

vh

AGENDA ITEM

FUND NO 1023

DEPARTMENT(S) County Administrator

DATE: 12/20/16

Request the following transfer be made for the reason(s) stated:

pg 1 of 1

	AGENCY	ORGANIZATION	OBJECT	APPR	AMOUNT FROM	AMOUNT TO
NO.	023	0476	9550	R5F	\$2,564,728	
TITLE		Provision for Rebudgets	Reserve - Future Capital Outlay			
NO.	023	2662	3167	KKV		\$2,564,728
TITLE		Legacy-Commuter Rail	Payments to other Governmental Agencies			
TOTAL:					\$2,564,728	\$2,564,728

JUSTIFICATION (to be completed by OMB):

A budget transfer is necessary to rebudget unspent funds

from the previous fiscal year to pay the final invoice from the Florida Department of Transportation for the SunRail Phase 2 construction project.

REQUESTED BY: Original on file
(Department Manager)

RECOMMENDED BY:

Kurt M. Peterson
Office of Management & Budget

(County Comptroller)

APPROVED / DISAPPROVED

Board of County Commissioners / County Administrator:

REQUESTING DEPARTMENT: FORWARD ENTIRE SET TO THE OFFICE OF MANAGEMENT AND BUDGET
DISTRIBUTION AFTER APPROVAL: WHITE - FISCAL; GREEN - FINANCE; GOLD - OMB;
YELLOW - OMB; PINK - REQUESTING DEPARTMENT



Interoffice Memorandum

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
14

AGENDA ITEM

December 1, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management & Budget *K.N.P.*

SUBJECT: Consent Agenda Item for December 20, 2016
CIP Amendment #17C-054

Provided for Board approval is a copy of the CIP amendment processed by the Office of Management and Budget.

ACTION REQUESTED: Approval of CIP amendment #17C-054.

KP/RW/vh

Attachment

AGENDA ITEM

REQUEST FOR AMENDMENT TO 5 YEAR CAPITAL IMPROVEMENTS PROGRAM

Department: Office of Regional Mobility

Amendment No.: 17C-054
Date Approved: 12/20/16

Project Information

FUND	PROJECT #	PROJECT TITLE	FROM	TO
1023	0476	Provision for Rebudget	2,564,728	
1023	2662	Legacy - SunRail		2,564,728
AMENDMENT TOTAL			\$ 2,564,728	\$ 2,564,728

Project Amount Prior To This Amendment

Project ID/Org	Prior Years	Current Budget	Future Years	Total Project
2662	29,099,417	-	6,250,583	35,350,000
	-	-	-	-
	-	-	-	-

Revised Project Amount

Current Budget	Future Years	Total Project
2,564,728	-	31,664,145
-	-	-
-	-	-

Description/Justification:

This CIP amendment is necessary to transfer funds from the provision for rebudgets to the SunRail project to rebudget the necessary

funds in the current fiscal year to pay the final invoice amount to the Florida Department of Transportation for Phase 2 construction.

Funds included in this amendment were budgeted, but not expended in the previous fiscal year. Credits applied to Orange County's funding requirement have resulted in a reduction to the total project cost.

Original on file
DEPARTMENT MANAGER


OFFICE OF MANAGEMENT & BUDGET




RISK MANAGEMENT DIV
JOHN PETRELLI, MANAG
109 E. Church Street, Suite 200, Orla
(407) 836-9640 • FAX (407) 836-963

I. CONSENT AGENDA
COUNTY ADMINISTRATOR
15

MEMORANDUM

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: John Petrelli, CPCU, AIC, ARM 

DATE: November 21, 2016

SUBJECT: Ratification of Intergovernmental Claims

The Intergovernmental Risk Management Committee at its meeting on October 13, 2016 ratified payment of claims as follows for Fiscal Years 1977/1978 through 2015/2016:

WORKERS' COMPENSATION	\$ 136,693.91
PROPERTY DAMAGE/LOSS	
GENERAL, & AUTO LIABILITY	<u>\$ 489,681.03</u>
TOTAL	<u>\$ 626,374.94</u>

The Intergovernmental Risk Management Committee at its meeting on October 20, 2016 ratified payment of claims as follows for Fiscal Years 1977/1978 through 2015/2016:

WORKERS' COMPENSATION	\$ 113,784.71
PROPERTY DAMAGE/LOSS	
GENERAL, & AUTO LIABILITY	<u>\$ 95,741.90</u>
TOTAL	<u>\$ 209,526.61</u>

Action Requested:

Approval of Ratification of payment of Intergovernmental claims of October 13, 2016 and October 20, 2016 totaling \$835,901.55.



Interoffice 1

I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
1

CAPITAL PROJECTS ITEM 1

DATE: November 30, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Anne Kulikowski, Director
Administrative Services Department

FROM: Sara Flynn-Kramer, Manager
Capital Projects Division

**CONTACT
PERSON:** Sara Flynn-Kramer, Manager

DIVISION: Capital Projects
Phone: 407-836-0048

**ACTION
REQUESTED:** APPROVAL OF CHANGE ORDER NO. 5, CONTRACT NO. Y15-770-CC
WITH PIPELINE MECHANICAL, INC. IN THE AMOUNT OF \$20,660,
FOR THE REGIONAL HISTORY CENTER HVAC REPLACEMENT
PROJECT. THE REVISED LUMP SUM CONTRACT AMOUNT IS
\$786,618.

PROJECT: REGIONAL HISTORY CENTER HVAC REPLACEMENT PROJECT

DISTRICT 6

PURPOSE: To provide funding for additional construction services to complete the
capital improvements.

BUDGET: Accounting Line No.: 1023-043-2049-6210

JUSTIFICATION/DISCUSSION:

This change order is necessary to modify the existing equipment to accommodate unforeseen equipment conditions and to extend the warranty to five years.

PREVIOUS ACTIONS TO THIS CONTRACT:

The Contract award was approved on April 22, 2014.

Original Contract dated August 14, 2015	Lump sum amount - \$	726,078.00
Change Order No. 1 dated June 10, 2016 Design Clarification regarding existing structural steel framework replacement.	Lump sum amount - \$	14,241.04
Change Order No. 2 dated August 14, 2016 Retainage Reduction to 5%.	Lump sum amount - \$	0.00
Change Order No. 3 dated September 21, 2016 Unforeseen Condition regarding replacement of deteriorated equipment	Lump sum amount - \$	21,499.47
Change Order No. 4 dated October 14, 2016 Unforeseen Condition regarding replacement of existing damaged equipment.	Lump sum amount - \$	4,139.49
Proposed Change Order No. 5 Unforeseen Condition regarding replacement of existing control valves and extending the warranty.	Lump sum amount - \$	20,660.00
Proposed Final Contract Amount	\$	786,618.00

*Approvals Administrative Services Department
 Procurement Division
 Capital Projects Division
 Facilities Management Division
 Family Services Department*

**ORANGE COUNTY PURCHASING AND CONTRACTS
CHANGE ORDER REQUEST FORM**

DATE	DEPARTMENT/DIVISION	CONTACT NAME	CONTACT PHONE
December 1, 2016	Admin. Services/Capital Projects	AJ Murray	x60057

CHANGE ORDER NO.	VENDOR	DOCUMENT NO.	DOOC	POOC	CONTRACT NUMBER	ORIGINAL DOCUMENT APPROVAL BUYER/PA/CA NAME
5	66732/Pipeline Mechanical, Inc.	C15770		✓	Y15-770-CC	Corie Cummings

INCREASE, DECREASE OR DELETE COMMODITY LINE

CMDTY. LINE NO.	ACTION	PREVIOUS LINE DOLLAR AMOUNT	NEW LINE DOLLAR AMOUNT	COMMODITY LINE DESCRIPTION/COMMENTS	NET DOLLAR CHANGE
1	INCREASE- Quantity				
	FROM 765958.00				
	TO 786618.00	\$ 765,958.00	\$ 786,618.00	Unforeseen Conditions	\$ 20,660.00
	FROM				
	TO				\$ 0.00
	FROM				
	TO				\$ 0.00

ADD COMMODITY LINE

CMDTY. LINE NO.	CMDTY. CODE	DESCRIPTION	QTY.	UNIT OF MEAS.	UNIT COST	ACCOUNTING LINE	NET DOLLAR CHANGE
		FOR D.O. YOU MUST SPECIFY AN MA LINE					
		MA LINE					\$ 0.00
							\$ 0.00
							\$ 0.00

ACCOUNTING LINE CHANGE

CMDTY. LINE NO.	ACCTG. LINE NO.	FROM AMOUNT	FROM ACCOUNTING LINE	TO AMOUNT	TO ACCOUNTING LINE

OTHER CHANGES

DESCRIBE
Add \$20,660.00 to CL 1.
Contract time unchanged

ENCUMBERED/DE-ENCUMBERED (REQUIRED FOR ALL TRANSACTIONS)

ORIGINAL PO/DO AMT.	NET DOLLARS PREVIOUS C/O	NET DOLLARS FOR THIS C/O	DOCUMENT TOTAL AFTER THIS C/O
	<input checked="" type="checkbox"/> ADD <input type="checkbox"/> SUBTRACT	<input checked="" type="checkbox"/> ADD <input type="checkbox"/> SUBTRACT	
\$ 726,078.00	\$ 39,880.00	\$ 20,660.00	\$ 786,618.00

CONTRACT AMOUNT

AWARD AMOUNT	NET DOLLARS PREVIOUS C/O	NET DOLLARS FOR THIS C/O	CONTRACT TOTAL AFTER THIS C/O
	<input checked="" type="checkbox"/> ADD <input type="checkbox"/> SUBTRACT	<input checked="" type="checkbox"/> ADD <input type="checkbox"/> SUBTRACT	
\$ 726,078.00	\$ 39,880.00	\$ 20,660.00	\$ 786,618.00

- ☐ CANCEL ENTIRE PO/DO
- ☐ DO NOT MAIL VENDOR COPY

JUSTIFICATION (REQUIRED FOR ALL TRANSACTIONS)

Valves need to be replaced for efficient operation. Extended warranty needed to cover gap in construction until existing chiller is replaced in next project.

By signing this agreement, the Contractor hereby releases the County, its agents and employees from any and all liabilities under this contract for further equitable adjustments and/or claims associated with this change order.

VENDOR/ CONTRACTOR AUTHORIZATION

DEPARTMENT APPROVAL SIGNATURE

DATE: 12/1/2016

DATE: 12/5/16

OFFICIAL PURCHASING AND CONTRACTS USE ONLY

PURCHASING AND CONTRACT APPROVAL:

DATE: _____

ADD THE FOLLOWING TEXT TO PO/DO:

TRACK CHANGES: ☐ YES ☐ NO

CHANGE AWARD AMOUNT TO: _____




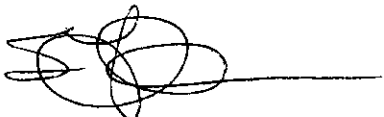
Interoffice Memorandum

CAPITAL PROJECTS ITEM 2

DATE: November 30, 2016

TO: Mayor Teresa Jacobs and the Board of County Commissioners

THROUGH: Anne Kulikowski, Director
Administrative Services Department 

FROM: Sara Flynn-Kramer, Manager
Capital Projects Division 

CONTACT PERSON: Sara Flynn-Kramer, Manager

DIVISION: Capital Projects
Phone: 407-836-0048

ACTION REQUESTED: APPROVAL OF CHANGE ORDER NO. 2, CONTRACT NO. Y16-704-CC WITH AXIOS CONSTRUCTION SERVICES LLC IN THE AMOUNT OF \$55,510.37, FOR THE CORRECTIONS D, E, F INMATE SAFETY RAILS PROJECT. THE REVISED LUMP SUM CONTRACT AMOUNT IS \$745,695.38.

PROJECT: CORRECTIONS D, E, F INMATE SAFETY RAIL
DISTRICT 6

PURPOSE: To provide funding for additional construction services to complete the capital improvements.

BUDGET: Accounting Line No.: 1023-043-0263-6210

JUSTIFICATION/DISCUSSION:

This change order is to add additional rails as necessary to close the gap between the top of the rail and the soffit to meet code and to increase inmate safety as required.

PREVIOUS ACTIONS TO THIS CONTRACT:

The Contract award was BCC approved on March 11, 2016.

Original Contract dated March 14, 2016	Lump sum amount - \$	640,785.00
Change Order No. 1 dated September 21, 2016	Lump sum amount - \$	49,400.01
Additional Services for Unforeseen Conditions to modify handrails to meet code.		
Proposed Change Order No.2 dated September 23, 2016	Lump sum amount - \$	55,510.37
Additional Services for Unforeseen Conditions to modify handrails to meet code.		
Proposed Final Contract Amount	\$	745,695.38

CC: *Administrative Services Department*
Procurement Division
Capital Projects Division
Corrections

**ORANGE COUNTY PURCHASING AND CONTRACTS
CHANGE ORDER REQUEST FORM**

DATE	DEPARTMENT/DIVISION	CONTACT NAME	CONTACT PHONE
December 1, 2016	Admin. Services/Capital Projects	Ralph Odom Jr.	x60038

CHANGE ORDER NO.	VENDOR	DOCUMENT NO.	DOOC	POOC	CONTRACT NUMBER	ORIGINAL DOCUMENT APPROVAL BUYER/PA/CA NAME
2	63706/Axios Construction Services LLC	C16704		✓	Y16-704-CC	Corie Cummings

INCREASE, DECREASE OR DELETE COMMODITY LINE

CMDTY. LINE NO.	ACTION	PREVIOUS LINE DOLLAR AMOUNT	NEW LINE DOLLAR AMOUNT	COMMODITY LINE DESCRIPTION/COMMENTS	NET DOLLAR CHANGE
1	INCREASE- Quantity				
	FROM 98590.00				
	TO 154100.37	\$ 98,590.00	\$ 154,100.37	1023-043-0263-6210	\$ 55,510.37
	FROM				
	TO				\$ 0.00
	FROM				
	TO				\$ 0.00

ADD COMMODITY LINE

CMDTY. LINE NO.	CMDTY. CODE	DESCRIPTION	QTY.	UNIT OF MEAS.	UNIT COST	ACCOUNTING LINE	NET DOLLAR CHANGE
		FOR D.O. YOU MUST SPECIFY AN MA LINE					
		MA LINE					\$ 0.00
							\$ 0.00
							\$ 0.00

ACCOUNTING LINE CHANGE

CMDTY. LINE NO.	ACCTG. LINE NO.	FROM AMOUNT	FROM ACCOUNTING LINE	TO AMOUNT	TO ACCOUNTING LINE

OTHER CHANGES

DESCRIBE
Add \$55,510.37 to CL 1.
Contract time unchanged

ENCUMBERED/DE-ENCUMBERED (REQUIRED FOR ALL TRANSACTIONS)

ORIGINAL PO/DO AMT.	NET DOLLARS PREVIOUS C/O	NET DOLLARS FOR THIS C/O	DOCUMENT TOTAL AFTER THIS C/O
	<input checked="" type="checkbox"/> ADD <input type="checkbox"/> SUBTRACT	<input checked="" type="checkbox"/> ADD <input type="checkbox"/> SUBTRACT	
\$ 640,785.00	\$ 49,400.01	\$ 55,510.37	\$ 745,695.38

CONTRACT AMOUNT

AWARD AMOUNT	NET DOLLARS PREVIOUS C/O	NET DOLLARS FOR THIS C/O	CONTRACT TOTAL AFTER THIS C/O
	<input checked="" type="checkbox"/> ADD <input type="checkbox"/> SUBTRACT	<input checked="" type="checkbox"/> ADD <input type="checkbox"/> SUBTRACT	
\$ 604,785.00	\$ 49,400.01	\$ 55,510.37	\$ 745,695.38

- ☐ CANCEL ENTIRE PO/DO
- ☐ DO NOT MAIL VENDOR COPY

JUSTIFICATION (REQUIRED FOR ALL TRANSACTIONS)

This proposal is for the costs associated with the modifications to the Inmate Safety Rails & Permitting Costs.

By signing this agreement, the Contractor hereby releases the County, its agents and employees from any and all liabilities under this contract for further equitable adjustments and/or claims associated with this change.

VENDOR/ CONTRACTOR AUTHORIZATION

DATE: 12/1/16

DEPARTMENT APPROVAL SIGNATURE

DATE: 12/5/16

OFFICIAL PURCHASING AND CONTRACTS USE ONLY

PURCHASING AND CONTRACT APPROVAL:

DATE:

ADD THE FOLLOWING TEXT TO PO/DO:

TRACK CHANGES: ☐ YES ☐ NO

CHANGE AWARD AMOUNT TO :

Interoffice Memorandum



November 28, 2016

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Carrie Woodell, Manager, Procurement Division

CONTACT: Bryan Lucas, Manager, Fleet Management Division
407-836-8202

SUBJECT: Award of Invitation for Bids Y17-121-MV, Motor Oils and
Lubricants, Lot 1

ACTION REQUESTED:

Approval to award Invitation for Bids Y17-121-MV, Motor Oils and Lubricants, Lot 1 to the low responsive and responsible bidder, Lynch Oil Company, Inc. in the estimated contract award amount of \$193,640.15, for 1-year term contract. Further request approval for the Procurement Division to renew the contract for four additional 1-year terms.

Due to projected usage, the Fleet Management Division anticipates that the entire estimated contract amount will be ordered during the initial contract term.

PROCUREMENT:

Motor oils and lubricants are used in the maintenance of County owned equipment and vehicles including lawn and landscape maintenance equipment, passenger cars, trucks, and heavy equipment.

FUNDING:

Funding is available on account number 5530 043 2035 4163.

APPROVALS:

The Fleet Management Division and Business Development Division concur with this recommendation.

REMARKS:

Nine bids were received and evaluated for responsiveness, responsibility and price reasonableness. The bid of Almar Investment Holdings, Inc. was determined to be non-responsive due to their failure to submit required clarification by the County. O'Reilly Automotive Stores, Inc. dba O'Reilly Auto Parts, Safety-Kleen Systems, Inc., Palmdale Oil Company, Seaboard Distribution, Inc., Best Line Oil Company, and Port Consolidated, Inc. were deemed non-responsive due to failure to bid on required items.

The bid of Lynch Oil Company, Inc. for Lot 1 is in compliance with the specifications. Lynch Oil Company, Inc. has a satisfactory record of performance on past contracts for this requirement.

Lot 2 will be awarded within the authority of the Procurement Division.

The bid tabulation is as follows:

Lynch Oil Company	\$193,640.15
Petrocon Corporation	\$224,636.18
O'Reilly Auto Parts	Non-Responsive
Safety- Kleen Systems, Inc.	Non-Responsive
Palmdale Oil Company	Non-Responsive
Port Consolidated, Inc.	Non-Responsive
Seaboard Distribution, Inc.	Non-Responsive
Best Line Oil Company	Non-Responsive
Almar Investment Holding, LLC.	Non-Responsive




Interoffice Memorandum

BUSINESS DEVELOPMENT DIVISION

December 8, 2016

TO: Melisa Vergara, Senior Purchasing Agent
Procurement Division

FROM: Kesi Warren, Senior Contract Administrator 
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: **IFB #Y17-121-MV, Motor Oils and Lubricants (Lot 1)**

The Business Development Division evaluated the **2 bids** submitted for this project and found that **none** of the bidders are Orange County Certified Minority Women Business Enterprises. Hence, the bid preference program in accordance with the County's M/WBE Ordinance, Section 17-324 can not be applied.

c: Sheena Ferguson, Manager, Business Development Division





Interoffice Memorandum

November 29, 2016

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Carrie Woodell, Manager, Procurement Division

CONTACT: Thomas Papsodero, Utilities Manager, Utilities Department
407-254-9980

SUBJECT: Award of Invitation to Bids Y17-128-TA, HVAC Maintenance and Repairs for Utility Building Operations

ACTION REQUESTED:

Approval to award Invitation to Bids Y17-128-TA, HVAC Maintenance and Repairs for Utility Building Operations, to the lowest responsive responsible bidder, Air Mechanical & Service Corporation for a 1-year term contract in the total estimated contract award amount of \$452,916.64. Further request authorization for the Procurement Division to renew the contract for four additional 1-year terms.

PURPOSE:

This contract provides HVAC preventative maintenance and repair services on an as needed basis at various Orange County Utility sites.

FUNDING

Funding is available in accounts 4420-038-1310-3820, 4410-038-1013-3820, 4410-038-1031-3820, 4410-038-1034-3820, 4420-038-1351-3820, 4420-038-1355-3820, and 4420-038-1301-3820.

APPROVALS:

The Utilities Department concurs with this recommendation.

REMARKS:

Four bids were received and evaluated for responsiveness, responsibility, and price. Award is recommended to the low responsive, responsible bidder, Air Mechanical & Service Corporation. The bid is determined to be fair and reasonable by staff. Attached is a bid tabulation.

November 29, 2016

Award of Invitation to Bids Y17-128-TA, HVAC Maintenance and Repairs for Utility Building Operations

<u>Bidders</u>	<u>Bid Amount</u>
Air Mechanical & Service Corporation	\$452,915.64
Shaw Mechanical Services, LLC	\$519,260.00
WF Tech Services, LLC	\$636,545.52
Climate Control Mechanical Services	\$8,610,342.00




Interoffice Memorandum

BUSINESS DEVELOPMENT DIVISION

November 18, 2016

TO: Tracy Attenasio, Senior Purchasing Agent
Procurement Division

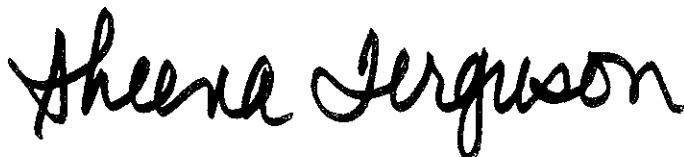
FROM: Kesi Warren, Senior Contract Administrator 
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: **IFB #Y17-128-TA, HVAC Maintenance and Repairs for Utilities Building Operations**

The Business Development Division evaluated the **4 bids** submitted for this project and found that **none** of the bidders are Orange County Certified Minority Women Business Enterprises. Hence, the bid preference program in accordance with the County's M/WBE Ordinance, Section 17-324 can not be applied.

c: Sheena Ferguson, Manager, Business Development Division





I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
5

November 29, 2016

To: Mayor Teresa Jacobs
and the Board of County Commissioners

From: *CW* Carrie Woodell, Manager, Procurement Division

Contact: Captain Christopher Henesy, Fire Rescue Department
407-254-7774

Subject: Award of Invitation for Bids Y17-146-PD, EMS Medication

ACTION REQUESTED:

Approval to award Invitation for Bids Y17-146-PD, EMS Medication, to the low responsive and responsible bidders, Bound Tree Medical, LLC for line items 1-4, 6-7, 12, 17, 19, 20, 22, 26, 36 and 38 for a 1-year term contract in the total estimated contract award amount of \$161,676.50 and Taylors Pharmacy for line items 5, 8-11, 13-16, 18, 21, 23, 25-33 and 35 for a 1-year term contract in the total estimated contract amount of \$274,635. Further request authorization for the Procurement Division to renew the contract for four additional 1-year terms.

PROCUREMENT:

This contract will provide medications to the Fire Rescue Department for the delivery of emergency medical services (EMS).

FUNDING:

Funding is available in account number 1009-034-0630-4139.

APPROVALS:

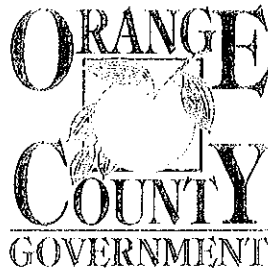
The Fire Rescue Department and Business Development Division concur with this recommendation.

REMARKS:

Two bids were received and evaluated for responsiveness, responsibility and price. Award is recommended to the low responsive, responsible bidders, Bound Tree Medical, LLC and Taylors Pharmacy. The bids are determined to be fair and reasonable by staff.

Y17-146-PD EMS Medication
Page 2

LINE ITEM NUMBER	Bound Tree Medical, LLC	Taylor's Pharmacy		
1	\$5,187.00	\$7,085.00		
2	\$5,046.00	\$5,365.00		
3	\$1,780.00	\$2,000.00		
4	\$3,650.00	\$4,250.00		
5	\$9,832.50	\$9,310.00		
6	\$5,200.00	\$6,400.00		
7	\$544.50	\$605.00		
8	\$6,792.50	\$6,370.00		
9	\$5,548.00	\$5,400.00		
10	\$3,180.00	\$1,000.00		
11	\$15,315.00	\$10,875.00		
12	\$3,750.00	\$3,900.00		
13	\$21,800.00	\$21,000.00		
14	\$10,040.00	\$9,800.00		
15	\$23,666.00	\$21,000.00		
16	\$96,500.00	\$87,675.00		
17	\$5,475.00	\$17,775.00		
18	\$3,795.00	\$675.00		
19	\$426.00	\$530.00		
20	\$105,750.00	\$105,000.00		
21	\$86,250.00	\$76,800.00		
22	\$1,080.00	\$1,650.00		
23	\$969.60	\$800.00		
24	\$6,750.00	\$11,700.00		
25	\$5,725.00	\$4,750.00		
26	\$10,725.00	\$9,680.00		
27	\$545.00	\$500.00		
28	\$6,375.00	\$4,775.00		
29	\$1,512.00	\$1,400.00		
30	\$435.00	\$250.00		
31	\$1,002.24	\$920.00		
32	\$239.00	\$226.00		
33	\$252.16	\$240.00		
34	No Bid	No Bid		
35	\$182.20	\$169.00		
36	\$16,740.00	No Bid		
37	\$358.00	\$230.00		
38	\$298.00	\$790.00		




Interoffice Memorandum

BUSINESS DEVELOPMENT DIVISION

November 8, 2016

TO: Perry Davis, Senior Purchasing Agent
Procurement Division

FROM: Kesi Warren, Senior Contract Administrator 
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: **IFB #Y17-146-PD, EMS Medication**

The Business Development Division evaluated the **2 bids** submitted for this project and found that **none** of the bidders are Orange County Certified Minority Women Business Enterprises. Hence, the bid preference program in accordance with the County's M/WBE Ordinance, Section 17-324 can not be applied.

c: Sheena Ferguson, Manager, Business Development Division

A large, stylized handwritten signature of Sheena Ferguson.



Interoffice Memorandum

November 29, 2016

To: Mayor Teresa Jacobs
and the Board of County Commissioners

From: Carrie Woodell, Manager, Procurement Division

Contact: Sara Flynn-Kramer, Manager, Capital Projects Division
(407) 836-0048

Subject: Award of Invitation for Bids Y17-707-CC, Juvenile Assessment
Center HVAC & Roof Replacement

ACTION REQUESTED:

Approval to award Invitation for Bids Y17-707-CC, Juvenile Assessment Center HVAC & Roof Replacement, to the low responsive and responsible bidder, Mulligan Constructors, Inc., in the total contract award amount of \$1,544,700.

PROCUREMENT:

The project includes removing and replacing 13 5-ton DX rooftop packaged air handling units and providing a new VAV zoning system and BAS system. This also includes replacing the existing roofing system with a new modified bitumen 3-ply built up style roof system. This project is located in District 6.

FUNDING:

Funding is available in account numbers 1023 043 2049 6210 and 1023 043 2052 6210.

APPROVALS:

The Capital Projects Division and Business Development Division concur with this recommendation.

REMARKS:

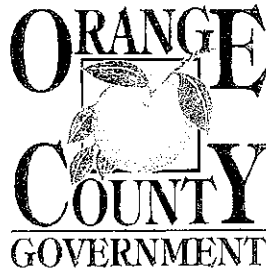
Six bids were received. Staff evaluated the bids and Mulligan Constructors, Inc. has been determined to be responsible. Therefore, award is recommended to Mulligan Constructors, Inc.

<u>Bids Received:</u>	<u>Bid Amount</u>
Mulligan Constructors, Inc.	\$1,544,700
Onopa Services, LLC	\$1,647,181
Axios Construction Services, LLC	\$1,695,088
Ryman Construction of Florida, Inc.	\$2,059,735
NHCS, LLC dba New Horizon Construction Services	\$2,105,727
Air Mechanical & Service Corp.	\$2,325,000

BID COMPARISON

IFB-Y17-707-CC / Juvenile Assessment Center HVAC & Roof Replacement

Rank	Bidder	Bid Amount	M/WBE \$'s in Bid	% M/WBE (Goal 25%)	GFE	\$ Over Low Bid	% Difference From Low Bid (5%)	\$ Over 2nd Low Bid	% Difference From 2nd Low Bid	EEO % M / W
Low Bid	Mulligan Constructors, Inc.	\$1,544,700	\$462,500	29.94%	na					16/5
2nd Low	Onopa Services, LLC [mbe-hm]	\$1,647,181	\$464,648	28.21%	na	\$102,481	6.63%			20/16
3rd Low	Axios Construction Services, LLC [mbe-afam]	\$1,695,088	\$994,686	58.68%	na	\$150,388	9.74%	\$47,907	2.91%	62/0
4th Low	Ryman Construction of Florida, Inc.	\$2,059,735	\$0	0.00%	no	\$515,035	33.34%	\$412,554	25.05%	0/36
5th Low	NHCS, LLC dba New Horizon Construction Services	\$2,105,727	\$786,450	37.35%	na	\$561,027	36.32%	\$458,546	27.84%	52/9
6th Low	Air Mechanical & Service Corp.	\$2,325,000	\$0	0.00%	no	\$780,300	50.51%	\$677,819	41.15%	38/5



Interoffice Memorandum

BUSINESS DEVELOPMENT DIVISION

December 7, 2016

TO: Corie Cummings, Senior Contract Administrator
Procurement Division

FROM: Dexter Watts, Senior Contract Administrator
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: Y17-707-CC / Juvenile Assessment Center HVAC & Roof Replacement

The Business Development Division evaluated the 3 lowest bids of the 6 bids submitted for this project and found that the apparent low bidder Mulligan Constructors, Inc. met the MWBE participation goal and reported 29.94% MWBE participation in their bid. Please note the following certified MWBE participation:

Mbe-hm	J. B. Mechanical, Inc.	\$462,500
Total MWBE Participation		\$462,500.00 (29.94%)

The second low bid submitted by Orange County MWBE firm Onopa Services, LLC met the MWBE participation goal and reported 28.21% MWBE participation in their bid.

The third low bid submitted by Orange County MWBE firm Axios Construction Services, LLC met the MWBE participation goal and reported 58.68% MWBE participation in their bid.

None of the bids were within the MWBE sliding scale range to be awarded this contract over the low bidder.

Our evaluation of these bids was based on the participation listed on the subcontractor/supplier page. If the low bidder is not chosen, please let us know so that we may obtain Letters of Intent to confirm the participation.

Attached is a spreadsheet reconciling the bidders' compliance with the IFB's M/WBE requirements, including the percentage breakdown for all bidders and a comparison of the relative bids versus participation percentages.

c: Sheena Ferguson, Manager, Business Development Division

PaSantha L. Raper

November 30, 2016

To: Mayor Teresa Jacobs
and the Board of County Commissioners

From: Carrie Woodell, Manager, Procurement Division

Contact: Marc Cannata, Systems Manager, Capital Planning Division
(407) 685-5953

Subject: Award of Invitation for Bids Y17-708-RM, Orange County Convention
Center Dynamic Message Signage Upgrade

ACTION REQUESTED:

Approval to award Invitation for Bids Y17-708-RM, Orange County Convention Center Dynamic Message Signage Upgrade, to the sole responsive and responsible bidder, American Systems Corporation, in the total contract award amount of \$248,782.

PROCUREMENT:

The contract is to upgrade the existing wayfinding signage system providing uniformity and consistency in order to assist guests visiting throughout the Orange County Convention Center. This project is located in District 6.

FUNDING:

Funding is available in account number 4430 035 0960 6310.

APPROVALS:

The Orange County Convention Center Capital Planning Division and Business Development Division concur with this recommendation.

REMARKS:

A single bid was received from American Systems Corporation. Queries from staff to the other potential bidders who failed to compete on this project resulted in the following findings:

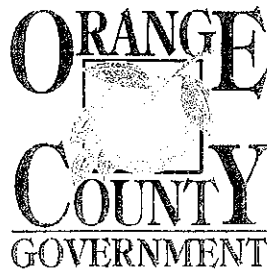
Axios Construction Services, LLC stated they did not meet the work experience for this type of project.

Gable Company did not bid due to the work being out of their skill set.

Lauretano Sign Group stated this projects was out of their scope of work.

Staff negotiated with American Systems Corporation who confirmed their understanding of the scope of work and reduced their bid by \$14,686, to make their negotiated bid amount \$248,782. Based on technical review performed by staff and the design consultant, the bid is considered reasonable. American Systems Corporation has a satisfactory record of performance and has been determined to be responsible. Therefore, award is recommended to American Systems Corporation.

<u>Bids Received:</u>	<u>Bid Amount:</u>	<u>Negotiated Bid Amount:</u>
American Systems Corporation	\$263,468	\$248,782



BUSINESS DEVELOPMENT DIVISION

November 7, 2016

TO: Rolando Melo, Senior Contract Administrator
Procurement Division

FROM: Dexter Watts, Senior Contract Administrator *DW*
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: **Y17-708-RM / Orange County Convention Center Dynamic Message Signage Upgrade**

The Business Development Division evaluated the one bid submitted for this project and found that the apparent low bidder American Systems Corporation met the MWBE participation goal and reported 36.98% MWBE participation in their bid. Please note the following certified MWBE participation:

Mbe-am	Power Engineering Group	\$97,434
Total MWBE Participation		\$97,434.00 (36.98%)

Our evaluation of these bids was based on the participation listed on the subcontractor/supplier page.

Attached is a spreadsheet reconciling the bidders' compliance with the IFB's M/WBE requirements, including the percentage breakdown for all bidders and a comparison of the relative bids versus participation percentages.

c: Sheena Ferguson, Manager, Business Development Division

Sheena Ferguson

BID COMPARISON

IFB-Y17-708-RM / Orange County Convention Center Dynamic Message Signage Upgrade

Rank	Bidder	Bid Amount	M/WBE \$'s in Bid	% M/WBE (Goal 25%)	GFE	\$ Over Low Bid	% Difference From Low Bid (7%)	\$ Over 2nd Low Bid	% Difference From 2nd Low Bid	EEO % M / W
Low Bid	American Systems Corporation	\$263,468	\$97,434	36.98%	na					77/5

December 1, 2016

To: Mayor Teresa Jacobs
and the Board of County Commissioners

From: Carrie Woodell, Manager, Procurement Division

Contact: Sara Flynn-Kramer, Manager, Capital Projects Division
(407) 836-0048

Subject: Award of Invitation for Bids Y17-714-CC, Seawall Repair at Kelly Park

ACTION REQUESTED:

Approval to award Invitation for Bids Y17-714-CC, Seawall Repair at Kelly Park, to the low responsive and responsible bidder, Construct Co. Inc., in the total contract award amount of \$138,138.

PROCUREMENT:

The project consists of repairing existing seawall at Rock Springs Run, located at Kelly Park. The project includes installation of sheet piling and provisions for placement of rip rap and erosion control measures. The solicitation contained an alternate bid for an optional installation of sheet pile and tie-beam at project area number one in lieu of rip rap. The base bid was determined to be more cost effective. This project is located in District 2.

FUNDING:

Funding is available in account number 1050 068 2100 6310.

APPROVALS:

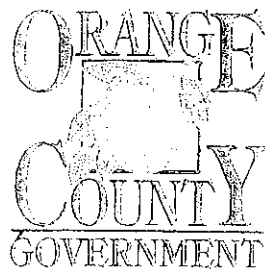
The Capital Projects Division and Business Development Division concur with this recommendation.

REMARKS:

Two bids were received. Although the bid from Construct Co. Inc. is approximately 73% lower than the second bidder, staff evaluated the bids and determined that the low bid is reasonable. The difference in prices is attributable to contractor means and methods. Construct Co. Inc. has a satisfactory record of performance and has been determined responsible. Therefore, award is recommended to Construct Co. Inc.

Award of Invitation for Bids Y17-714-CC

<u>Bids Received:</u>	<u>Bid Amount</u>	<u>Alternate Bid Amount</u>
Construct Co. Inc.	\$138,138.00	\$176,176.00
Cloud 9 Services dba	\$239,990.00	\$302,001.66
Fender Marine Construction		



BUSINESS DEVELOPMENT DIVISION

November 29, 2016

TO: Corie Cummings, Senior Contract Administrator
Procurement Division

FROM: Dexter Watts, Senior Contract Administrator *DW*
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: Y17-714-CC / Seawall Repair at Kelly Park – Base Bid

The Business Development Division evaluated the two bids submitted for this project and found that the apparent low bidder Construct Co. Inc. did not achieve good faith effort documentation and reported 0% MWBE participation in their bid.

The second low bid submitted by Cloud 9 Services d/b/a Fender Marine Construction did not achieve good faith effort documentation and reported 2% MWBE participation in their bid.

None of the bids were within the MWBE sliding scale range to be awarded this contract over the low bidder.

Our evaluation of these bids was based on the participation listed on the subcontractor/supplier page. If the low bidder is not chosen, please let us know so that we may obtain Letters of Intent to confirm the participation.

Attached is a spreadsheet reconciling the bidders' compliance with the IFB's M/WBE requirements, including the percentage breakdown for all bidders and a comparison of the relative bids versus participation percentages.

c: Sheena Ferguson, Manager, Business Development Division

Sheena Ferguson

BID COMPARISON - BASE
IFB-Y17-714-CC / Seawall Repair at Kelly Park

Rank	Bidder	Bid Amount	M/WBE \$'s in Bid	% M/WBE (Goal 25%)	GFE	\$ Over Low Bid	% Difference From Low Bid (7%)	\$ Over 2nd Low Bid	% Difference From 2nd Low Bid	EEO % M / W
Low Bid	Construct Co. Inc.	\$138,138	\$0	0%	no					36/18
2nd Low	Cloud 9 Services d/b/a Fender Marine Construction	\$239,990	\$4,800	2%	no	\$101,852	73.73%			32/17



Interoffice Memorandum

November 30, 2016

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Carrie Woodell, Manager, Procurement Division

CONTACT: Rafael Mena, Chief Information Officer, Information Systems and Services
Division
407-836-5200

SUBJECT: Approval of Purchase Order M81871 to Implement a Fully Managed Digital
Network Infrastructure to serve each of the County's 10 Public Safety
Answering Points

ACTION REQUESTED:

Approval of Purchase Order M81871 to Implement a Fully Managed Digital Network Infrastructure to serve each of the County's 10 Public Safety Answering Points, with AT&T, in the amount of \$396,841.89, for the period of September 1, 2017 through August 31, 2022.

PROCUREMENT:

To provide Orange County Public Safety Answering Points (PSAPs) with a fully managed digital network that will provide the infrastructure to consolidate County Vipers into an enterprise platform reducing equipment and maintenance costs.

FUNDING:

Funding is available in account 1054-031-0297.

APPROVALS:

The Information Systems and Services Division concurs with this recommendation.

REMARKS:

In April 2001, the Board of County Commissioners approved AT&T as the sole provider of 911 services for Orange County.

AT&T, Orange County Local Exchange Carrier, is the single entity responsible for maintenance and upgrades of the 911 Viper system. Benefits from this project will include diverse and redundant access to each PSAP, with increased failover capability, and class of service "priority" features provided for critical 911 calls. This network will provide the path to new Next Generation 911 applications such as text, video and voice. A second multimode architecture for the Orlando Police and Fire, Greater Orlando Aviation Authority, Winter Garden and Winter Park PSAPs will provide the infrastructure to consolidate the County Vipers into an enterprise platform thereby reducing equipment and maintenance.

Page 2

Approval of Purchase Order M81871 to Implement a Fully Managed Digital Network Infrastructure to serve each of the County's 10 Public Safety Answering Points

A comparison of prices for similar services in the Jacksonville Sheriff's Office, City of Jacksonville, and Saint John's County were used to determine the reasonableness of the cost. While the systems used by these agencies have some dissimilarities to the system at Orange County, price analysis indicated that the pricing for this service was consistent with the prices paid by these entities.



Interoffice Memorandum

November 28, 2016

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Carrie Woodell, Manager, Procurement Division

CONTACT: James Becker, Manager, Solid Waste Division
407-254-9660

SUBJECT: Approval of Purchase Order M82049, Line Items 2 and 3, Purchase of Caterpillar Hydraulic Excavator Premier Warranty and Total Maintenance and Repair Service Contract

ACTION REQUESTED:

Approval of Purchase Order M82049, Line Items 2 and 3, Purchase of Caterpillar Hydraulic Excavator Premier Warranty and Total Maintenance and Repair Service Contract, with Ring Power Corporation, in the total amount of \$108,022.

PURPOSE:

This purchase will provide a five year or 7,500 hour premier warranty and a five year or 7,500 hour total maintenance and repair service contract for a Caterpillar hydraulic excavator to be used at the County landfill.

FUNDING

Funding is available in account 4410-038-1025-3820.

APPROVALS:

The Solid Waste Division concurs with this recommendation.

REMARKS:

The Solid Waste Division is purchasing a Caterpillar hydraulic excavator to be used at the County Landfill using the Florida Sheriff's Association (FSA) Contract No. FSA16-VEH14.0.

The Solid Waste Division requires the additional purchase of two- off contract line items; a five year or 7,500 hour premier warranty in the amount of \$38,024 and a five year or 7,500 hour total maintenance and repair service contract in the amount of \$69,997.80.

Page 2 of 2

Approval of Purchase Order M82049, Line Items 2 and 3, Purchase of Caterpillar Hydraulic Excavator Premier Warranty and Total Maintenance and Repair Service Contract

Ring Power Corporation is the sole authorized dealer for Caterpillar within the Central Florida area and is the sole authorized dealer to perform warranty and repair services on Caterpillar equipment within the Central Florida area.

Warranty and total maintenance and repair service costs are a necessity to prevent against equipment failures that the County has experienced in the past. These equipment failures have a negative impact on County operations. The total maintenance and repair service contract help protect against warranty issues by ensuring warranty required services are performed on time, protect against unpredictable spikes in overhead due to machine maintenance and repairs, help prevent catastrophic failures with oil analysis and providing early warning signs, and protect against unforeseen rising costs with a maximum of 2% annual inflation factor.

Price reasonableness has been determined based on market research and analysis of existing equipment with similar type of coverage.



Interoffice Memorandum

I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
11

November 30, 2016

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Carrie Woodell, Manager, Procurement Division

CONTACT: James Becker, Manager, Solid Waste Division
407-254-9660

SUBJECT: Approval of Purchase Order M82095, Line Items 2, 3 and 4,
Purchase of Caterpillar Premier Warranty, Total Maintenance and
Repair Service Contract, and Trimble GPS System.

ACTION REQUESTED:

Approval of Purchase Order M82095, Line Items 2, 3 and 4, Purchase of Caterpillar Premier Warranty, Total Maintenance and Repair Service Contract, and Trimble GPS System, with Ring Power Corporation, in the total amount of \$171,897.80.

PURPOSE:

This purchase will provide a five year or 7,500 hour premier warranty, a five year or 7,500 hour total maintenance and repair service contract, and a Trimble GPS system for a Caterpillar 826K compactor to be used at the County landfill.

FUNDING

Funding is available in account 4410-038-1025-3820.

APPROVALS:

The Solid Waste Division concurs with this recommendation.

REMARKS:

The Solid Waste Division is purchasing a Caterpillar 826K compactor to be used at the County Landfill using the Florida Sheriff's Association Contract No. FSA16-VEH14.0.

The Solid Waste Division requires the additional purchase of three off contract line items; a five year or 7,500 hour premier warranty in the amount of \$57,893, a five year or 7,500 hour total maintenance and repair service contract in the amount of \$83,104.80, and a Trimble GPS system in the amount of \$30,900.

Page 2 of 2

Approval of PO M82095, Line Items 2, 3, and 4, Purchase of Caterpillar Hydraulic Excavator Premier Warranty and Total Maintenance and Repair Service Contract

Ring Power Corporation is the sole authorized dealer for Caterpillar within the Central Florida area and is the sole authorized dealer to perform warranty and repair services on Caterpillar equipment within the Central Florida area.

Solid Waste has implemented the landfill GPS system back in July 2016 with Sitech North and Central Florida, LLC, a subsidiary of Caterpillar. The landfill GPS system includes an integrated system of software, computer, GPS receivers, and communication equipment to allow Orange County to design lifts, slopes, interim surface levels and monitor compactor efforts without having to wait on aerial and/or land surveys. Caterpillar provides plug and play connections designed to accept Caterpillar Accugrade and the CC2900 Compaction Control System. Caterpillar and Trimble hardware/software the only systems that the Caterpillar equipment features are designed and tested for. Any alteration or installation of 3rd Party systems by uncertified Caterpillar/Sitech service technicians would void the equipment warranty. Solid Waste requires the Trimble/Caterpillar GPS system in order to be compatible with existing Trimble/Caterpillar GPS systems installed in similar equipment.

Warranty and total maintenance and repair service costs are a necessity to prevent against equipment failures that the County has experienced in the past. These equipment failures have a negative impact on County operations. The total maintenance and repair service contract help protect against warranty issues by ensuring warranty required services are performed on time, protect against unpredictable spikes in overhead due to machine maintenance and repairs, help prevent catastrophic failures with oil analysis and providing early warning signs, and protect against unforeseen rising costs with a maximum of 2% annual inflation factor.

Price reasonableness has been determined based on market research and analysis of existing equipment with similar type of coverage.



Interoffice Memorandum

I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
12

November 30, 2016

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Carrie Woodell, Manager, Procurement Division

CONTACT: James Becker, Manager, Solid Waste Division
407-254-9660

SUBJECT: Approval of Purchase Order M82105, Line Items 2 and 3, Purchase of Caterpillar Bulldozer Canopy Tractor Premier Warranty and Total Maintenance and Repair Service Contract

ACTION REQUESTED:

Approval of Purchase Order M82105, Line Items 2 and 3, Purchase of Caterpillar Bulldozer Canopy Tractor Premier Warranty and Total Maintenance and Repair Service Contract, with Ring Power Corporation, in the total amount of \$145,968.40.

PURPOSE:

This purchase will provide a five year or 7,500 hour premier warranty and a five year or 8,000 hour total maintenance and repair service contract for a Caterpillar bulldozer canopy tractor to be used at the County landfill.

FUNDING

Funding is available in account 4410-038-1025-3820.

APPROVALS:

The Solid Waste Division concurs with this recommendation.

REMARKS:

The Solid Waste Division is purchasing a Caterpillar bulldozer canopy tractor to be used at the County Landfill using the Florida Sheriff's Association Contract No. FSA16-VEH14.0.

The Solid Waste Division requires the additional purchase of two off contract line items; a five year or 8,000 hour premier warranty in the amount of \$13,507 and a five year or 8,000 hour total maintenance and repair service contract in the amount of \$132,461.40.

Page 2 of 2

Approval of PO M82105, Purchase of Caterpillar Bulldozer Canopy Tractor Premier Warranty and Total Maintenance and Repair Service Contract

Ring Power Corporation is the sole authorized dealer for Caterpillar within the Central Florida area and is the sole authorized dealer to perform warranty and repair services on Caterpillar equipment within the Central Florida area.

Warranty and total maintenance and repair service costs are a necessity to prevent against equipment failures that the County has experienced in the past. These equipment failures have a negative impact on County operations. The total maintenance and repair service contract help protect against warranty issues by ensuring warranty required services are performed on time, protect against unpredictable spikes in overhead due to machine maintenance and repairs, help prevent catastrophic failures with oil analysis and providing early warning signs, and protect against unforeseen rising costs with a maximum of 2% annual inflation factor.

Price reasonableness has been determined based on market research and analysis of existing equipment with similar type of coverage.



Interoffice

REAL ESTATE MANAGEMENT ITEM 1

DATE: December 5, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager *AC*
Real Estate Management Division

FROM: Robin Giove, Lease Program Manager *RJ*
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL AND EXECUTION OF SIX-MONTH LEASE AGREEMENT BETWEEN THE DISTRICT BOARD OF TRUSTEES OF THE TALLAHASSEE COMMUNITY COLLEGE AND ORANGE COUNTY AND DELEGATION OF AUTHORITY TO THE REAL ESTATE MANAGEMENT DIVISION TO EXECUTE TENANT ESTOPPEL CERTIFICATES, IF NEEDED

PROJECT: TCC Capitol Center – Communal Office
300 West Pensacola Street, Suite R
Tallahassee, Florida

Leon County

PURPOSE: To continue to provide office space for staff conducting business in downtown Tallahassee during regular legislative sessions.

ITEM: Six-Month Lease Agreement
Cost: \$660.00 per month and one-time administration fee of \$300.00
Size: 56 square feet
Term: 6-months

BUDGET: Account No.: 0001-023-0390-3620

APPROVALS: Real Estate Management Division
County Attorney's Office
Office of Legislative Affairs
Risk Management Division

REMARKS: TCC Capitol Center is a full-service business center strategically located directly across from the State Capitol. Amenities include access to meeting rooms, a phone line with unlimited local calls, and on-site covered parking. This office space is primarily utilized by the Director of Legislative Affairs. The lease shall commence on January 1, 2017, and end on June 30, 2017.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.




Interoffice Memorandum


I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
14

REAL ESTATE MANAGEMENT ITEM 2

DATE: November 30, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Elizabeth Price Jackson, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL AND EXECUTION OF NOTICE OF RESERVATION
AND AUTHORIZATION TO DISBURSE FUNDS TO PAY
RECORDING FEES AND RECORD INSTRUMENT

PROJECT: Deputy Jonathan "Scott" Pine Community Park
District 1

PURPOSE: To provide for access, construction, operation and maintenance of utility
facilities.

ITEM: Notice of Reservation
Size: 100 square feet

BUDGET: Account No.: 4420-038-1539-31-6110

FUNDS: \$27.00 Payable to Orange County Comptroller
(recording fees)

APPROVALS: Real Estate Management Division
Utilities Department
Capital Project Division
Parks and Recreation Division

REMARKS: This action reserves a utility easement across a portion of County owned property.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.



Interoffice

I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
15

REAL ESTATE MANAGEMENT ITEM 3

DATE: December 5, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager *AC*
Real Estate Management Division

FROM: Roger Wright, Acquisition Agent *RW*
Real Estate Management Division

**CONTACT
PERSON:** Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

**ACTION
REQUESTED:** APPROVAL OF CONTRACT FOR SALE AND PURCHASE AND
WARRANTY DEED BETWEEN IRA SERVICES TRUST COMPANY
CFBO: RAMI A. FAKHOURY IRA ACCOUNT #429090, TAX ID #26-
267205 AND ORANGE COUNTY AND AUTHORIZATION TO
DISBURSE FUNDS TO PAY PURCHASE PRICE AND CLOSING
COSTS AND PERFORM ALL ACTIONS NECESSARY AND
INCIDENTAL TO CLOSING

PROJECT: Cypress Grove Park Addition (Invest)

District 3

PURPOSE: To provide for expansion of Cypress Grove Park.

ITEMS: Contract for Sale and Purchase (Parcel 101)

Warranty Deed (Instrument 101.1)
Purchase Price: \$950,000
Size: 9.66 acres

BUDGET: Account No.: 1023-021-0341-6110

FUNDS: \$955,555.78 Payable to First American Title Insurance Company
(purchase price and closing costs)

APPROVALS: Real Estate Management Division
Parks and Recreation Division
Risk Management Division

REMARKS: This property will provide an additional 9.66 acres and access to the east
of the existing Cypress Grove Park.

Grantor to pay documentary stamp tax and prorated taxes.

**A file labeled "BCC Agenda Backup" containing a copy of this agenda
item and all supporting documentation is in the top drawer of the
BCC file cabinet in the supply room adjacent to Commissioner
Thompson's office.**




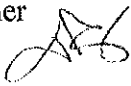
Interoffice N

REAL ESTATE MANAGEMENT ITEM 4

DATE: November 29, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Theresa A. Avery, Senior Title Examiner 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

ACTION REQUESTED: APPROVAL OF TEMPORARY DRAINAGE EASEMENT BETWEEN
DRP FL 1, LLC AND ORANGE COUNTY AND AUTHORIZATION
TO RECORD INSTRUMENT

PROJECT: Hilltop Reserve Ph 2 – Marden Rd PSP/DP Case # 5028441

District 2

PURPOSE: To provide for access, construction, operation, and maintenance of
drainage facilities as a requirement of development.

ITEM: Temporary Drainage Easement
Cost: Donation
Size: 6,446.88 square feet
Term: Until replaced by a permanent platted easement

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: Grantor to pay all recording fees.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.




Int:


I. CONSENT AGENDA
ADMINISTRATIVE SERVICES
DEPARTMENT
17

REAL ESTATE MANAGEMENT ITEM 5

DATE: December 5, 2016

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager 
Real Estate Management Division

FROM: Theresa A. Avery, Title Examiner
Real Estate Management Division 

**CONTACT
PERSON:** Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: (407) 836-7082

**ACTION
REQUESTED:** APPROVAL OF SIDEWALK EASEMENT BETWEEN MG3
ORLANDO SCHOOL, LLC AND ORANGE COUNTY,
SUBORDINATION OF ENCUMBRANCE TO PROPERTY RIGHTS
TO ORANGE COUNTY FROM ADVANTAGE ACADEMY OF
HILLSBOROUGH, INC., SUBORDINATION OF ENCUMBRANCES
TO PROPERTY RIGHTS TO ORANGE COUNTY FROM EB-5
CHARTER SCHOOL FLORIDA, LP AND AUTHORIZATION TO
RECORD INSTRUMENTS

PROJECT: MG3 Orlando School LLC NC B15902347

District 5

PURPOSE: To provide for access, construction, operation, and maintenance of
sidewalk facilities as a requirement of development.

ITEMS: Sidewalk Easement
Cost: Donation
Size: 414 square feet

Subordinations of Encumbrances to Property Rights to Orange County (2)

Real Estate Management Division
Agenda Item 5
December 5, 2016
Page 2

APPROVALS: Real Estate Management Division
Public Works Department

REMARKS: Grantor to pay all recording fees.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.

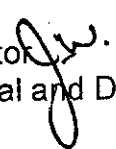


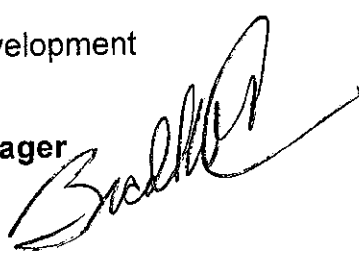
Interoffice Memorandum

AGENDA ITEM

November 16, 2016

TO: Mayor Teresa Jacobs
– AND –
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: Bradley Campbell, Assistant Manager 
Code Enforcement Division
(407) 836-4220

SUBJECT: December 20, 2016 – Consent Items
Resolutions for Special Assessment Lien(s) Lot Cleaning (40)

Pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, the County is authorized to have property cleaned through an independent contractor when not done voluntarily by the property owner, after sufficient notice. Further, the regulation allows the Board of County Commissioners by Resolution to place Special Assessment Liens on such properties to recoup the cost of cleaning. The following properties have been cleaned at the expense of the County with associated costs as indicated.

<u>Case No.</u>	<u>Dist.#</u>	<u>Property Owner</u>	<u>Amount*</u>
LC 16-1060	1	FEDERAL NATIONAL MORTGAGE ASSN	\$ 219.62
LC 16-1134	1	SENNA RANDALL R	\$ 158.67
LC 16-1150	1	4016 DOWNEAST LANE LAND TRUST	\$ 944.62
LC 17-0015	1	BLAKESLEE RUSSELL J JR	\$ 842.12
LC 17-0016	1	BLAKESLEE RUSSELL J JR	\$ 742.12
LC 17-0026	1	MINEMOTO RYUJI; CHEN JAYCE	\$ 339.12
LC 17-0079	1	DEUTSCHE BANK NATIONAL TRUST CO TRUSTEE	\$ 76.12
LC 16-0901	2	REYES CARMEN	\$ 420.47
LC 16-0907	2	5501 RIORDAN WAY TRUST	\$ 284.46
LC 16-0909	2	FERRARI ANGELO ½ INT; OLIAI ZIBA ½ INT	\$ 156.57
LC 16-1054	2	HALL THELMA	\$ 886.12

<u>Case No.</u>	<u>Dist.#</u>	<u>Property Owner</u>	<u>Amount*</u>
LC 16-1055	2	HAMILTON THELMA H	\$ 1,086.12
LC 16-1064	2	STANBURY DELROY	\$ 343.67
LC 16-1068	2	HUNDLEY WALTER LEE JR	\$ 239.67
LC 16-1070	2	ROSADO JULIO JR	\$ 852.12
LC 16-1147	2	DEUTSCHE BANK NATIONAL TRUST CO TRUSTEE	\$ 564.62
LC 16-1157	2	BRATTON MARY JO	\$ 480.62
LC 16-1216	2	ROLLAS JOHN	\$ 423.60
LC 16-1203	3	OSHEA SHANE; BEZZANNO KERRY	\$ 504.70
LC 16-1204	3	US BANK CUSTODIAN	\$ 585.60
LC 16-1208	3	WELLS FARGO BANK N A	\$ 268.86
LC 16-1231	3	HARRELL-JONES YOLONDA; JONES CRAIG	\$ 410.57
LC 17-0001	3	SALAMA INVESTMENTS INC	\$ 353.01
LC 17-0048	3	TINO ALEJANDRO	\$ 249.68
LC 17-0053	3	TERRY DAVID PAUL; TERRY TINA M	\$ 409.72
LC 17-0057	3	RATHMANN CAROL; HYCZKA GEORGE W	\$ 239.68
LC 16-1195	4	HENRY JOHN RAY ESTATE	\$ 267.86
LC 16-1193	5	DEUTSCHE BANK NATIONAL TRUST CO TRUSTEE	\$ 2,848.44
LC 17-0058	5	ORLANDO REALTY ENTERPRISES INC	\$ 540.08
LC 16-0970	6	CHARTER OC ORLANDO LLC	\$ 1,337.73
LC 16-1056	6	AHMED SHAFIQ	\$ 430.17
LC 16-1080	6	S W I S USA COMPANIES LLC	\$ 383.66
LC 16-1115	6	RIOPROP HOLDINGS LLC	\$ 576.79
LC 16-1122	6	NED LOONEY LAND TRUST	\$ 283.68
LC 16-1124	6	U S BANK NATIONAL ASSN TRUSTEE	\$ 147.33
LC 16-1126	6	INVESTMENT GROUP R AND A	\$ 448.00
LC 16-1129	6	BANK OF AMERICA N A	\$ 179.26
LC 16-1130	6	J P F D INVESTMENT CORP	\$ 183.87
LC 16-1143	6	FRONTLINE OUTREACH INC	\$ 417.54
LC 16-1156	6	TARPON IV LLC	\$ 510.07

Copies of the Resolutions for the Special Assessment Liens are on file and available for review in the Code Enforcement Division.

* Administrative costs to process and collect on these cases have been added.

ACTION REQUESTED: **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**

JVW/BC:gj



Interoffice Memorandum

AGENDA ITEM

November 22, 2016

TO: Mayor Teresa Jacobs
- AND -
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: Bradley Campbell, Assistant Manager
Code Enforcement Division
407-836-4220

SUBJECT: December 20, 2016 - Consent Items
Resolution for Special Assessment Lien(s) - Demolition (4)

Pursuant to the Orange County Code, Chapter 9, Section 9-278, Property Maintenance Code, Assessment and Lien, authorizes Orange County, by order of the Code Enforcement Board and Special Magistrate, to have unsafe structures demolished through an independent contractor when not done voluntarily by the owner after sufficient notice. Further, the regulation allows the Board of County Commissioners by Resolution to place Special Assessment Liens on properties to recover the cost of demolition. The property listed below had a structure that was demolished at the expense of the County with associated costs as indicated.

<u>Case No.</u>	<u>Dist. #</u>	<u>Property Owner</u>	<u>Amount*</u>
A 15-0325	6	TAX LIEN SERVICE GROUP; PRO TAX FINANCIAL LLC	\$ 10,099.70
A 15-0352	6	UNITED BRETHREN BUSINESS DEVELOPMENT CORP INC	\$ 10,564.25
A 15-0386	6	WALCOTT RICARDO; PINKSTON ELIZABETH	\$ 10,760.06
A 15-0607	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SEC THREE INC	\$ 11,005.05

Copies of the Resolutions for the Special Assessment Liens are on file and available for review in the Code Enforcement Division.

* Administrative costs to process and collect on these cases have been added.

ACTION REQUESTED: **Approval and execution of Resolution of the Orange County Board of County Commissioners regarding Claim of Special Assessment Lien Pursuant to Section 9-278 of the Orange County Code, Property Maintenance, and approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. District 6.**

JVW/RS:jr

Attachments



Interoffice Memo

I. CONSENT AGENDA
COMMUNITY, ENVIRONMENTAL AND
DEVELOPMENT SERVICES
DEPARTMENT

3

AGENDA ITEM

November 21, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405

SUBJECT: December 20, 2016 – Consent Item
West Orange Environmental Resources (Landfill) – Agreement
to Offer Donation of Real Property

OCE West Orange, LLC is requesting approval of an updated agreement with Orange County to offer to deed the West Orange Environmental Resources (landfill) site to the County after closure. The updates address a recent permit transfer, property ownership change, and boundary change.

On June 3, 2014, the Orange County Board of County Commissioners (BCC) approved modification and renewal of the solid waste management facility permit (#04-F13-1560) for Orange County Environmental, LLC to continue operation of the West Orange Environmental Resources construction and demolition debris disposal facility (landfill).

On August 25, 2015, the BCC approved transfer of the permit (#04-F13-1560) from Orange County Environmental, LLC to OCE West Orange, LLC. During this time, OCE West Orange, LLC also became the property owner, and the site boundaries changed as a portion of the property was donated to Orange County under a Right-of-Way Agreement.

The facility is located on approximately 44 acres located at the northwest corner of the intersection of Schofield Road and County Road 545, at 7902 Avalon Road, Winter Garden, FL 34787. The Parcel ID number for the site is: 29-23-27-0000-00-008. See attached Location Map. The subject property is located in Orange County Commission District 1.

Condition of Approval Number 40 of the permit requires that:

"Applicant agrees that it will enter into an agreement with the County to deed the site to Orange County after closure and post closure care of the site is completed according to the closure and post closure plan. Such agreement will provide for: conveyance of the property to the County within an agreed upon time after the above post closure of the landfill site, subject to acceptance by the Board of County Commissioners (BCC) at that time; a provision to hold the County harmless for any conditions which occur or were caused prior to conveyance to the County; and a provision that the BCC will allow use of the property as it sees fit. Applicant agrees to enter into such agreement to convey the site to the County within 6 months of permit issuance, unless such time period is extended by written agreement executed by the County."

In October 2016, the County Attorney's Office and legal counsel for OCE West Orange, LLC came to agreement on the final text for the Agreement.

In summary, the landfill owner is required to offer donation of the 44-acre parcel to the County after completion of the required closure activities. Closure activities would include long-term care and monitoring of approximately 5 years. The County may then choose to accept or reject the property for use as it sees fit. Also, as stipulated in the Agreement, whether the property is accepted or rejected by the County, the permittee would remain responsible for compliance with all permit conditions and federal, state, and local law related to construction, operation, and closure of the landfill.

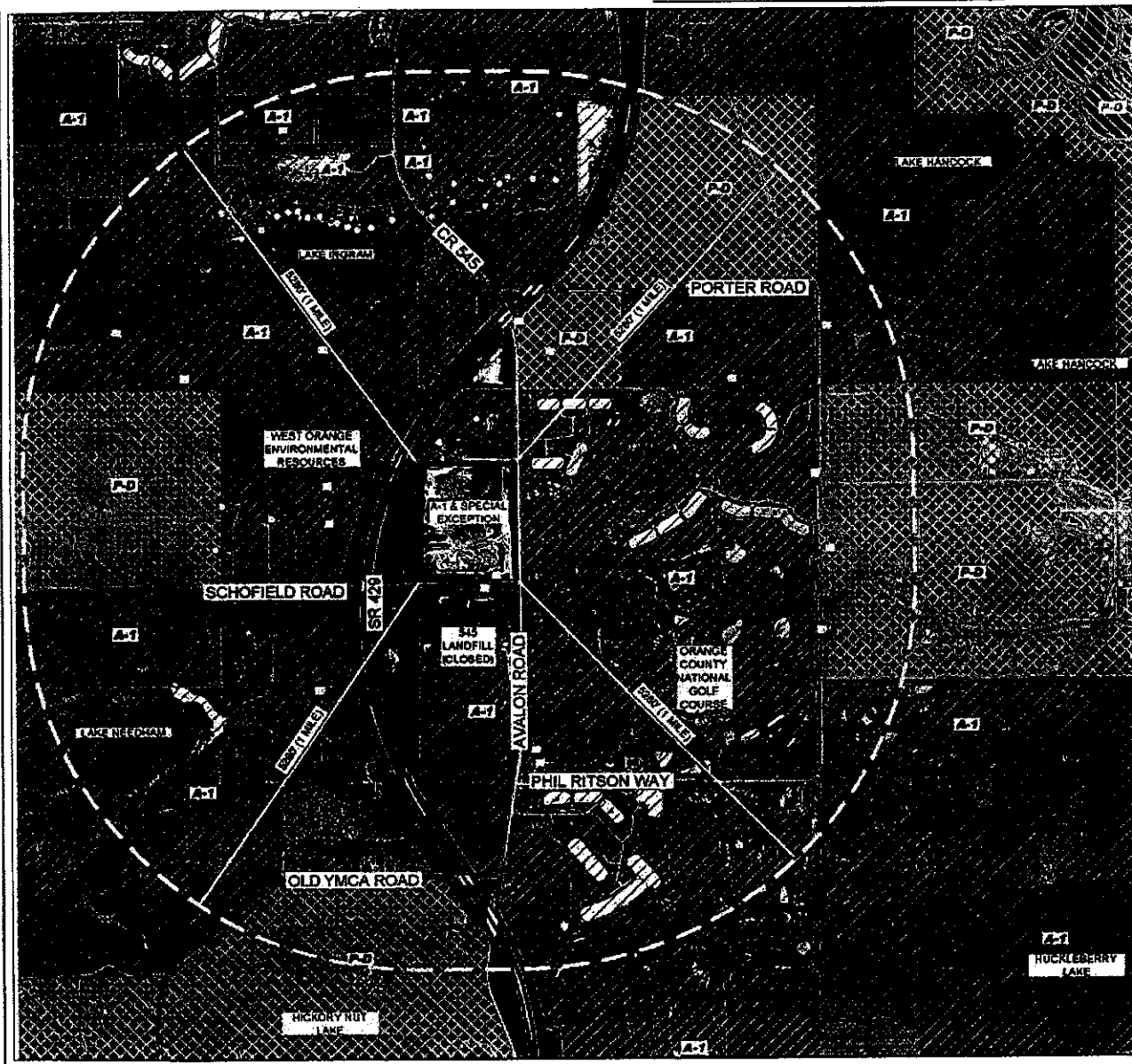
The current permit will expire on September 9, 2018. In accordance with permit Condition of Approval Number 51, the landfill shall cease operations, and commence closure, no later than September 9, 2018.

ACTION REQUESTED: Approval and execution of Agreement to Offer Donation of Real Property By and Between Orange County, Florida and OCE West Orange, LLC, in accordance with Solid Waste Management Facility Permit No. 04-F13-1560 for the West Orange Environmental Resources - Construction and Demolition Debris Disposal Facility. District 1

LC/JVW: mg

Attachments

Attachment – Location Map



SOURCES: AERIAL PHOTO FLY DATE, 2012
ZONING INFORMATION, ORANGE COUNTY GIS INFO MAP (08/2013)
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
FLORIDA DEPARTMENT OF HEALTH (BUREAU OF WATER PROGRAMS)

hsayajidien
 bringing you the best of the internet and more
 all over the internet
 created by hsayajidien
 a all over the internet
 the internet and more

DATE _____

JOHN P. SMITH, JR.
P.O. BOX 83423, FL
DAVENS COUNTY, GA 31615

[illegible][illegible]

VICINITY LAND USE MAP
1 MILE RADIUS

EX-125-014

FIGURE

**AGREEMENT TO OFFER DONATION OF
REAL PROPERTY BY AND BETWEEN
ORANGE COUNTY, FLORIDA, AND
OCE WEST ORANGE, LLC**

This Agreement to Offer Donation of Real Property ("Agreement"), is made and entered into by and between **Orange County**, a charter county and political subdivision of the State of Florida (the "County"), whose address is 201 South Rosalind Avenue, Orlando, Florida 32801, and **OCE West Orange, LLC** ("Owner"), an Florida Limited Liability Company, whose notice address is c/o Ross Johnston, P.O Box 1298, Winter Park, Florida 32790. The County and Owner, are collectively referred to herein as "Parties" or individually as "Party."

WITNESSETH:

WHEREAS, Owner voluntarily agrees to donate to the County certain real property located in Orange County, Florida, ("Landfill Property") more particularly described on **Exhibit "A"**, attached hereto and incorporated herein, and in accordance with the terms of Orange County Solid Waste Management Facility Permit No. 04-F13-1560 ("Permit"); and

WHEREAS, on April 2, 2002, the County approved the Permit to CDS Sitework and Trucking, Inc. ("CDS"), subject to one condition that CDS execute an agreement with the County to offer donation of the Landfill Property to the County after closure of the landfill (also referred to as a construction and demolition debris disposal facility, and for the purposes of this Agreement referred to as landfill); and

WHEREAS, as a result of neighborhood meetings associated with the Permit application, CDS voluntarily agreed to donate the Landfill Property after closure of the landfill, contingent upon the County's acceptance of the donation; and

WHEREAS, on June 25, 2002, the County amended the Permit to specify that the agreement to offer donation will include the following conditions: Owner's conveyance of the Landfill Property to the County within an agreed upon time after the post-closure of the landfill, subject to acceptance by the Board of County Commissioners at that time; Owner shall hold the County harmless for any conditions which occur or were caused prior to conveyance to the County; and Owner will permit use of the Landfill Property as the County see fits; and

WHEREAS, on June 15, 2004, the County approved transfer of the Permit from CDS to West Orange Environmental Resources, LLC ("West Orange"); and

WHEREAS, on September 9, 2004, the Permit was issued to West Orange; and

WHEREAS, subsequent to Permit issuance on September 9, 2004, Orange County Environmental, LLC ("OCE") purchased the Landfill Property from West Orange; and

WHEREAS, OCE submitted to the County a request to transfer the Permit from West Orange to OCE and voluntarily agreed to be bound by all terms and conditions of the Permit; and

WHEREAS, on December 16, 2008, the County approved transfer of the Permit from West Orange to OCE; and

WHEREAS, on October 18, 2011, the County approved OCE's request for renewal of the Permit, subject to conditions; and

WHEREAS, on June 3, 2014, the County approved modification and renewal of the Permit, subject to conditions; and

WHEREAS, on June 4, 2014, OCE and County entered into a Right-of-Way Agreement—West Orange Environmental Resources C&D Disposal and Recycling Facility Schofield Road ("Right-of-Way Agreement"), as recorded in Official Records Book 10755 Page 9494, providing for the conveyance of 3.43 acres of right-of-way by deed to the County; and

WHEREAS, as a condition of the Permit modification and renewal, on August 19, 2014, OCE and County entered into Agreement to Offer Donation of Real Property By and Between Orange County, Florida, and Orange County Environmental, LLC ("Agreement to Offer Donation"), as recorded in Official Records DOC# 20160522791; and

WHEREAS, on January 17, 2015, Owner purchased the Landfill Property, less 3.43 acres, from OCE; and

WHEREAS, on January 27, 2015, the County accepted the 3.43 acres of the Landfill Property donated by OCE, as recorded in Official Records Book 10872 Page 0775; and

WHEREAS, Owner submitted to the County a request to transfer the Permit from OCE and voluntarily agreed to be bound by all terms and conditions of the Permit and the Agreement to Offer Donation; and

WHEREAS, on August 25, 2015, the County approved Owner's request to transfer the Permit, subject to conditions; and

WHEREAS, following the Permit transfer to Owner, this Agreement by and between Owner and County, upon execution by the same, will supersede and replace the August 19, 2014 Agreement to Offer Donation between the County and OCE.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), each to the other paid, and the foregoing premises, mutual covenants, terms and conditions contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties, each intending to be legally bound, agree to the following:

1. **Recitals.** The recitals hereof are true and correct, and are incorporated herein by reference and made a part of this Agreement.
2. **Owner's Offer to Donate the Landfill Property.** Upon satisfactory closure and long-term care of the landfill in accordance with the requirements of the Permit, and Article V, Chapter 32, Orange County Code, including, but not limited to the approved closure plan, Owner hereby offers and agrees to donate, transfer, and convey the Landfill Property, at no cost to the County, except that the County will be responsible for its cost related to its due diligence and appraisal of the Landfill Property, and in accordance with the terms and subject to the conditions set forth in this Agreement ("Offer to Donate"). In accordance with Owner's closure plan, Owner shall provide the County notice of completion of its closure and long-term care obligations under its closure plan, including certification, signed and sealed by a professional engineer licensed in the State of Florida, verifying that long-term care of the landfill has been completed in accordance with the County-approved closure plan ("Certificate of Completion"). This Certificate of Completion shall be provided to the County within 30 days of completion of Owner's obligations for long-term care under the permitted closure plan.
3. **Response to Offer to Donate the Landfill Property.** The County shall have 365 days from the date the County receives the Certificate of Completion to provide Owner with a response to Owner's Offer to Donate. Failure to accept the Offer to Donate within the 365-day period shall be deemed a rejection of the offer and shall release Owner of its obligations set out herein, unless the obligations survive termination of this Agreement as provided in this Agreement.
4. **Inspection Period.** The County shall have a period of 365 days from the date the County receives the Certificate of Completion ("Inspection Period") within which to undertake such physical inspections and other investigations, if any, concerning the Landfill Property as may be necessary in order to evaluate the physical characteristics of the Landfill Property, including without limitation Environmental Investigations, as later defined herein. For such purpose, Owner grants to the County and its agents, consultants, contractors, and assigns full right of entry upon the Landfill Property and any part thereof during the Inspection Period for the purpose of undertaking such inspections and investigations. Within ten business days of the date of the Certificate of Completion, Owner shall deliver to the County copies of any and all surveys, examinations, plans, appraisals, permits, licenses, environmental studies or reports, and other studies or investigations regarding the Landfill Property which are in Owner's possession or control.

5. **Acceptance of Offer to Donate and Closing of Transaction.** In the event the County accepts the Offer to Donate, the County shall provide Owner with a certified copy of a resolution of the Board of County Commissioners approving the County's acceptance of the Offer to Donate ("Notice of Acceptance") by the Owner no later than 30 days after the date of expiration of the Inspection Period. This transaction shall be closed and the deed and other closing papers delivered on or before 180 days from Owner's receipt of Notice of Acceptance ("Closing of Transaction Date"). Owner shall convey the Landfill Property to the County in fee simple by general warranty deed free and clear of all liens and encumbrances. The Closing of Transaction Date may be extended by written agreement of the Parties.

6. **Owner's Condition of Donation.** Owner shall not attach any conditions to its Offer to Donate. In the event the County accepts the Offer to Donate and subsequent conveyance of the Landfill Property, the County intends to use the site as it sees fit.

7. **Maintenance of Landfill Property.**

- a. In the event the County provides a Notice of Acceptance, maintenance of the Landfill Property (such as, but not limited to, grass mowing, fencing, road repair) will be the responsibility of the County as of the Closing of Transaction Date, unless said maintenance activity is a requirement, term or condition of any local, state or federal permit relating to the landfill's construction, operation, closure, or post-closure activities, in which case the maintenance responsibility shall remain with Owner.
- b. OWNER SHALL REMAIN RESPONSIBLE FOR COMPLIANCE WITH ANY AND ALL PERMIT CONDITIONS AND APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, ORDINANCES, RULES, REGULATIONS, PERMITS AND APPROVALS RELATED TO THE CONSTRUCTION, OPERATION, CLOSURE, LONG-TERM CARE AND POST-CLOSURE CARE OF THE LANDFILL.
- c. By accepting the Offer to Donate, the County DOES NOT ACCEPT the responsibility nor the obligation to conduct any activities related to the construction, operation, closure, long-term and post-closure care of the landfill. However, the County will provide Owner with access to the Landfill Property at reasonable times and in a reasonable manner in order to provide Owner the ability to fulfill its permit conditions relating to the construction, operation, closure, long-term care and post-closure care of the landfill.
- d. Owner shall remain responsible and liable for any and all Adverse Environmental Conditions, as later defined herein, that may occur on, in, under, over, or from the Landfill Property, whether said Adverse Environmental Condition occurred prior to the Closing of Transaction Date or

after the Closing of Transaction Date. This provision (section 7 and all of its subsections) shall survive termination of this Agreement. The County, and any authorized property user, shall cooperate with Owner in the conduct of compliance activities.

- e. The County shall be responsible to repair any damage to Owner's long-term care-related facilities such as the landfill cap, monitor wells, and gas treatment system caused by the County's use of the Landfill Property. The County's responsibility does not extend to any damage to Owner's long-term care related facilities caused by individuals who are not employees of the County.

8. Rejection. In the event the County, in its sole discretion, declines to accept the Offer to Donate, Owner shall retain sole and exclusive ownership of the Landfill Property, and the County shall have no claim thereto. Further, this Agreement shall terminate.

9. Donated Landfill Property. In the event the County accepts the Offer to Donate, Owner shall assign, transfer, convey and deliver to County on the Closing of Transaction Date, and the County shall accept all the right, title and interest in and to the Landfill Property, subject to all rights, privileges, easements, and licenses, owned and/or used by Owner in connection with Owner's use of the Landfill Property.

- a. Title Evidence. No later than 45 days following County's delivery to Owner of the Notice of Acceptance, Owner shall obtain and deliver, at Owner's sole expense, a current title commitment for title insurance (ATLA Form B Marketability Policy) in favor of the County in the amount of the appraised value of the Landfill Property, as determined by an appraiser hired by the County from a title insurance company licensed in Florida and reasonably acceptable to the County ("Title Commitment"). Owner shall convey fee simple title, free and clear of all encumbrances except the title exceptions set forth below.
 - i. Ad valorem real estate taxes and assessments for the year within which the Closing Date occurs and subsequent years; and
 - ii. Easements within the Landfill Property set out in the recorded deed; provided however, that none of the restrictions or easements set out in such deed shall prevent, hinder or restrict the proposed use of the Landfill Property for any public use; and
 - iii. Restrictions of record (except liens, encumbrances, or mortgages) that do not impair, restrict, or inhibit the use or improvement of the Landfill Property as permitted by applicable zoning and land use regulations presently in effect and that are not coupled with a

forfeiture or reversionary provision; and

- iv. All local, state, and federal laws, ordinances, and governmental regulations, including but not limited to, all applicable building, zoning, land use and environmental ordinances, regulations, restrictions, prohibitions and other requirements, none of which will prevent or hinder the use of the Landfill Property and easements.

b. Status of Title.

- i. The County shall have 14 days from receipt of the Title Commitment within which to examine same. If the County finds title, as shown on the Title Commitment, to be defective (i.e., matters which render title unmarketable in accordance with the title standards adopted by the Florida Bar and are not permitted exceptions), the County shall, within five days thereafter, notify Owner of the defect(s). Owner shall use its best efforts to cause such defects to be cured by the Closing of Transaction Date, which may be extended by mutual agreement of the Parties for a period up to 180 days to cure any such defects.
 - ii. In the event that Owner uses its best efforts to cure a defect, but are unable, the County may elect to accept the Landfill Property subject to the defect or reject the Offer to Donate.
- c. Deletion of Standard Exceptions. Owner will execute, at or prior to the Closing of Transaction Date, in favor of the title insurance company, the standard form mechanic's lien affidavit and "gap" affidavit to allow the title company to delete all standard exceptions addressed by such affidavits. Prior to the Closing of Transaction Date, the surveys shall be updated as reasonably requested by the title company or the County so that the survey exception may be deleted.

10. **Environmental Matters.**

a. Definitions.

- i. "***Adverse Environmental Condition***" means any non-compliance with any Environmental Law.
- ii. "***Environmental Law***" means the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 et seq., the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Clean Air Act, 42 U.S.C. 7401 et seq., the

Hazardous Materials Transportation Act, 49 U.S.C. 1801 et seq., the Toxic Substances Control Act, 15 U.S.C. 2601 et seq., and the Safe Drinking Water Act, 42 U.S.C. 300f through 300j-26, as such Acts have been or are hereafter amended from time to time; any so called superfund or superlien law; and any and all federal, state, and local statutes, laws, regulations, ordinances, rules, judgments, orders, decrees, permits, concessions, grants, franchises, licenses, agreements, or other governmental restrictions relating to the protection of the environment or human health, welfare, or safety, or to the emission, discharge, seepage, release, or threatened release of Hazardous Materials into the environment including, without limitation, into ambient air, surface water, ground water, or land, or restrictions otherwise relating to the Handling of such Hazardous Materials as now or any time hereafter in effect.

- iii. **"Governmental Authority"** means any federal, state, or local government, including, without limitation, the County, or quasi-governmental entity or authority, or any department, commission, board, bureau, agency, court, or instrumentality thereof, in each case having jurisdiction, control, or authority over, or in connection with, permitting, construction, operation, closure, and/or post-closure of any solid waste management facility, or the handling and/or release of Hazardous Materials.
- iv. **"Handling"** means use, treatment, storage, manufacture, processing, distribution, transport, placement, handling, discharge, generation, production, or disposal.
- v. **"Hazardous Materials"** means any contaminant, chemical, waste, irritant, petroleum product, waste product, radioactive material, flammable or corrosive substance, explosive, polychlorinated biphenyls, asbestos, hazardous or toxic substance, material, or waste of any kind, or any other substance regulated by any Environmental Law.
- vi. **"Release"** means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, unless permitted or authorized by a regulatory agency.
- vii. **"Spill"** means any spill, contamination, seepage, discharge, leakage, release, or escape of any Hazardous Materials, whether sudden or gradual, accidental or anticipated, or of any other nature or manner.

- b. Environmental Inspections. During the Inspection Period, the County has the unlimited right, but not obligation or responsibility, to inspect or cause an inspection to be made by qualified professionals on the County's behalf of the Landfill Property, including at the County's option, environmental inspections, sampling, or tests for hydrocarbons or for any toxic or hazardous substances ("Environmental Inspections"). Environmental Inspections include the right to sample and analyze air, sediment, soil, landfill material, and groundwater. The County, its employees, agents, and contractors may enter upon the Landfill Property for the purpose of making such inspections, sampling, and tests; provided however, that the County shall provide Owner with ten days advance notice of such inspections, sampling, and tests. The County shall provide to Owner complete copies of the results of all such inspections, sampling, and tests. The results of such inspections, sampling, and tests may be disclosed pursuant to the Florida Sunshine Law, unless specifically and expressly exempted from disclosure. Owner, at Owner's expense, shall have the right to collect split samples of all materials tested by the County. Owner and the Florida Department of Environmental Protection ("FDEP") shall be notified at least seven days before any inspection, sampling and test takes place. The County shall have no liability to Owner or any other entity or person for making any report relating to the Environmental Inspections available to any governmental authority. The County shall repair any and all damages to the Landfill Property directly caused by its inspections, sampling, and tests, and shall restore the Landfill Property to substantially the same condition as immediately before the inspections, sampling, or tests. Any activities that may affect the integrity of the closed landfill cover shall be subject to FDEP approval. The inspections, samplings, and tests shall be conducted in a manner that minimizes inconvenience to Owner's business operations. This paragraph does not prevent the County from conducting inspections of the landfill at any time to ensure compliance with the County's ordinances and regulations, as well as any permit issued to Owner.
- c. Notice of Adverse Environmental Conditions. The County shall notify Owner in writing of any claimed Adverse Environmental Condition not less than ten days prior to the Closing Date ("Environmental Defects Notice"). The Environmental Defects Notice shall (a) set forth in reasonable detail the nature of the claimed Adverse Environmental Condition(s), and (b) the County's proposed calculation of the cost to remediate each claimed Adverse Environmental Condition ("Remediation Value").
- d. Determination of Adverse Environmental Conditions and Remediation Values. Within five days after Owner's receipt of the Environmental Defects Notice, Owner shall notify the County whether Owner agrees with the County's claimed Adverse Environmental Conditions and/or the Remediation

Value ("Owner's Environmental Response"). If Owner does not agree with any claimed Adverse Environmental Condition and/or the Remediation Value; then the Parties shall enter into good faith negotiations to resolve such matters. In the event that Owner and the County cannot resolve any the disputed Adverse Environmental Conditions, the County may either accept or reject the Offer to Donate subject to the disputed Adverse Environmental Condition.

- e. Remedies for Adverse Environmental Conditions. Owner shall remediate Adverse Environmental Conditions at Owner's sole cost in accordance with applicable Environmental Laws. The County shall be provided notice of all remedial actions.

11. County's Regulatory Powers. This Agreement shall not be construed as a waiver or subrogation of the County's regulatory powers.

12. Access to Records. Owner will at all times cooperate by providing reasonable access, upon prior notice, to their records and facilities applicable to the Landfill Property and the construction, operation, closure, and post-closure of the landfill for inspection.

13. Expenses. In addition to all costs and expenses related to title, survey and environmental assessment (excluding Environmental Inspections conducted by the County pursuant to subsection 10.b. of this Agreement), Owner shall pay the following:

- a. Owner shall pay for documentary stamp taxes required to be paid with respect to the warranty deed, the cost of recording any corrective title instruments and the premium and related charges for Owner's title insurance policies to be issued pursuant to the Title Commitment, and the cost of recording the warranty deed and other instruments of conveyance.
- b. All other costs of this transaction not expressly allocated to the County herein.

14. Financial Assurance (Environmental Insurance). Prior to the Closing of Transaction Date, Owner shall obtain one or more financial assurance instruments in a form (such as letter of credit, performance bond, or insurance) and with terms acceptable to the County and from an entity acceptable to the County in the amount of the sum of the costs of closure, long-term and post-closure care, and remediation of any and all agreed to Adverse Environmental Conditions. The financial assurance shall be updated annually on the anniversary of the date of issuance of the Certificate of Completion and shall remain in force until County and the FDEP notify Owner that the long-term and post-closure care period, or the remediation covered by the financial assurance, has been satisfactorily completed.

15. Closing of Transaction. The place of Closing of Transaction shall be in Orange County at the offices of the Orange County Attorney, 201 South Rosalind Avenue, 3rd Floor, Orlando, Florida.

16. Notice; Proper Form. Any notices or other communication required or allowed to be delivered hereunder shall be in writing and may either be (1) hand delivered, (2) sent by recognized overnight courier (such as Federal Express) or (3) mailed by certified or registered mail, return receipt requested, in a postage prepaid envelope, and addressed to a Party at the address set forth opposite the Party's name below, or at such other address as the Party shall have specified by written notice to the other Party delivered in accordance herewith:

OWNER: OCE West Orange, LLC
c/o Ross Johnston,
P.O Box 1298,
Winter Park, Florida 32790.

With a copy to: Grove Scientific & Engineering, Inc.
6140 Edgewater Drive, Suite F
Orlando, FL 32810
Attn: Mr. James E. Golden

COUNTY: Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
Attn: Manager

With copies to: Orange County Government
P.O. Box 1393
Orlando, Florida 32802-1393
Attn: County Administrator

Orange County Attorney's Office
P.O. Box 1393
Orlando, Florida 32802-1393
Attn: County Attorney

County Risk Management Division
109 E. Church Street
Suite 200
Orlando, Florida 32801
Attn: Manager

Notices personally delivered by hand or sent overnight courier shall be deemed given on the date of delivery, and notices mailed in accordance with the foregoing shall be deemed given ten days after deposit in the U.S. mail.

17. Indemnification. For one hundred dollars payable by the County at time of the Closing of Transaction of the Landfill Property and other good and valuable consideration including that recited in this Agreement, the receipt and sufficiency of which is and shall be acknowledged by Owner, Owner agrees and shall agree to thenceforth indemnify, defend (with counsel acceptable to County), and save and hold harmless the County against and from, and to reimburse the County with respect to, any and all claims, judgments, liabilities, damages, loss, obligations, and costs and expenses (including, without limitation, reasonable paralegal and attorneys' fees and court costs, whether in court, out of court, prior to or on appeal, in bankruptcy or administrative proceedings), penalties, or fines, incurred by or asserted against the County by reason or arising out of any Adverse Environmental Condition that exists on or after the Closing of Transaction Date or arising from the Landfill Property or any facilities or operations on the Landfill Property, including without limitation:

- a. Any loss, cost, expense, claim, or liability arising out of any investigation, monitoring, cleanup, containment, removal, storage, or restoration work required or incurred by the County or any entity or person in a reasonable belief that such work is required by any Environmental Law; and

- b. Any claims of third parties for loss, injury, expense, or damage arising out of the handling of Hazardous Materials on, under, in, above, to or from the Landfill Property.

FURTHER, OWNER HEREBY RELEASES THE COUNTY FROM AND AGAINST ANY AND ALL CLAIMS FOR CONTRIBUTION UNDER CERCLA AND/OR ANY OTHER ENVIRONMENTAL LAW OR ENVIRONMENTAL REGULATION.

18. **Taxes.** Ad valorem real and personal property taxes for the year of the Closing of Transaction shall be prorated as of the Closing of Transaction Date.

19. **Assignability.** This Agreement shall not be assignable by any Party without prior written consent of the Parties.

20. **Time of Essence.** It is expressly agreed by the Parties that time is of the essence of this Agreement and in the performance of all conditions, covenants, requirements, obligations, and warranties to be performed or satisfied by the Parties hereto.

21. **Survival of Provisions.** The provisions of this Agreement shall not survive the Closing of Transaction hereunder except as provided elsewhere in this Agreement. Paragraphs 6, 7, 10, 11, 12, 13, 14, 16, 17, 20, 22, 24, 25, 26, 29, 30, 31 and 32 herein shall survive the Closing of Transaction hereunder.

22. **Binding Effect.** This Agreement shall be binding upon the Parties, their respective legal representatives, successors-in-interest, transferors, and assigns.

23. **Validity.** The provisions of this Agreement shall not be severable, and in the event one or more provisions is invalid or unenforceable, the entire Agreement shall be deemed terminated.

24. **Governing Law.** This Agreement has been signed, sealed, and delivered in the State of Florida, and shall be construed, interpreted, and enforced in accordance with the laws of the State of Florida. In the event that any section, paragraph, sentence, clause, or provision hereof, shall be held by a court of competent jurisdiction to be invalid, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect. In the event of litigation, the Parties agree that exclusive venue shall lie in the courts in Orange County, Florida.

25. **Additional Documents.** Each Party shall, at the other's request, execute, acknowledge and deliver any instrument or conveyance that may be reasonably necessary or proper to carry out the provisions of this Agreement.

26. Limitations of Remedies. The Parties expressly agree that the consideration, in part, for each of them entering into this Agreement is the willingness of the other to limit the remedies for actions arising out of or in connection with this Agreement.

a. **Limitations on the County's remedies.** Upon any failure by the Owner to perform its obligations under this Agreement, the County shall be limited strictly to only the following remedies:

- i. Action for specific performance; and
- ii. Action for injunction.

b. **Limitations on Owner's remedies.** Upon any failure by the County to perform its obligations under this Agreement, Owner shall be limited strictly to only the following remedies:

- i. Action for specific performance; or
- ii. Action for injunction; or
- iii. Action for declaratory judgment regarding the rights and obligations of Owner; or
- iv. Any combination of the foregoing.

c. **Exception to Limitation of Remedies.** The limitations of remedies provided in subparagraphs 26.a. and 26.b. do not extend to any claim or action related to Adverse Environmental Conditions that may presently exist or may exist in the future on the Landfill Property.

27. Effective Date. The Agreement shall become effective on the date of later execution by Owner or the County ("Effective Date").

28. Integrated Agreement, Waiver, and Modification. This Agreement contains the complete and entire agreement between the Parties hereto with regard to all matters involved in the donation and conveyance of the Landfill Property by Owner to the County and no portion hereof may be modified, altered, amended, or waived unless same shall be in writing, approved expressly by the County, and signed by the Parties.

29. Recordation. This Agreement, or a notice or memorandum thereof shall be recorded in the public records of Orange County, Florida at the sole cost of Owner.

30. **Disclaimer of Third Party Beneficiaries.** This Agreement is solely for the benefit of the formal parties herein, and no right of cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto.

31. **Attorneys' Fees.** Each of the Parties shall be responsible for its own attorney's fees incurred to effectuate this Agreement.

32. **Waiver of Jury Trial.** EACH PARTY HERETO KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY WITH RESPECT TO ANY LITIGATION (INCLUDING, BUT NOT LIMITED TO, ANY CLAIMS, CROSS-CLAIMS, COUNTER-CLAIMS, OR THIRD PARTY CLAIMS) ARISING OUT OF, UNDER, OR IN CONNECTION WITH THIS AGREEMENT OR BETWEEN THE PARTIES TO THIS AGREEMENT, THEIR AFFILIATES, SUBSIDIARIES, SUCCESSORS, OR ASSIGNS, THE PARTIES HERETO EXPRESSLY CONSENT TO A NON-JURY TRIAL IN THE EVENT OF ANY OF THE FOREGOING.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date(s) written below.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

Print: _____

Date: _____

OCE WEST ORANGE, LLC

By: R. Johnston

By: R. Johnston

Name: Ross Johnston

Title: President of OCE Landfill Management, Inc.,
the manager of OCE West Orange, LLC

Date: 10/26/16

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 26th day of October, 2016, by Ross Johnston, as President of OCE Landfill Management, Inc., the manager of OCE West Orange, LLC, a Florida Limited Liability Company. He/she is personally known to me [] or has produced as identification.

Elaine M Garceau

Notary Public

My Commission Expires:

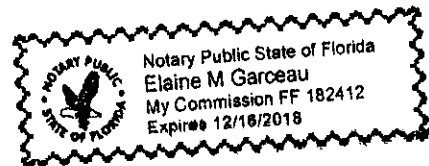


EXHIBIT "A"

Legal Description

THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS AND EXCEPT COUNTY ROAD RIGHT OF WAY AND THAT PORTION TAKEN IN THE ORDER OF TAKING RECORDED IN BOOK 3666, PAGE 916, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS:

THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, SUBJECT TO A RIGHT-OF-WAY TO THE COUNTY OF ORANGE OVER THE SOUTH SIXTY (60) FEET THEREOF FOR ROAD PURPOSES; AND ALSO A STRIP OF LAND ALONG THE EAST BOUNDARY OF SAID PROPERTY BEING 39.2 FEET WIDE AT THE NORTH END AND 33.28 FEET WIDE AT THE SOUTH END, TO THE COUNTY OF ORANGE FOR ROAD PURPOSES.

AND

THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS AND EXCEPT COUNTY ROAD RIGHT-OF-WAY.

LESS AND EXCEPT:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 27 EAST, THENCE N00°08'21"W ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 60.00 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF SCHOFIELD ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE N00°08'21"W ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 30.00 FEET; THENCE N86°29'36"E A DISTANCE OF 265.63 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 7692.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID

CURVE THROUGH A CENTRAL ANGLE OF $03^{\circ}07'55''$ AN ARC DISTANCE OF 420.45 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 116.00 FEET AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SOUTHWEST 1/4; THENCE $N89^{\circ}37'31''E$ PARALLEL WITH SAID SOUTH LINE A DISTANCE OF 534.23 FEET; THENCE $N44^{\circ}35'49''E$ A DISTANCE OF 35.34 FEET; THENCE $N00^{\circ}25'52''W$ A DISTANCE OF 1513.61 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 SAID SECTION 29; THENCE $N89^{\circ}42'11''E$, ALONG SAID NORTH LINE A DISTANCE OF 54.00 FEET TO THE WESTERLY RIGHT OF WAY OF AVALON ROAD; THENCE $S00^{\circ}25'52''E$ ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1594.53 FEET TO A POINT OF INTERSECTION WITH THE SAID NORTHERLY RIGHT OF WAY LINE OF SCHOFIELD ROAD; THENCE $S89^{\circ}37'31''W$ ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 1298.89 FEET TO THE POINT OF BEGINNING.

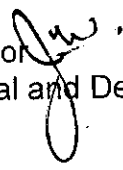


Interoffice Memorandum

AGENDA ITEM

November 28, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development Services
Department

CONTACT PERSON: Carol L. Knox, Zoning Manager, Zoning Division
PHONE NUMBER: 407-836-5585

SUBJECT: December 20, 2016 – Consent Item
Hold Harmless and Indemnification Agreement

On November 1, 2016, the Board of County Commissioners confirmed approval by the Board of Zoning Adjustment (BZA) of a zoning variance request for Evan Landis (property owner/applicant) located at 436 Jennie Jewel Dr. to construct a porch onto a single family residence 43 ft. from the normal high water elevation of Lake Jennie Jewel.

The BZA's approval was conditioned on the recording of a Hold Harmless and Indemnification Agreement, which protects Orange County from any claims filed against it resulting from the County's granting of the variance on November 1, 2016.

ACTION REQUESTED: Approval and execution of Hold Harmless and Indemnification Agreement Parcel ID 12-23-29-4530-04-010 by and between Evan Landis and Susan Landis and Orange County to construct a porch at 436 Jennie Jewel Drive, Orlando, Florida. District 3

JWW/CK

Attachment

Instrument prepared by:
Evan and Susan Landis
436 Jennie Jewel Drive
Orlando, Florida 32806

Return to:
Orange County Attorney's Office
P.O. Box 1393
Orlando, Florida 32802

**HOLD HARMLESS AND
INDEMNIFICATION AGREEMENT
Parcel ID: 12-23-29-4530-04-010**

This Hold Harmless and Indemnification Agreement (the "Agreement") is made by and between Evan Landis and Susan Landis, as husband and wife, whose mailing address is 436 Jennie Jewel Drive, Orlando, Florida 32806 (the "Homeowners"), and Orange County, a charter county and political subdivision of the State of Florida, whose mailing address is c/o Orange County Administrator, P.O. Box 1393, Orlando, Florida 32802-1393 (the "County").

WITNESSETH:

WHEREAS, the Homeowners hold fee simple title to property located at 436 Jennie Jewel Drive, Orlando, Florida 32806, which is more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Homeowners desire to remove the existing non-conforming screen porch and replace it with a wood frame porch (the "Improvement") no closer than forty-three feet from the normal high water elevation ("NHWE") of Lake Jennie Jewel in lieu of the fifty foot setback; and

WHEREAS, the Homeowners sought a variance from the County to address construction of the Improvement; and

WHEREAS, on October 6, 2016, the County's Board of Zoning Adjustment ("BZA")

approved the requested variance and required the Homeowners to record a Hold Harmless Agreement prior to the issuance of a building permit for the Improvement; and

WHEREAS, on November 1, 2016, the Orange County Board of County Commissioners (the "Board") approved the BZA's decision and granted approval of the Homeowners' requested variances subject to the conditions ratified or established by the Board; and

WHEREAS, the Homeowners understand and agree that placing the Improvement within the fifty foot setback area may significantly increase the likelihood of damage to structures, shoreline, and associated assets, and in spite of these risks the Homeowners desire to place the Improvement within this setback area; and

WHEREAS, because this Agreement will be executed and recorded in the Official Records of Orange County, this Agreement serves as notice that the Improvement may be constructed or may have been constructed within the fifty foot setback from the normal high water elevation of Lake Jennie Jewel, as authorized by a variance approved with conditions ratified or established by the Board on November 1, 2016.

NOW, THEREFORE, in consideration of these premises, the mutual covenants and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Homeowners and the County hereby agree as follows:

1. **RECITALS.** The above recitals are true and correct and are hereby incorporated as a material part of this Agreement by this reference.
2. **HOLD HARMLESS AND INDEMNIFICATION.** The Homeowners, on behalf of themselves and their successors, assigns, heirs, grantees, representatives, invitees, and

permittees, hereby assume sole and entire responsibility for any and all damage to property sustained as a result of the County's granting of the variance request on November 1, 2016. The Homeowners hereby agree to release, indemnify, defend (with legal counsel acceptable to the County), and hold harmless the County, its Board members, officers, employees, contractors, agents, and elected and appointed officials from and against any and all claims, suits, judgments, demands, liabilities, damages, costs, and expenses (including but not limited to attorneys' fees, paralegals' fees, consultants' fees and costs at all administrative, pretrial, trial, and appellate levels) of any kind or nature whatsoever, including without limitation damage to property, arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the variance request on November 1, 2016.

3. **COVENANTS RUNNING WITH THE LAND.** This Agreement shall run with the Property, and shall be binding on all parties having any right, title or interest in the Property described herein or any portion thereof, their heirs, representatives, successors and assigns.

4. **AMENDMENT/TERMINATION.** This Agreement may be amended or terminated only by express written instrument approved by the Board and the Homeowners.

5. **APPLICABLE LAW.** This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida.

6. **RECORDATION.** An executed original of this Agreement shall be recorded, at the Homeowners' expense, in the Official Records of Orange County, Florida.

7. **EFFECTIVE DATE.** This Agreement shall become effective on the date of execution by the County or the date of execution of the Homeowners, whichever is later.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly

executed by their respective duly authorized representatives on the dates set forth below.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

Date: _____

Signed, sealed and delivered in our
presence as witnesses:

Signature: Helly Barham

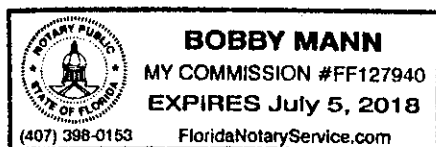
Printed Name: Helly Barham

Signature: Christie Whitaker

Printed Name: Christie Whitaker

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 14th day of November, 2016,
by Evan Landis, who is personally known to me or who has produced _____, as
identification.



Bobby Mann
Notary Public, State of Florida At Large

Bobby Mann
Notary Printed Name or Stamp

My Commission Expires: July 5, 2018

Signed, sealed and delivered in our presence as witnesses:

Signature: Kelly Barham

Printed Name: Kelly Barham

Signature: Christie Whitaker

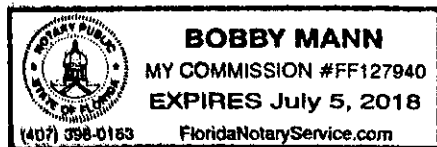
Printed Name: Christie Whitaker

HOMEOWNER:

By: Susan Landis
Susan Landis

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 14th day of November, 2016, by Susan Landis, who is personally known to me or who has produced _____, as identification.



S. Mann
Notary Public, State of Florida At Large

Bobby Mann
Notary Name Printed or Stamp

My Commission Expires: July 5, 2018

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel ID: 12-23-29-4530-01-010

Lake Jewel Hills Z/33 Lot 1 BLK D

S:\kcundiff\attorneys admin\tony cotter\ hold harmless agt\Landis hold harmless agt draft 11 3 16

Interoffice Memorandum

AGENDA ITEM

November 28, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

THRU: Lonnie C. Bell, Jr., Director
Family Services Department

FROM: Lavon B. Williams, Manager, Esq., AICP
Neighborhood Preservation and Revitalization Division

SUBJECT: Consent Agenda Item – December 20, 2016
November 2016 Business Assistance for Neighborhood Corridors
(BANC) Program Grant Recipients

The Neighborhood Preservation and Revitalization Division administers the Business Assistance for Neighborhood Corridors (BANC) Program which coordinates Orange County services for economic development in targeted corridors. On March 20, 2012 the Board approved the BANC Program to revitalize once thriving commercial corridors that suffer from a lack of investment and are deficient of financial support. The BANC Program reimburses businesses up to \$10,000 for costs associated with improving or opening a business. Some of the allowable projects are a conventional rezoning, submittal fees for commercial projects, demolition costs, bringing a structure up to code, and/or façade improvements to the structure.

Businesses applying to the BANC Program must attend an informational session about the program and submit an application with three quotes. All applications are reviewed by a Business Assistance Team made up of staff from relevant Orange County Divisions. The staff reviews the applications based on project feasibility, benefit to the community, and to ensure the project complies with Orange County's Urban Design Standards, permitting requirements, and appropriate Orange County Codes. Once the project is complete, the business must demonstrate that payment has been made to the vendor before a reimbursement check is issued from Orange County.

The staff recommends approval of the Sai Mini Mart (Andy's Corner) and House of Plastics Unlimited, Inc. grant applications dated November 2016 (see Attachment A and B). The applicant must adhere to the BANC Program Design Guidelines.

Action Requested: Approval of the November 2016 Business Assistance for Neighborhood Corridors Program Grants for Sai Mini Mart (Andy's Corner) (\$2,582) and House of Plastics Unlimited, Inc. (\$5,000). Districts 2 and 6.

c: Jason Reynolds, AICP, Neighborhood Preservation and Revitalization Division

Business Assistance for Neighborhood Corridors Program Profile

Business Name: Sai Mini Mart (Andy's Corner)
2700 N. Pine Hills Road Orlando, FL

Request Amount: \$2,582

Commission District: 2 – Bryan Nelson

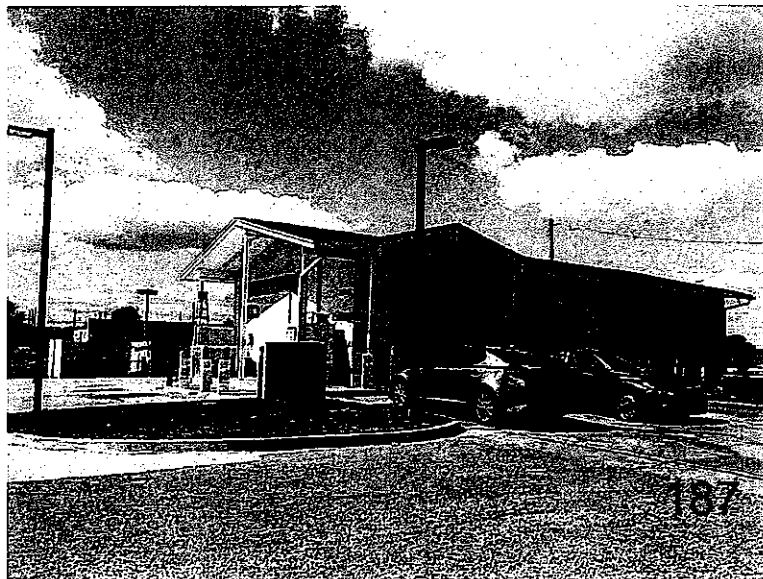
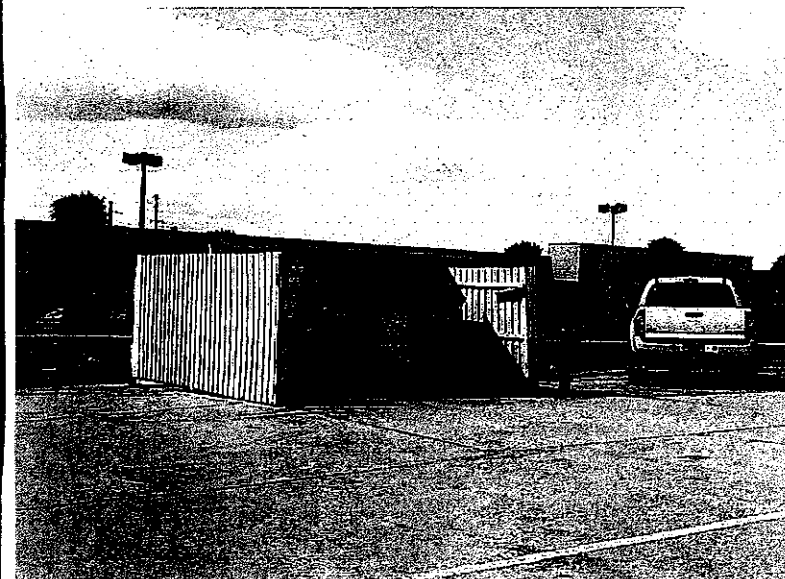
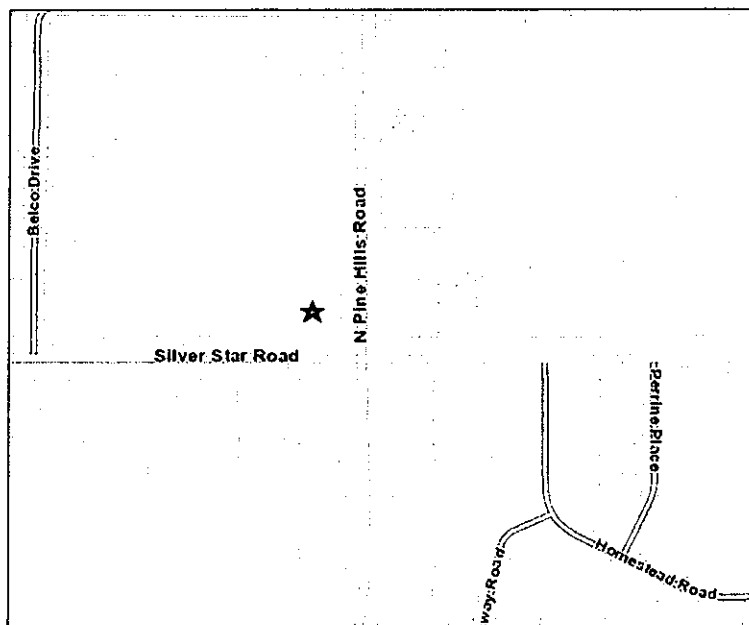
Total Project Cost: \$2,582

Municipality Jurisdiction: Unincorporated Orange County

Project Type: Fence

Owner/Renter: Owner

Summary: The business wants to replace the fence around the dumpster,



Business Assistance for Neighborhood Corridors Program Profile

Business Name: House of Plastics Unlimited, Inc.
2580 S. Orange Blossom Trail Orlando, FL

Request Amount: \$5,000

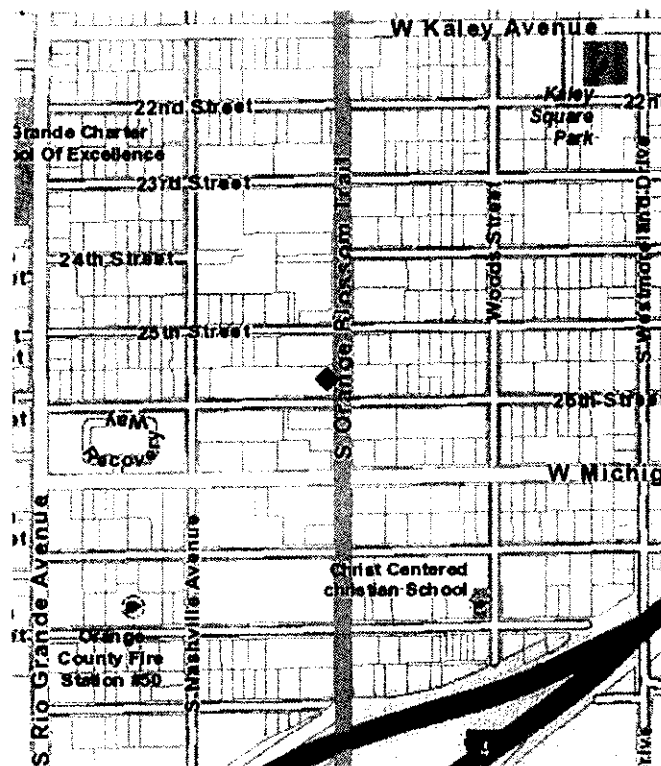
Commission District: 6 – Victoria P. Siplin

Total Project Cost: \$5,000

Municipality Jurisdiction: Unincorporated Orange County

Project Type: Paint building and
sealcoat parking lot

Summary: The business wants to paint the building and seal coat the parking lot.





Interoffice Memor:

I. CONSENT AGENDA
PUBLIC WORKS
DEPARTMENT
1

December 01, 2016

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Mark V. Massaro, P.E., Director, Public Works Department

CONTACT PERSON: Diana M. Almodovar, P.E., Manager
Development Engineering Division

PHONE NUMBER: (407) 836-7974

SUBJ: Authorization to record the plat of University Storage

The Public Works Department requests authorization to record the plat of University Storage. This is a one lot plat located on University Boulevard approximately one quarter mile west of the Rouse Road and University Boulevard intersection.

This plat is being recorded in order to comply with the requirements of the University Storage and Office Planned Development / University Storage and Office Development Plan as approved by the Orange County Development Review Committee on September 9, 2015.

This plat is being placed on the Consent Agenda in order to comply with the requirements of Chapter 34, Article III, Section 34-48(b) of the Orange County Code.

**Action Requested: Authorization to record the plat of University Storage.
District 5.**

MVM/DMA/mk



Interoffice Memorandum

I. CONSENT AGENDA
PUBLIC WORKS
DEPARTMENT
2

December 5, 2016

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Mark V. Massaro, P.E., Director, Public Works Department

CONTACT PERSON: Micah K. Massaquoi, P.E., PMP, Assistant Manager
Public Works Department

PHONE NUMBER: (407) 836-7970

SUBJ: **Hold Harmless and Indemnification Agreement for Home addition at Richard Fender and Xi Lu Residence 500 29th Street Orlando, FL**

On August 4, 2016, the property owners obtained a building addition permit from Orange County to modify their home. After starting construction, the property owners became aware of an encroachment of the building addition into an existing fifteen (15) foot wide Orange County drainage easement where a sixty (60) inch drainage pipe exists.

After becoming aware of the encroachment of the home addition into the drainage easement, Orange County issued a stop work order on August 17, 2016. In order for Orange County to lift the stop work order, discussions have been ongoing with staff and the property owners on how best to allow the work to resume. The property owners will need to install an aluminum sheet pile retaining wall to protect the home addition in its proposed location should Orange County have to maintain the drainage easement, make repairs and/or replace the 60 inch drainage pipe in the future.

In order to allow the Property Owners to complete their home addition as proposed, a Hold Harmless and Indemnification Agreement is required. Attached for approval is the Hold Harmless and Indemnification Agreement between Orange County and the Property Owners.

In addition, the property owners are willing to grant Orange County an additional easement over approximately twenty nine (29) square feet for which the existing 60 inch drainage pipe is presently located.

The County's Attorney's office, Risk Management Division, and Real Estate Management Division have reviewed the agreement and find them acceptable.

Action Requested: Approval and execution of Hold Harmless and Indemnification Agreement for home addition at Richard Fender and Xi Lu residence, 500 29th Street Orlando, FL 32805 Parcel ID No. 03-23-29-0183-21-001 by and between Orange County and Richard ("Rick") Austin Fender and Xi Lu and acceptance of a Drainage Easement from Richard Austin Fender and Xi Lu to Orange County. District 3.

MVM/wsv

**HOLD HARMLESS AND INDEMNIFICATION AGREEMENT FOR
HOME ADDITION AT RICHARD FENDER AND XI LU RESIDENCE,
500 29TH STREET ORLANDO, FL 32805**

Parcel ID No. 03-23-29-0183-21-001

This Hold Harmless and Indemnification Agreement, hereinafter referred to as the **"Agreement,"** is made and entered by and between **Orange County**, a Charter County and political subdivision of the State of Florida, whose address is 201 South Rosalind Avenue, Orlando, FL 32801, hereinafter referred to as the **"County,"** and **Richard ("Rick") Austin Fender and Xi Lu**, husband and wife, whose residential address is 500 29th Street, Orlando, FL 32805, hereinafter referred to as the **"Property Owners."**

WITNESSETH:

WHEREAS, Rick Fender and Xi Lu, the Property Owners, are the fee simple property owners of a .31 acre piece of residential zoned land located at 500 29th Street, Orlando, Florida (Orange County Tax Parcel Identification Number 03-23-29-0183-21-001, hereinafter referred to as the **"Subject Property,"** and as more particularly described on the **Exhibit "A"** attached hereto;

WHEREAS, the Property Owners, relying on a title insurance policy for the Subject Property from 1997 and a survey for the Subject Property based in part on that title policy, applied for and received from the County on August 4, 2016, a building permit, known as permit number B15007371, for an addition to their existing single family residential structure on the Subject Property, hereinafter referred to as the **"Home Addition";**

WHEREAS, after starting construction on the Home Addition, the Property Owners became aware of an existing fifteen foot (15') wide drainage easement (OR Book 1401, Page 401), granted in favor of the County in November 1964, hereinafter referred to as the **"Drainage Easement,"** located on the eastern side of the Subject Property, a copy of which is attached hereto as **Exhibit "B";**

WHEREAS, the Drainage Easement was not reflected on the title insurance policy from 1997 or the survey based on that title policy;

WHEREAS, the County has an existing 60" diameter stormwater drain pipe within the Drainage Easement, which drains to Lake Holden;

WHEREAS, the improvements permitted for the Home Addition under building permit number B15007371 encroach approximately seven feet (7') into the Drainage Easement at their

furthest point, and a proposed aluminum sheet pile retaining wall will encroach approximately an additional two feet (2') into the Drainage Easement at its furthest point;

WHEREAS, after becoming aware of the encroachment of the Home Addition into the Drainage Easement, on August 17, 2016, the County issued a Stop Work Order relating to building permit number B15007371;

WHEREAS, the Property Owners have requested that the County lift the Stop Work Order to enable them to install an aluminum sheet pile retaining wall to protect the Home Addition in its current/proposed location whenever the County maintains the Drainage Easement and repairs and/or replaces the 60" drainage pipe in the future;

WHEREAS, the Property Owners desire that the County consider a petition to vacate, abandon or otherwise eliminate the portion of the Drainage Easement where the Home Addition, including the two air conditioner unit pads, and the east half of the staircase structure, encroach into the Drainage Easement, hereinafter referred to as the "**Easement Encroachment Area**," as depicted on the sketch and legal description attached hereto as **Exhibit "C"**;

WHEREAS, accordingly, the Property Owners intend to apply with the County to ask the Board of County Commissioners to remove the Easement Encroachment Area from the Drainage Easement;

WHEREAS, the Property Owners are willing to facilitate and grant the County an additional drainage easement under terms and conditions acceptable to the County over an approximately twenty-nine (29) square foot portion of the Subject Property for the existing 60" pipe between the upland manhole structure to the north and Lake Holden to the south, hereinafter referred to as "**Easement Extension**," as shown on the sketch and legal description of the Easement Extension attached hereto as **Exhibit "D"**, to the County to close a gap in the existing Drainage Easement;

WHEREAS, when this Agreement becomes effective, the Property Owners desire to install the aluminum sheet pile wall pursuant to building permit number B16015671 and resume construction of the Home Addition pursuant to building permit number B15007371;

WHEREAS, the County is willing to grant the Property Owners' request to install the aluminum sheet pile wall and recommence work on the Home Addition, subject to the terms and conditions of this Agreement; and

WHEREAS, the Property Owners understand that they need to satisfy and comply with all applicable laws, regulations, and development requirements, including building permits, when they install the aluminum sheet pile wall and complete the Home Addition, and that those laws, regulations, and development requirements are not waived except as may be expressly provided for in this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein, and other good and valuable consideration, the parties agree as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.
2. **Permitted Work on Subject Property.**
 - (a) In accordance with building permit number B16015671, and consistent with the plans for the "Fender Residence: Sheet Pile Wall," prepared by Structural Solutions and on file with the Building Safety Division, the Property Owners shall, *prior to recommencing construction of the Home Addition*, install an aluminum sheet pile wall per the plans attached as **Exhibit "E"**. Prior to installing this wall, the Property Owners shall hold a pre-construction meeting with the County's Public Works Department, and upon completion of the wall the Property Owners shall provide as-built drawings of the wall to the County.
 - (b) After the aluminum sheet pile wall has been installed by the Property Owners and inspected and approved by the County, the Property Owners may proceed with the completion of the Home Addition pursuant to building permit number B15007371.
3. **Grant of Easement Extension.** Prior to issuance of a certificate of occupancy for the Home Addition, the Property Owners shall grant the County the Easement Extension for the property shown on the sketch and legal description attached hereto as **Exhibit "D"** in a form acceptable to the County, and include a joinder and consent from any mortgagee.
4. **Application to Vacate or Abandon the Easement Encroachment Area from the Drainage Easement.** The Property Owners may apply with the County's Public Works Department to request that the Board of County Commissioners vacate or abandon the Easement Encroachment Area from the Drainage Easement. The Property Owners understand that although the County staff may recommend in favor of approving the request to vacate or abandon the Easement Encroachment Area, a request to vacate or abandon a County easement in whole or in part must be considered by the Board and approved, if at all, at an advertised public hearing, and therefore nothing in this Agreement may be read, construed or interpreted to mean that the Board is obligated to grant the request. If the Board does not grant the request at the public hearing, the Property Owners understand and acknowledge that the Easement Encroachment Area shall remain in the Drainage Easement.
5. **Hold Harmless and Indemnification.** The Property Owners, on behalf of themselves and their successors, assigns, heirs, grantees, representatives, invitees and permittees, hereby (A)

assume sole and entire responsibility for any and all damage to the Subject Property, and the improvements thereon, that may result from the County maintaining the Drainage Easement or from repairing or replacing the drainage pipe within the Drainage Easement; (B) waive any and all claims against the County based upon the County permitting the Property Owners to commence construction at the Subject Property prior to: (i) receiving final abandonment of the portion of the Drainage Easement in the Easement Encroachment Area, and (ii) receiving the respective approvals from such agencies as might be entitled to approve the project; and (C) release, indemnify, defend and hold harmless the County, its Board members, officers, employees, contractors, agents, and elected and appointed officials, from and against all claims, demands, disputes, lawsuits, judgments, damages, costs, and expenses (to include attorneys' fees whether or not litigation is necessary and if necessary, both at trial and on appeal), incurred by the County arising out of, resulting, or related in any way, directly or indirectly, of the use or development of the Subject Property in connection with the authorization of building construction, by the County or by the third parties. It is also specifically understood that the County is not guaranteeing the appropriateness, efficiency, quality or legality of the use or development of the Subject Property, including but not limited to, final site grades, drainage, or quality of construction, whether or not inspected, approved or permitted by the County.

6. **Notices.** All notices pursuant to this Agreement shall be in writing and delivered through the United States Postal Service, first class mail, postage prepaid, or by electronic mail, and addressed to the following addresses of record:

To the County: Mark Massaro, P.E.
Director of Orange County Public Works Department
4200 S. John Young Parkway
Orlando, FL 32839 Email: mark.massaro@ocfl.net

With a copy to: County Attorney's Office
201 S. Rosalind Ave., 3rd Floor
Orlando, FL 32801

To Property Owners: Richard Fender and Xi Lu
500 29th Street, Orlando, FL 32805
Email: RFender@cloud9services.com

With a copy to: David Terry, Esq.
125 East Jefferson St., Orlando, FL 32801
Email: terryandfrazier@bellsouth.net

7. **Entire Agreement.** This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein and parties agree there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document.

8. **No Work Beyond Scope.** The Property Owners may not commence or cause to be commenced by third parties, such as contractors, work above and beyond the work that is described in this Agreement, without the necessary local, state and federal approvals and permits. The County shall not be liable for any delays or costs associated with the commencement of the construction of such work or subsequent work.

9. **Amendment.** No amendment, modification or alteration of the provisions, terms or conditions of this Agreement shall be effective unless and until a written document executed with the same formality as this Agreement has been signed and acknowledged by the parties hereto.

10. **Covenants Running with the Land.** This Agreement runs with the Subject Property, and binds and inures to the detriment and benefit of all parties having any right, title or interest in the Subject Property or any portion thereof, and their heirs, representatives, successors assigns, invitees and permittees.

11. **Recording.** This Agreement shall be recorded by the County in the Official Records of Orange County, Florida, at the Property Owners' expense.

12. **Effective date.** This Agreement shall become effective on the date of execution by the Property Owners or the date of execution by the County, whichever is later.

[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the Property Owners and the County have caused this Hold Harmless and Indemnification Agreement to be made and executed for the uses and purposes therein expressed on the days and year written below.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Signature of Witness # 1

[Signature]
Signature of Witness # 2

RICHARD AUSTIN FENDER

By: [Signature]

Signature

Richard A Fender
Print Name

Date: 12/5/16

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Signature of Witness # 1

[Signature]
Signature of Witness # 2

XI LU

By: [Signature]

Signature

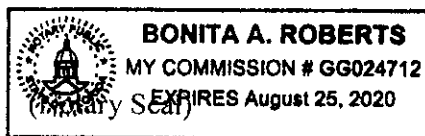
Xi Lu
Print Name

Date: 12/5/16

STATE OF FL.

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 5 day of December, 2016, by Richard Austin Fender AND Xi Lu, husband and wife, who are personally known to me or who have produced _____ as identification and who did (did not) take an oath.



Bonita Roberts
Signature

Bonita Roberts
Print name

Notary Public - State of FL

Commission No. GG024712

My Commission Expires: 8/25/2020

Hold Harmless and Indemnification Agreement for Residence at 500 29th Street, Orlando, FL 32805

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Teresa Jacobs, Mayor

Date: _____

ATTEST: Martha O. Haynie, County Comptroller
As Clerk to the Board of County Commissioners

By: _____
Deputy Clerk

JOINDER AND CONSENT

The undersigned, being the owner and holder of a certain Mortgage dated June 1, 2016 and recorded on June 6, 2016 under Document Number 20160289614 in the Public Records of Orange County, Florida that encumbers the Subject Property referred to in the Hold Harmless Agreement For Fender Residence, 500 29th St., Orlando, FL 32805 to which this Joinder and Consent is attached, does hereby join in and consent to the said Hold Harmless Agreement as it applies to the undersigned's interest as Mortgagee in and to the Subject Property.

Made and entered into this 1 day of December, 2016.

ATLANTIC COAST BANK, a Federal
Savings Bank

Tonic Stewart
Print Name: Tonic Stewart

Melissa King
Print Name: Melissa King

By: [signature]
[signature] DENISE HENDERSON
[print name]
its VP LOAN SERVICING

Georgia
STATE OF FLORIDA
COUNTY OF Ware

The foregoing instrument was acknowledged before me this 1 day of December, 2016, by Denise Henderson, as VP Loan Servicing of, and on behalf of ATLANTIC COAST BANK, a Federal Savings, ☒ who is personally known to me or ☐ produced _____ as identification, and did not take an oath.

Velinda A Woodard
Typed/Printed Name: Velinda A Woodard
Notary Public - State of Florida
My Commission Expires: 1-16-18
Commission Number:

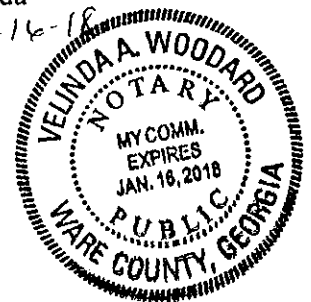


Exhibit "A"

The Subject Property

Parcel ID No. 03-23-29-0183-21-001

The East 157.5 feet of the Northeast Quarter of the Southwest Quarter lying South of 29th St., as shown on the map of Angebilt Addition No. 2, per plat recorded at Plat Book J, Page 124, Public Records of Orange County, Florida, and the East 157.5 feet of the North 574.6 feet of the Southeast Quarter of the Southwest Quarter of Section 2, Township 23 S., Range 29 E., Orange County, Florida.

986795 RECORDED DEC 10 5 28 PM 1964
DRAINAGE EASEMENT

O.R. 1401 P.C. 401

THIS INDENTURE, made the 13th day of November, 1964, between
Mary P. Steger, unmarried

of the County of Orange and State of Florida, GRANTOR, and the
COUNTY OF ORANGE, in the State of Florida, GRANTEE.

WITNESSETH, That the Grantor, in consideration of the sum of \$1,000.00, paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby give and grant to the Grantee and its assigns a right-of-way and easement for drainage purposes, with full authority to enter upon, construct and maintain, as the Grantee and its assigns may deem necessary, a drainage ditch, pipe or facility over, under and upon the following described lands situate in Orange County aforesaid, to-wit:

The East 15 feet of the North 574.6 feet of
the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of
SECTION 2, TOWNSHIP 23 SOUTH, RANGE 29 EAST.

Subject to the following restrictions

1. The drainage shall be by underground pipe at least 50 inches in diameter.
2. The said drainage pipe shall not be used to carry sewage into Lake Holden.
3. That portion of said drainage pipe between the bank and the lake shall be stabilized by concrete work to prevent its becoming an unsightly object.



TO HAVE AND TO HOLD said right-of-way and easement unto said Grantee and its assigns forever.

THE Grantee herein and its assigns shall have the right to clear and keep clear all trees, undergrowth and other obstructions that may interfere with the normal operation or maintenance of the drainage ditch, pipe or facility, out of and away from the herein granted right-of-way, and the Grantor, his heirs, successors and assigns, agrees not to build, construct or create, nor permit others to build, construct or create any buildings or other structures on the herein granted right-of-way that may interfere with the normal operation or maintenance of the drainage ditch, pipe or facility.

IN WITNESS WHEREOF, _____ have hereto set my hand and seal the day and year above written.

Signed, sealed and delivered in presence of:

A. J. MacKay

Mary P. Steger (Seal)

John H. MacKay

(Seal)

RECORDED & RECORD VERIFIED (Seal)

(Seal)
Clerk of
Circuit Court, Orange Co., Fla.

STATE OF FLORIDA

COUNTY OF ORANGE

I hereby certify that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared _____

Mary P. Steger,

to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged before me that _____ executed the same.

WITNESS my hand and official seal in the county and state last aforesaid, this 13th day of

November, 1964

A. J. MacKay
Notary Public.

My Commission expires Aug 24 - 1967

KIRSTEIN - ORLANDO 28 6-59



EXHIBIT "B"

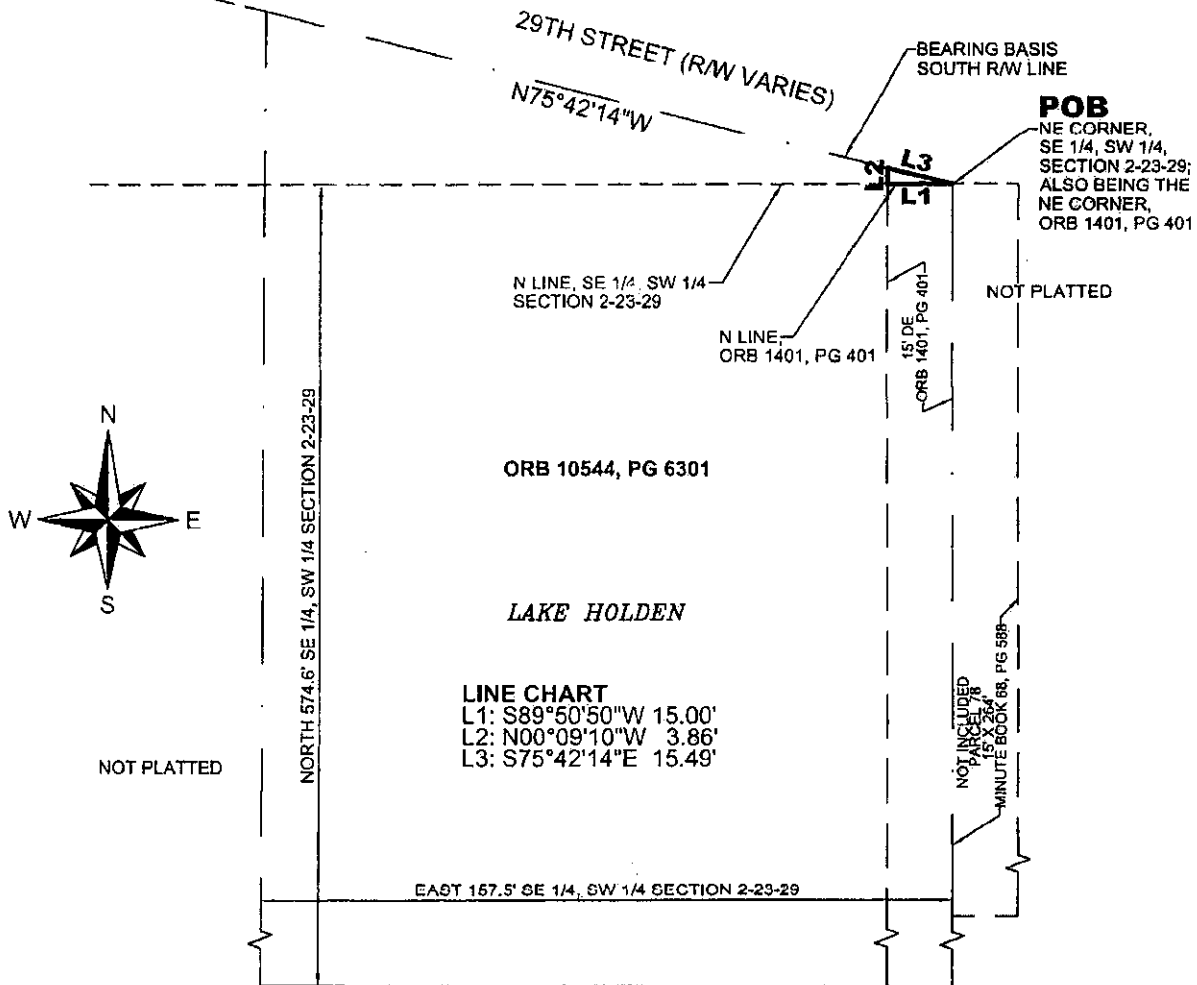
201

SKETCH OF DESCRIPTION DESCRIPTION

A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 10544, PAGE 6301, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; RUN THENCE S89°50'50"W, ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2 AND THE NORTH LINE OF THE 15 FOOT DRAINAGE EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1401, PAGE 401, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 15.00 FEET; THENCE N00°09'10"W, A DISTANCE OF 3.86 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 29TH STREET PER PLAT OF ANGEbilt ADDITION, AS RECORDED IN PLAT BOOK H, PAGE 79, SAID PUBLIC RECORDS; THENCE S75°42'14"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 15.49 FEET TO THE POINT BEGINNING.

CONTAINS 29 SQUARE FEET, MORE OR LESS.



JOB #45860

CF#OCH-79 PARCEL001 SOD

DATE: 11/07/2016

SCALE: 1" = 40'

DRAWN BY: YEB

THIS SKETCH IS NOT A BOUNDARY SURVEY.

PREPARED FOR: FENDER MARINE CONSTRUCTION

BEARING STRUCTURE IS ASSUMED AND BASED ON THE MONUMENTED SOUTH RIGHT-OF-WAY LINE OF 29TH STREET, BEING: N75°42'14"W (ASSUMED).

REVISIONS:

11/10/16 - COUNTY COMMENTS -YEB

THIS SKETCH MEETS THE "STANDARDS OF PRACTICE" AS REQUIRED BY CHAPTER 5J-17, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

JAMES D. BRAY PSM 6507

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

ACCURIGHT

ACCURIGHT SURVEYS
OF ORLANDO INC., LB 4475
2012 E. Robinson Street Orlando, Florida 32803
www.AccurightSurveys.net
Admin@AccurightSurveys.net
PHONE: (407) 894-6314

LEGEND

- CL - CENTERLINE
- CLC - CALCULATED
- CBW - CONCRETE BLOCK WALL
- CLF - CHAIN LINK FENCE
- CM - CONCRETE MONUMENT
- CP - CONCRETE PAD
- CONC - CONCRETE
- COVD - COVERED
- OW - CONCRETE WALKWAY
- D - CENTRAL ANGLE
- DB - DEED BOOK
- DE - DRAINAGE EASEMENT
- DW - DRIVEWAY
- EP - EDGE OF PAVEMENT
- ESMT - EASEMENT
- FFE - FINISHED FLOOR ELEVATION
- FND - FOUND
- IP - IRON PIPE

- IR - IRON ROD
- L - ARC LENGTH
- MEAS - MEASURED
- MS - METAL SHED
- N&D - NAIL & DISK
- ORB - OFFICIAL RECORDS BOOK
- P&M - PLAT & MEASURED
- PB - PLAT BOOK
- PC - POINT OF CURVATURE
- PG - PAGE
- POB - POINT OF BEGINNING
- POC - POINT OF COMMENCEMENT
- R/W - RIGHT OF WAY
- R - RADIUS
- TYP - TYPICAL
- UB - UTILITY BOX
- UE - UTILITY EASEMENT
- WF - WOOD FENCE

S:\ORANGE\OCH-79 - ANGEbilt ADDITION NO.1E 157.5' of NE QTR SW QTR of OCH-79 PARCEL001 SOD.dwg - Nov 10, 2016

COPYRIGHT © 1986 - 2016, ACCURIGHT SURVEYS

EXHIBIT "D"

1. GENERAL NOTES

- 1.1. THE GOVERNING CODE FOR THIS PROJECT IS THE FLORIDA BUILDING CODE, 5th EDITION (2014). THIS CODE PRESCRIBES WHICH EDITION OF EACH REFERENCE STANDARD APPLIES TO THIS PROJECT.
- 1.2. TO THE BEST OF OUR KNOWLEDGE, THE STRUCTURAL DRAWINGS COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE GOVERNING BUILDING CODE.
- 1.3. CONSTRUCTION IS TO COMPLY WITH THE REQUIREMENTS OF THE GOVERNING BUILDING CODE AND ALL OTHER APPLICABLE FEDERAL, STATE, AND LOCAL CODES, STANDARDS, REGULATIONS AND LAWS.
- 1.4. THE STRUCTURAL DOCUMENTS ARE TO BE USED IN CONJUNCTION WITH THE ARCHITECTURAL & CIVIL DOCUMENTS. IF A CONFLICT EXISTS, THE MORE STRINGENT GOVERNS.
- 1.5. DETAILS LABELED "TYPICAL" APPLY TO ALL SITUATIONS THAT ARE THE SAME OR SIMILAR TO THOSE SPECIFICALLY REFERENCED, WHETHER OR NOT THEY ARE KEYED IN AT EACH LOCATION. QUESTIONS REGARDING THE APPLICABILITY OF TYPICAL DETAILS SHALL BE RESOLVED BY THE ARCHITECT.
- 1.6. CONTRACTORS WHO DISCOVER DISCREPANCIES, OMISSIONS OR VARIATIONS IN THE CONTRACT DOCUMENTS DURING BIDDING SHALL IMMEDIATELY NOTIFY THE ARCHITECT. THE ARCHITECT WILL RESOLVE THE CONDITION AND ISSUE A WRITTEN CLARIFICATION.
- 1.7. THE CONTRACTOR SHALL PROTECT ADJACENT PROPERTY, HIS OWN WORK AND THE PUBLIC FROM HARM. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS AND METHODS, AND JOBSITE SAFETY INCLUDING ALL OSHA REQUIREMENTS.
- 1.8. THE STRUCTURE IS DESIGNED TO BE STRUCTURALLY SOUND WHEN COMPLETED. PRIOR TO COMPLETION, THE CONTRACTOR IS RESPONSIBLE FOR STABILITY AND TEMPORARY BRACING.

2. SHEET PILE WALL

- 2.1. ALUMINUM SHEETS SHALL HAVE THE FOLLOWING MATERIAL AND/OR SECTION PROPERTIES
 - 2.1.1. MINIMUM ULTIMATE TENSILE STRESS = 38,000 PSI
 - 2.1.2. ALLOWABLE DESIGN STRESS = 19,500 PSI
 - 2.1.3. SECTION CALLOUT = PZH-188
 - 2.1.4. SECTION DEPTH = 6 IN
 - 2.1.5. MAX. ALLOWABLE BENDING MOMENT = 11,326 FT-LBS
 - 2.1.6. SECTION MODULUS = 6.97 IN³ / FT
 - 2.1.7. MOMENT OF INERTIA = 21.25 IN⁴ / FT
- 2.2. EXISTING SOIL CONDITIONS HAVE NOT BEEN PROVIDED. THE FOLLOWING SOIL CONDITIONS HAVE BEEN ASSUMED AND SHALL BE VERIFIED:
 - 2.2.1. ANGLE OF INTERNAL FRICTION = 30 DEG.
 - 2.2.2. SOIL UNIT WEIGHT = 120 PCF
 - 2.2.3. COHESION = 0 PSF
 - 2.2.4. NO HYDROSTATIC PRESSURE IS PRESENT BEHIND THE SHEET PILE WALL
- 2.3. DURING FULL EXCAVATION, MINOR DEFLECTION SHOULD BE ANTICIPATED AT THE TOP OF THE WALL. THIS DEFLECTION HAS THE POTENTIAL TO CAUSE MINOR SETTLEMENT AND COSMETIC DAMAGE TO THE RETAINED STRUCTURE.

HELICAL TIE BACK CAPACITY CALCULATIONS

DESIGN CAPACITY =	33,000 LBS ULTIMATE 16,500 LBS ALLOWABLE
CHANCE ANCHORS ASSEMBLY =	SS125 LEAD & EXTENSION
SHAFT SIZE =	1.25" SOLID SQUARE BAR
TORQUE CORRELATION FACTOR =	10 FT ⁻¹ (-1)
COUPLING BOLTS =	(1) 3/4" A325 TYPE 1 HEX HEAD BOLT WITH THREADS EXCLUDED FROM SHEAR PLANES
MAXIMUM ULTIMATE SHAFT CAPACITY =	40,000 LB (AT MAX TORQUE)
HELIX CONFIGURATION:	TO BE DETERMINED BASED MINIMUM EMBEDMENT DEPTHS AND INSTALLATION TORQUES EXISTING CONDITIONS. MINIMUM TWO HELICES REQUIRED.
MINIMUM INSTALLATION TORQUE =	REQUIRED ULTIMATE STRENGTH = 33,000 LBS = 3,300 LBS*FT TORQUE CORRELATION FACTOR 10 FT ⁻¹ (-1)
MAXIMUM INSTALLATION TORQUE =	4,000 LBS*FT
MINIMUM EMBEDMENT DEPTH =	15'-0"

JOB COPY
Approved Plans
Orange County Building Division

Approved By: *[Signature]*
Date: 10/2/16 Permit #: B16005071
This Approval does not grant permission to violate any applicable
code. Enforcement of any part of this improvement can result in
a closed on the title of this property.
Keep this plan on the job site at all times.

[Signature]
10/04/16

STRUCTURAL
SOLUTIONS

3200 CAPITAL CIRCLE, SUITE 100
FALLS CHURCH, VIRGINIA 22034
PHONE: (703) 441-1111 FAX: (703) 441-1112

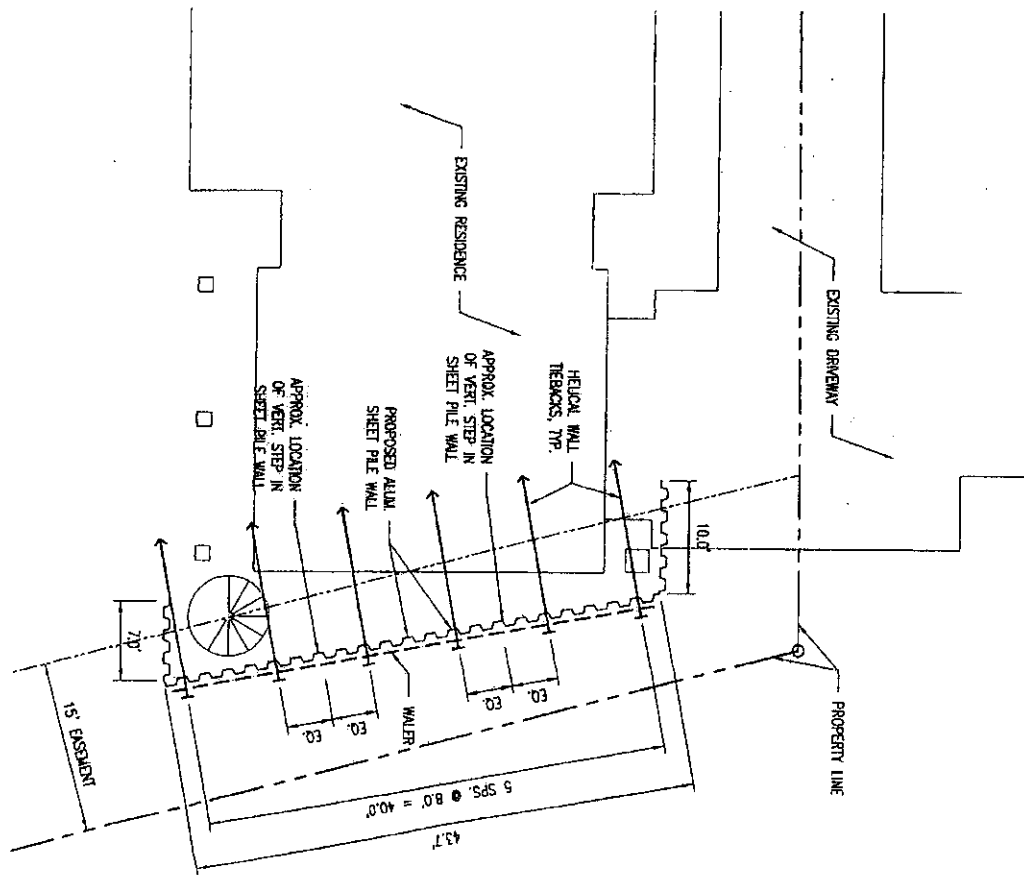
FENDER RESIDENCE SHEET PILE WALL
500 29th Street, Orlando, Florida 32805

GENERAL NOTES

S0.1

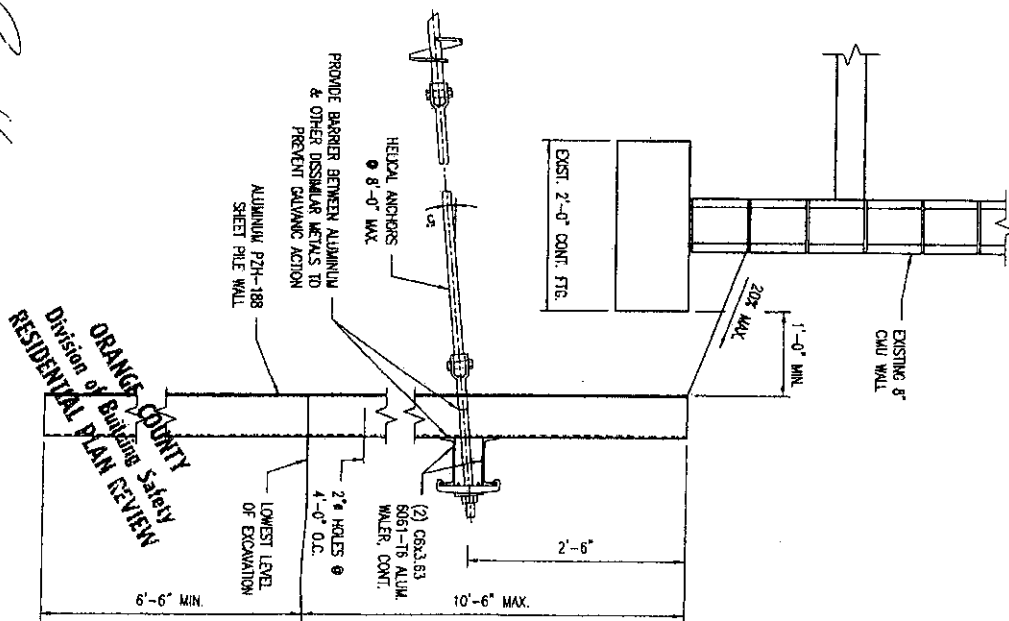
NO.	DATE	REVISION
1	10/02/16	ISSUED FOR PERMIT
2	10/04/16	REVISED FOR COMMENTS

SHEET PILE WALL PLAN
SCALE 1" = 10'-0"



Signature
10/07/16

A SHEET PILE WALL SECTION
SCALE 3/4" = 1'-0"



ORANGE COUNTY
Division of Building Safety
RESIDENTIAL PLAN REVIEW

S1.1

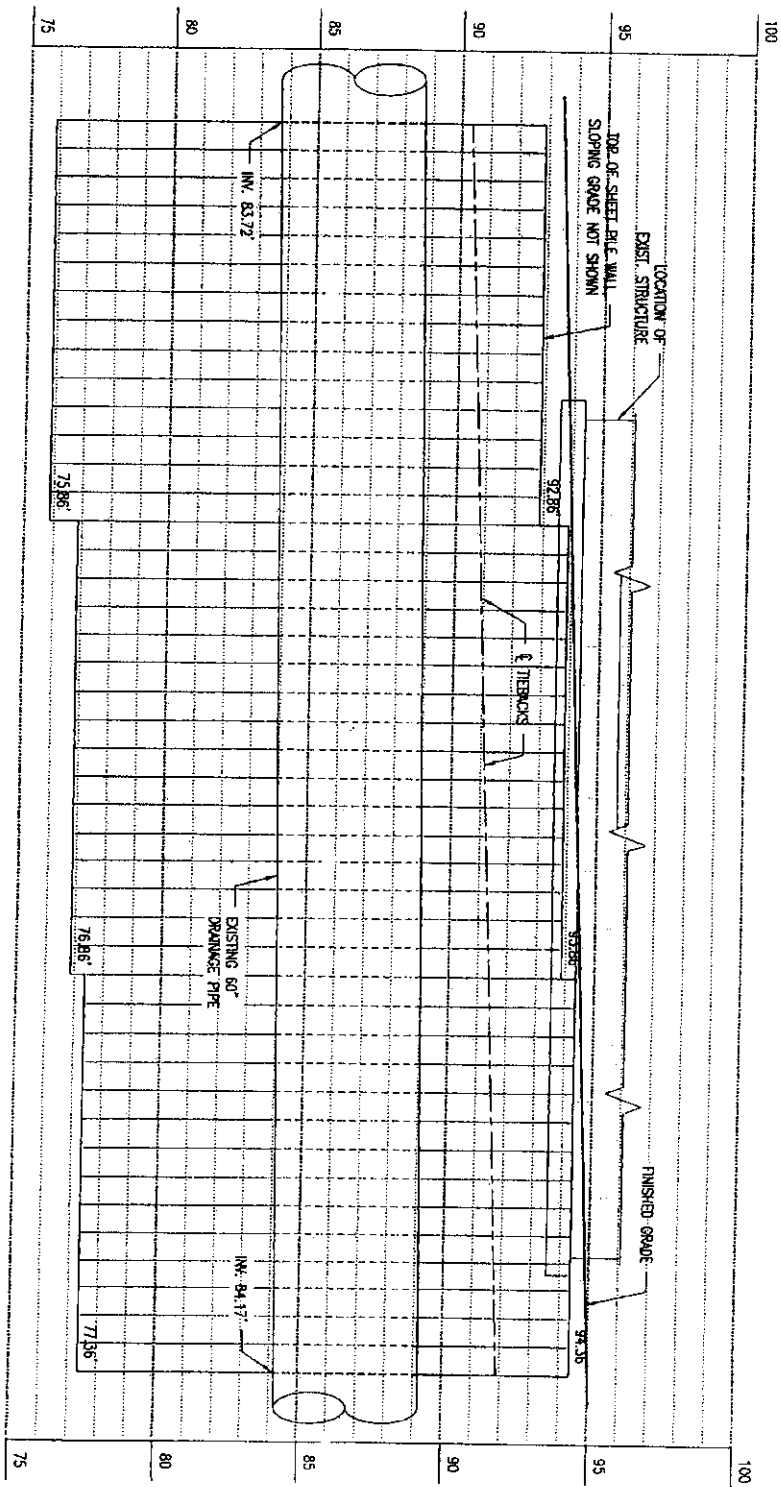
SHEET PILE WALL
PLAN & SECTION

NO.	DATE	REVISION
1	10/07/16	ISSUED FOR PERMIT

FENDER RESIDENCE SHEET PILE WALL
500 29th Street, Orlando, Florida 32805

STRUCTURAL SOLUTIONS
CONSULTING ENGINEERS, LLC

2010 CAPITAL CIRCLE, SUITE 100, TALLAHASSEE, FLORIDA 32304
PHONE: (850) 776-8819
FALLAHASSEE, FLORIDA 32304 E.O.B.: BRIAN E. AEPF, P.E.
FLORIDA P.E. NO. 65627



A SHEET PILE WALL PROFILE
S1.2 SCALE: 1" = 4'-0"

ORANGE COUNTY
Division of Building Safety
RESIDENTIAL PLAN REVIEW

Signature
10/10/16

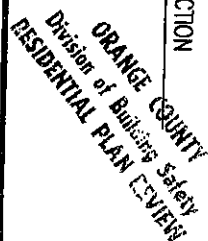
S1.2

SHEET PILE
WALL PROFILE

FENDER RESIDENCE SHEET PILE WALL
500 29th Street, Orlando, Florida 32805

STRUCTURAL SOLUTIONS
CONSULTING ENGINEERS

3570 CAPITAL CIRCLE, N.E. SUITE 100 AUTHORIZATION NO. 31293
TALLAHASSEE, FLORIDA 32304 C.O.R. BRIAN E. KEFER, P.E.
PHONE: (850) 748-9619 FLORIDA P.E. NO. 65621



1908/16

A	FULL SHEET PILE SECTION
S2.1	SCALE $\frac{1}{2}'' = 1'-0''$

S2.1

FULL SECTION

FENDER RESIDENCE SHEET PILE WALL
500 29th Street, Orlando, Florida 32805

STRUCTURAL SOLUTIONS

3370 CAPITAL CIRCLE, SUITE F TALLAHASSEE, FLORIDA 32308
PHONE: (850) 706-9419 AUTHORIZATION NO: 3179
E.O.A. BRIANE E. REVER, P.E.
FLORIDA P.E. No.: 4562

207

PREPARED BY AND RETURN TO:

**David E. Terry, Esq.
Terry and Frazier, P.A.
125 East Jefferson Street
Orlando, FL 32801**

Parcel ID: **03-23-29-0183-21-001**

Project:

DRAINAGE EASEMENT

THIS INDENTURE made this _____ day of _____, 20____, between **RICHARD AUSTIN FENDER and XI LU**, husband and wife, whose address is 500 29th Street, Orlando, FL 32805, **GRANTOR** and **ORANGE COUNTY**, a charter county and political subdivision of the State of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1391, **GRANTEE**.

WITNESSETH, that the **GRANTOR**, for and in consideration of the sum of **TEN DOLLARS (\$10.00)** and other valuable considerations, paid by the **GRANTEE**, the receipt whereof is hereby acknowledged, does hereby give and grant to the **GRANTEE** and its assigns, an easement for drainage purposes, with full authority to enter upon, construct, and maintain, as the **GRANTEE** and its assigns may deem necessary, a drainage ditch, pipe, or facility over, under, and upon the following described lands situate in Orange County aforesaid to wit:

SEE ATTACHED EXHIBIT "A"

A portion of parcel identification number: **03-23-29-0183-21-001**

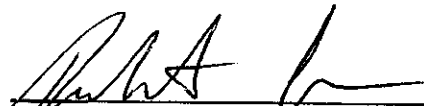
TO HAVE AND TO HOLD said easement unto said **GRANTEE** and its assigns forever.

THE GRANTEE herein and its assigns shall have the right to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the drainage ditch, pipe, or facility, out of and away from the herein granted easement, and the **GRANTOR**, its heirs, successors, and assigns agree not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures on the herein granted easement that may interfere with the normal operation or maintenance of the drainage ditch, pipe, or facility.

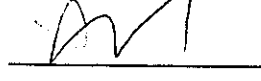
IN WITNESS WHEREOF, the said **GRANTOR** have caused these presents to be

executed in their name.

Signed, sealed and
delivered in our presence:

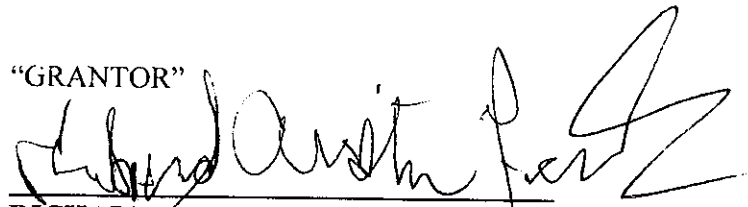

(Signature of Witness One)


Robert Cain
(Print Name of Witness One)


(Signature of Witness Two)

Xuan Shi
(Print Name of Witness Two)

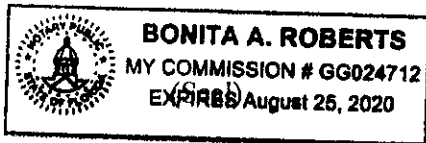
"GRANTOR"

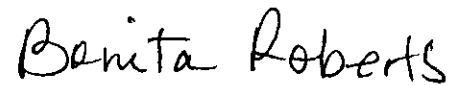

RICHARD AUSTIN FENDER


XI LU, his wife

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing was acknowledged before me this 5 day of December, 2016 by
RICHARD AUSTIN FENDER and XI LU, husband and wife, who are personally known to me or
have produced _____ as identification, and did not take an oath.




Notary Public (Signature)

Bonita Roberts
(Print name of Notary Public)

My commission expires: 8/25/2020

JOINDER AND CONSENT TO DRAINAGE EASEMENT

The undersigned hereby certifies that it is the holder of the following mortgage, lien or other encumbrance upon the above described Drainage Easement:

Mortgage by RICHARD AUSTIN FENDER and XI LU in favor of ATLANTIC COAST BANK, dated June 1, 2016 and recorded on June 6, 2016 under Document Number 20160289614 in the Public Records of Orange County, Florida

and that the undersigned hereby joins in and consents to the recording of the above Drainage Easement, and agrees that its mortgage, lien or other encumbrance, as they have been, and as they may be, modified, amended, and assigned from time to time, shall be subordinated to the Drainage Easement, as said easement may be modified, amended and assigned from time to time.

Made and entered into this 1 day of December, 2016

ATLANTIC COAST BANK, a Federal Savings Bank

Tonia Stewart
Print Name: Tonia Stewart

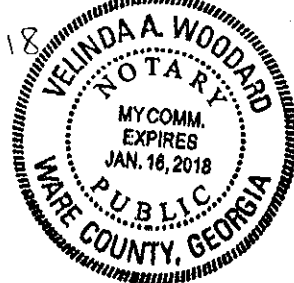
Melissa King
Print Name: Melissa King

By: [Signature]
[signature]
DENISE HENDERSON
[print name]
its VP Loan Servicing

Georgia
STATE OF ~~FLORIDA~~
COUNTY OF Ware

The foregoing instrument was acknowledged before me this 1 day of December, 2016, by Denise Henderson, as VP Loan Servicing of, and on behalf of ATLANTIC COAST BANK, a Federal Savings, ☒ who is personally known to me or ☐ produced _____ as identification, and did not take an oath.

Velinda A Woodard
Typed/Printed Name: Velinda A Woodard
Notary Public - State of Florida
My Commission Expires: 1-16-18
Commission Number:



A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 10544,
PAGE 6301, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; RUN THENCE S89°50'50"W, ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2 AND THE NORTH LINE OF THE 15 FOOT DRAINAGE EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1401, PAGE 401, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 15.00 FEET; THENCE N00°09'10"W, A DISTANCE OF 3.86 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 29TH STREET PER PLAT OF ANGBILT ADDITION, AS RECORDED IN PLAT BOOK H, PAGE 79, SAID PUBLIC RECORDS; THENCE S75°42'14"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 15.49 FEET TO THE POINT BEGINNING.

CONTAINS 29 SQUARE FEET, MORE OR LESS.

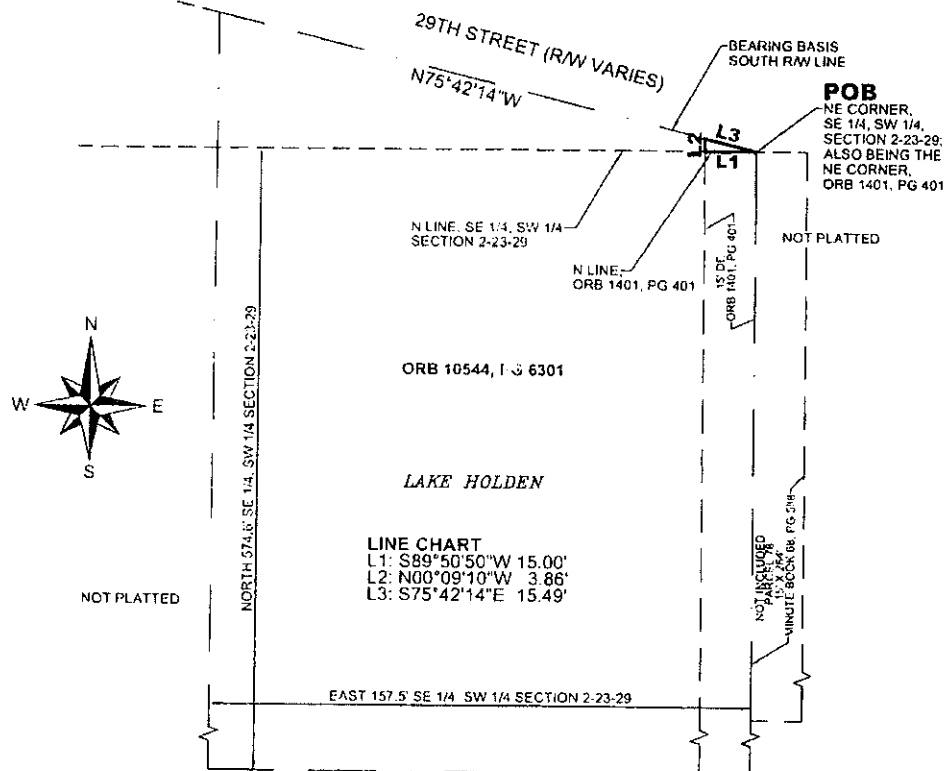
[illegible]

EXHIBIT "A"



OFFICE OF THE COMPTROLLER

ORANGE
COUNTY
FLORIDA

MARTHA O. HAYNIE, CPA
County Comptroller
201 South Rosalind Avenue
Post Office Box 38
Orlando, FL 32802
Telephone: 407-836-5690
Fax: 407-836-5599
www.occompt.com

COUNTY COMMISSION AGENDA Tuesday, December 20, 2016

COUNTY COMPTROLLER

Informational only – No Board action required

Receipt of the following items to file for the record:


- a. City of Orlando Ordinance with Exhibit A (Legal Description Form), Exhibits B, C & D (Future Land Use Maps and Zoning Maps), Fiscal Impact Statements and Orlando Sentinel Notice of Proposed Enactment for Ordinance No. 2016-71 entitled: An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located to the north of W. Colonial Dr., east and south of Fairvilla Rd., and west of Mercy Dr., and comprised of 1.33 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Industrial on the City's Official Future Land Use Maps; designating the property as the Industrial-General District along with the Wekiva Overlay District on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, permit disclaimer, and an effective date.
- b. Audit Report No. 459 – Audit of Orange County Graffiti Abatement

Items filed for the record can be accessed at www.occompt.com. Then navigate to Clerk of the BCC.



December 6, 2016

To: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

From: Ajit M. Lalchandani, County Administrator 

Subject: Election of Vice-Mayor
DISCUSSION AGENDA ITEM DECEMBER 20, 2016

On December 20, 2016, the Board of County Commissioners will be asked to elect one of its members to serve as Vice-Mayor for the 2017 calendar year. I have listed below the Vice-Mayors for the last six years.

2016 – District 2 Commissioner Bryan Nelson

2015 – District 1 Commissioner S. Scott Boyd

2014 – District 3 Commissioner Pete Clarke

2013 – District 5 Commissioner Ted Edwards

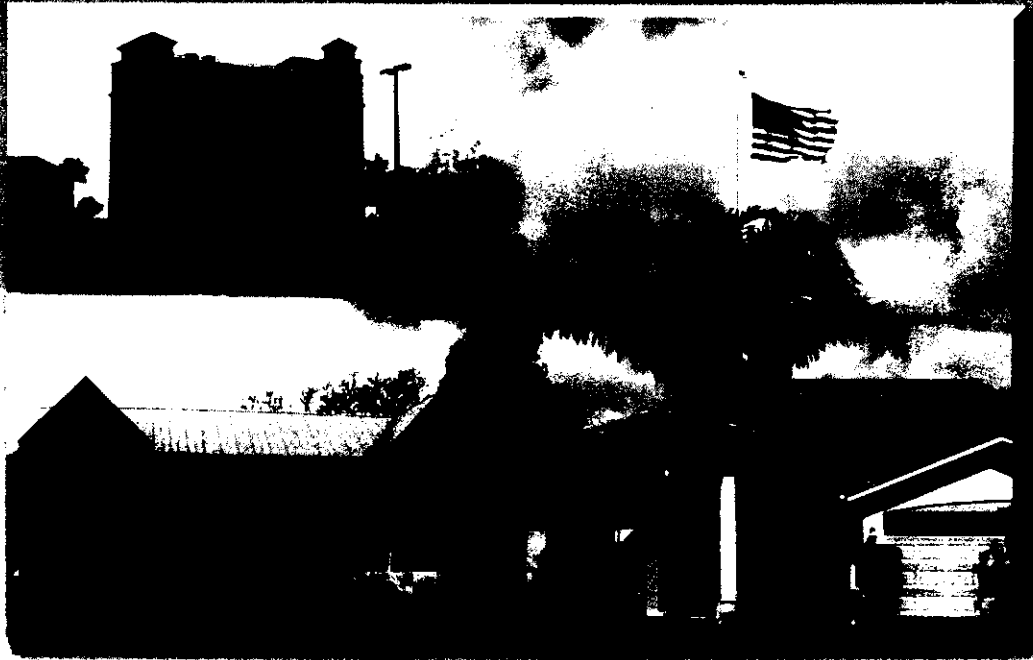
2012 – District 4 Commissioner Jennifer Thompson

2011 – District 1 Commissioner S. Scott Boyd

Please call me if you have any questions.

AML/cjg

AJIT M. LALCHANDANI, *County Administrator*
201 South Rosalind Avenue • Reply To: Post Office Box 1393 • Orlando, Florida 32802-1393
Telephone 407-836-7366 • FAX 407-836-7399
Ajit.Lalchandani@ocfl.net



**Orange County
Board of Zoning Adjustment
RECOMMENDATIONS
BOOKLET**

December 1, 2016

Prepared by:
Community, Environmental & Development Services Department,
Orange County Zoning Division



ORANGE COUNTY GOVERNMENT
BOARD of ZONING ADJUSTMENT
(BZA)

Carolyn C. Karraker <i>Vice-Chair</i>	District #1
Gregory A. Jackson	District #2
Vacant	District #3
Deborah Moskowitz	District #4
Zachary Seybold <i>Chairman</i>	District #5
Eugene Roberson	District #6
Chuck Norman	At Large

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

A-1.....	Citrus Rural
A-2.....	Farmland Rural
A-R.....	Agricultural-Residential District

Residential Districts

R-CE.....	Country Estate District
R-CE-2.....	Rural Residential District
R-CE-5.....	Rural Country Estate Residential District
R-1, R-1A & R-1AA.....	Single-Family Dwelling District
R-1AAA & R-1AAAA.....	Residential Urban Districts
R-2.....	Residential District
R-3.....	Multiple-Family Dwelling District
X-C.....	Cluster Districts (where <i>X</i> is the base zoning district)
R-T.....	Mobile Home Park District
R-T-1.....	Mobile Home Subdivision District
R-T-2.....	Combination Mobile Home and Single-Family Dwelling District
R-L-D.....	Residential -Low-Density District
N-R.....	Neighborhood Residential

Non- Residential Districts

P-O.....	Professional Office District
C-1.....	Retail Commercial District
C-2.....	General Commercial District
C-3.....	Wholesale Commercial District
I-1A.....	Restricted Industrial District
1-1/1-5.....	Restricted Industrial District
1-2/1-3.....	Industrial Park District
1-4.....	Industrial District

Other District

P-D.....	Planned Development District
U-V.....	Urban Village District
N-C.....	Neighborhood Center
N-A-C.....	Neighborhood Activity Center

VARIANCE CRITERIA

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for a zoning variance shall be approved unless the Board of Zoning Adjustment finds that all of the following standards are met:

1. Special Conditions and Circumstances – Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed zoning variance.
2. Not Self-Created – The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
3. No Special Privilege Conferred – Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by the Chapter to other lands, buildings, or structures in the same zoning district.
4. Deprivation of Rights – Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of the property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval.
5. Minimum Possible Variance – The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. Purpose and Intent – Approval of the zoning variance will be in harmony with the purpose and intent of this Chapter and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SPECIAL EXCEPTION CRITERIA:

Subject to Section 38-78, in reviewing any request for a Special Exception, the following criteria shall be met:

1. The use shall be consistent with the Comprehensive Policy Plan.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
3. The use shall not act as a detrimental intrusion into a surrounding area.
4. The use shall meet the performance standards of the district in which the use is permitted.
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted.

In addition to demonstrating compliance with the above criteria, any applicable conditions set forth in Section 38-79 shall be met.

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
December 1, 2016**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
SE-17-01-168	Andrew Nicholls	4	Approved w/Conditions	1
SE-16-12-155	Church of the Sower	3	Approved w/Conditions	14
VA-16-12-159	Neil Peraza	1	Approved w/Conditions	32
SE-16-12-158	Martha Dowdell McCray	2	Approved w/Conditions	40
SE-16-12-160	Miguel Perez	2	Approved w/Conditions	49
VA-16-12-169	Eric Olson	1	Approved w/Conditions	58
VA-16-12-161	Andrew Bair	2	Approved w/Conditions	66
SE-16-12-163	Aero Point, LLC	5	Approved w/Conditions	73
VA-16-12-162	Melanie Fay	3	Withdrawn	84
VA-16-12-151	Ryan Miller	1	Approved w/Conditions	93
VA-16-12-153	Ibrain Gonzalez	4	Approved w/Conditions	101
VA-16-12-156	Kevin McCord	2	Request #1 Approved w/Conditions Requests #2 & #3 Unnecessary	108
SE-16-12-157	Tam Bao Buddhist Monastery	2	Approved w/Conditions	117
SE-16-12-165	Orlando Kart Center	4	Approved w/Conditions	129
SE-16-12-166	Soul Quest Church of Mother Earth	4	Approved w/Conditions	138
SE-16-12-167	Radiant Life Academy	2	Approved w/Conditions	148
SE-16-09-118	Madison Landing Apartments	6	Approved w/Conditions	162

ANDREW NICHOLLS
SE-17-01-168

REQUEST: **Special Exception** in the A-2 zoning district to allow a stable/horse boarding facility for up to 8 horses opened to the general public. (Note: The proposed facility will include a 40,000 sq. ft. riding and training area and agricultural support structures/uses totaling 8,160 sq. ft.)

ADDRESS: 12421 S Lake Mary Jane Road, Orlando FL 32832

LOCATION: East side of S. Lake Mary Jane Rd., 1/4 mile south of TM Ranch Rd.

S-T-R: 24-24-31

TRACT SIZE: 10 acres

DISTRICT#: 4

LEGAL: COMM NW COR LOT 38 LAKE MARY JANE SHORES U/121 BEING WLY R/W LINE OF MARY JANE RD RUN S 38 DEG E 1550.75 FT TH RUN N 51 DEG E 100 FT FOR POB TH RUN N 59 DEG E 733.87 FT S 38 DEG E 600 FT S 59 DEG W 733.87 FT TH N 38 DEG W 600 FT TO POB

PARCEL ID: 24-24-31-0000-00-018

NO. OF NOTICES: 41

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 5-0):

1. Development in accordance with site plan dated October 12, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Any facility for the storage of manure shall be located a minimum of fifty (50) feet from any side or rear property line, and shall be covered;
5. Any proposal to light the riding arena shall require further approval of the BZA;
6. Any expansions of the use, such as increasing the number of horses which may be boarded on the subject property, shall require BZA approval. However, construction of accessory structures for residential purposes shall be permitted without additional BZA action; and,
7. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

SYNOPSIS: Applicant is proposing a horse boarding facility for his own horses and for horses belonging to anyone in the general public. No more than eight (8) horses maximum will be on the site at any one time.

Staff advised the BZA that the request blends with the character of the area and no opposition was received.

The BZA agreed the request met the special exception criteria. There was no opposition.



Applicant: Andrew Nicholls

BZA Number: SE-17-01-168

BZA Date: 12/01/2016

District: 4

Sec/Twn/Rge: 24-24-31-NE-A,24-24-31-SE-D

Tract Size: 10 acres

Address: 12421 S Lake Mary Jane Road, Orlando FL 32832

Location: East side of S. Lake Mary Jane Rd., 1/4 mile south of TM Ranch Rd.



REPLY TO: WINTER GARDEN

October 12, 2016

VIA HAND DELIVERY

Rocco Relvini
Orange County Zoning
201 S. Rosalind Avenue
Orlando, Florida 32802

Re: 12421 S. Lake Mary Jane Road – Application for Special Exception

Dear Mr. Relvini:

Our firm represents Andrew and Tanya Nicholls, who are the owners of approximately ten (10) acres located at 12421 S. Lake Mary Jane Road in unincorporated Orange County (Parcel Id. No. 24-24-31-0000-00-018) ("Property"). Enclosed is an Orange County Board of Zoning Adjustment Application, together with the applicable fee of \$1,355.00, requesting approval of a special exception to operate a horse stable/boarding facility with a riding area and support barn.

As depicted by the enclosed site plan, the proposed facility will consist of a stable/boarding facility of approximately 3,360 square feet, a support barn for tractors, equipment, hay, and storage of approximately 4,800 square feet, and a riding/training area of approximately 40,000 square feet (200' x 200'). The proposed stable/boarding facility will accommodate up to eight (8) horses. While the stable and support barn will have standard lighting, the proposed riding/training area will not have arena lighting, nor host night-time events. Additionally, the manure from the project will be spread in the fields on the Property and will not be stock piled. The Nicholls also plan on replacing the existing residential structure on the Property with a new home at some point in the future.

Although we do not believe the cumulative square footage limitation of 3,000 square feet for accessory buildings on five (5) acres or more of agriculturally zoned land in Section 38-79(14)g. of the Orange County Code is applicable to the proposed project because it is an agricultural use per the County Code and allowed by special exception, in an abundance of caution and to the extent necessary, we respectfully request a waiver of such size limitation to authorize the stable/boarding facility and support barn which total 8,160 square feet on ten (10) acres of land.

TALLAHASSEE
433 NORTH MAGNOLIA DRIVE
TALLAHASSEE, FLORIDA 32308
(850) 224-7332
FAX: (850) 224-7662

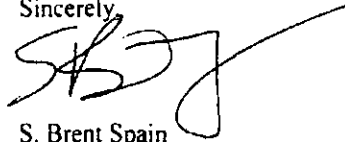
WINTER GARDEN
12200 WEST COLONIAL DRIVE, SUITE 300C
WINTER GARDEN, FLORIDA 34787
(407) 347-5388
FAX: (407) 264-6132

www.therlaquelaw.com

Rocco Relvini
October 12, 2016
Page 2

We appreciate Orange County Zoning Staff's support of the requested special exception for our client's proposed stable/boarding facility. In this regard, we have enclosed a letter of support from the Lake Mary Jane Alliance. As always, please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Brent Spain", with a long horizontal stroke extending to the right.

S. Brent Spain

Enclosures

September 30, 2016



To Whom It May Concern:


Andy Nicholls is a current homeowner in the Lake Mary Jane Rural Settlement and has asked our Lake Mary Jane Alliance Board to review his request to obtain a special permit for horse stables on his newly acquired 10 acre parcel of land located at 12421 Lake Mary Jane Road.

Our Communications Chairperson (Suzanne Arnold) has been in contact with the Orange County Planning Division (Steven Thorp) to clarify the terms of this permit to make sure that it would not allow for other uses that might be incompatible with the rural settlement – only horse stables/riding.

All LMJ Board Members were notified and all responses have been supportive. The board feels that this would be an excellent use of this land and fits in with the character of the rural settlement. We will support his efforts to obtain this permit.

Thank you for allowing our input on this request.

Sincerely,


Bruce W. Johnson
Lake Mary Jane Alliance President
12216 Gray Birch Circle
Orlando, FL 32832
407-381-9122

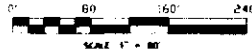
www.LakeMaryJaneAlliance.com

SITE PLAN

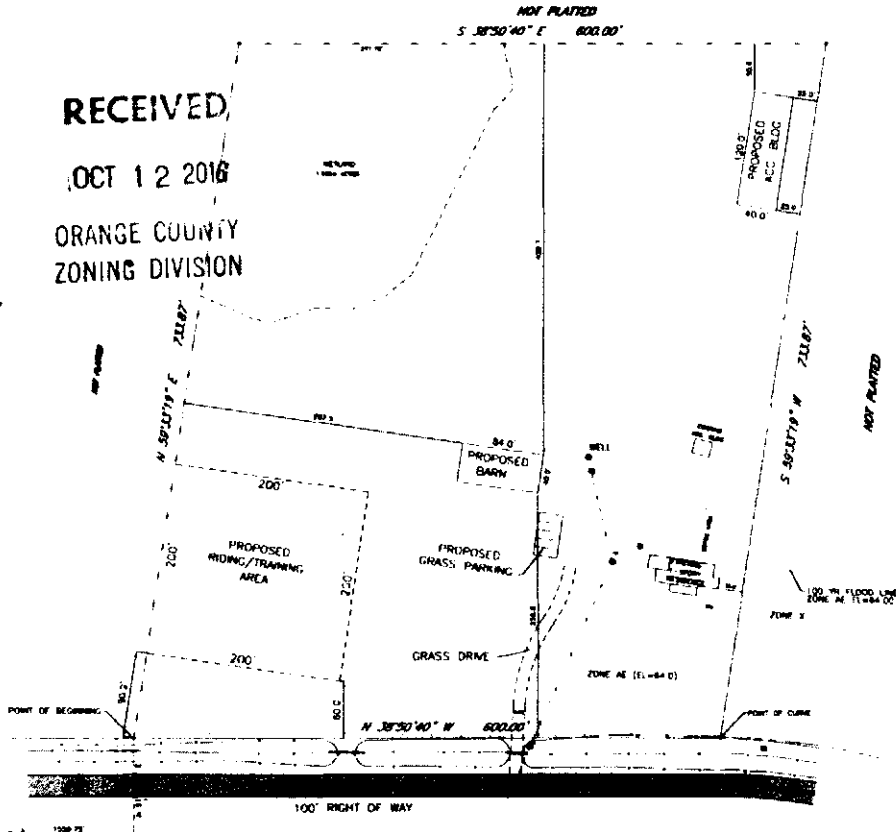
A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 24 SOUTH, RANGE 31 EAST ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 38, LAKE HARRY JANE SHORES, AS RECORDED IN PLAT BOOK U PAGES 121 THROUGH 123, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING A POINT OF TARGET ON THE WESTERN RIGHT OF WAY LINE OF LAKE HARRY JANE ROAD, THENCE RUN S. 38°50'40" E ALONG SAID WESTERN RIGHT OF WAY LINE A DISTANCE OF 1850.75 FEET, THENCE RUN N. 51°09'20" E A DISTANCE OF 100.00 FEET TO THE EASTERN RIGHT OF WAY LINE OF SAID LAKE HARRY JANE ROAD AND THE POINT OF BEGINNING, THENCE RUN N. 38°50'40" E A DISTANCE OF 253.81 FEET, THENCE RUN S. 38°50'40" E A DISTANCE OF 800.00 FEET, THENCE RUN S. 59°33'19" W A DISTANCE OF 733.81 FEET TO THE UNDESIGNED EASTERN RIGHT OF WAY LINE OF LAKE HARRY JANE ROAD, SAID POINT ALSO BEING AT THE BEGINNING OF A CURVE TO THE SOUTHEAST, THENCE RUN N. 38°50'40" W ALONG SAID EASTERN RIGHT OF WAY LINE A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.00 ACRES, MORE OR LESS



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POINT OF COMMENCEMENT
N. 38°50'40" E
LAKE HARRY JANE SHORES
PLAT BOOK U, PAGE 123
POINT OF TARGET JANE
HARRY JANE ROAD

LEGEND & ABBREVIATIONS

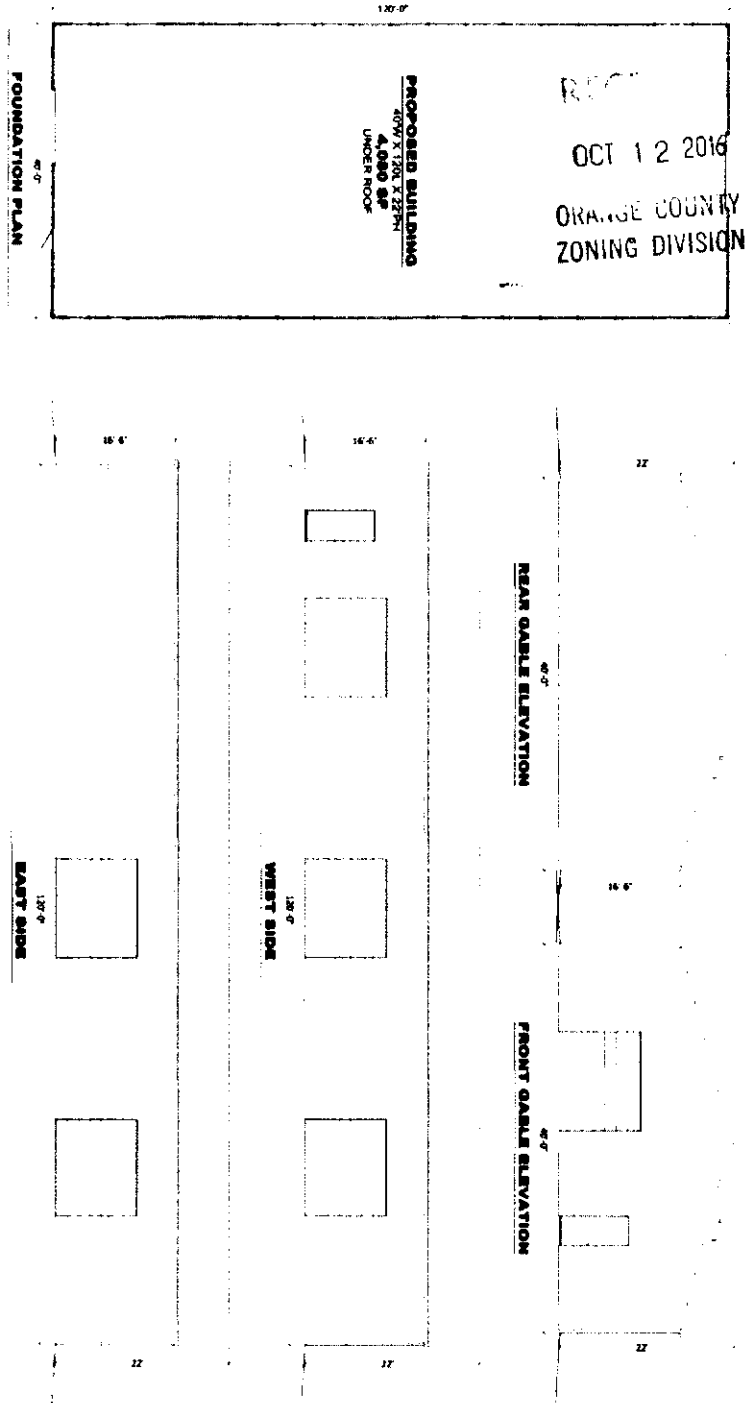
- N FOUND 1/2" IRON ROD PLUMB
- ACC. BLDG. ACCESSORY BUILDING
- UTILITY POLE
- OUT WIRE
- OVERHEAD WIRES
- FENCE LINE
- TOE OF SLOPE
- TOP OF BANK

SURVEYOR'S REPORT:

1. THE SURVEYOR HAS NOT PERFORMED AN ABSTRACT OF TITLE, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO RESTRICTIONS, EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.
2. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. MEASUREMENTS SHOWN HEREON ARE BASED ON WESTERN LINE OF LAKE HARRY JANE RD. AS BEING 528.904075' PER DEED.

Date	Revisions	DATE 9-30-16	SCALE 1" = 80'	CAL BY SEB	DRAWN BY SEB	JOB NO. 1032130
		ATLANTIC SURVEYING 308 S. HILLAND STREET WINTER GARDEN, FLORIDA 34787 407-656-4993				
		STEVEN E. GARDNER PLS. #5561 STATE OF FLORIDA				

**PRELIMINARY
BUILDING PLAN AND ELEVATIONS**
12421 LAKE MARYLANE ROAD
ORLANDO, FLORIDA 32822
ORANGE COUNTY



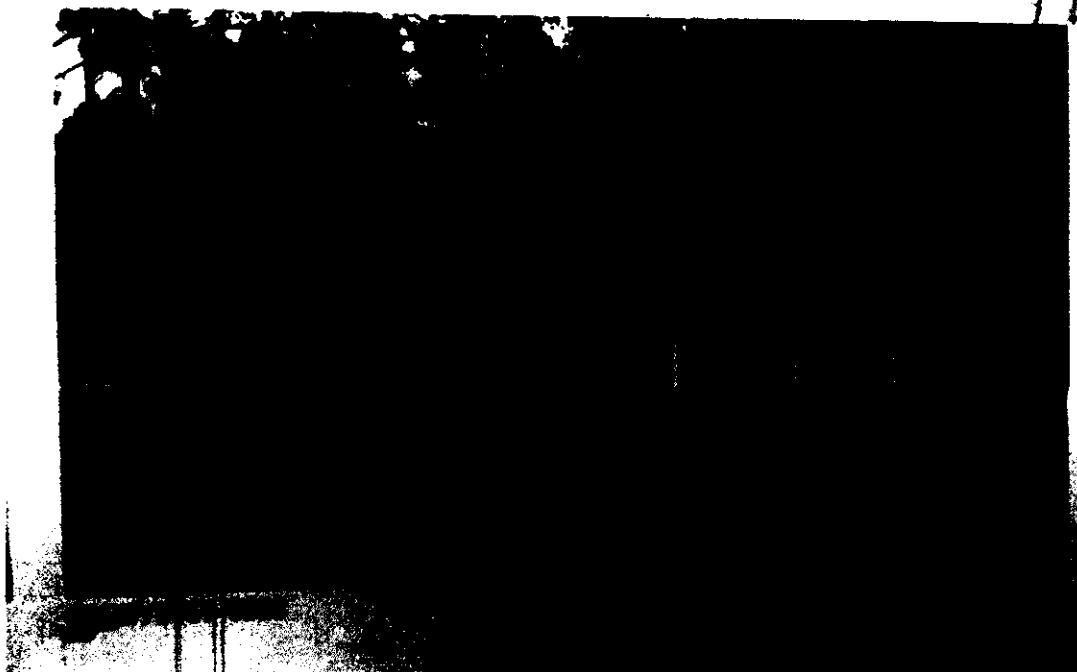
From: **Andy Nicholls** andy@orlandospfx.com
Subject: **Barn pics**
Date: **Oct 11, 2016, 11:11:54 AM**
To: **andy@orlandospfx.com**

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**ORANGE COUNTY
ZONING DIVISION**





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ORANGE COUNTY
ZONING DIVISION



STAFF REPORT
CASE #SE-17-01-168
Orange County Zoning Division
Planner: David Nearing
Board of Zoning Adjustment
December 1, 2016
Commission District: 4

GENERAL INFORMATION:

APPLICANT: Andrew Nicholls

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-2 zoning district to allow a stable/horse boarding facility for up to 8 horses opened to the general public.

(Note: The proposed facility will include a 40,000 sq. ft. riding and training area and agricultural support structures/uses totaling 8,160 sq. ft.)

LOCATION: East side of S. Lake Mary Jane Rd., 1/4 mile south of TM Ranch Rd.

PROPERTY ADDRESS: 12421 S Lake Mary Jane Rd.

PARCEL ID: 24-24-31-0000-00-018

TRACT SIZE: 10 acres

DISTRICT #: 4

ZONING: A-2

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Commercial horse boarding and training facility

SURROUNDING USES: N – Vacant; heavily vegetated
S – Vacant; heavily vegetated
E – Vacant; heavily vegetated
W - Single family homes

STAFF FINDINGS AND ANALYSIS:

1. The proposed stable will be open to the public for lessons, and to board and exercise their horses.
2. The proposed stable will have room for up to eight (8) horses.
3. There will be on-site lighting typical of agricultural yards, typically with lighting similar to mercury vapor for safety and security. However, the riding arena will have no lighting, and there will be no night-time activities taking place on the subject property.
4. In general, the character of this area is rural. There are a number of residences to the west across S. Lake Mary Jane Road, most on lots of two (2) or more acres. There will be no stables or other facilities than the riding arena within 250+ feet of the road. The land to the north, east, and south is very natural with dense forest.
5. While the area is generally rural in character, manure storage should still take place away from the perimeter of the site.
6. The site is ten (10) acres in size, affording sufficient area for on-site disposal of manure away from the residents to the west.
7. As of the writing of this report, staff has not encountered any opposition by the neighbors of the site.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated October 12, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Any facility for the storage of manure shall be located a minimum of fifty (50) feet from any side or rear property line, and shall be covered;
5. Any proposal to light the riding arena shall require further approval of the BZA;
6. Any expansions of the use, such as increasing the number of horses which may be boarded on the subject property, shall require BZA approval. However, construction of accessory structures for residential purposes shall be permitted without additional BZA action; and,
7. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

cc: Brent Spain (Applicant's Representative)
12200 West Colonial Drive, Suite 300C
Winter Garden, Florida 34787

Andrew Nicholls
14222 Lake Mary Jane Road
Orlando, Florida 32832

**CHURCH OF THE SOWER
SE-16-12-155**

REQUEST: **Special Exception** in the A-2 zoning district to construct a religious use facility.
(Note: The project will consist of 2 phases. It will include a new 1 story 12,500 sq. ft. sanctuary with 248 seats; a 8,500 sq. ft. fellowship hall building; 96 paved parking spaces; administrative offices; Sunday school classrooms and Second Harvest Food Bank 1st Wednesday of each month).

ADDRESS: 4415 St. Florian Way, Orlando FL 32822

LOCATION: East side of St. Florian Way, 200 ft. east of S. Goldenrod Road, north of Desoto Avenue

S-T-R: 14-23-30

TRACT SIZE: 4.52 acres

DISTRICT#: 3

LEGAL: LOS TERRANOS P/87 THE S1/2 OF N1/2 OF LOTS 5 TO 8 BLK 24 & (LESS W 20 FT THEREOF FOR RD R/W PER 4641/998) SEE 2769/403

PARCEL ID: 14-23-30-5240-24-052

NO. OF NOTICES: 64

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 6-0):

1. Development in accordance with site plan dated October 10, 2016 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;

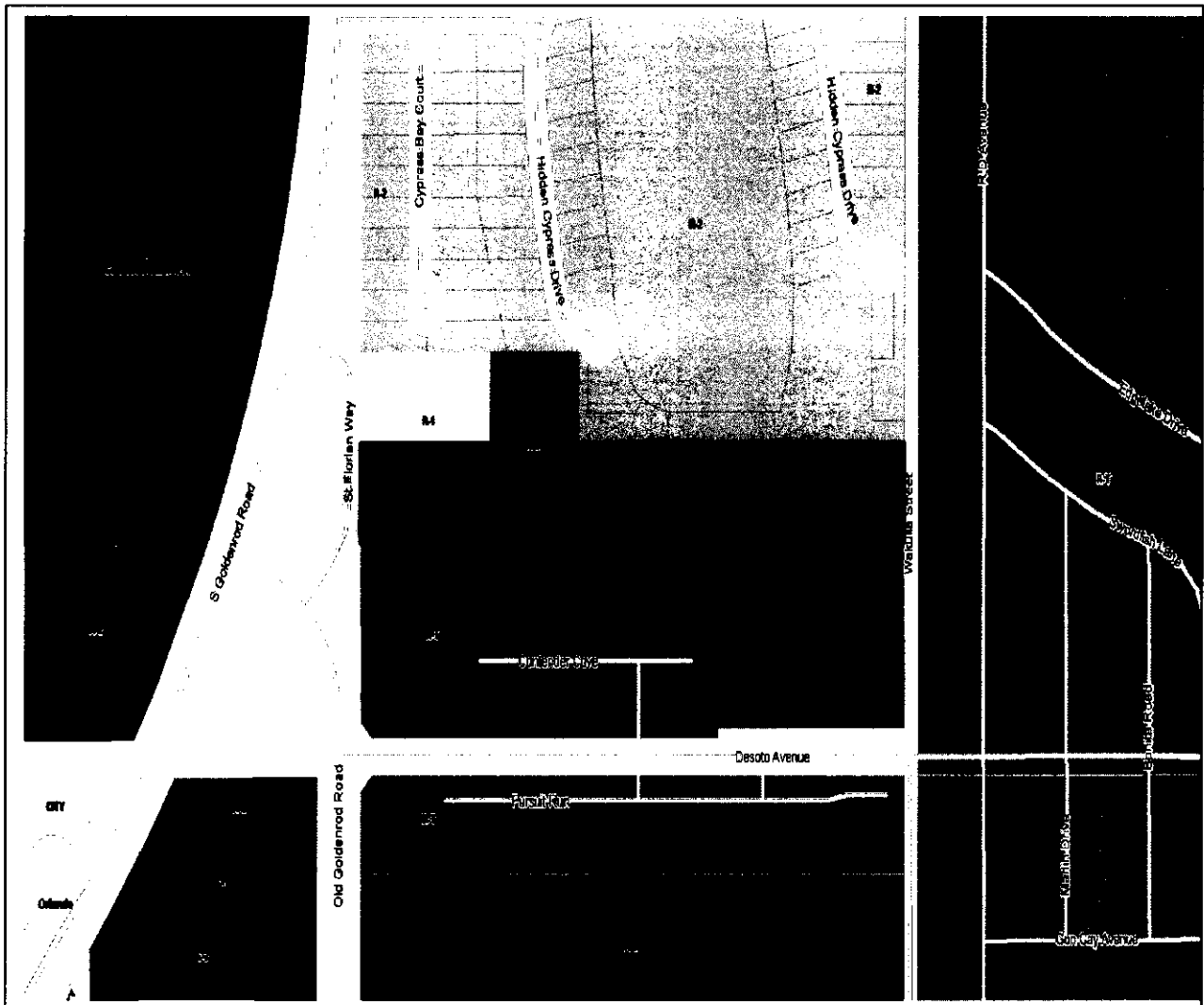
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Prior to the issuance of any development permits for the fellowship building, the applicant shall install a six (6) foot high vinyl fence as depicted on site plan dated "received October 10, 2016";
5. Landscaping shall be in accordance with Chapter 24, Orange County Code;
6. No more than four (4) outdoor special events. Hours of said events shall be from 9:00 a.m. to 9:00 p.m.;
7. Outdoor sound devices and any amplification of sound are prohibited except during outdoor special events;
8. Second Harvest Food Bank and food pantry shall operate each Wednesday from 4:00 p.m. to 8:00 p.m. The meals shall be distributed off-site. No meals are to be served on-site as part of this program;
9. The fellowship hall building shall be setback a minimum of nineteen (19) feet from the north property line; and,
10. Construction plans shall be submitted within three (3) years of Orange County approval.

SYNOPSIS: The applicant is proposing a 2-phase religious use project. The only access to the site is from St. Florian Way. Traffic to and from the proposed church will not compete with any residential traffic.

Staff gave a favorable presentation.

Discussion ensued regarding the food pantry, special events, and the timing of submitting plans. The BZA amended the conditions.

There was no opposition.



Applicant: Church of the Sower

BZA Number: SE-16-12-155

BZA Date: 12/01/2016

District: 3

Sec/Twn/Rge: 14-23-30-SE-D

Tract Size: 4.52 acres

Address: 4415 St. Florian Way, Orlando FL 32822

Location: East side of St. Florian Way, 200 ft. east of S. Goldenrod Road, north of Desoto Avenue



Civil Engineering Design Studio, Inc.

October 11, 2016

Mr. Rocco Relvini
Chief Planner
BZA Coordinator
Orange County Government
201 S. Rosalind Avenue
1st Floor
Orlando, FL 32802

Re: Church of the Sower
Parcel ID No. 14-23-30-5240-24-052
Request for Special Exception Approval
Tri³ Project #2016.048

Dear Mr. Relvini:

TRI³ CIVIL ENGINEERING DESIGN STUDIO, INC. is pleased to submit this application for a Special Exception request for the Church of the Sower, Inc. Church of the Sower is an existing establishment located within the Central Florida area that would like to construct a new place of worship at 4415 St. Florian Way, located within unincorporated Orange County, Florida.

The Church of the Sower will proposed to construct this project in two (2) Phases. Phase 1 would include a new 1-story, 12,500 sf, 248 seat Sanctuary building that will also provide administrative office space and Sunday School classrooms. Also included in Phase 1 would be the 96 space parking lot, pedestrian walkways, and a stormwater retention area. Phase 2 would include a new 1-story, 8,500 sf Fellowship Hall. The parking and stormwater management proposed in Phase 1 would accommodate the future Phase 2 expansion.

There is a 1.87 acre wetland area within the parcel limits. The applicant is not proposing to permanently impact these wetlands.

The Phase 2 Fellowship Hall building, which is proposed to be located on the east side of the proposed parking lot, is south of and adjacent to a single family residence within the Golden Lake Community. On Monday, September 26th, Pastor Jorge Figueroa and I met with Mr. Austin Wyllie, President of the Golden Lake HOA to discuss this project. Mr. Wyllie stated that he personally was in favor of the project and that he would speak to the HOA Board members about our project. He also mentioned that he had spoken to the homeowner residing closest to the Phase 2 Fellowship Hall about this project and indicated to us that the homeowner was also in favor of the project.

As you will notice on our site plan, the Phase 2 Fellowship Hall building has been situated approximately 19 feet from the north property line. Because of the long narrow width of this parcel, placement of the dumpster and access was limited. The location of the Phase 2 building and dumpster has been placed such that the dumpster is located away from the north property line and most accessible for garbage truck pick-up and maneuverability. Keeping in mind that the building setback to the north property line is only 10 feet, we placed the building 19 feet away and as far south as possible. We have been in touch with the homeowner, who is out of the County at the moment. We are making an effort to obtain a non-objection letter from the

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Zoning Division

residence closest to the Phase 2 Fellowship Hall and upon receipt of this non-objection letter, we will forward this to you immediately for review and consideration.

The completed Orange County Board of Zoning Adjustment (BZA) application for this special exception request is provided herewith along with the following checklist of items per page 12 of the application:

1. Detailed cover letter – ***Provided***
2. Property appraiser map outlining subject property – ***See "Attachment A" which was downloaded from the Orange County Property Appraisers website.***
3. Parcel identification number of the subject property - ***See "Attachment A" which was downloaded from the Orange County Property Appraisers website.***
4. Two (2) copies of the site plan drawn by a licensed professional. – ***Two (2) copies of the site plan on 24x36 sheets are provided.***
 - a. Boundary of subject property – ***A Map of Boundary/Topographic Survey is provided. This plan was prepared by Leading Edge Land Services, Inc.***
 - b. Existing uses and structures, including amount of existing square footages – ***The subject parcel is undeveloped. Refer to the Boundary and Topographic Survey.***
 - c. Proposed uses and structures – ***Refer to the site plan provided on Sheets C-200 and C-201.***
 - d. Building setbacks from all property lines – ***Building setbacks and property lines are provided on Sheets C-200 and C-201.***
 - e. Existing and proposed parking spaces and drive isles – ***The parcel is currently undeveloped. Refer to Sheets C-200 and C-201 for location of proposed parking and drive isles.***
 - f. Indicate if existing and proposed parking facilities are paved or unpaved – ***All parking shall be paved. Refer to Sheets C-200 (noted) and C-201.***
 - g. Proposed hours and days of operation – ***Proposed services will be held on Wednesdays from 7:00 to 8:30 pm and Sundays from 10:30 am to noon. Administrative offices shall be open daily during normal business hours. Sunday school shall take place only during Wednesday and Sunday services.***
 - h. Existing and proposed entrances – ***There is only one entrance proposed to this parcel; from St. Florian Way.***
 - i. Existing and proposed landscaping, fencing and trees – ***Refer to Sheets C-200 and C-201 for proposed fence location. Refer to Sheet L1 and L2 for the Preliminary Landscape plan.***

P.O. Box 521120 Longwood, Florida 32752-1120
phone: 407-647-6690 fax: 407-265-9887

- j. All existing and proposed outdoor activities and special events – ***The church will provide Sunday School activities for children ranging from infants to teens. Sunday School activities shall take place within the Phase 1 Sanctuary building and during the Sunday services. In addition, the Church of the Sower works in partnership with Second Harvest Food Bank and provides a food pantry that is open every 1st Wednesday each month from 4:00 – 8:00 pm. There may be up to six (6) community outreach special events at the Church throughout the year.***
- k. Floor plan – ***Floor plans for the Phase 1 and Phase 2 buildings are provided.***
- l. Building height in feet of all structures (existing and proposed) – ***The proposed building heights are provided on Sheet C-200.***
- m. Indicate the number of proposed and existing seats, patrons, congregation, children, clients, students, employees, teachers, instructors, customers, and members – ***The Sanctuary shall seat 248 congregation members. The number of Sunday School students shall range depending on the members attending services that day. There will be no day care activities or private school activities proposed.***
- n. Elevation plans for all proposed structures (to scale) – ***Color elevations for both the Phase 1 and Phase 2 buildings are provided.***
- 5. For all religious institutions/non-profit organizations, Articles of Incorporation must be submitted – ***Provided as Attachment B.***
- 6. An 8 ½" x 11" reduction of the site plan referenced in #4 above – ***Provided.***
- 7. Provide documents required for a special exception application for a solid waste management facility – ***n/a***

We would like to thank you in advance for your time spent reviewing this request for a Special Exception. Please feel free to contact me should you have questions or require additional information to complete your review of this package.

Very truly yours,

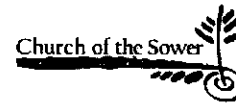
TRI³ CIVIL ENGINEERING DESIGN STUDIO, INC.



Constance A. Owens P.E., LEED AP
President

Cc: Pastor Jorge Figueroa, Church of the Sower, Inc.

P.O. Box 520062 Longwood, Florida 32752-0062
phone: 407.488.9456 fax: 407.265.9887



Jorge Figueroa
Church of the Sower
6901 TPC Drive #450
Orlando, FL 32822
October 31, 2016

Rocco Relvini
Chief Planner
Zoning Division
201 S. Rosalind Avenue,
Orlando, FL 32801

Dear Rocco Relvini :

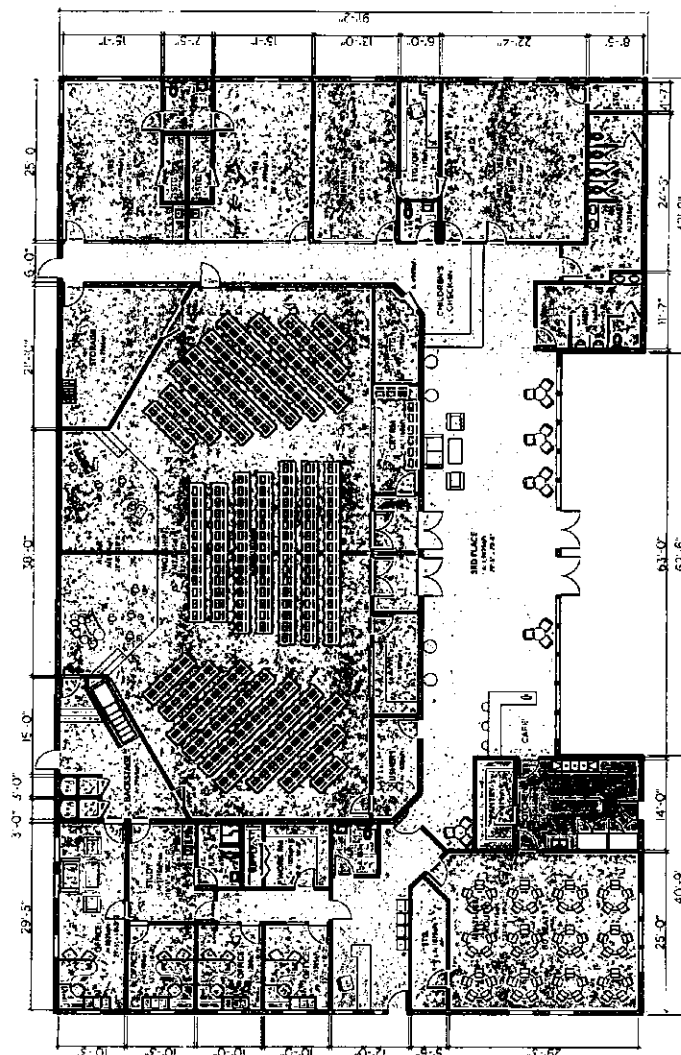
You recently requested a list of activities from Church of the Sower. Here is list of our activities in addition to regularly scheduled Sunday & Wednesday services.:

- Vacation Bible School (VBS) one week each summer.
- Neighborhood cookout's, community breakfasts and Sunday brunch's.
- Easter Egg Hunts, outdoor community picnics, book fairs, arts and craft fairs, health fairs, and Back-to-School Backpacks and Back to School supply drives.
- Fun family events such as Fall and Harvest festivals with music and games, family centered sporting activities, carnival games and rides, and bounce houses.
- Family Nights including movie nights.
- Community Wide Blood Drives.
- Food Pantry- in partnership with Second Harvest Food Bank we provide meals to needy families in the Greater Orlando area.
- Lighthouse Church- Samaritans Purse assists local churches and communities during disaster relief situations by staging equipment, staff and volunteers within twenty miles of an affected area. This will benefit the community we serve during times of emergency.

Thank you for giving us the opportunity to show our desire in serving the residents of our community.

Sincerely,

Jorge Figueroa
Lead Pastor



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OCT 10 2016
Zoning Division



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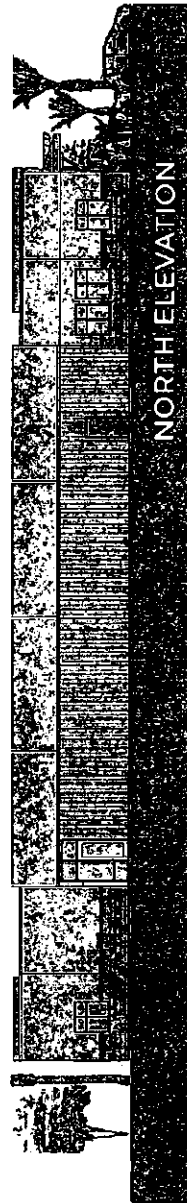
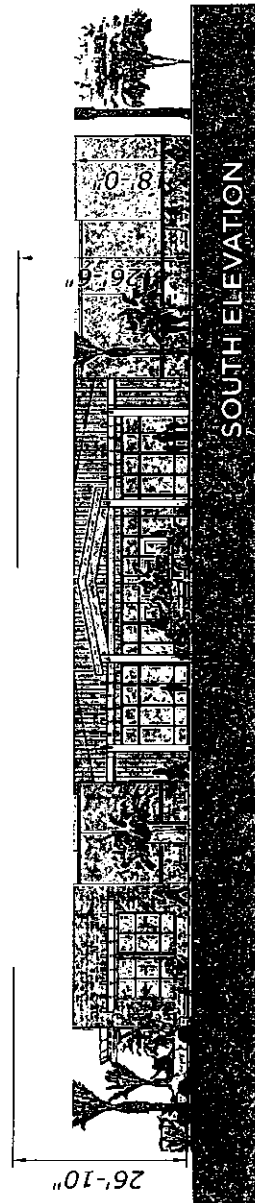


10/5/16

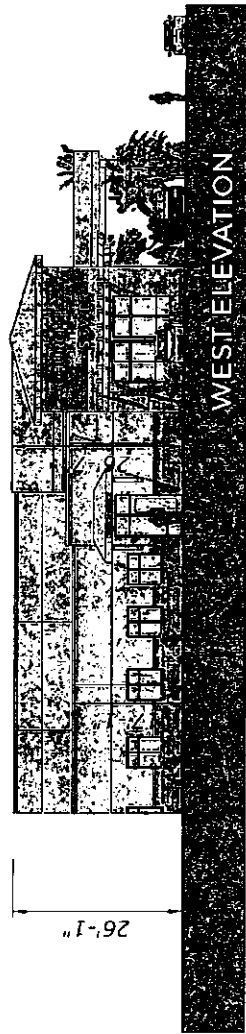
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Church of the Sower - Orlando, FL

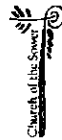




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OCT 10 2016
Zoning Division



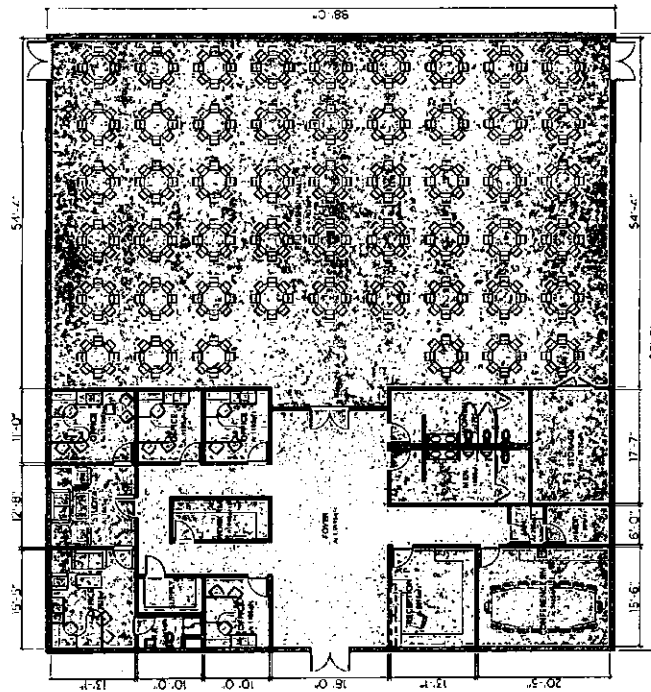
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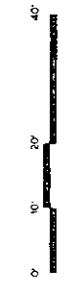
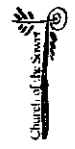
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Elevations
Church of the Sower - Orlando, FL

COLLAGE

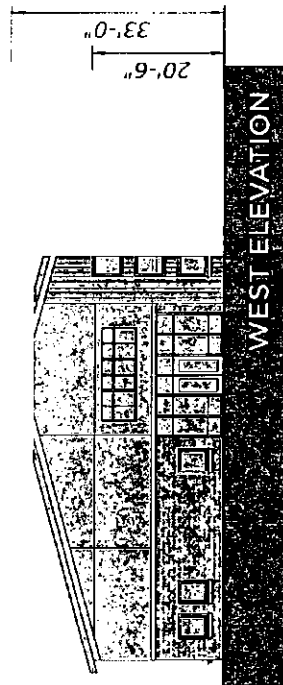


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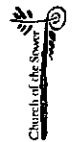


Multi-Use Facility SCALE 1/8"=1'-0" 10/5/16
Church of the Sower - Orlando, FL





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10/5/16

SCALE: 1/16"=1'-0"

Church of the Sower - Orlando, FL

Elevations

COLLAGE



STAFF REPORT
CASE #SE-16-12-155
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
December 1, 2016
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Church of the Sower

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-2 zoning district to construct a religious use facility

(Note: The project will consist of 2 phases. It will include a new 1 story 12,500 sq. ft. sanctuary with 248 seats; a 8,500 sq. ft. fellowship hall building; 96 paved parking spaces; administrative offices; Sunday school classrooms and Second Harvest Food Bank 1st Wednesday of each month.)

LOCATION: East side of St. Florian Way, 200 ft. east of S. Goldenrod Road, north of Desoto Avenue

PROPERTY ADDRESS: 4415 St. Florian Way

PARCEL ID: 14-23-30-5240-24-052

PUBLIC NOTIFICATION: 64

TRACT SIZE: 4.52 acres

DISTRICT #: 3

ZONING: A-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Religious use facility; 2 phases; Ph. 1 = One story 12,500 sq. ft. sanctuary; Ph. 2 = One story 8,500 sq. ft. fellowship hall

SURROUNDING USES: To the north is a County Fire Station. To the south is a vacant parcel. To the east are wetlands and to the west is St. Florian Way.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing a two (2) phase religious use campus. Phase 1, will include a new 1-story 12,500 sq. ft., 248 seat sanctuary. Administrative offices and Sunday school classrooms will be located inside this building as well. Phase 2, will entail a 1-story, 8,500 sq. ft. fellowship hall building.
2. No impacts to the wetlands are proposed.
3. The project is adjacent to an existing fire station to the north and a vacant parcel to the south. It is located on St. Florian Way which provides access to only two (2) parcels, the fire station and the subject property. The applicant proposes a six (6) foot high vinyl fence adjacent to the fellowship hall building to buffer the closest home to the north. With the adjacent fire station to the north, the limited access onto St. Florian Way and the six (6) foot high vinyl fence, this request is compatible with the adjacent uses. Staff has no objection to this request.
4. The applicant is providing paved parking and storm water retention.
5. Conditions need to be imposed to address outdoor special events and sound.
6. Staff has concerns about the food pantry element of this project. If the applicant intends to cook meals and distribute throughout the community, then staff has no objections. If the applicant intends to serve meals on site to citizens who travel to this site, then staff has concerns about the residual impacts to the surrounding areas and homes.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated October 10, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Prior to the issuance of any development permits for the fellowship building, the applicant shall install a six (6) foot high vinyl fence as depicted on site plan dated "received October 10, 2016";
5. Landscaping shall be in accordance with Chapter 24, Orange County Code;
6. No more than four (4) outdoor special events. Hours of said events shall be from 9:00 a.m. to 9:00 p.m.;
7. Outdoor sound devices and any amplification of sound are prohibited;
8. Second Harvest Food Bank and food pantry shall operate the 1st Wednesday of each month from 4:00 p.m. to 8:00 p.m. The meals shall be distributed off-site. No meals are to be served on-site as part of this program;
9. The fellowship hall building shall be setback a minimum of nineteen (19) feet from the north property line; and,
10. Construction plans shall be submitted within two (2) years of Orange County approval.

cc: Constance A Owens (Applicant's Representative)
P.O. Box 520062
Longwood, Florida 35752-0062

NEIL PERAZA
VA-16-12-159

REQUEST: **Variance** in the P-D zoning district to construct a 1-story addition to a single family residence 5 ft. from the rear property line in lieu of 25 ft. (Note: The property is odd-shaped and has two rear property lines. The applicant submitted 2 letters of support from adjacent property owners.)

ADDRESS: 14066 Sobrado Drive, Orlando FL 32837

LOCATION: Northwest side of Sobrado Dr., east side of Hunter's Vista Blvd.

S-T-R: 30-24-29

TRACT SIZE: 103 ft. x 166 ft. (AVG)

DISTRICT#: 1

LEGAL: HUNTERS CREEK TRACT 511 & HUNTERS VISTA BLVD PHASE 2
41/63 LOT 111

PARCEL ID: 30-24-29-3869-01-110

NO. OF NOTICES: 83

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 5-0, and 1 abstained):

1. Development in accordance with site plan dated October 11, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,

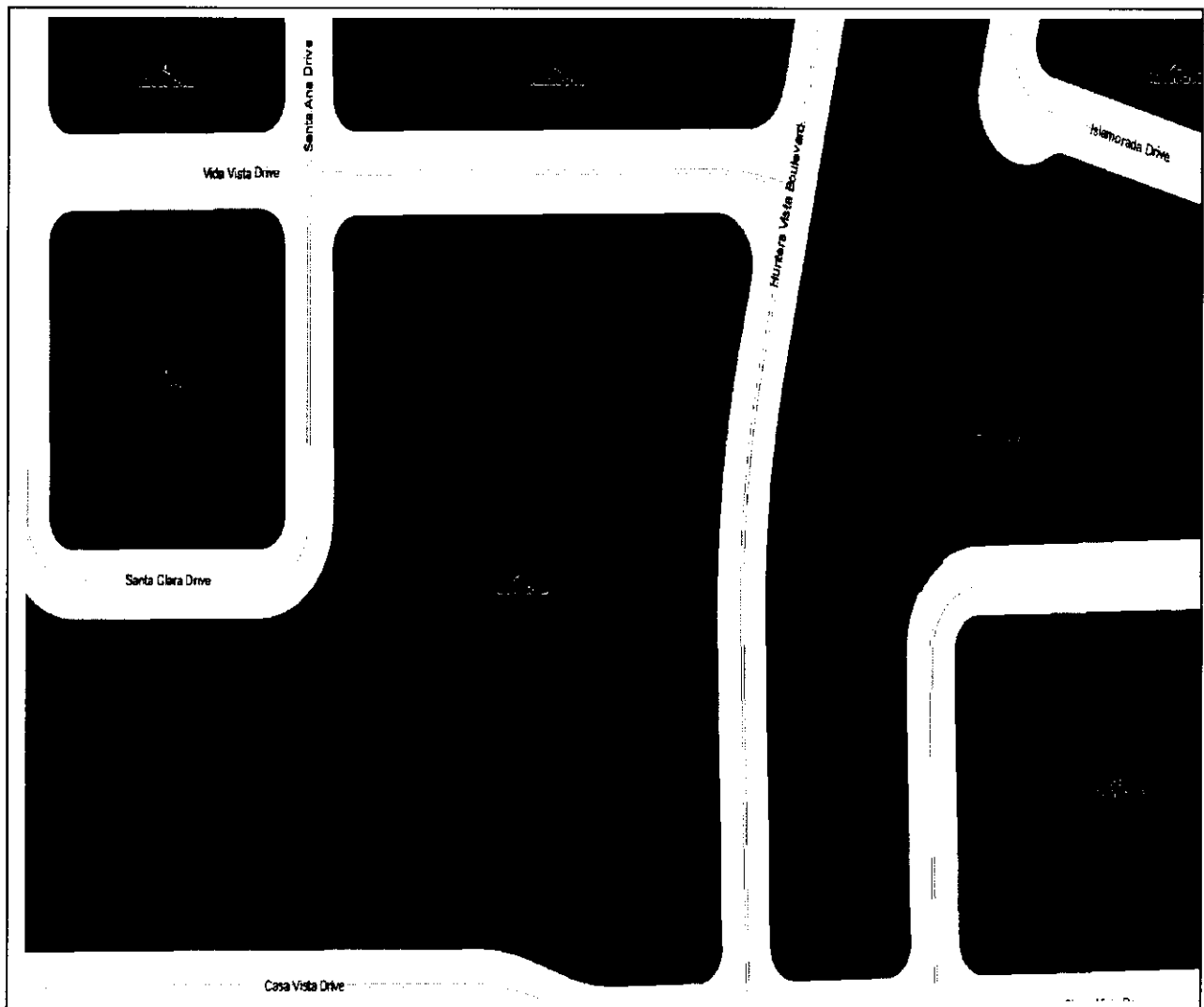
4. The design of the addition shall be consistent with the design of the main house.

SYNOPSIS: Staff gave a brief presentation on the case, covering the location, lot layout, and photos.

The applicant agreed with the staff report, and stated that the addition is for his mother. The neighbors are in favor.

The BZA clarified the location of the construction, and where the five (5) feet setback will be. They also confirmed that there are two (2) rear property lines and setbacks; and, that this unusual circumstance constitutes a hardship which meets the variance criteria.

Staff received two (2) commentaries in favor of the application and none in opposition. There was no opposition at the hearing.



Applicant: Neil Peraza

BZA Number: VA-16-12-159

BZA Date: 12/01/2016

District: 1

Sec/Twn/Rge: 30-24-29-SW-C

Tract Size: 103 ft. x 166 ft. (AVG)

Address: 14066 Sobrado Drive, Orlando FL 32837

Location: Northwest side of Sobrado Dr., east side of Hunter's Vista Blvd.

October, 9th, 2016

To: Orange County Zoning Division

Re: Variance request for 5' proposed rear setback for a new addition
Neil J Peraza and Elizabeth A Peraza
14066 Sobrado Dr, Orlando, FL 32837

We are proposing a one story addition to the rear /side of our existing home. This addition will be constructed of concrete block and stucco finish with asphalt shingle roof to match the existing home.

Our property has plenty of room due to its irregular shape and size, however, the current 25' rear setback does not allow for the addition. The addition will be located 5'-1" feet from the rear / side property line, and over 50' from the rear/ street setback. We are keeping the 25' rear/ street setback as is. The new addition will be approximately 63.3' to any adjacent structure. It will be approx. 17' tall to the peak of the roof, and is approximately 900 total sq.ft: including 580 a/c spaces.

Attached are overhead views, an existing survey, a proposed survey, detailed plans, as well as letters of approval from our adjacent neighbors.

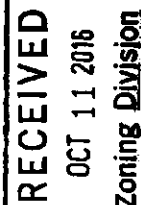
This addition must be on the ground floor due to my elderly mother moving in with us after the passing of my father. We cannot place the new bedroom suite in any other location on the site. Also, this location has the least impact for any of our neighbors and the tall hedge will remain intact to keep privacy for both us and our neighbors. The rear view from any of our neighbors.

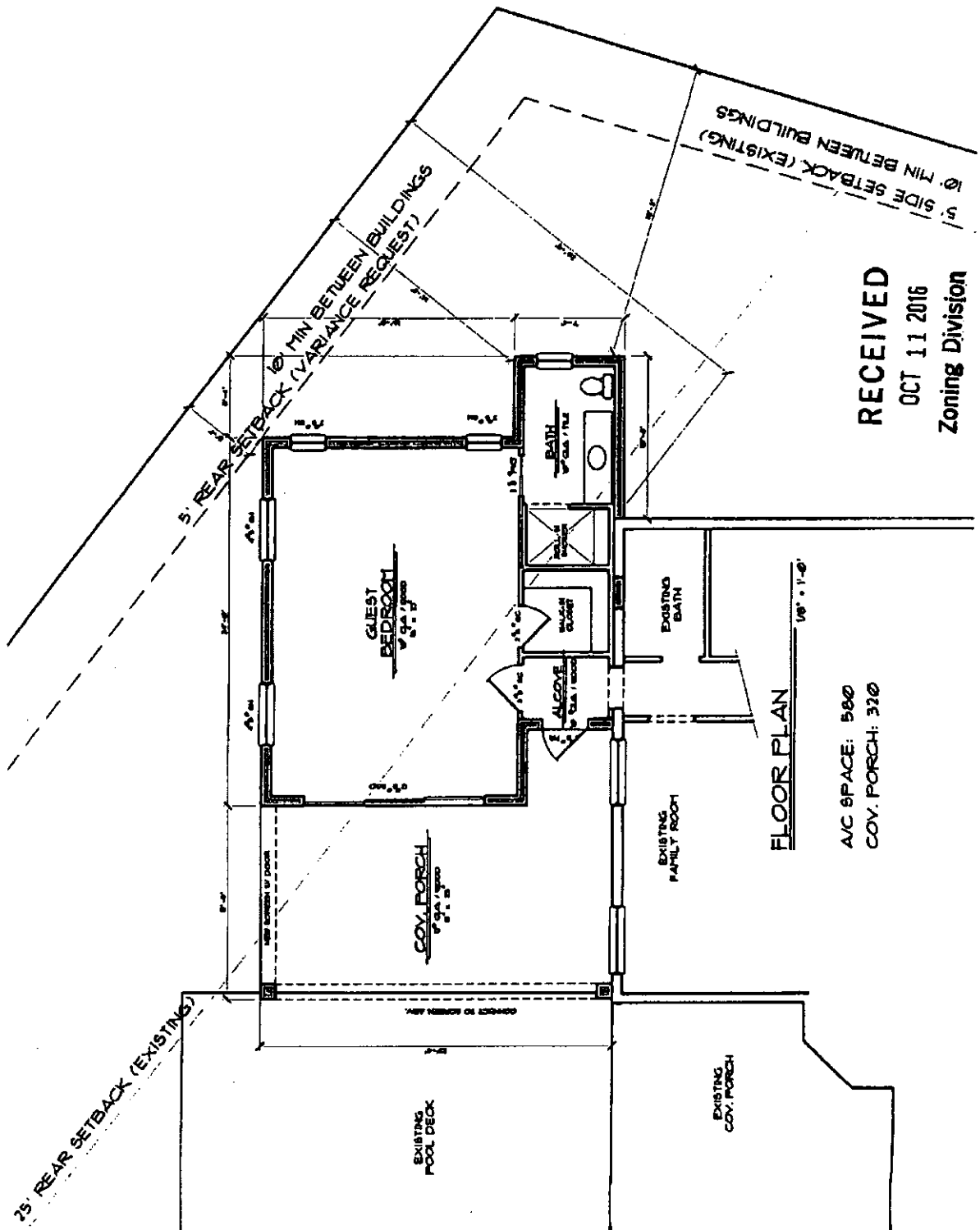
Also attached are letters of approval from our rear and side neighbors which the addition is located.

Sincerely,

Neil J Peraza

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OCT 11 2016
Zoning Division

FLOOR PLAN
A/C SPACE: 580
COV. PORCH: 320



STAFF REPORT
CASE #VA-16-12-159
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
December 1, 2016
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Neil Peraza

REQUEST: Variance in the P-D zoning district to construct a 1-story addition to a single family residence 5 ft. from the rear property line in lieu of 25 ft.

(Note: The property is odd-shaped and has two rear property lines. The applicant submitted 2 letters of support from adjacent property owners.)

LOCATION: Northwest side of Sobrado Dr., east side of Hunter's Vista Blvd.

PROPERTY ADDRESS: 14066 Sobrado Dr.

PARCEL ID: 30-24-29-3869-01-110

TRACT SIZE: 103 ft. x 166 ft. (AVG)

DISTRICT #: 1

ZONING: P-D

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes an addition to a single family residence. A variance is requested from one of the rear yard setbacks.
2. The applicant needs to construct the addition on the ground floor due to their elderly mother coming to live with them.
3. The property is odd-shaped and has two (2) rear property lines/rear setbacks. This constitutes a valid hardship on the land.

4. The applicant has agreed to construct the addition to match the existing house.
5. The most impacted neighbors have signed letters of no objection to this proposal.
6. Staff has no objections to this request as it meets the variance criteria.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated October 11, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The design of the addition shall be consistent with the design of the main house.

cc: Neil Peraza
1400 Sobrado Drive
Orlando, Florida 32837

MARTHA DOWDELL MCCRAY
SE-16-12-158

REQUEST: **Special Exception and Variances** in the R-T-1 zoning district as follows:
1) Special Exception: To allow an Accessory Dwelling Unit (ADU) for applicant's son;
2) Variance: To allow a 728 sq. ft. ADU in lieu of 367.2 sq. ft.; and,
3) Variance: To validate size of existing home of 816 sq. ft. in lieu of 1000 sq. ft.
(Note: Zoning regulations limit the size of ADU's to 45% of living area of main house. Main house contains 816 sq. ft. of living area).

ADDRESS: 632 East 13th Street, Apopka FL 32703

LOCATION: South side of 13th St., west of S. Sheeler Ave.

S-T-R: 15-21-28

TRACT SIZE: 2 acres

DISTRICT#: 2

LEGAL: W 210 FT OF E 453 FT OF S 420 FT OF N3/4 OF NW1/4 OF SE1/4 OF SEC 15-21-28

PARCEL ID: 15-21-28-0000-00-149

NO. OF NOTICES: 40

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78; and, **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0):

1. Development in accordance with site plan dated October 11, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a non-relative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first;
6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations; and,
7. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

SYNOPSIS: Staff gave a presentation on the case, covering the location, the site plan, and photographs.

The applicant needed clarification on the conditions of approval.

The BZA confirmed the house was built prior to zoning, and that access was through an easement.

Staff received one (1) commentary in favor of the application and none in opposition. There was no opposition at the hearing.

The BZA approved the variance.



Applicant: Martha Dowdell McCray

BZA Number: SE-16-12-158

BZA Date: 12/01/2016

District: 2

Sec/Twn/Rge: 15-21-28-SE-D

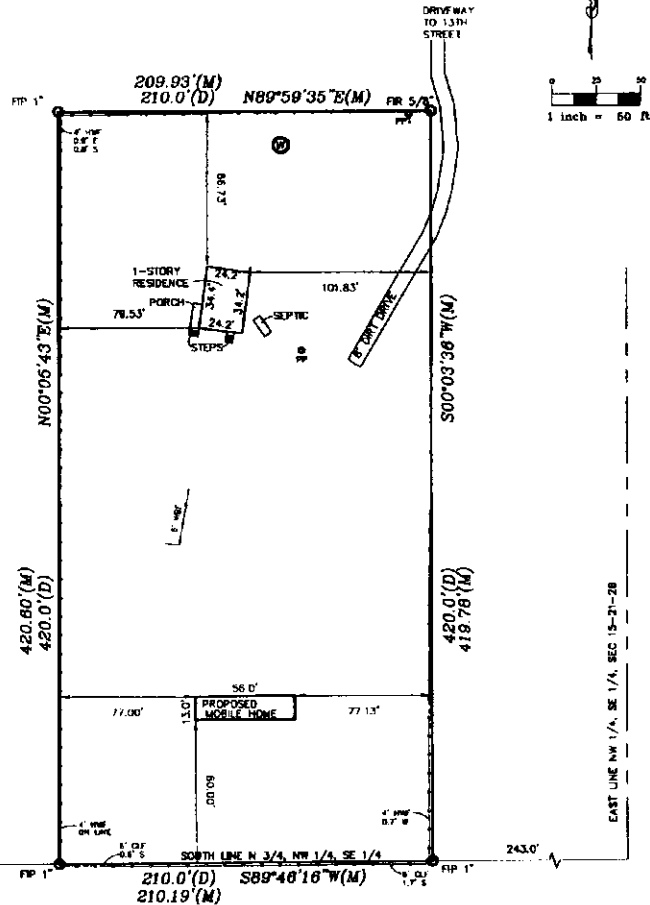
Tract Size: 2 acres

Address: 632 East 13th Street, Apopka FL 32703

Location: South side of 13th St., west of S. Sheeler Ave.



LEGAL DESCRIPTION
THE WEST 210 FEET OF THE EAST 450 FEET OF THE SOUTH 420 FEET
OF THE NORTH 3/4 OF THE NW 1/4 OF THE SE 1/4 OF SECTION 16,
TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA.



PROPERTY ADDRESS:
632 E. 13TH STREET
APOKA, FL 32703

LEGEND & ABBREVIATIONS

FIR = FOUND IRON ROD
 FIP = FOUND IRON PIPE
 SRR = SET IRON ROD
 CMON = CONCRETE MONUMENT
 N/D = NAIL & DISK
 PSM = PROFESSIONAL SURVEYOR
 M = MAPPER
 R/W = RIGHT OF WAY
 E/P = EDGE OF PAVEMENT
 PP = POWER POLE
 CONC = CONCRETE
 A/C = AIR CONDITIONER
 CLF = CHAIN LINK FENCE
 WBF = WOOD BOARD FENCE
 SFC = SECTION
 LB = LICENSED BUSINESS
 (M) = MEASURED
 (M) = FIELD MEASURED
 CL = CENTERLINE

SURVEYOR'S NOTES:

1. BASIS OF BEARING - THE SOUTH LINE OF THE NORTH 3/4, OF THE NORTHWEST 1/4, OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, AS BEING SOUTH 89°48'16" WEST.
 2. DATE OF FIELD SURVEY: SEPTEMBER 22, 2016; ADD MOBILE HOME 10/8/16.
 3. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING SURVEYOR.
 4. PROPERTY LINES SHOULD NOT BE ESTABLISHED USING FENCE OR BUILDING TIES.
 5. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, BURIED UTILITIES, FOUNDATIONS AND FOOTERS WERE LOCATED.
 6. NO TITLE COMMITMENT WAS PROVIDED, NOR DID THIS SURVEYOR ABSTRACT THESE LANDS.

7. SURVEY FILE NUMBER: 16-08-044

BOUNDARY SURVEY

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 56-17 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 422.027 FLORIDA STATUTES.

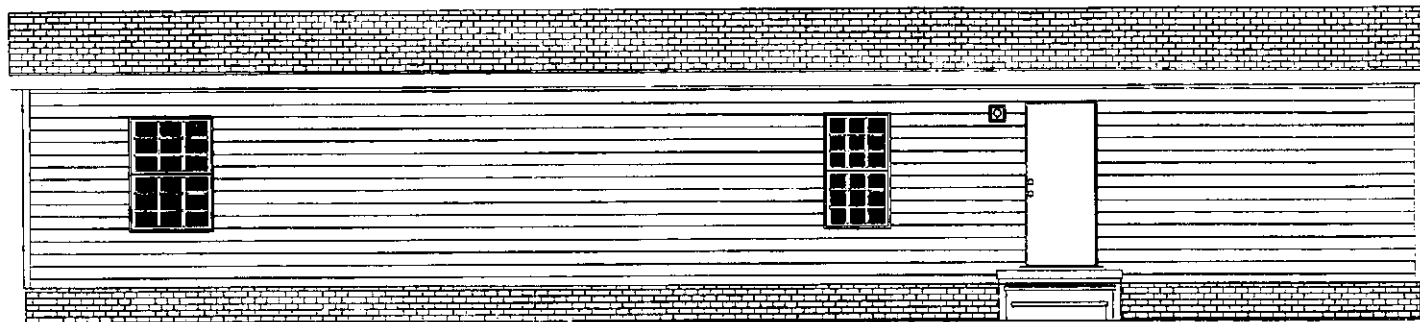
FAIRBANKS, P.S.M., 15/0557
 H&H SURVEY CONSULTANTS, LLC (LR 7821)

5630 S. Lake Burkett Lane, Winter Park, FL 32782

www.HHFSurvey.com

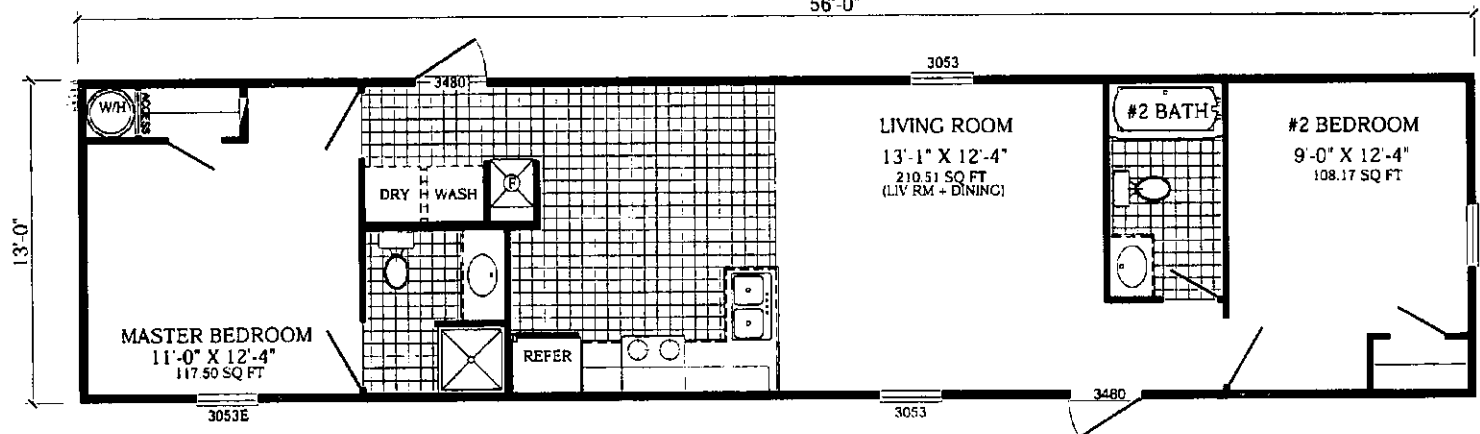
(407) 637-5571

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SHOWN WITH OPTIONAL WINDOW LINEALS

56'-0"



L-4562A

2-BEDROOM / 2-BATH

14 X 56 - Approx. 728 Sq. Ft.

Date: 2-18-2014

* All room dimensions include closets and square footage figures are approximate.

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**ORANGE COUNTY
ZONING DIVISION**

October 10, 2016

Martha Dowdell McCray
632 East 13th Street
Apopka, Florida 32703

Orange County Board of Zoning Adjustment (BZA)
201 South Rosalind Ave.
Orlando, Florida 32801

Re: **Account No. RZ-16-08-027 Parcel ID#15-21-28-0000-00-149**
632 East 13th Street
Apopka, Florida 32703

Dear Sir or Madam:

I'm applying for a special exception for an Accessory Dwelling Unit and variance for the A.D.U. to exceed 45% of the square footage of the main house. The existing house is 816 square feet proposed A.D.U. is 728 square feet, code is minimum 400 square feet so variance for additional 328 square feet is requested.

We're elderly and would like to have our son live on property with us to look after us, with my health failing and high blood pressure problems. My husband has had knee replacement surgery and prostate cancer and we both need assistance with medications. We're not able maintain property any longer. My son is also owner of this property. This unit will never be rented or leased out. This is family property, one son Anthony Williams passed January 2009.

On June 8, 2016 started process to get loan for mobile home all of this has been approved and a down payment has been made. I paid down on this mobile home June 2016, not really knowing what had to be done, until mobile home company applied for a permit. The permit was not granted.

I've gone through many formalities to get a mobile home placed on property that I own with my son. I was told by Planning the first step was to apply for rezoning from R1 to RT1. This home is to be placed at 632 E. 13th Street. The property has been surveyed, total 2.02 acrages. I was asked to get the property split to allow for a mobile home, that has been done, also a **15 feet easement for access**, this has been done. This will be a permanent home at this location. At this time we've paid out an money not in our budget to meet what the county zoning department has asked over the last months.

The hearing for approval of RT1 was August 18, 2016; after that hearing the easement changed to needing a **40 feet deed of ownership** to have access to property. Please reconsider this, I misunderstood the definition of some of the words on paperwork.

I'm hoping this special exception from Orange County Board of Zoning will be approved. Any other alternatives and solutions you could provide would also be greatly appreciated. "Please contact me at (407) 880-3809 if you have any questions. Thank you for your time and consideration."

Sincerely,

Martha Dowdell McCray

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OCT 11 2016
ORANGE COUNTY
ZONING DIVISION



STAFF REPORT
CASE #SE-16-12-158
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
December 1, 2016
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Martha Dowdell McCray

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the R-T-1 zoning district as follows:

1) Special Exception: To allow an Accessory Dwelling Unit (ADU) for applicant's son;
2) Variance: To allow a 728 sq. ft. ADU in lieu of 367.2 sq. ft.; and,
3) Variance: To validate size of existing home of 816 sq. ft. in lieu of 1000 sq. ft.

(Note: Zoning regulations limit the size of ADU's to 45% of living area of main house. Main house contains 816 sq. ft. of living area).

LOCATION: South side of 13th St., west of S. Sheeler Ave.

PROPERTY ADDRESS: 632 E. 13th Street

PARCEL ID: 15-21-28-0000-00-149

TRACT SIZE: 2 acres

DISTRICT #: 2

ZONING: R-T-1

EXISTING USE(S): Mobile home

PROPOSED USE(S): ADU

SURROUNDING USES: N – Vacant
S – Vacant
E – Single Family Residence
W - Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting approval of a Special Exception for a detached Accessory Dwelling Unit (ADU) for family use.
2. The applicant is proposing a two (2) bedroom, two (2) bathroom mobile home, to be occupied by family.
3. The property is 2.02-acres and is set back over 500 feet from the adjacent roadway, and the ADU will be located over 800 feet from the adjacent roadway, and will not be visible.
4. The proposed ADU will comply with all requirements for a Special Exception and the requirements found in Chapter 38 of the Orange County Code.
5. The applicant is advised that additional impact fees will be assessed in accordance with ADU regulations.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated October 11, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Construction plans shall be submitted to Orange County within three (3) years or this approval becomes null and void;
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first;
6. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations; and,
7. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

cc: Martha Dowdell McCray
185 West 7th Street
Apopka, Florida 32703

MIGUEL PEREZ
SE-16-12-160

REQUEST: **Special Exception** in the C-1 zoning district to allow a food truck; and, **Variance** to allow a 8 ft. x 10 ft. food truck in lieu of a minimum of 7 ft. x 14 ft.

ADDRESS: 7236 Clarcona Ocoee Road, Orlando FL 32818

LOCATION: South side of Clarcona Ocoee Rd., approximately 660 ft. west of Lakeville Rd.

S-T-R: 35-21-28

TRACT SIZE: 283 ft. x 232 ft.

DISTRICT#: 2

LEGAL: BEG 1279.03 FT N OF S1/4 COR OF SEC RUN N 83 DEG E ALONG C/L OF RD 20.98 FT ELY 218.63 FT S 84 DEG E 150.15 FT TO POB TH CONT S 84 DEG E 279.03 FT S 247.43 FT W 285.34 FT N 278.44 FT TO POB (LESS NLY 30 FT M/L FOR RD R/W) IN SEC 35-21-28

PARCEL ID: 35-21-28-0000-00-045

NO. OF NOTICES: 119

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0):

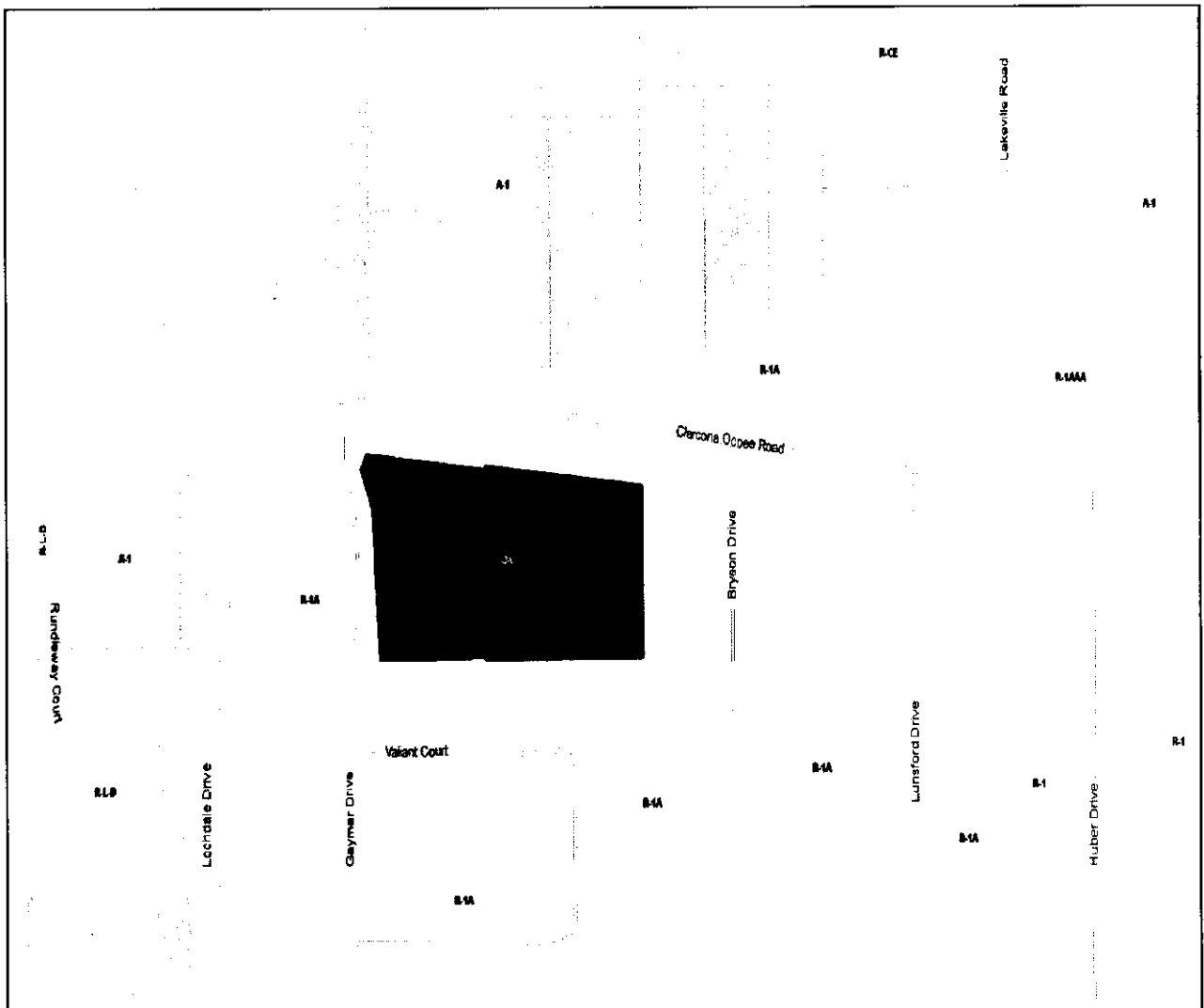
1. Development in accordance with site plan dated October 11, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Days and hours of operation shall be limited to Monday through Friday between the hours of 10:00 a.m. and 5:00 p.m. One half-(1/2) hour prior to an after hours of operation shall be allowed for set-up and break-down;
5. The food truck shall be setback a minimum of ten (10) feet from all property lines;
6. Overnight stay or storage of any supplies or materials is prohibited;
7. Audio equipment and video equipment shall be prohibited, as well as the use of any outdoor amplification of any sound;
8. Outdoor seating is prohibited;
9. Use of on or off-site signage, such as A-Frames, banners, temporary directional signs, etc., shall be prohibited;
10. No more than one (1) food truck shall be permitted on the site at any one time;
11. This approval is limited to the food truck owned and operated by the applicant, Miguel Perez;
12. Any modification of these conditions shall require action by the BZA;
13. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action; and,
14. This approval shall be in effect for five (5) years from issuance of a permit. At that time, or prior too, the applicant shall request renewal of the Special Exception.

SYNOPSIS: Staff noted that the variance was needed due to recent changes approved to the Code. Clarcona Ocoee Road is a major road, and both the subject property and the neighboring properties are zoned to accommodate restaurants including fast food within the buildings.

The applicant was in agreement with the staff recommendation and conditions of approval.

Based on past cases, the BZA wished to ensure that if there were issues with odor, trash, etc., that there would be an opportunity to reevaluate the request to determine if it should be continued. A condition was added to require that the applicant return to the BZA within five (5) years from issuance of a permit for reevaluation.



Applicant: Miguel Perez

BZA Number: SE-16-12-160

BZA Date: 12/01/2016

District: 2

Sec/Twn/Rge: 35-21-28-SE-D

Tract Size: 283 ft. x 232 ft.

Address: 7236 Clarcona Ocoee Road, Orlando FL 32818

Location: South side of Clarcona Ocoee Rd., approximately 660 ft. west of Lakeville Rd.

October 10, 2016

To whom it may concern,

Thank you for taking the time to review the proposal for my food truck Down South Taco. I plan to have my truck open for business Monday to Friday from 10:00am to 5:00 pm. I will need a half a hour before the start of business to set up, clean and prep the food for the day. During the day I will have tacos, ribs and chicken available for sale. I will need a half an hour at the end of the day to close out the day, clean and put food away.

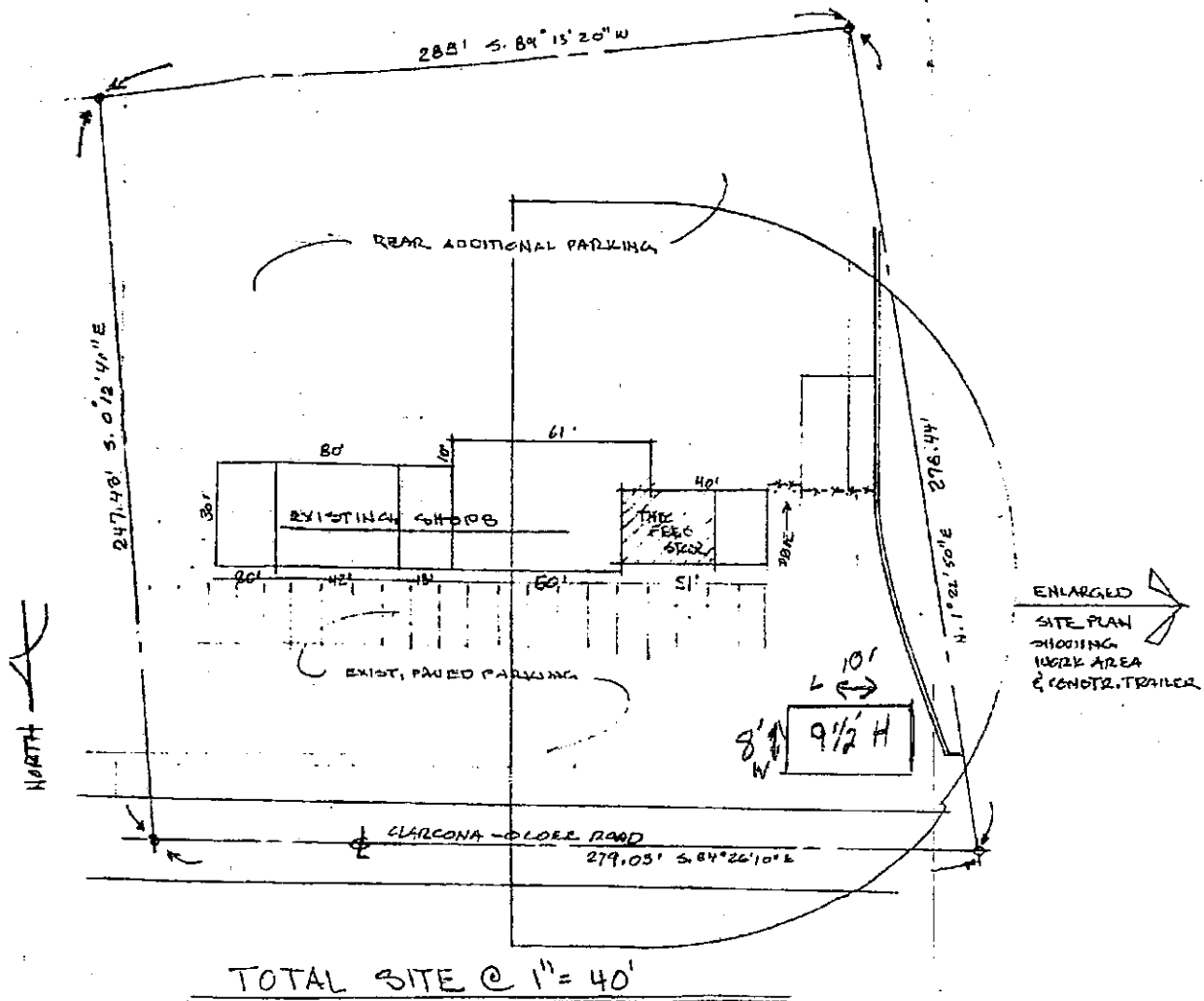
If you have any questions please feel free to ask.

Sincerely,

Miguel Angel Perez
Down South Taco
7318 Ednitas Way
Orlando, FL 32818
Phone (407) 758-3850
Mperez6132@gmail.com

RECEIVED
OCT 11 2016
Zoning Division

RECEIVED
OCT 11 2016
Zoning Division





STAFF REPORT
CASE #SE-16-12-160
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
December 1, 2016
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Miguel Perez

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the C-1 zoning district to allow a food truck and Variance to allow an 8 ft. x 10 ft. food truck in lieu of a minimum of 7 ft. x 14 ft.

LOCATION: South side of Clarcona Ocoee Rd., approximately 660 ft. west of Lakeville Rd.

PROPERTY ADDRESS: 7236 Clarcona Ocoee Rd.

PARCEL ID: 35-21-28-0000-00-045

TRACT SIZE: 283 ft. x 232 ft.

DISTRICT #: 2

ZONING: C-1

EXISTING USE(S): Retail Center

PROPOSED USE(S): Food Truck

SURROUNDING USES: N – Clarcona Ocoee Rd.
S – Single Family Residential
E – Single Family Residential
W – Commercial

STAFF FINDINGS AND ANALYSIS:

1. The applicant intends to operate his food truck Monday through Friday from 10:00 a.m. to 5:00 p.m. They will need one-half (1/2) hour of time before start and after end setup and clean-up.

2. The nearest residence to the location proposed for the food truck will be over 200 feet away.
3. The property to the immediate west is a multi-tenant commercial building.
4. There are residences located to the north across Clarcona Ocoee Road, which is a four-lane divided road in this location.
5. The zoning of the subject property would actually permit by right snack bars, drive-in restaurants, and lunch stands in the permanent buildings.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated October 11, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Days and hours of operation shall be limited to Monday through Friday between the hours of 10:00 a.m. and 5:00 p.m. One half-(1/2) hour prior to an after hours of operation shall be allowed for set-up and break-down;
5. The food truck shall be setback a minimum of ten (10) feet from all property lines;
6. Overnight stay or storage of any supplies or materials is prohibited;

7. Audio equipment and video equipment shall be prohibited, as well as the use of any outdoor amplification of any sound;
8. Outdoor seating is prohibited;
9. Use of on- or off-site signage, such as A-Frames, banners, temporary directional signs, etc., shall be prohibited;
10. No more than one (1) food truck shall be permitted on the site at any one time;
11. This approval is limited to the food truck owned and operated by the applicant, Miguel Perez;
12. Any modification of these conditions shall require action by the BZA; and,
13. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

cc: Orlando/Eileen Ramos (Applicant's Representatives)
7258 Clarcona Ocoee Road
Orlando, Florida 32818

Miguel Perez
7318 Ednitas Way
Orlando, Florida 32818

ERIC OLSON
VA-16-12-169

REQUEST: **Variances** in the R-CE zoning district as follows:
1) To construct screen room onto existing single family residence 8 ft. from the Normal High Water Elevation of Lake Down in lieu of 50 ft.;
2) To validate existing substandard parcel with .7 acres of lot area in lieu of 1 acre;
3) To validate existing lot width of 100 ft. at the building line in lieu of 130 ft.; and,
4) To validate rear yard setback of 9 ft. in lieu of 50 ft.
(Note: The home was constructed in 1966. The applicant recently purchased the home from a bank. They wish to validate all existing conditions and obtain permission to construct a screen porch overlooking Lake Down.)

ADDRESS: 3418 Downeast Lane, Windermere FL 34786

LOCATION: West side of Downeast Ln., on the eastern shores of Lake Down, west of s. Apopka Vineland Rd.

S-T-R: 09-23-28

TRACT SIZE: .7 acres

DISTRICT#: 1

LEGAL: BEG 330 FT N OF SE COR OF SE1/4 OF NE1/4 RUN S 36 FT W 70 FT S 84 DEG W 45 FT S 47 DEG W 60 FT SWLY TO A PT 100 FT N & 664 FT W OF SE COR OF SE 1/4 OF NE1/4 TH RUN N 230 FT E 664 FT TO POB IN SEC 09-23-28

PARCEL ID: 09-23-28-0000-00-023

NO. OF NOTICES: 32

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0):

1. Development in accordance with site plan dated October 12, 2016, 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

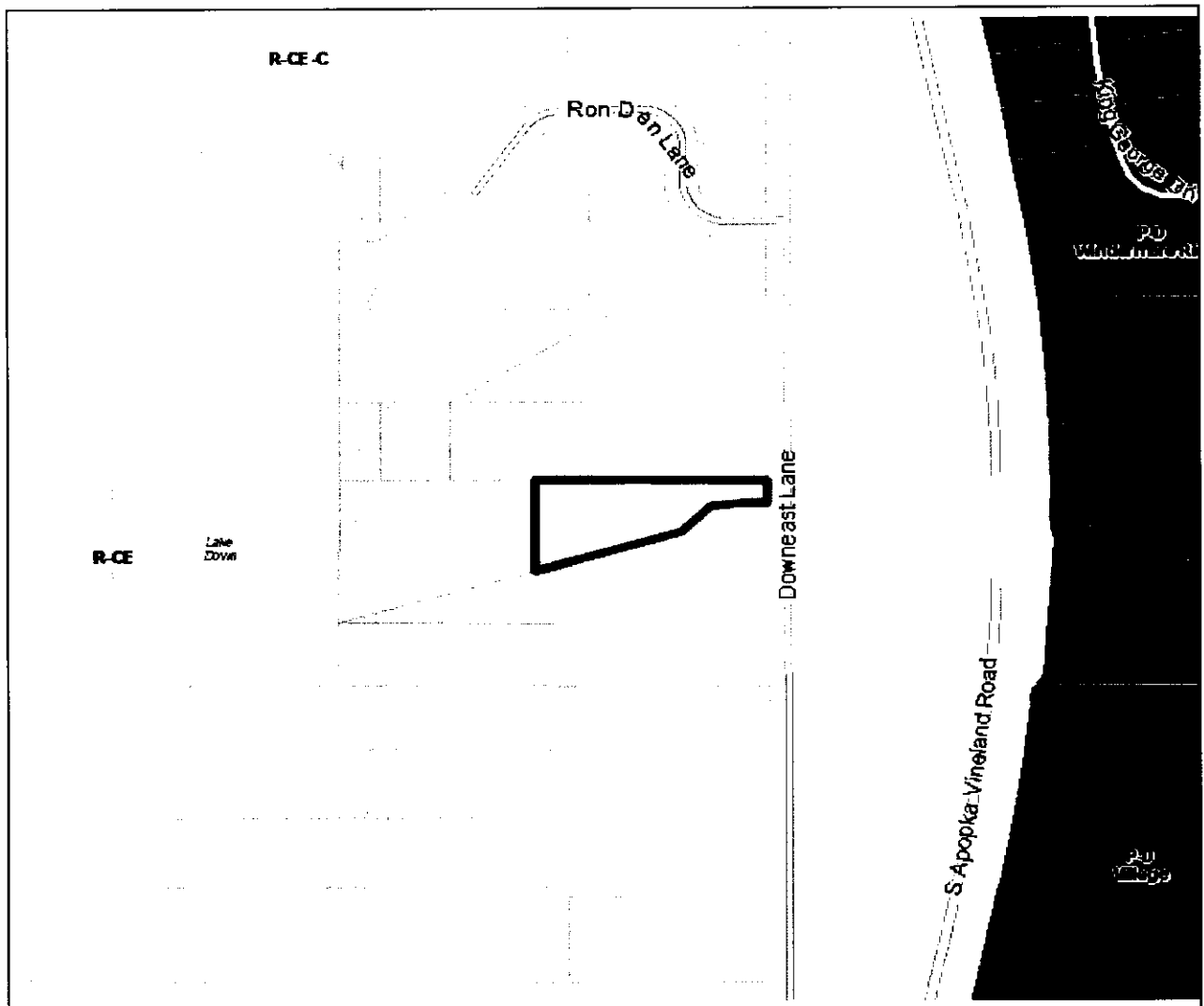
the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the screen room is no closer than eight (8) feet from the Normal High Water Elevation of Lake Down;
5. The screen room may have a solid roof, however, it cannot be enclosed with glass without further approval of the BZA; and,
6. The applicant shall be permitted to perform any interior alterations or exterior cosmetic improvements, including demolition which does not affect the footprint of the existing structure. This precludes any work on the screen room until the Hold Harmless Agreement is recorded.

SYNOPSIS: Staff noted that due to the presence of a drainage ditch along the south side of the property, and the narrowness and shape of the site, it would be impossible to make any improvements to the lot without variances. Staff gave a brief history of the area.

The applicant was in agreement with the staff recommendation and conditions of approval.

The BZA concurred that the lot was oddly shaped and substandard; and, the site warranted all variances requested.



Applicant: Eric Olson

BZA Number: VA-16-12-169

BZA Date: 12/01/2016

District: 1

Sec/Twn/Rge: 09-23-28-NE-A

Tract Size: .7 acres

Address: 3418 Downeast Lane, Windermere FL 34786

Location: West side of Downeast Ln., on the eastern shores of Lake Down, west of s. Apopka Vineland Rd.

October 4, 2016

Attn: Orange County Board of Zoning Adjustment

Re: Zoning Variance Request for
3418 Downeast lane
Windermere, FL 34786

RECEIVED
OCT 12 2016
ORANGE COUNTY
ZONING DIVISION

To whom it may concern,

We have recently purchased the above referenced property, and while reviewing the property requirements with the Orange County Zoning Division, it was discovered that the existing house structure does not meet the current zoning setback requirements for the back yard and from the normal high water elevation line. The house was constructed in 1966, and when it was built, it was within the existing setbacks of that time, but since then, the ordinances have changed and now it does not meet the current requirements, which means that without the setback variances, the house would not be able to be re-built in the event of a fire. Therefore, we are respectfully requesting setback variances to validate an existing non-conformity so as to accommodate the existing structure's current location.

Sincerely,



Eric M. Olson



STAFF REPORT
CASE #VA-16-12-169
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
December 1, 2016
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Eric Olson

REQUEST: Variances in the R-CE zoning district as follows:

- 1) To construct screen room onto existing single family residence 8 ft. from the Normal High Water Elevation of Lake Down in lieu of 50 ft.
- 2) To validate existing substandard parcel with .7 acres of lot area in lieu of 1 acre;
- 3) To validate existing lot width of 100 ft. at the building line in lieu of 130 ft.; and,
- 4) To validate rear yard setback of 9 ft. in lieu of 50 ft.

(Note: The home was constructed in 1966. The applicant recently purchased the home from a bank. They wish to validate all existing conditions and obtain permission to construct a screen porch overlooking Lake Down.)

LOCATION: West side of Downeast Ln., on the eastern shores of Lake Down, west of S. Apopka Vineland Rd.

PROPERTY ADDRESS: 3418 Downeast Lane

PARCEL ID: 09-23-28-0000-00-023

TRACT SIZE: .7 acres

DISTRICT #: 1

ZONING: R-CE

STAFF FINDINGS AND ANALYSIS:

1. Staff research found that this area was administratively rezoned from R-1 to R-CE in 1966. The existing home on the subject property was constructed that year.
2. On December 6, 1966, a variance was granted to allow construction of the existing home with a front setback of twenty-five (25) feet and a rear setback of thirty (30) feet. The front setback would be consistent with the R-1 zoning that had been on the property until earlier that year. However, given the actual placement of the home on the property, there was an apparent difference in what would be considered the front and rear property line. Under current policy, the rear property line would be the west property line, and the front would be the sites frontage on Downeast Lane. Further, where the house was actually constructed does not actually match any of the prior variances.
3. The applicant has just recently purchased the property, and is not responsible for any of the improvements.
4. The property is long, narrow, and nearly the entire southern property line fronts on Lake Down or some extension of that lake. Thus, it would be virtually impossible to construct any functional improvement on the property which is not within the fifty (50) foot Normal High Water Elevation setback.
5. The proposed screen room addition to the south side of the home is not intended to be living area.
6. Others in the area enjoy having a screen room. Therefore, granting the variance would not confer any special benefit, and without the variance the applicant would be denied this right.
7. The applicant is requesting the minimum size screen room possible.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated October 12, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Prior to the issuance of a building permit, the property owner shall record in the Official Records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the screen room is no closer than eight (8) feet from the Normal High Water Elevation of Lake Down;
5. The screen room may have a solid roof, however, it can not be enclosed with glass without further approval of the BZA; and,
6. The applicant shall be permitted to perform any interior alterations or exterior cosmetic improvements, including demolition which does not affect the footprint of the existing structure before the Hold Harmless Agreement is recorded. This precludes any work on the screen room until the Hold Harmless Agreement is recorded.

cc: Eric Olson
5721 Pershing Avenue
Downers Grove, IL 60516

ANDREW BAIR
VA-16-12-161

REQUEST: **Variance** in the R-1AA zoning district to allow a cumulative total of 792 sq. ft. of accessory structure floor area in lieu of 640 sq. ft. (25% of living area of main house).
(Note: There is an existing 600 sq. ft. garage and an old 100 sq. ft. metal utility shed on the property. The applicant is proposing to replace the metal shed with a new shed consisting of a 12 ft. x 12 ft. enclosed shed with a 4 ft. x 12 ft. covered porch. The subject property is 1/2 acre in size. The applicant has provided 9 letters of support from neighbors.)

ADDRESS: 2712 Ambrosia Court, Apopka FL 32703

LOCATION: South side of Ambrosia Ct., approximately 225 ft. west of Mink Dr.

S-T-R: 24-21-28

TRACT SIZE: 125 ft. x 171 ft.

DISTRICT#: 2

LEGAL: GREENACRES ESTATES 8/33 LOT 36

PARCEL ID: 24-21-28-3182-00-360

NO. OF NOTICES: 57

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0):

1. Development in accordance with site plan dated October 12, 2016, 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; and,

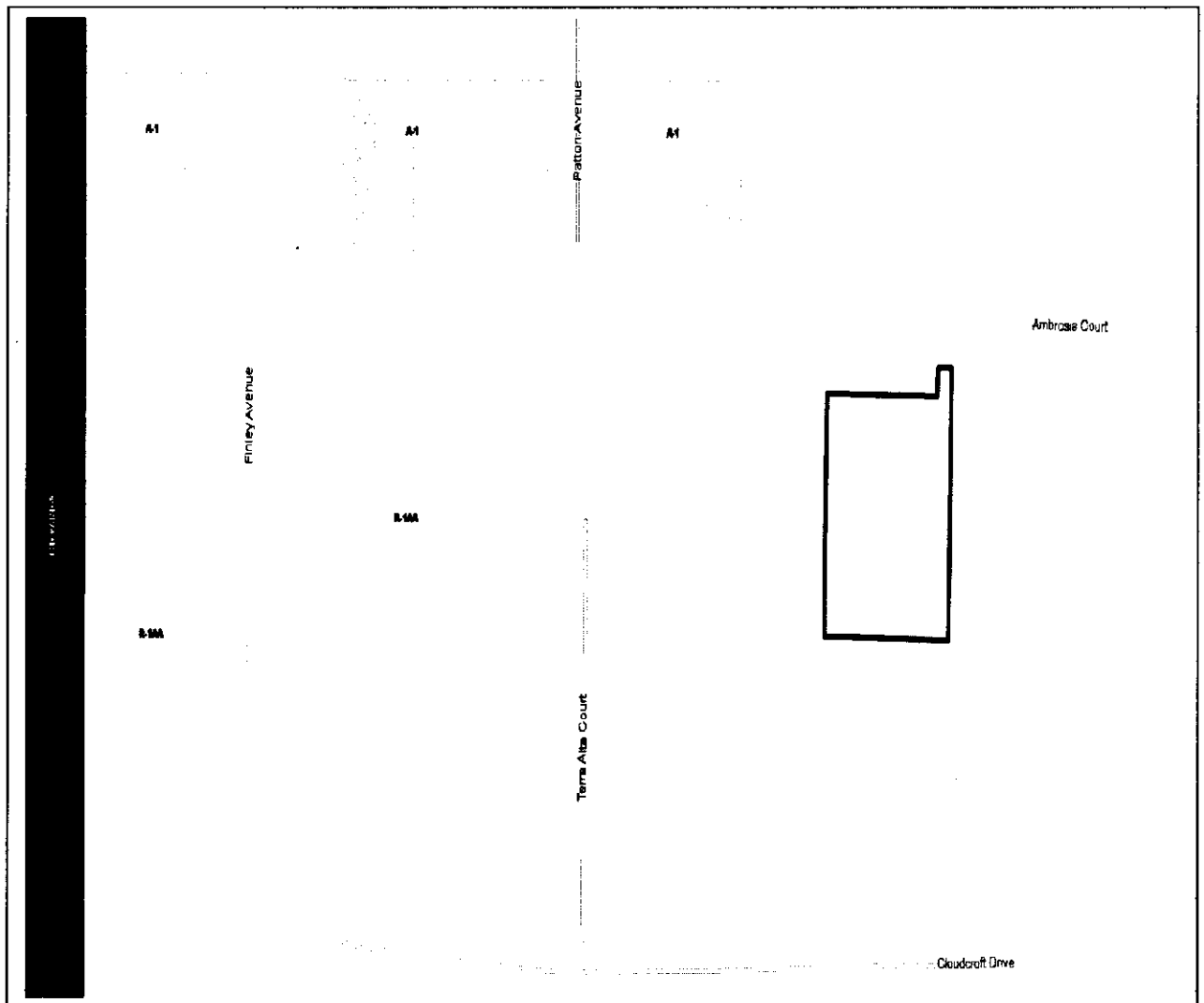
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff gave a presentation on the case, covering the location, the site plan, and photographs.

The applicant stated there was an old decaying metal shed located on the property line when they bought the property. It was when they decided to replace it, that they found out the property was not in compliance.

The BZA acknowledged the favorable response from neighbors, and confirmed the new shed will meet setbacks.

Staff received eight (8) commentaries in favor of the application and none in opposition. There was no opposition at the hearing.



Applicant: Andrew Bair

BZA Number: VA-16-12-161

BZA Date: 12/01/2016

District: 2

Sec/Twn/Rge: 24-21-28-NE-A

Tract Size: 125 ft. x 171 ft.

Address: 2712 Ambrosia Court, Apopka FL 32703

Location: South side of Ambrosia Ct., approximately 225 ft. west of Mink Dr.

Andrew P. Bair

2712 Ambrosia Ct.
Apopka, Florida 32703
(509)-431-0732

October 11, 2016

Orange County Building Division
201 Rosalind Ave.
Orlando, Florida, 32801

Dear Zoning Board,

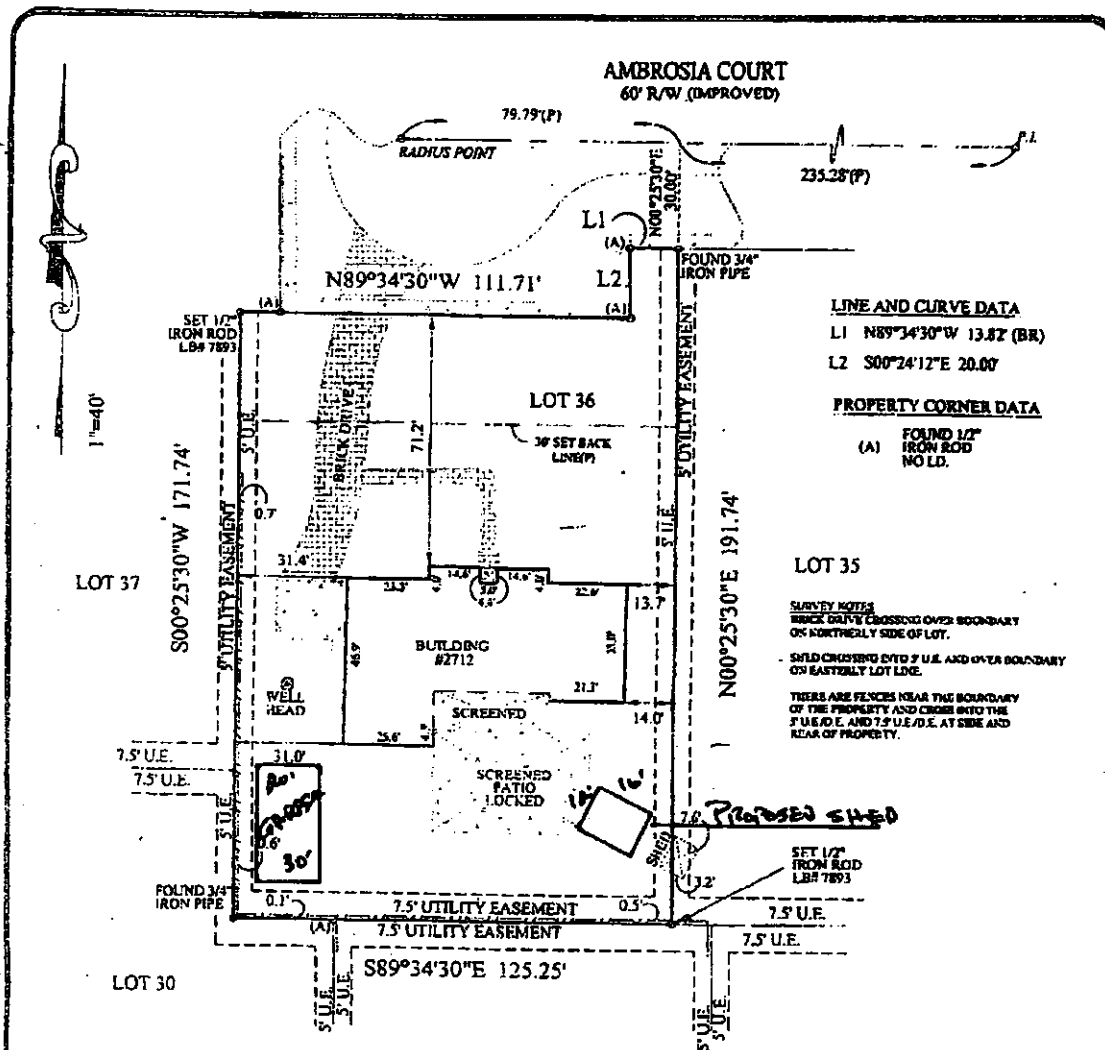
We are requesting approval to improve our property by replacing an old rusty 10'X10' shed with a 12'X16' replacement shed. The storage area of the replacement shed is planned to be 12'X12' with a 4'X12' porch making the shed a total of 12'X16'. This would be 144 square feet enclosed with a 6" cement pad that includes the porch at 192 square feet as the entire footprint of the structure. The construction is to be wood siding on a wood frame with a composite tile roof peaking at 12'. The position of the shed would be similar to that of the old shed however it would move further into the yard to accommodate the need for a 5' easement. The french door entrance to the shed is at the porch end of the shed facing into the yard. The roof is vented and there is a window to the rear to allow for light and cross ventilation. Use of the shed is intended for storage and garden supply use. Our selected shed builder has informed us that this improvement will require a variance and manager's determination approval. The property exists with a 3089 square foot home with a 600 square foot detached garage. Thank you for your consideration.

Sincerely,



Andrew P. Bair

RECEIVED
OCT 12 2016
Zoning Division



Please initial to indicate
you have reviewed _____ **LOT 31**

PAGE 2 OF 2 PAGES
BOUNDARY SURVEY LB #7893

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Clyde O. McNeal
Digitally signed by Clyde O. McNeal
DN: cn = Clyde O. McNeal, c = US
Date: 2014.11.17 17:23:31 -0500

CLYDE O. MCNEAL, PROFESSIONAL SURVEYOR AND MAPPER 62383

TARGET SURVEYING, LLC
SERVING ALL FLORIDA COUNTIES

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
FACSIMILE (561) 640-0570
STATEWIDE PHONE: (800) 220-4607
STATEWIDE FACSIMILE: (800) 741-0570

RECEIVED
OCT 12 2016
Zoning Division



STAFF REPORT
CASE #VA-16-12-161
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
December 1, 2016
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Andrew Bair

REQUEST: Variance in the R-1AA zoning district to allow a cumulative total of 792 sq. ft. of accessory structure floor area in lieu of 640 sq. ft. (25% of living area of main house).

(Note: There is an existing 600 sq. ft. garage and an old 100 sq. ft. metal utility shed on the property. The applicant is proposing to replace the metal shed with a new shed consisting of a 12 ft. x 12 ft. enclosed shed with a 4 ft. x 12 ft. covered porch. The subject property is 1/2 acre in size. The applicant has provided 9 letters of support from neighbors.)

LOCATION: South side of Ambrosia Ct., approximately 225 ft. west of Mink Dr.

PROPERTY ADDRESS: 2712 Ambrosia Court

PARCEL ID: 24-21-28-3182-00-360

TRACT SIZE: 125 ft. x 171 ft.

DISTRICT #: 2

ZONING: R-1AA

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to remove an old 100 sq. ft. shed, and replace it with a 144 sq. ft. shed with a forty-eight (48) sq. ft. porch, totaling 192 sq. ft.

2. The existing shed encroaches into the five (5) foot side setback. The proposed shed will meet all setbacks.
3. The amount of variance deviation requested is 23.8%.
4. The neighbors have signed letters of no objection to this proposal.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated October 12, 2016, 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; and,
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

cc: Robin Bair (Applicant's Representative)
2712 Ambrosia Court
Apopka, Florida 32703

Andrew Bair
P.O. Box 1150
Gold Beach, OR 97444

AERO POINT, LLC
SE-16-12-163

REQUEST: **Special Exception** in the C-1 zoning district to construct a 160 ft. high monopole communications cell tower.
(Note: All off-site land use separation distances are being met).

ADDRESS: East River Falcons Way, Orlando FL 32820

LOCATION: West side of East River Falcon's Way, 300 ft. south of E. Colonial Dr., across from Chuluota Rd.

S-T-R: 20-22-32

TRACT SIZE: 8.22 acres

DISTRICT#: 5

LEGAL: LOCKWOOD CROSSING 63/18 LOT 3

PARCEL ID: 20-22-32-4910-00-030

NO. OF NOTICES: 119

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 6-0):

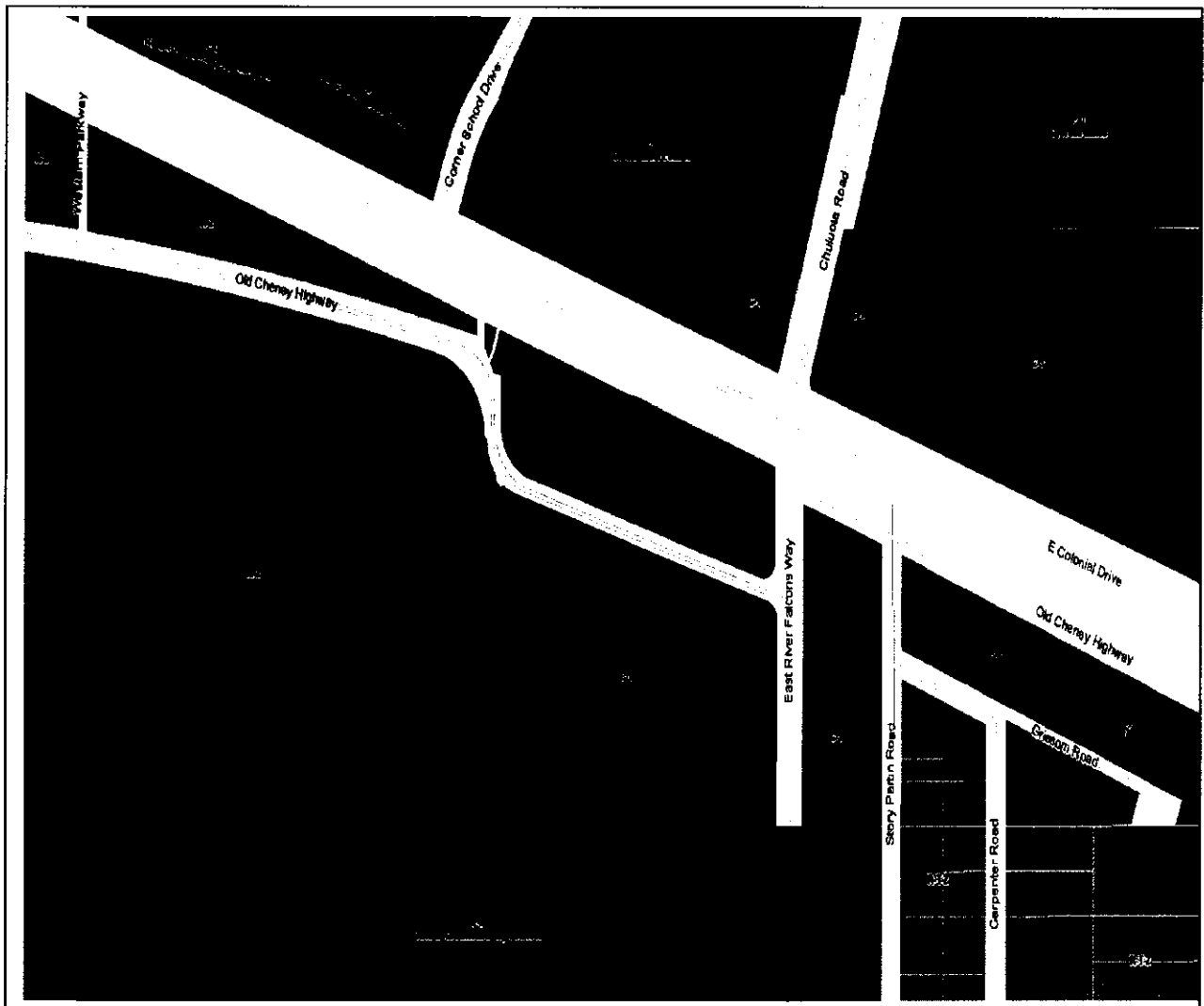
1. Development in accordance with site plan dated October 12, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,

4. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

SYNOPSIS: Staff noted that the application requires no variances, and if the applicant had been able to find another service provider, the Special Exception would not be needed. It was also stated that due to the proximity of the tower to the high school, the School district was contacted; however, they did not wish to comment.

The applicant was in agreement with the staff recommendation and conditions of approval.

D Nearing 1/5/58
B bh 1066
P in
4017





October 12, 2016

Orange County Zoning Division
201 S. Rosalind Ave.
Orlando, FL 32802

RE: Special Exception Application: Aero Point, LLC

To Whom It May Concern:

This firm represents AeroPoint, LLC as it relates to the referenced Special Exception application. As set forth in the enclosed application materials Aero Point seeks special exception approval to construct a 160' telecommunications tower on property located near the intersection of East River Falcons Way and Old Cheney Highway in east Orange County, FL. The 8.22 acre parent tract is owned by Jain Properties, LLC. The vacant and unimproved property is zoned C-1.

Aero Point is proposing to construct a 160' telecommunications facility anchored by Verizon Wireless. The proposed tower application meets all setback requirements of Section 38.1427 of the Orange County LDC. All other performance criteria set forth in Sec. 38.1427 of the Orange County LDC have also been met.

In addition to Verizon, the proposed anchor tenant, the tower will be capable of supporting 3 additional wireless carriers.

Please advise if any additional information is needed to evaluate this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Doty Solik".

Mary Doty Solik

Mary Doty Solik
121 S. Orange Avenue, Suite 1500 Orlando, FL 32801 Phone 407.367.7868 Mobile 407.925.4738
www.dotysoliklaw.com msolik@dotysoliklaw.com
Licensed in FL and GA

Developer:

Aero Point LLC
150 E Robinson Street
Suite 2602
Orlando, FL 32801
407-227-3642

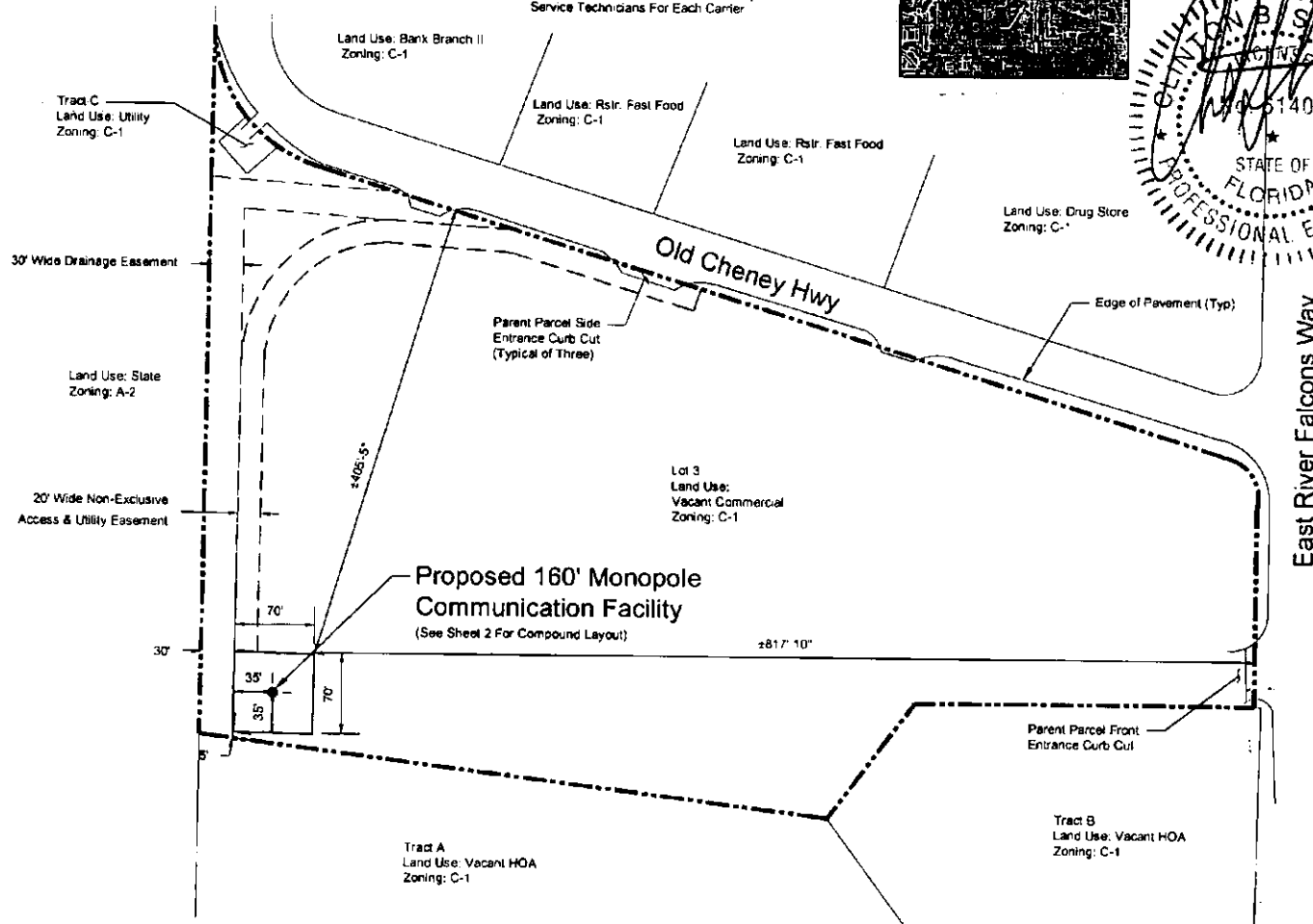
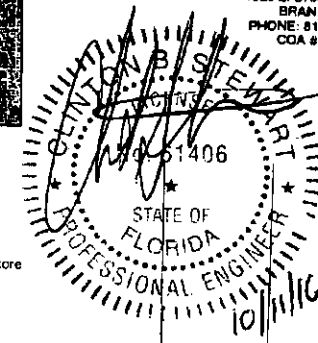
Legal Description:
Lot 3 of Lockwood Crossing Subdivision, Plat Book 63 Page 19, A Parcel of Land Lying Within Section 20, Township 22 S, Range 32 E Orange County, FL

Traffic Generation:
Expected Traffic Generation Will Be Approximately Four Trips Per Month By Service Technicians For Each Carrier

Location Map:



EXCELL COMMUNICATIONS, INC.
1020 E. BRANDON BLVD.
BRANDON, FL
PHONE: 813-502-5340
COA # 27488



Aero Point - Jain Monopole
Orange County
Florida
Site Plan

Job No: 95546
Received: JCM
Checked By: CS
Approved By: E*
OCT 12 2016 10/11/16
ORANGE COUNTY
ZONING DEPT 10/15

Overall Site Plan

Scale: 1/128" = 1'-0"



NOTE:
INFORMATION SHOWN ON THIS PLAN WAS GATHERED FROM AERIAL IMAGES
AND PLAT RECORDS. ORANGE COUNTY BUREAU OF PLAT RECORDS IN
THE ORANGE COUNTY OFFICIAL RECORDS AS PLAT BOOK 63 PAGE 19. THIS
PLAN DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY AND SHOULD
NOT BE USED FOR BOUNDARY OR OTHER RELATED PURPOSES.

Developer:

Aero Point LLC
350 E Robinson Street
Suite 2602
Orlando, FL 32801
407-227-3642



EXCELL COMMUNICATIONS, INC.
1020 E. BRANDON BLVD.
BRANDON, FL
PHONE: 813-902-9340
COA # 27486

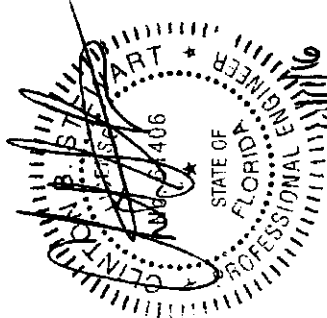
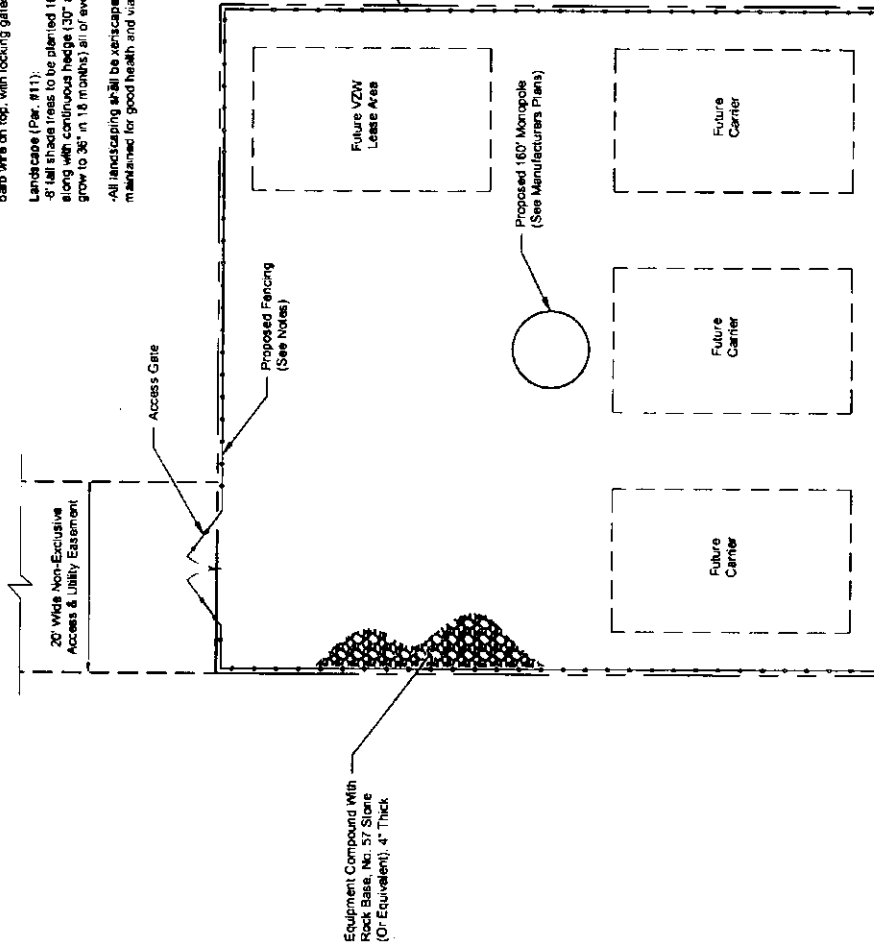
Notes (Per Ord. No. 97-11, 7-6-23-97):

Fencing (Per #10):
-8' high chain-link around perimeter from finished grade, with
barn wire on top, with locking gates.

Landscape (Per #11):

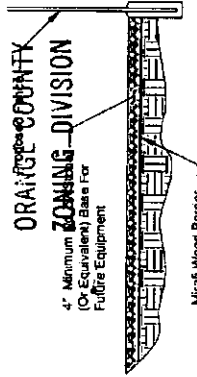
-8' tall shade trees to be planted 10' apart around perimeter,
along with continuous hedge (30' at planting and ability to
grow to 36" in 18 months) all of evergreen quality.

-All landscaping shall be xeriscape tolerant or irrigated, and
maintained for good health and viability.



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OCT 12 2016



Aero Point - Jain Monopole
Orange County
Site Plan
Florida

Job No. 99546
Drawn By: JCM
Checked By: CS
Approved By: EP
Date: 10/11/16

Sheet 2 of 5

Compound Rock Notes:
Remove all existing vegetation, debris, organic and
detritus materials from area within compound and
driveway limits.

For areas of fill utilize class "B" landfill. Backfill shall be
clean sand fill, approved for use by the engineer. No
unapproved material will be allowed. Clean sand fill shall
be free of all rock, roots, boulders or other deleterious
materials.

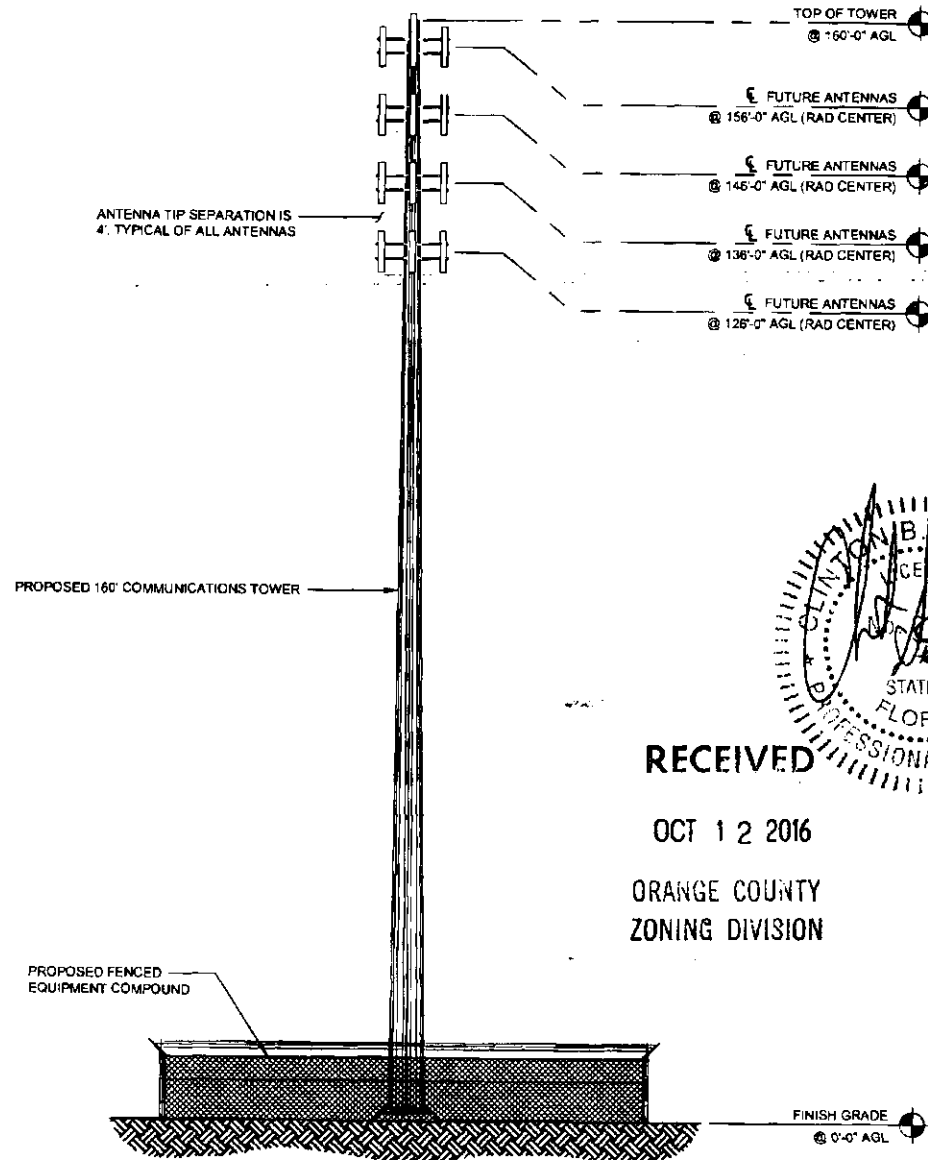
Compound Rock Detail

Compound Site Plan
Scale: 1/16" = 1'-0"
NORTH

Developer:

Aero Point LLC
150 E Robinson Street
Suite 2602
Orlando, FL 32801
407-227-3642

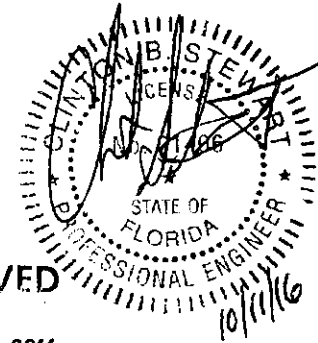
EXCELL
COMMUNICATIONS, INC.
EXCELL COMMUNICATIONS, INC.
1020 E. BRANDON BLVD.
BRANDON, FL
PHONE: 813-502-5340
COA # 27498



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ORANGE COUNTY
ZONING DIVISION



Proposed Tower Elevation

Not To Scale

Aero Point - Jain Monopole
Orange County
Florida
Site Plan

Job No. 95546
Drawn By: JCM
Checked By: CS
Approved By: EP
Date: 10/11/16

Sheet 3 of 5

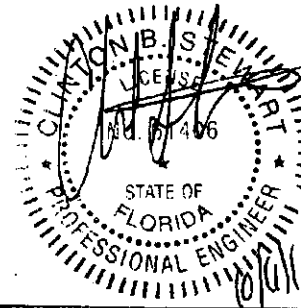
Developer:

Aero Point LLC
150 E Robinson Street
Suite 2602
Orlando, FL 32801
407-227-3642

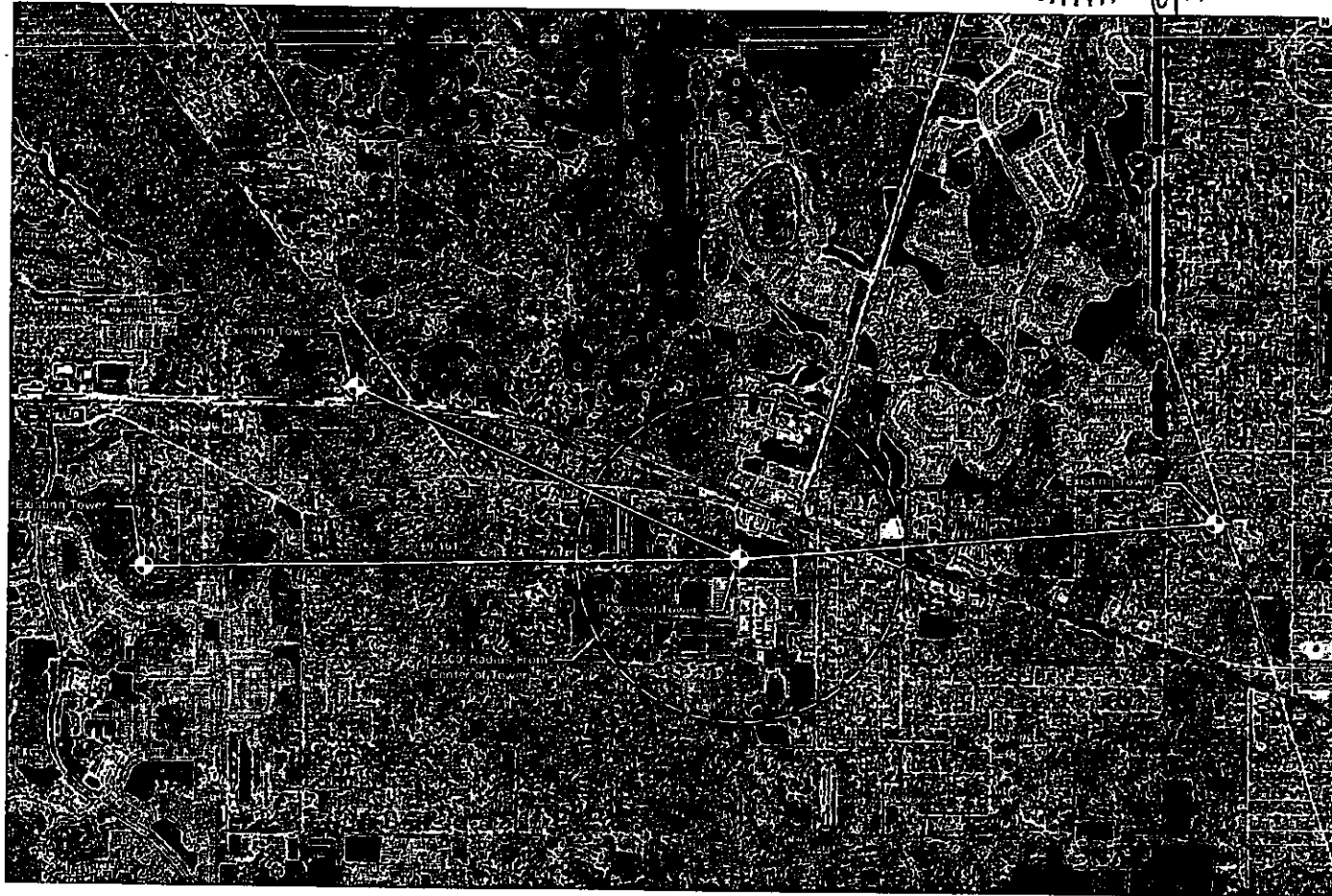
RECEIVED

OCT 12 2016

ORANGE COUNTY
ZONING DIVISION



EXCELL
COMMUNICATIONS, INC.
EXCELL COMMUNICATIONS, INC.
1020 E. BRANDON BLVD.
BRANDON, FL
PHONE: 813-502-5340
CCA # 27468



Aero Point - Jain Monopole
Orange County
Site Plan
Florida

Job No: 91546
Drawn By: JCM
Checked By: CS
Approved By: EP
Date: 10/11/16

Sheet 4 of 5

Tower Setback Plan

Not To Scale

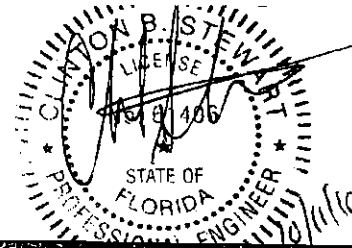
Developer:

Aero Point LLC
150 E Robinson Street
Suite 2602
Orlando, FL 32801
407-227-3642

RECEIVED

OCT 12 2016

ORANGE COUNTY



EXCELL COMMUNICATIONS, INC.
1020 E. BRANDON BLVD.
BRANDON, FL
PHONE: 813-502-5340
COA # 27498



Aero Point - Jain Monopole
Orange County
Florida
Site Plan

Job No. 95546

Drawn By: JCM

Checked By: CS

Approved By: EP

Date: 10/13/16

Sheet 5 of 5

Residence Setback Plan

Not To Scale



STAFF REPORT
CASE #SE-16-12-163
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
December 1, 2016
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Aero Point, LLC

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the C-1 zoning district to construct a 160 ft. high monopole communications cell tower.

(Note: All off-site land use separation distances are being met).

LOCATION: West side of East River Falcon's Way, 300 ft. south of E. Colonial Dr., across from Chuluota Rd.

PROPERTY ADDRESS: East River Falcons Way

PARCEL ID: 20-22-32-4910-00-030

TRACT SIZE: 8.22 acres

DISTRICT #: 5

ZONING: C-1

EXISTING USE(S): vacant

PROPOSED USE(S): 160 ft. high monopole cell tower

SURROUNDING USES: N – Commercial and E. Colonial Dr.
S – East River High School
E – Commercial
W - Vacant; heavily vegetated

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing to locate a 160 ft. tall monopole cell tower on a vacant parcel zoned C-1.

2. The tower is designed to permit up to four (4) individual users.
3. The tower complies with all separation distances from residential and other towers. No variances are needed.
4. Had the applicant been able to rent a co-location to another provider, this Special Exception would not be necessary. Any future co-location will be accomplished through the non-residential permitting process.
5. The lease-hold site where the tower and support buildings will be located has been sized to accommodate up to four (4) support buildings.
6. The site is located near the East River High School. Staff contacted the School District staff regarding this application. They had no objection to the location.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated October 12, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. Construction plans shall be submitted to Orange County within three (3) years or this approval becomes null and void.

cc: Ernest A. Petrone (Applicant's Representative)
150 East Robinson Street, Suite 2602
Orlando, Florida 32801

MELANIE FAY
VA-16-12-162

REQUEST: **Variance** in the R-1AA zoning district to construct an attached carport to existing single family residence 3 ft. from the side (east) property line in lieu of 7.5 ft.

ADDRESS: 1511 Crestline Street, Orlando FL 32806

LOCATION: North side of Crestline Street, approximately 450 ft. west of S. Fern Creek Ave.

S-T-R: 13-23-29

TRACT SIZE: 85 ft. x 170 ft.

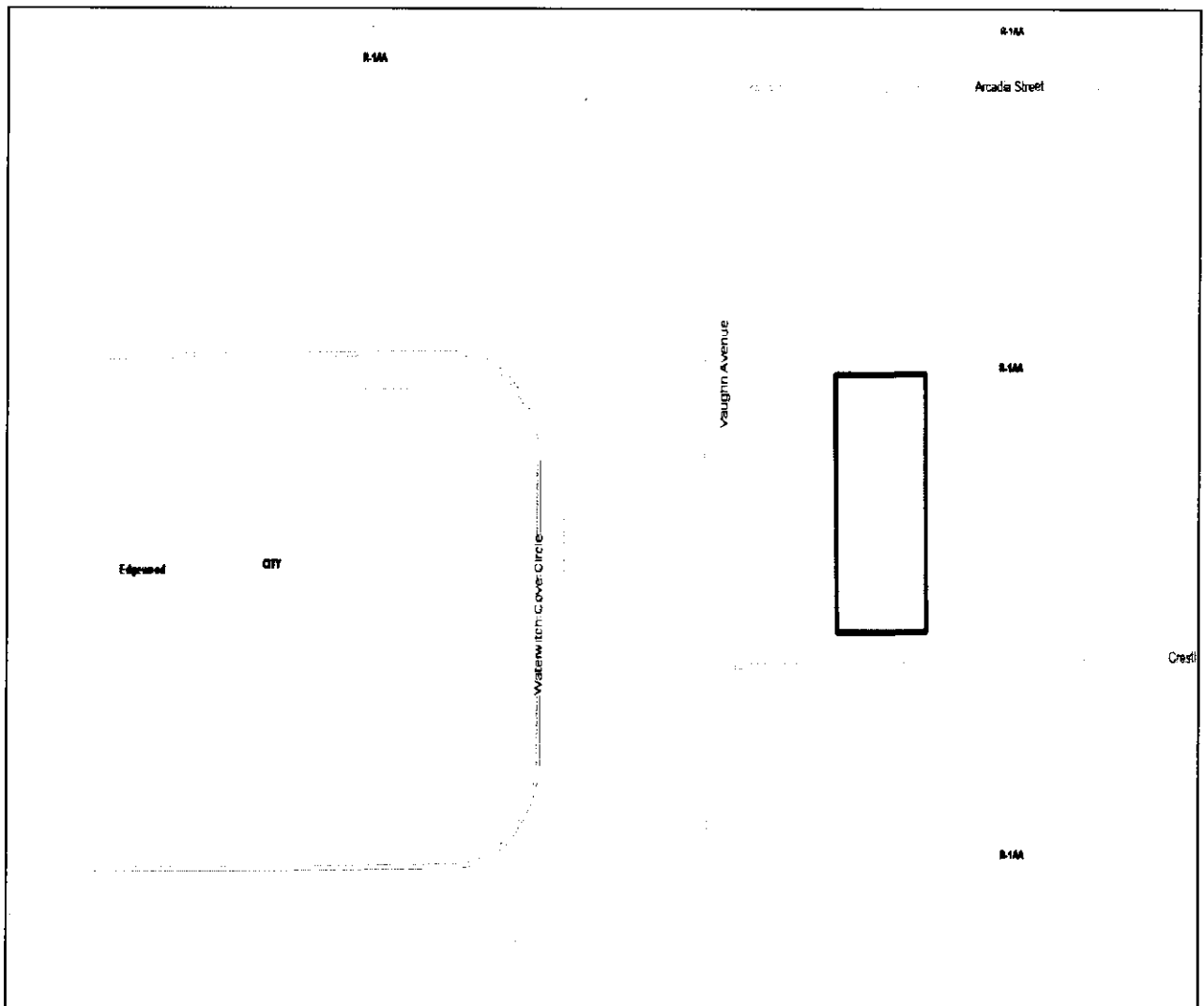
DISTRICT#: 3

LEGAL: WATERWITCH CLUB K/69 THE E 45 FT LOT 80 & W 40 FT LOT 81

PARCEL ID: 13-23-29-9068-00-801

NO. OF NOTICES: 81

This case was withdrawn on November 29, 2016 by the applicant via electronic mail prior to the December 1, 2016, BZA Meeting.



Applicant: Melanie Fay

BZA Number: VA-16-12-162

BZA Date: 12/01/2016

District: 3

Sec/Twn/Rge: 13-23-29-NE-A

Tract Size: 85 ft. x 170 ft.

Address: 1511 Crestline Street, Orlando FL 32806

Location: North side of Crestline Street, approximately 450 ft. west of S. Fern Creek Ave.

To whom it may concern:

The homeowner at 1511 Crestline St. Orlando, FL 32806 is requesting a variance for a carport. It will be along the side of the house, inside the enclosed fenced yard. It will start approximately 20 feet back from the front gates and continue to the back of the house, approximately 11'6" wide and 46' long. The fence is on the property line approximately 14'6" away from side of house. It will be 8'3" tall attaching at the soffit of the house and sloping down to 7'5". Approximately 506 sq. feet. The fence height along the back of the house is 8' and the side fence is 7' so very little will be seen above the fence line. The carport will be fireproof and made of all aluminum. This carport is designed to cover 2 Cars, single file, and is a necessity. The hardship reasons this is needed is the house has no garage and the family, including a senior citizen with a heart condition, have no way to enter the house under shelter in bad weather and protect their cars from the elements. We have spent almost a year exhausting every possibility to accomplish this with a traditional permit, and it just isn't possible or cost effective. A variance is needed.

Thank you

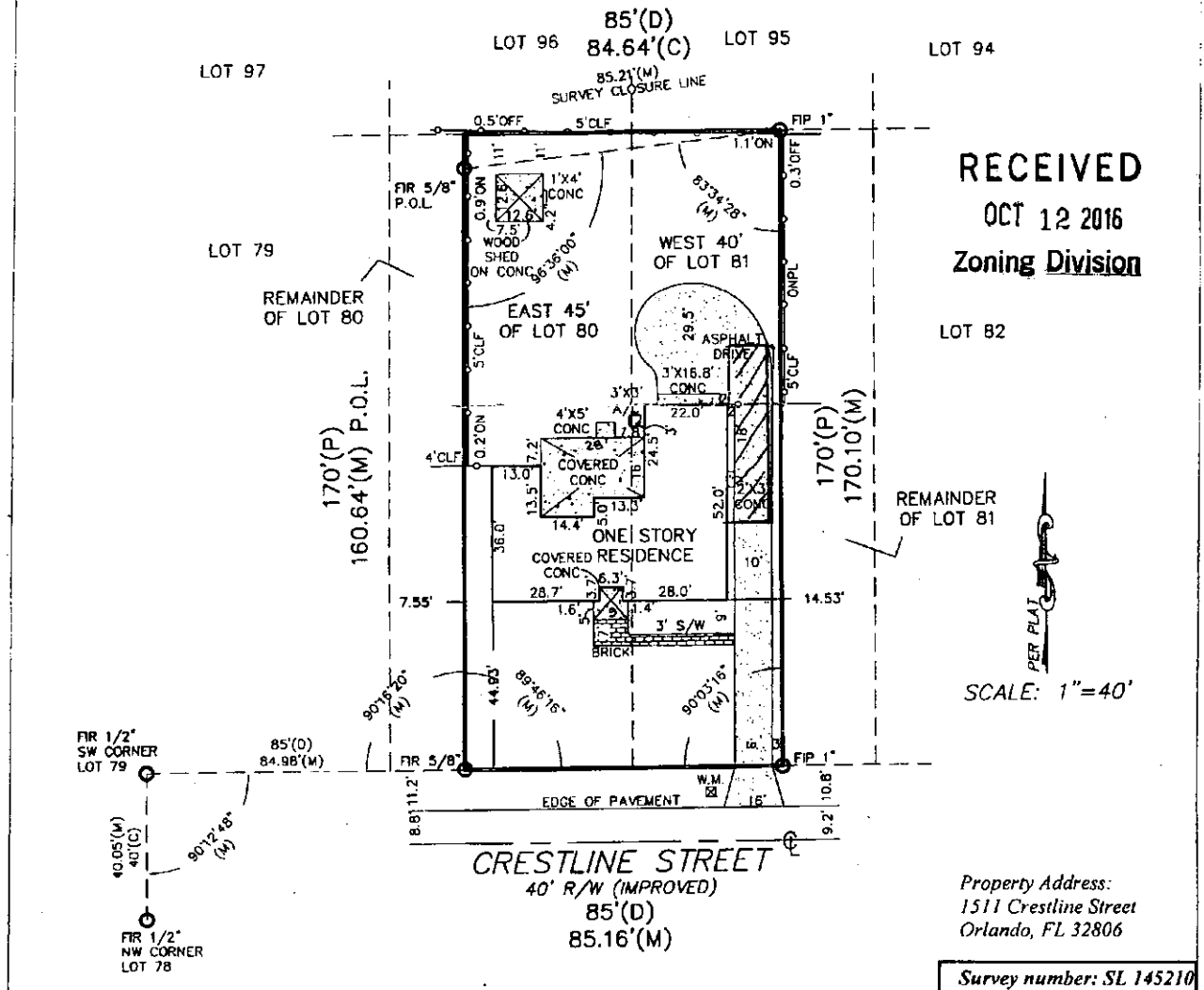
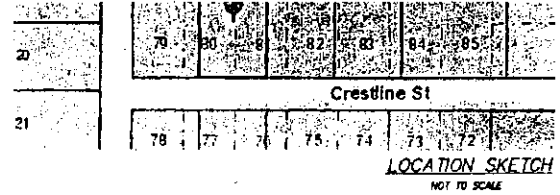
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OCT 12 2016

Zoning Division

Suffix: F.F.I.R.M. Date: 9/25/2009 Flood Zone: X
Date of field work: 10/22/2014 Completion Date: 10/24/2014

Certified to:
Lula Jacqueline Keller; Edward A. Kerben; Old Republic National
Title Insurance Company; Hamilton Group Funding, Inc., its
successors and/or assigns.



LEGEND

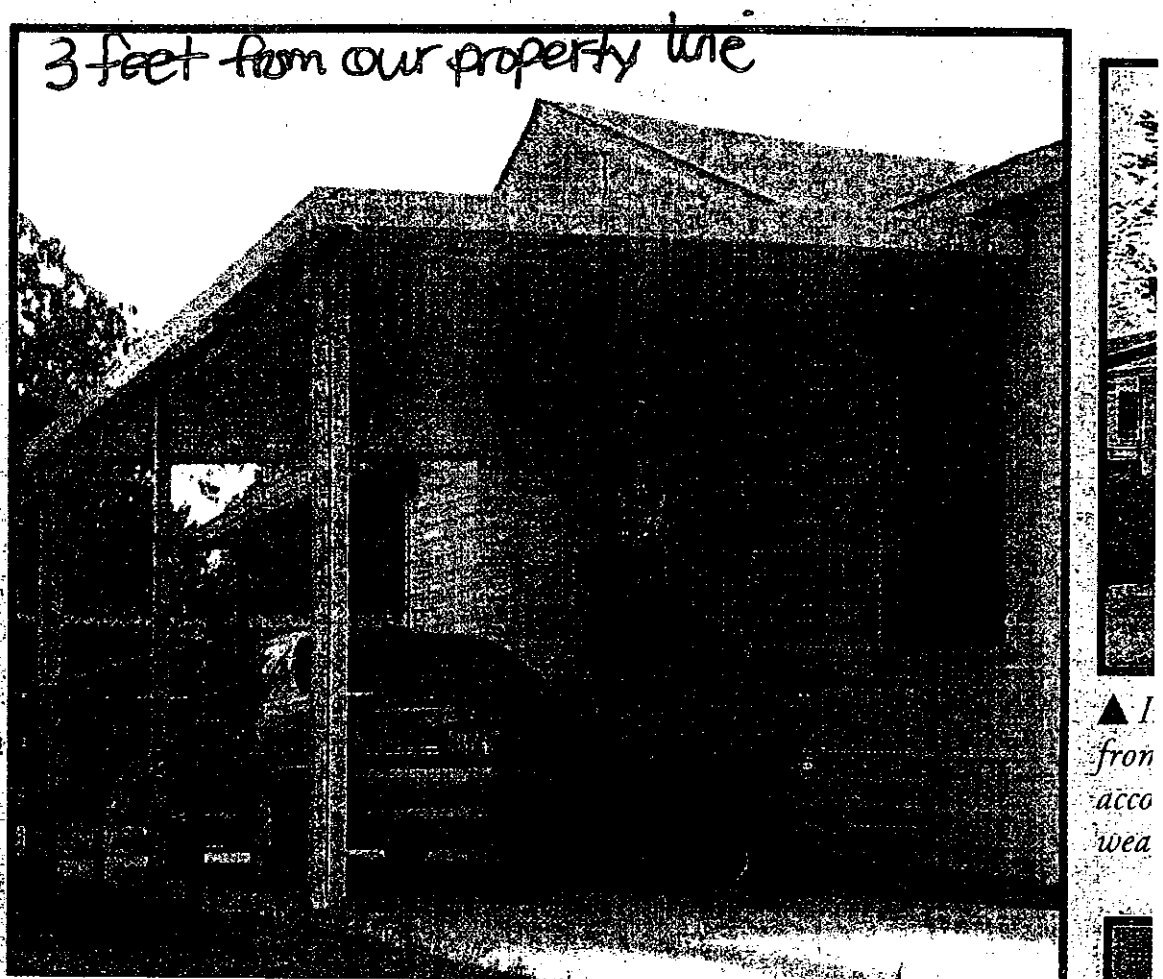
4" CLF	4" Chain Link Fence	C.M.	Concrete Monument	PG.	Page
6" CLF	6" Chain Link Fence	D.	Description or Deed	PVMT.	Pavement
6" PVC	6" PVC Fence	D.B.	Deed Book	P.C.P.	Permanent Control Point
6" W.F.	6" Wood Fence	D.F.	Drainage Easement	P.R.M.	Permanent Reference Monument
6" W.F.	6" Wood Fence	D.H.	Drill Hole	P.	Plat
6" W.F.	6" Wood Fence	D.U.E.	Drainage & Utility Easement	P.B.	Plat Book
6" W.F.	6" Wood Fence	D.W.	Driveway	P.E.	Pool Equipment
6" W.F.	6" Wood Fence	ESMT	Easement	P.O.B.	Point of Beginning
6" W.F.	6" Wood Fence	E.O.P.	Edge of Pavement	P.O.C.	Point of Commencement
6" W.F.	6" Wood Fence	E.O.W.	Edge of Water	P.C.C.	Point of Compound Curve
6" W.F.	6" Wood Fence	ENCR	Encroachment	P.C.	Point of Curvature
6" W.F.	6" Wood Fence	XX XX'	Existing Elevation	P.I.	Point of Intersection
6" W.F.	6" Wood Fence	F.	Field	P.R.C.	Point of Reverse Curvature
6" W.F.	6" Wood Fence	FD	Found	P.T.	Point of Tangency
6" W.F.	6" Wood Fence	FD N&D	Found Nail & Disk	P.O.L.	Point on Line
6" W.F.	6" Wood Fence	F.C.M.	Found Concrete Monument	Rad	Radius (Radial)
6" W.F.	6" Wood Fence	F.I.R.	Found Iron Pipe	R.	Record
6" W.F.	6" Wood Fence	F.I.R.	Found Iron Rod	R/W	Right of Way
6" W.F.	6" Wood Fence	L.	Length	S.I.R.	Set Iron Rod & Cap
6" W.F.	6" Wood Fence	L.B.	Licensed Business	S/W	Sidewalk
6" W.F.	6" Wood Fence	M.	Field Measured	TEL.	Telephone Facilities
6" W.F.	6" Wood Fence	M.H.	Manhole	T.O.B.	Top of Bank
6" W.F.	6" Wood Fence	N&D	Nail & Disk	TX	Transformer
6" W.F.	6" Wood Fence	N.R.	Non Radial	TYP	Typical
6" W.F.	6" Wood Fence	O.R.	Official Records	U.E.	Utility Easement
6" W.F.	6" Wood Fence	O.R.B.	Official Records Book	W.C.	Witness Corner

GENERAL NOTES

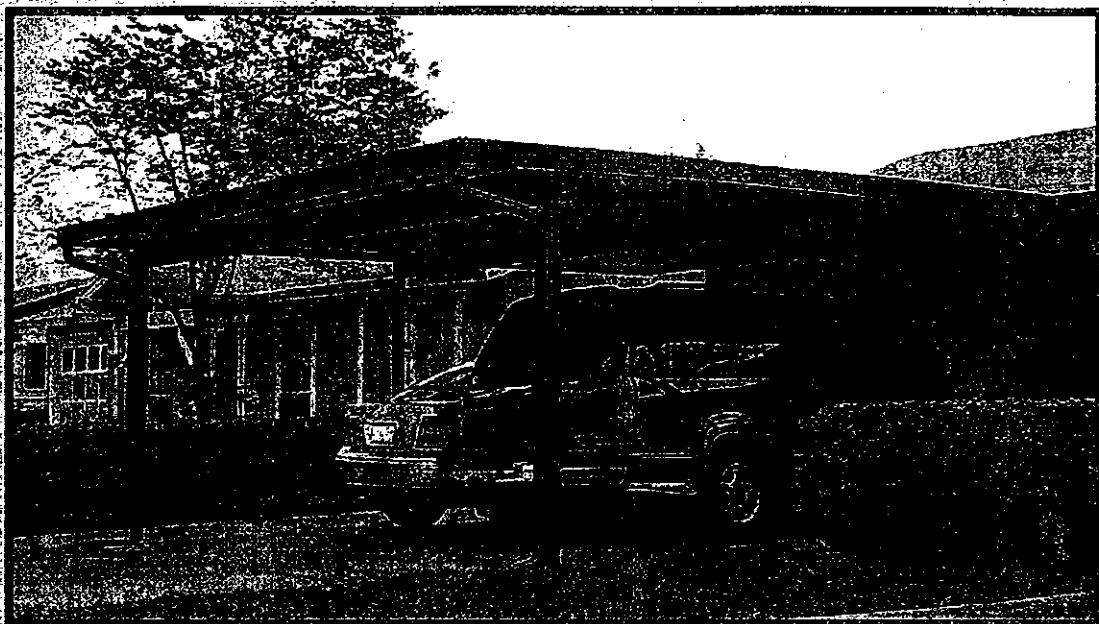
1. Legal description provided by others.
2. The lands shown hereon were not abstracted for easements or other recorded encumbrances not shown on the plat.
3. Underground portions of loadings, foundations or other improvements were not located.
4. Wall lines are to the face of the wall.
5. Only visible encroachments located.
6. No identification found on property corners unless noted.
7. Dimensions shown are plat and measured unless otherwise noted.
8. This is a BOUNDARY SURVEY unless otherwise noted.
9. Not valid unless sealed with the signing surveyors embossed seal.
10. Where plat or deed bearing is identical to measured, this shall serve as the basis of bearings, unless noted otherwise.
11. All lines are not radial unless otherwise noted.
12. Recertification does not indicate an update.
13. Unless otherwise noted, flood zone information provided by others.
14. Septic tank and/or drainfield locations are approximate and MUST be verified by appropriate utility location companies.
15. The closure of structures may not be precise due to imperfections and decorative items.
16. Pools and/or patios may be drawn as an approximation and not fully dimensioned due to irregular shape.
17. Fence locations along property line may be slightly exaggerated for clarity.
18. The nature, extent or existence of riparian rights is not addressed hereon.
19. Survey is for reference only unless signed and sealed by a Florida Registered Land Surveyor.
20. This survey meets all applicable accuracy requirements.
21. This survey is in accordance with the Minimum Technical Standards promulgated by the Florida Board of Professional Land Surveyors, 61-17, of the Florida Administrative Code, Section 473.027, Florida Statutes.

I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.

Example



Example



▲ *Installing a cover to the outside of a garage protects the garage entryway from the elements and shelters additional vehicles that the garage cannot accommodate. You can also do more projects inside the garage, without weather damage occurring to your car or truck.*





STAFF REPORT
CASE #VA-16-12-162
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
December 1, 2016
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Melanie Fay

REQUEST: Variance in the R-1AA zoning district to construct an attached carport to existing single family residence 3 ft. from the side (east) property line in lieu of 7.5 ft.

LOCATION: North side of Crestline Street, approximately 450 ft. west of S. Fern Creek Ave.

PROPERTY ADDRESS: 1511 Crestline Street

PARCEL ID: 13-23-29-9068-00-801

TRACT SIZE: 85 ft. x 170 ft.

DISTRICT #: 3

ZONING: R-1AA

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing construction of a 2-car single file carport onto the east side of the existing residence. The proposed carport will be setback three (3) feet from the side (east) property line. The required side setback is 7.5 feet.
2. The carport will range in height from 7.5 feet to 8.25 feet. There is a vinyl fence along the east side property line that separates the carport from the home to the east. The permit for the fence stipulates it is six (6) feet along the east side property line.
3. There is approximately fourteen (14) feet between the side of the house and the east property line. The proposed carport is 11.5 feet wide.
4. The most affected property owner to the east is opposed to this request. She will present her position at the BZA hearing.

5. The applicant submitted a petition signed by four (4) neighbors in favor of the request.
6. There were numerous variances approved in this general area. Staff researched the six (6) closest variances to the subject property. Three (3) of them were for new single family residences. One (1) was for a 2nd story addition, and two (2) were for garages. The garage variances were five (5) feet from the side in lieu of 7.5 feet, and five (5) feet from the side street in lieu of fifteen (15) feet.
7. The amount of deviation equals sixty percent (60%).
8. After reviewing the Variance Criteria, it appears this request falls short of meeting them. For that reason, staff cannot support this request.

STAFF RECOMMENDATION:

Staff cannot support the request for the following reasons:

1. The applicant's request represents a variance of sixty percent (60%) from the normal standard; and,
2. The most affected neighbor is opposed to the request.

However, should the BZA find that the request does satisfy the criteria for a variance, staff recommends the following conditions be imposed:

1. Development in accordance with site plan dated October 12, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The opaque fence or some other type of fully opaque buffer, man-made or natural vegetation, a minimum of six (6) feet in height shall be maintained along the east property line as long as the carport remains; and,
5. If the carport is ever removed or destroyed, it shall not be replaced without further approval of the BZA.

cc: Melanie Fay
Lula Jacqueline Keller
1511 Crestline Street
Orlando, Florida 32806

RYAN MILLER
VA-16-12-151

REQUEST: **Variances** in the R-CE zoning district to construct new single family residence and carport as follows:
1) Single family residence: 5 ft. from the north side property line in lieu of 10 ft.; and,
2) Carport: To construct carport 3 ft. from south side property line in lieu of 10 ft..
(Note: Applicant proposes to replace existing single family home with a new single family home).

ADDRESS: 1227 Hempel Avenue, Gotha FL 34734

LOCATION: East side of Hempel Ave., north of Gotha Rd., south of the Florida Turnpike.

S-T-R: 33-22-28

TRACT SIZE: 45 ft. x 160 ft.

DISTRICT#: 1

LEGAL: TOWN OF GOTH A/39 THE S1/2 OF LOT 49 (LESS N 6 FT & LESS E 40 FT) & N 4 FT OF LOT 50 (LESS E 40 FT) BLK P

PARCEL ID: 33-22-28-3100-15-491

NO. OF NOTICES: 66

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0):

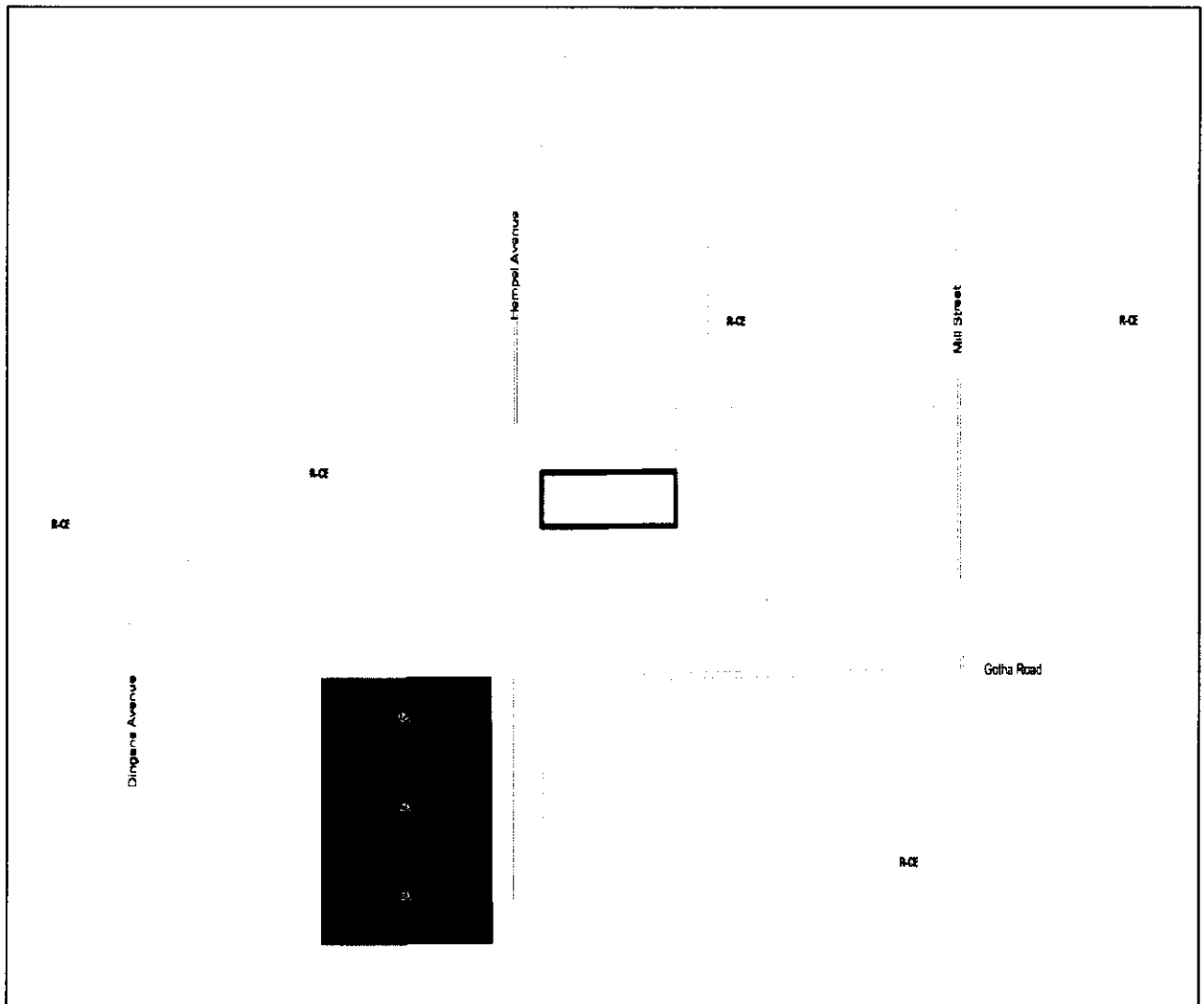
1. Development in accordance with site plan dated October 14, 2016, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. Any recreational equipment, such as an RV or boat, must be parked on an improved surface.

SYNOPSIS: Staff noted the proposed setbacks were acceptable because most of lots in this area were substandard, and over twenty (20) variances for substandard lots have been approved to date.

The applicant noted that the plan reviewed by staff had been revised to reflect a port cocher that was being proposed along the south property line adjacent to a parking lot used by nearby businesses.

It was noted that the reduced side setback would not impact anyone, and that the lot was very substandard in width and area. As such, the variance was warranted. There was no opposition.



Applicant: Ryan Miller

BZA Number: VA-16-12-151

BZA Date: 12/01/2016

District: 1

Sec/Twn/Rge: 33-22-28-SW-C

Tract Size: 45 ft. x 160 ft.

Address: 1227 Hempel Avenue, Gotha FL 34734

Location: East side of Hempel Ave., north of Gotha Rd., south of the Florida Turnpike.

ALLEN ARTHUR ♦ ARCHITECT

Ph. (407) 896-8711 • Fax/Data (407) 896-3770
301 NORTH FERN CREEK AVENUE
ORLANDO, FLORIDA 32803

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OCT 14 2016

**ORANGE COUNTY
ZONING DIVISION**

OCTOBER 14, 2016

ZONING DIRECTOR
ORANGE COUNTY
201 S/ ROSALIND AVE
ORLANDO, FL. 32801

RE; VARIANCE APPLICATION- 1227 HEMPEL AVE-GOTHA

Ryan Miller

THIS REQUEST IS MADE AS THE PRESENT PROPERTY DOES NOT MEET THE LATEST SETBACK REQUIREMENTS FOR "RCE" ZONING. THIS IS A SUB STANDARD LOT OF RECORD THAT WAS PLATTED MANY YEARS BEFORE "RCE" ZONING WAS APPLIED AND THE PRESENT RESIDENCE WAS ALSO BUILT BEFORE THE NEW ZONING WAS ESTABLISHED.

TWO VARIANCES ARE REQUESTED: ONE IS FOR 5 FT. IN LIEU OF 10 FT REQUIRED ON THE NORTH SIDE.

THE LOT IS ONLY 45 FT WIDE AND 20 FT OF SETBACKS WOULD FORCE THE NEW STRUCTURE TO BE A "SHOTGUN" PLAN-NOT VERY EFFICIENT-LONG AND NARROW (30FT.).

THE SECOND VARIANCE IS FOR A 7' VARIANCE ON THE SOUTH SIDE FOR A PORTE COCHERE OVER THE DRIVEWAY. THIS WILL MAKE IT EASIER TO LOAD AND UNLOAD PEOPLE AND GROCERIES DIRECTLY INTO THE HOUSE UNDER COVER. THE PARKING AND POSSIBLE FUTURE GARAGE

WOULD BE LOCATED IN THE REAR OF THE LOT. THERE IS ONLY AN UNPAVED PARKING LOT ON THE SOUTH SIDE FOR THE RESTAURANT ACROSS THE STREET.

THE OWNERS HAVE LIVED FOR MANY YEARS IN GOTHA AND WISH TO STAY THERE.

RESPECTFULLY


ALLEN ARTHUR-ARCHITECT

a e a
allendraw@gmail.com



STAFF REPORT
CASE #VA-16-12-151
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
December 1, 2016
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Ryan Miller

REQUEST: Variances in the R-CE zoning district to construct new single family residence and carport as follows:

- 1) Single family residence: 5 ft. from the north side property line in lieu of 10 ft.; and,
- 2) Carport: To construct carport 3 ft. from south side property line in lieu of 10 ft.

Note: Applicant proposes to replace existing single family home with a new single family home.

LOCATION: East side of Hempel Ave., north of Gotha Rd., south of the Florida Turnpike.

PROPERTY ADDRESS: 1227 Hempel Avenue

PARCEL ID: 33-22-28-3100-15-491

TRACT SIZE: 45 ft. x 160 ft.

DISTRICT #: 1

ZONING: R-CE

STAFF FINDINGS AND ANALYSIS:

1. The applicant intends to raze the existing home and replace it with a new residence.
2. According to the applicant's site plan, the lot is only forty-five (45) feet in width. However, the Property Appraiser's data notes that the property is actually forty-seven (47) feet in width.

3. The existing residence was constructed in 1945. This residence only has 990 sq. ft. of living area. The proposed home will have over 2,200 sq. ft. of living area on two (2) floors.
4. The lot is substantially more narrow than the typical 130 foot wide R-CE lot, thus, necessitating the reduced setback on the north side to accommodate the driveway to the rear. The front and rear setbacks are being complied with.
5. The second variance calls for a three (3) foot setback from the side (north) property line in lieu of ten (10) feet. There is sufficient room available for the applicant to maneuver vehicles in and out of the carport with a variance of five (5) feet, which would match the home's setback. A backing apron can be fitted to the rear of the pad in front of the carport to facilitate turns. The cover letter indicates a possibility for a future garage replacing the carport. It is recommended that the variance be for a detached accessory structure, not just a carport, to eliminate the need for the applicant to return for additional variances.
6. Any recreational equipment, such as an RV or boat, must be parked on an improved surface.

STAFF RECOMMENDATION:

Staff supports the variance to accommodate the reconstruction of the residence. However, staff cannot support the three (3) foot variance for the carport, as there are alternative methods to keep the carport functioning properly while meeting a five (5) foot setback which would match the house.

If the BZA approves this request, the following conditions should be imposed:

1. Development in accordance with site plan dated September 26, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The detached accessory structure including any future garage, attached to the principal structure by a covered walkway, shall be set back five (5) feet from the side (north) property line; and,
5. Any recreational equipment, such as an RV or boat, must be parked on an improved surface.

cc: Ryan Miller
1227 Hempel Avenue
Gotha, Florida 34734

IBRAIN GONZALEZ
VA-16-12-153

REQUEST: **Variance** in the R-1 zoning district to allow a total of 810 sq. ft. of accessory structure floor area in lieu of 500 sq. ft.
(Note: Applicant proposes a new carport of 560 sq. ft. for his boat parking. There is an existing 250 sq. ft. carport on the subject property.)

ADDRESS: 10619 Nadia Avenue, Orlando FL 32825

LOCATION: North side of Nadia Ave., approximately 200 ft. east of Murdock Blvd.

S-T-R: 17-22-31

TRACT SIZE: 100 ft. x 220 ft.

DISTRICT#: 4

LEGAL: ORLANDO ACRES SECTION ONE S/50 LOT 16 BLK C

PARCEL ID: 17-22-31-6300-03-160

NO. OF NOTICES: 70

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 6-0):

1. Development in accordance with site plan dated September 29, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. The exterior of the proposed accessory structure shall match the exterior color of the existing house;
5. The total cumulative accessory structure square footage shall not exceed 560 sq. ft.; and,
6. The new structure shall be in the rear yard and meet all required setbacks.

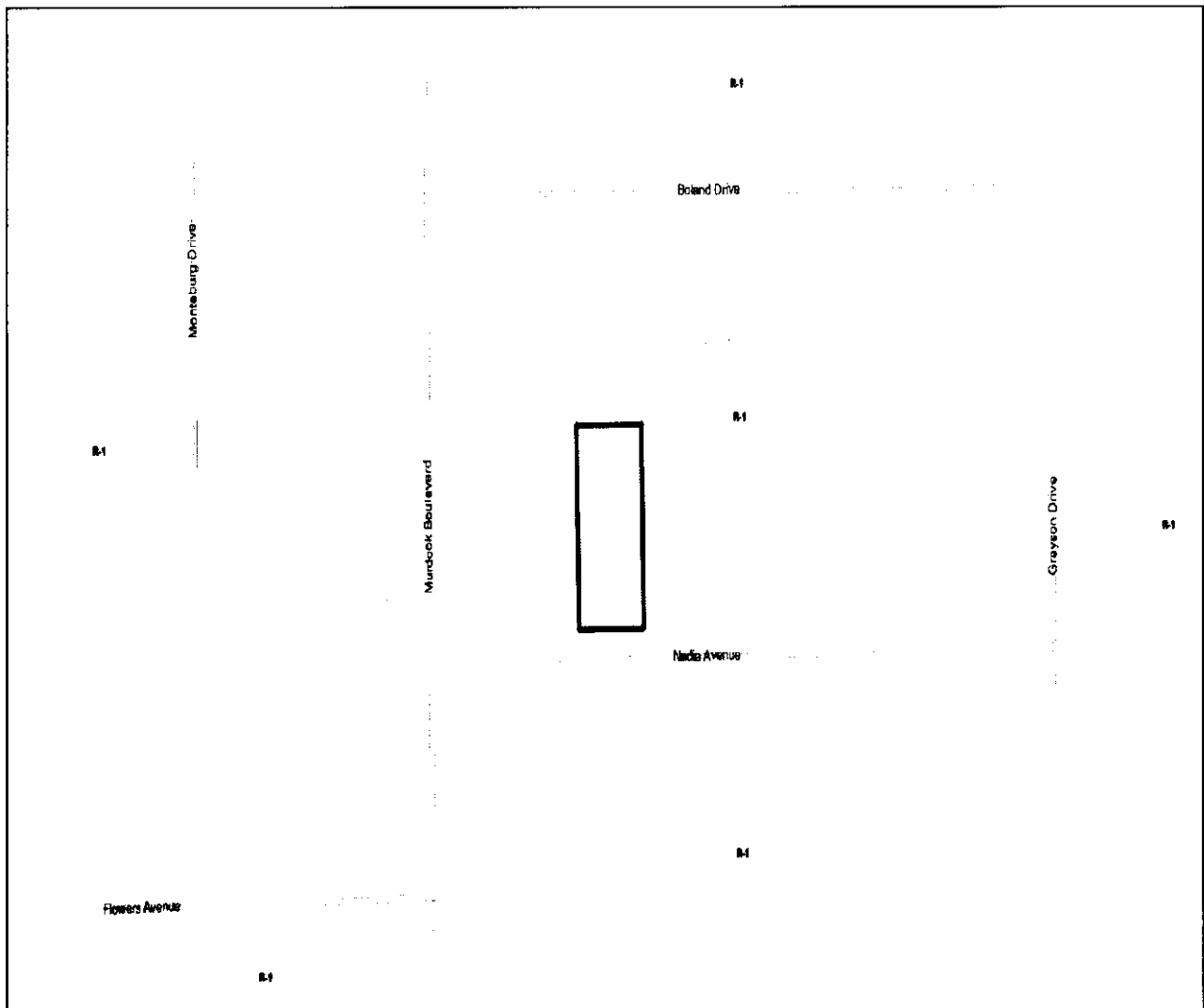
SYNOPSIS: Staff gave a presentation on the case, covering the location, the site plan, and photos.

The applicant stated the top of the boat comes off, allowing the carport to be less than fourteen (14) feet in height.

The BZA compared the larger lot size of the property where the other accessory structure size variance was granted. The BZA felt that there was no hardship, and that it did not meet the variance criteria, and that a request for such a large variance was not the minimum possible variance. The BZA felt that it would be fair to allow 560 sq. ft.

Staff received five (5) commentaries in favor of the application and none in opposition. There was no opposition at the hearing.

The BZA approved a variance to allow 560 sq. ft. of accessory structure floor area with two (2) additional conditions.



Applicant: Ibrain Gonzalez

BZA Number: VA-16-12-153

BZA Date: 12/01/2016

District: 4

Sec/Twn/Rge: 20-22-31-NE-A

Tract Size: 100 ft. x 220 ft.

Address: 10619 Nadia Avenue, Orlando FL 32825

Location: North side of Nadia Ave., approximately 200 ft. east of Murdock Blvd.

October 9, 2016

Board of Zoning Adjustment (BZA)

Orange County Zoning Division
201 S. Rosalind Ave. Post Office Box 2687
Orlando, FL 32802-2687

**Re: Cover Letter for Application for Variance at 10619 Nadia Ave, Orlando, Florida
32825**

This application is submitted to Board of Zoning Adjustment (BZA) for consideration and approval of the New Boat Parking at 10619 Nadia Ave, Orlando, Florida 32825 residence. We have used 250 sqft of the allowed 500 sqft per/residence for non-attached construction to construct a Carport and are now proposing to construct a Boat Parking next to the house.

The dimensions of the Boat Parking shall be 14ft x 40ft x 14ft high.

(Please see the property survey included).

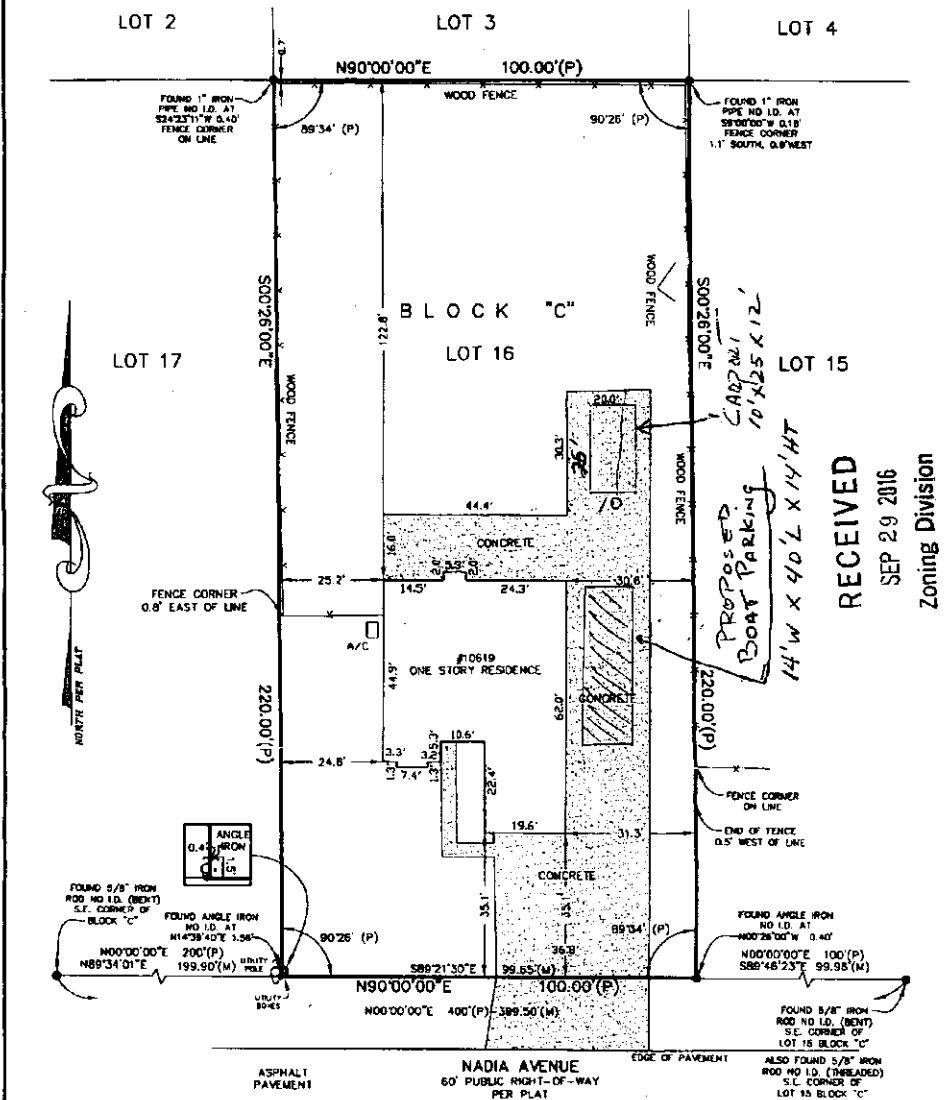
We would greatly appreciate all your efforts and support to accomplish this mission.

Thank you,

Ibrain Gonzalez
10619 Nadia Ave
Orlando, Florida 32825
407-285-3015

LEGAL DESCRIPTION:

LOT 16, BLOCK "C", ORLANDO ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "S" PAGE 50 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



SURVEYOR'S REPORT:

- Based on the National Flood Insurance Program "FIRM" Map Community 120179 Panel Number 0280F Dated 8-25-2006 the above described Property is located in Zone "X". Areas determined to be outside the 0.2% annual chance floodplain.
- Bearings are based on the South line of the above referenced Lot 16, Block "C" as being N90°00'00"E, Assumed.
- The Surveyor has not obstructed the lands shown herein for easements and/or rights of way of record.
- No underground installations, foundation footings, or improvements have been located except as noted.
- There may be additional restrictions that are not recorded on this survey that may or may not be found in the public records of this county.
- There is no evidence on the ground of use of the property which might suggest a possible claim of easement other than those shown on the survey.
- This Survey was prepared for the Entities named herein and is "nontransferable".
- Improvements within their specific easements have not been located as a part of this survey.

CERTIFICATION:

I hereby certify that the survey represented on this map was made under my direction on the date shown based on the information furnished to me as noted and conforms to the STANDARDS OF PRACTICE FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA in accordance with 61S-17, Florida Administrative Code.

BOUNDARY SURVEY		Date of Field Survey 10-22-15	Revised NA	Drawn by JAG
Certified to: IBRIAN GONZALEZ	Job No. 15113C-16	Scale 1" = 30'	Field by JAG	Checked by JAG
<p>LEGEND</p> <p>(P) = PER PLAT</p> <p>(C) = CALCULATED FROM PLAT GEOMETRY</p> <p>(M) = MEASURED</p>		<p>Professional Surveyor - 8-Headgear</p> <p>Florida Registration No. 4702</p> <p>"Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper"</p> <p>LAND TECH</p> <p>SURVEYING & MAPPING CORP</p> <p>350 S. Central Ave., Oviedo, FL 32765</p> <p>P.O. Box 621892, Oviedo, FL 32762</p> <p>Voice (407) 365-1036</p> <p>Fax (407) 365-1838</p> <p>Licensed Business No. 8777</p>		

15113C-16



STAFF REPORT
CASE #VA-16-12-153
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
December 1, 2016
Commission District: 4

GENERAL INFORMATION:

APPLICANT: Ibrain Gonzalez

REQUEST: Variance in the R-1 zoning district to allow a total of 810 sq. ft. of accessory structure floor area in lieu of 500 sq. ft.

(Note: Applicant proposes a new carport of 560 sq. ft. for his boat parking. There is an existing 250 sq. ft. carport on the subject property.)

LOCATION: North side of Nadia Ave., approximately 200 ft. east of Murdock Blvd.

PROPERTY ADDRESS: 10619 Nadia Avenue

PARCEL ID: 17-22-31-6300-03-160

TRACT SIZE: 100 ft. x 220 ft.

DISTRICT #: 4

ZONING: R-1

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to add a 560 sq. ft. carport to the property for a cumulative total of 810 sq. ft. of accessory structures.
2. The amount of variance deviation requested is sixty-two percent (62%). The variance criteria seeks to minimize the extent of the deviation.
3. The BZA granted a similar variance in 1986, allowing a ninety-two percent (92%) deviation for a property located approximately 700 feet away.

STAFF RECOMMENDATION:

Staff has concerns about the amount of deviation from the code (62%). If the BZA approves this request, the following conditions should be imposed:

1. Development in accordance with site plan dated September 29, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard; and,
4. The exterior of the proposed accessory structure shall match the exterior of the existing house.

cc: Hector Vidal (Applicant's Representative)
12145 Citruswood Drive
Orlando, Florida 32832

Ibrain Gonzalez
10619 Nadia Avenue
Orlando, Florida 32825

KEVIN MCCORD
VA-16-12-156

REQUEST: **Variances** in the A-2 zoning district for accessory uses as follows:
1) To allow a total of 3,428 sq. ft. of accessory structure floor area in lieu of 2,000 sq. ft.;
2) To validate existing accessory structure at the southwest corner of the site with a 0 ft. side (south) yard setback in lieu of 5 ft.; and,
3) To validate same existing accessory structure with a 4 ft. rear (west) yard setback in lieu of 5 ft.
(Note: The applicant currently has two accessory structures with a combined floor area of 2,128 sq. ft. They wish to add a third structure with a total of 1,300 sq. ft. of floor area.)

ADDRESS: 2714 Valerie Avenue, Apopka FL 32712

LOCATION: West side of Valerie Ave., approximately 1/4 mile south of Ponkan Rd.

S-T-R: 27-20-28

TRACT SIZE: 2.17 acres

DISTRICT#: 2

LEGAL: N 150 FT OF N1/2 OF NW1/4 OF SE1/4 OF NW1/4 (LESS E 30 FT FOR RD) OF SEC 27-20-28

PARCEL ID: 27-20-28-0000-00-089

NO. OF NOTICES: 51

DECISION: **APPROVED** the Variance request **#1**, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; and further, determined Variance requests **#2 & #3**, as **UNNECESSARY** (unanimous; 6-0):

1. Development in accordance with site plan dated October 11, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. The applicant shall remove the 400 sq. ft. shed/lean to structure prior to final inspection of the new accessory structure; and,

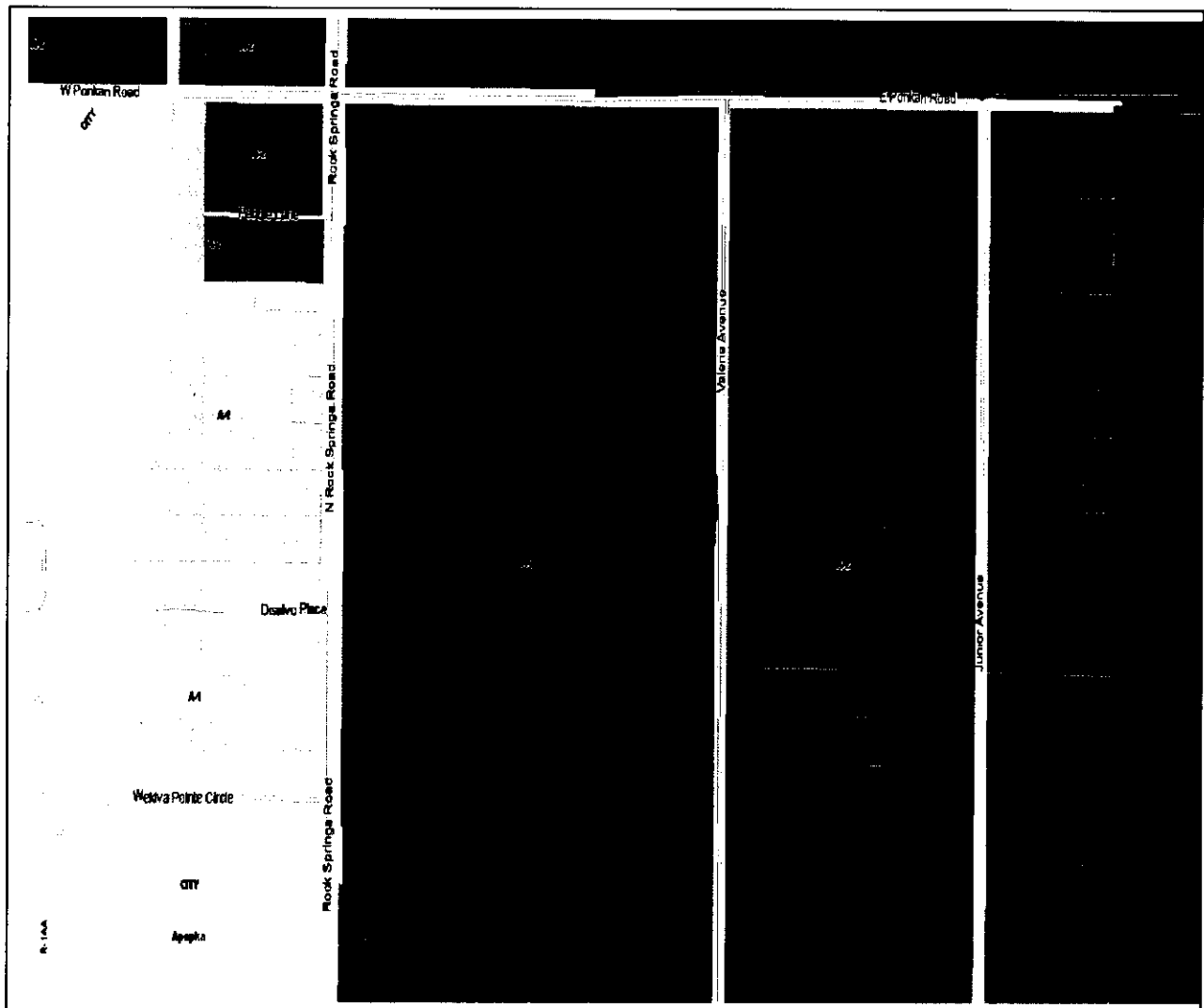
5. This approval is to permit a total of 2,728 sq. ft. of accessory floor area.

SYNOPSIS: Staff noted that Variances #2 and #3, were to validate an existing shed/lean-to located in the southwest corner of the site, for which there did not appear to be a valid permit. Staff noted that a variance of seventy-one percent (71%) was considered excessive and could not be supported.

The applicant noted that they would be removing the subject shed/lean-to rather than attempting to permit it, which would reduce the percentage of the variance to fifty-one percent (51%). The applicant provided photographs showing the need for the added storage.

The BZA questioned the need for a lean-to. The applicant noted that this is where they stored their lawn equipment. The BZA asked if the applicant would accept an additional 1,000 feet, if the smaller shed/lean-to were removed. The applicant agreed.

Condition #4, was modified to require removal of the 400 square feet shed/lean-to; and Condition #6, was deleted as it was no longer needed. The BZA made a motion to recommend approval of Variance #1, with a total of 2,728 sq. ft. of accessory floor area, and found that Variances #2 and 3, were no longer necessary.



Applicant: Kevin McCord

BZA Number: VA-16-12-156

BZA Date: 12/01/2016

District: 2

Sec/Twn/Rge: 27-20-28-NW-B

Tract Size: 2.17 acres

Address: 2714 Valerie Avenue, Apopka FL 32712

Location: West side of Valerie Ave., approximately 1/4 mile south of Ponkan Rd.

Kevin McCord

2714 Valerie Ave

Apopka, FL 32712

Dear BZA Members

I'm a homeowner in Apopka but out of the city limits. I will be retiring in a few years and have always wanted to buy and restore an older Ford Mustang and also one of the old hit and miss engine tractors. I also am a moderately skilled woodworker and love staying busy. I spent 22 years in the Navy and the last 13 years working for Toshiba America Medical System as a service engineer. Both of these jobs have been demanding of my time and not allowed me the time or space to do what I have always wanted to do. Now that I have just over 2 acres, my house remodeled and a few years left of working I would like to start the restoration work that I've always wanted to do.

My barn and shed are almost full now with the Ford Ranger pickup truck, small amount of woodworking tools and equipment that I have along with a golf cart, zero turn lawn mower and accessories such as spreader, sweeper and aerator. I would love to build another small barn to move all this stuff to and open up my large barn to do my hobbies of woodworking and restoration. I am requesting a variance of my accessory structure floor space. Per zoning code for A2 that states I can have a maximum of 2,000 square feet. I currently have a 36' x 48' painted metal barn, 10' x 20' portable shed with a 10' x 20' lean to. The new barn would be located at the back corner of my property 10' away from the property line and the closest house would be mine at approximately 200' away. The dimensions would be 24' x 36' enclosed with a 24' x 36 lean to. The closet neighbor's house would be more than 600 feet away. The barn constructed materials will be:

- steel trusses
- PT 6" x 6" poles
- 2' x 6' #2 Pine roof purlins and wall girts
- 26 gauge white painted metal for roof and walls
- PT 2" x 6" floor joists
- PT 3/4" x 4' x 8' plywood floor
- Single entry door
- 10' x 9' metal door

I realize that I'm asking for a large variance above the standard 2000' square feet of accessory building floor space but 832' of it would be lean to which is where I would keep my utility and car trailers. I would like to thank you for your consideration of my request.

Regards,

Kevin McCord

Cell: (407) 388-5693

RECEIVED

OCT 11 2016

Zoning Division

SWERDLOFF & BERRY

370 Waymont Court • Lake Mary, FL 32746 • Voice 407.688.7631 • Fax 407.688.7691

The North 150 feet of the North 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4, LESS the East 30 feet thereof for road, Section 27, Township 20 South, Range 28 East, Polk County, Florida.

Community number: 120179 Panel: 0110

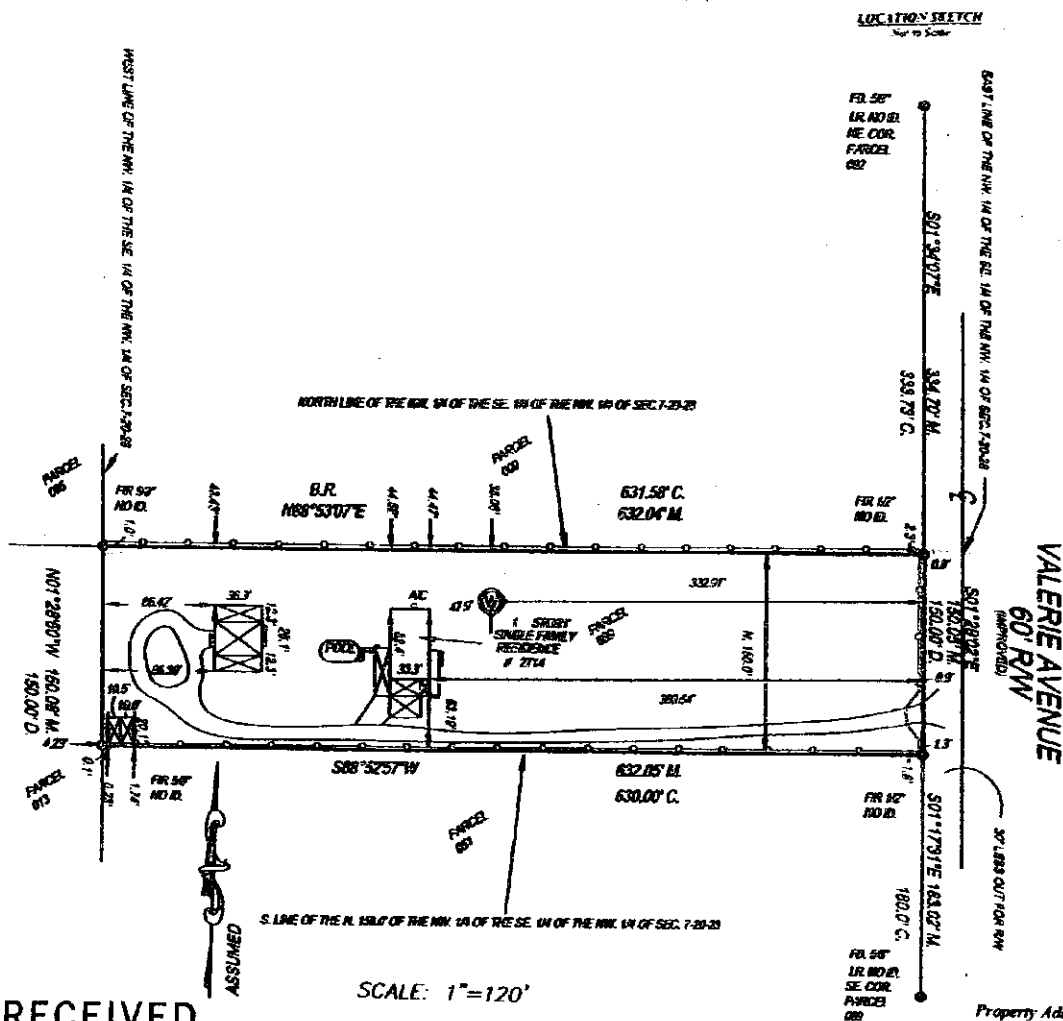
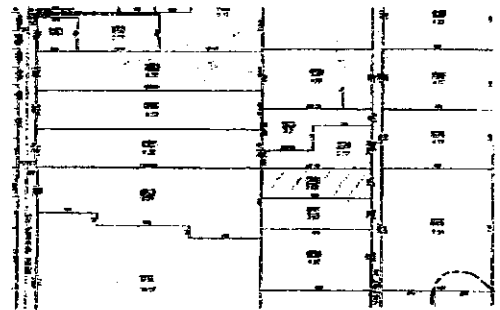
Suffix: E.F.I.R.M. Date: 12/6/2000 Flood Zone: X

Date of field work: 6/5/2007 Completion Date: 6/6/2007

Certified to:

Kevin H. McCord, June E. McCord, Central Florida Title Center; Fidelity National Title Insurance Company; Navy Federal Credit Union, its successors and/or assigns, as their interests may appear.

Revised Certifications: 2/15/2008



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OCT 11 2016

Zoning Division

LEGEND

— Natural Feature

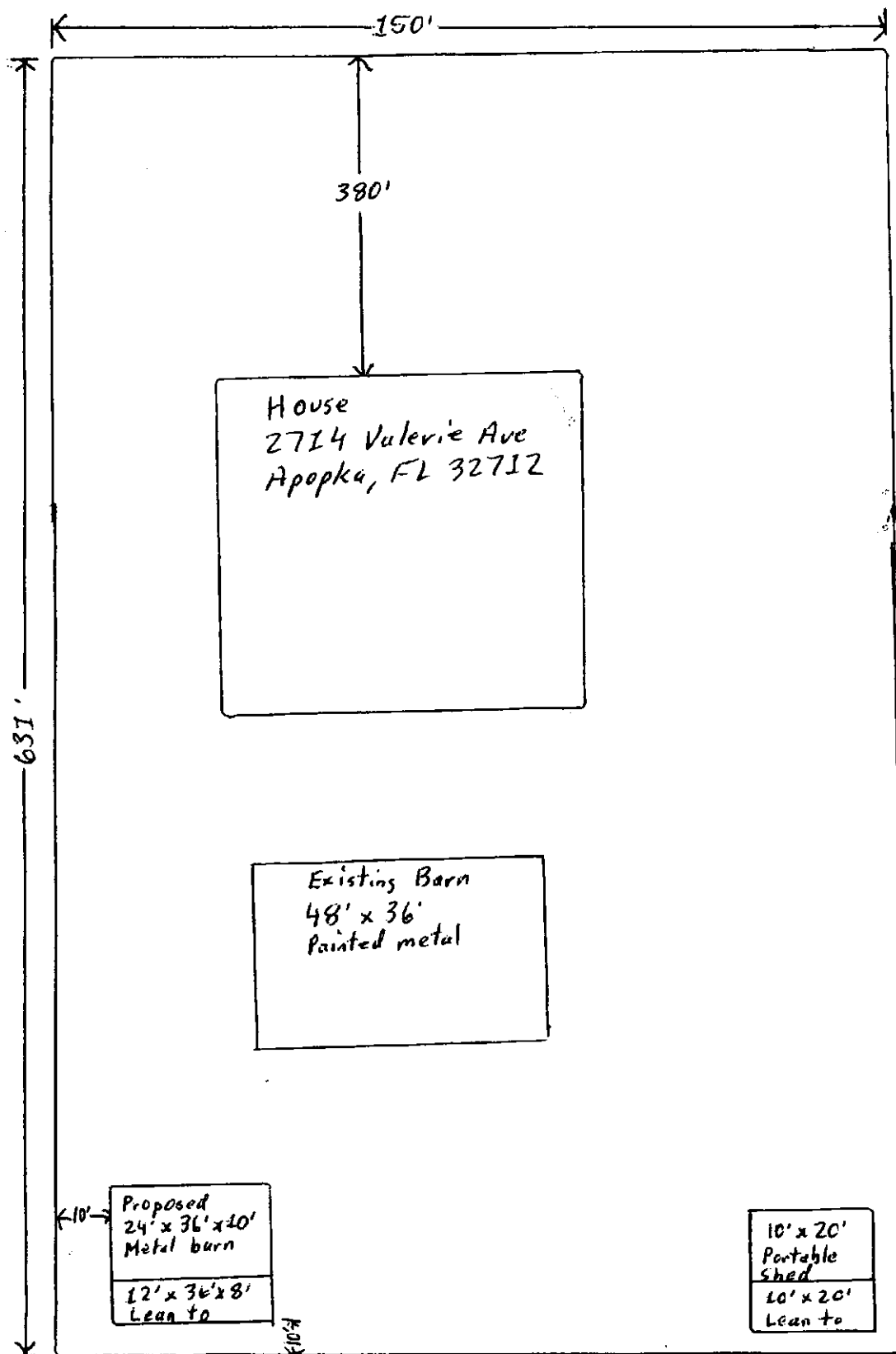
W.M. Modern Method

N.T.S. Not to Scale

GENERAL NOTES

1. Elevation considered by others

12. FLOOD ZONE DETERMINATIONS ARE



Kevin McCord
(407) 388 5693

RECEIVED
OCT 11 2016
Zoning Division



STAFF REPORT
CASE #VA-16-12-156
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
December 1, 2016
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Kevin McCord

REQUEST: Variances in the A-2 zoning district for accessory uses as follows:

- 1) To allow a total of 3,428 sq. ft. of accessory structure floor area in lieu of 2,000 sq. ft.;
- 2) To validate existing accessory structure at the southwest corner of the site with a 0 ft. side (south) yard setback in lieu of 5 ft.; and,
- 3) To validate same existing accessory structure with a 4 ft. rear (west) yard setback in lieu of 5 ft.

(Note: The applicant currently has two accessory structures with a combined floor area of 2,128 sq. ft. They wish to add a third structure with a total of 1,300 sq. ft. of floor area.)

LOCATION: West side of Valerie Ave., approximately 1/4 mile south of Ponkan Rd.

PROPERTY ADDRESS: 2714 Valerie Avenue

PARCEL ID: 27-20-28-0000-00-089

TRACT SIZE: 2.17 acres

DISTRICT #: 2

ZONING: A-2

STAFF FINDINGS AND ANALYSIS:

1. The applicant wishes to construct a new 1,296 sq. ft. barn. The barn will consist of 864 sq. ft. of floor area completely enclosed with a 432 sq. ft. lean-to structure, open on three (3) sides extending from the rear of the barn.

2. The applicant currently has an existing 1,728 sq. ft. barn located directly behind the home, and a 400 sq. ft. portable shed, of which half the square footage is a lean-to structure. Combined, this equals 2,128 sq. ft. The subject property is 2.7 acres, zoned A-2, entitling it to a total of 2,000 sq. ft. of accessory floor area.
3. According to the Property Appraiser's records, the barn behind the house is identified as having been constructed in 1985. There is no record of the smaller shed/lean-to. Based on the fact that this structure is located within the required five (5) foot setbacks, staff concludes it was likely erected without a permit.
4. The applicant purchased the property in 2008. A review of historic aerials show that both existing accessory structures were in existence prior to that time. They are not the result of action by the applicant.
5. With the construction of the additional 1,296 sq. ft. barn, the total accessory square footage will be 3,424 sq. ft., or seventy-one percent (71%) more than the current Code permits. Without the lean-to on the proposed structure, the total accessory floor area would only be 3,004 sq. ft., or a variance of 50.2 sq. ft.
6. Variance requests #2 and #3, are intended to validate the existing smaller shed. Staff is recommending a condition used by the BZA in the past, preventing the reconstruction of this shed without further BZA action, should it ever be removed or destroyed.

STAFF RECOMMENDATION:

Staff cannot support Variance #1 of the request for the following reasons:

1. The current situation already exceeds the total accessory square footage by 128 sq. ft.
2. The request would constitute a seventy-one percent (71%) deviation from the Code. This is excessive.
3. One of the existing accessory structures is not properly permitted. If it is determined that it should be allowed to remain, the necessary permits for this structure should be obtained.

Given the smaller 400 sq. ft. shed/lean-to is a preexisting condition, and not the result of action by the applicant, staff can support Variances #2 and #3 to validate this structure.

Should the BZA find that the application meets the criteria for the granting of one or more of the requested variances, the following conditions are recommended:

1. Development in accordance with site plan dated October 11, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with that standard;
4. The applicant shall obtain a permit for the 400 sq. ft. shed/lean-to structure within 180 days of final County action on this matter or this approval becomes null and void;
5. This approval is to permit a total of _____ sq. ft. of accessory floor area; and,
6. If the 400 sq. ft. shed/lean-to is ever removed or destroyed, it shall not be replaced without further action by the BZA.

cc: Kevin McCord
2714 Valerie Avenue
Apopka, Florida 32712

TAM BAO BUDDHIST MONASTERY
SE-16-12-157

REQUEST: **Special Exception** in the A-1 zoning district to expand existing religious use to include the construction of a new 5,000 sq. ft. meditation hall building; and, **Variance** to allow grass parking in lieu of paved parking spaces.
(Note: The proposed meditation hall will not have any outdoor activities associated with it).

ADDRESS: 4724 Rock Springs Road, Apopka FL 32712

LOCATION: Southwest corner of Rock Springs Rd. and E. Williams Ave.

S-T-R: 16-20-28

TRACT SIZE: 2 acres

DISTRICT#: 2

LEGAL: 10704/7607, 10623/7528 AND 7262/4252 ERROR IN DESCRIPTION
-- ROCK SPRINGS HOMESITES S/12 LOT 8 (LESS E 20 FT FOR RD R/W) BLK H

PARCEL ID: 16-20-28-7612-08-080 16-20-28-7612-08-090

NO. OF NOTICES: 65

DECISION: **APPROVED** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0):

1. Development in accordance with site plan dated October 11, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The grass parking spaces shall be fitted with tire stops, and all drive aisles and handicap parking spaces shall be paved per County Code;
5. The site shall be limited to one (1) vehicular access point on Rock Springs Road;
6. The new building shall have a fifty (50) foot minimum setback from the west property line;
7. There shall be a minimum fifty (50) foot natural preserved vegetative buffer along the west and south property lines as shown on the site plan;
8. No retention, parking or drive aisles shall be permitted within the fifty (50) feet of the west and south property lines, except as shown on the site plan;
9. There shall be no more than four (4) outdoor special events per year;
10. Both lots shall be combined, under a single parcel I.D. number prior to permitting;
11. Construction plans shall be submitted within two (2) years of Orange County approval;
12. A maximum of five (5) residents shall be allowed to occupy the residential structure;
13. Use of fireworks shall be prohibited; and,
14. The use of loudspeakers, bullhorns or amplified sound shall be prohibited, except during outdoor special events.

SYNOPSIS: Staff gave a presentation on the case, covering the location, the site plan, design, and photographs.

The applicant stated the monastery was established to provide a quiet, serene environment, and that they intend to keep the existing trees in addition to planting more, and that the reason for the grass parking was to continue with a low impact and infrequent use.

The BZA confirmed the uses, times of operation, and asked about outdoor activities.

Three (3) people spoke in favor of the case, citing the benefits of meditation and stating that the use is quiet, and that they have never heard any chanting or loud noise.

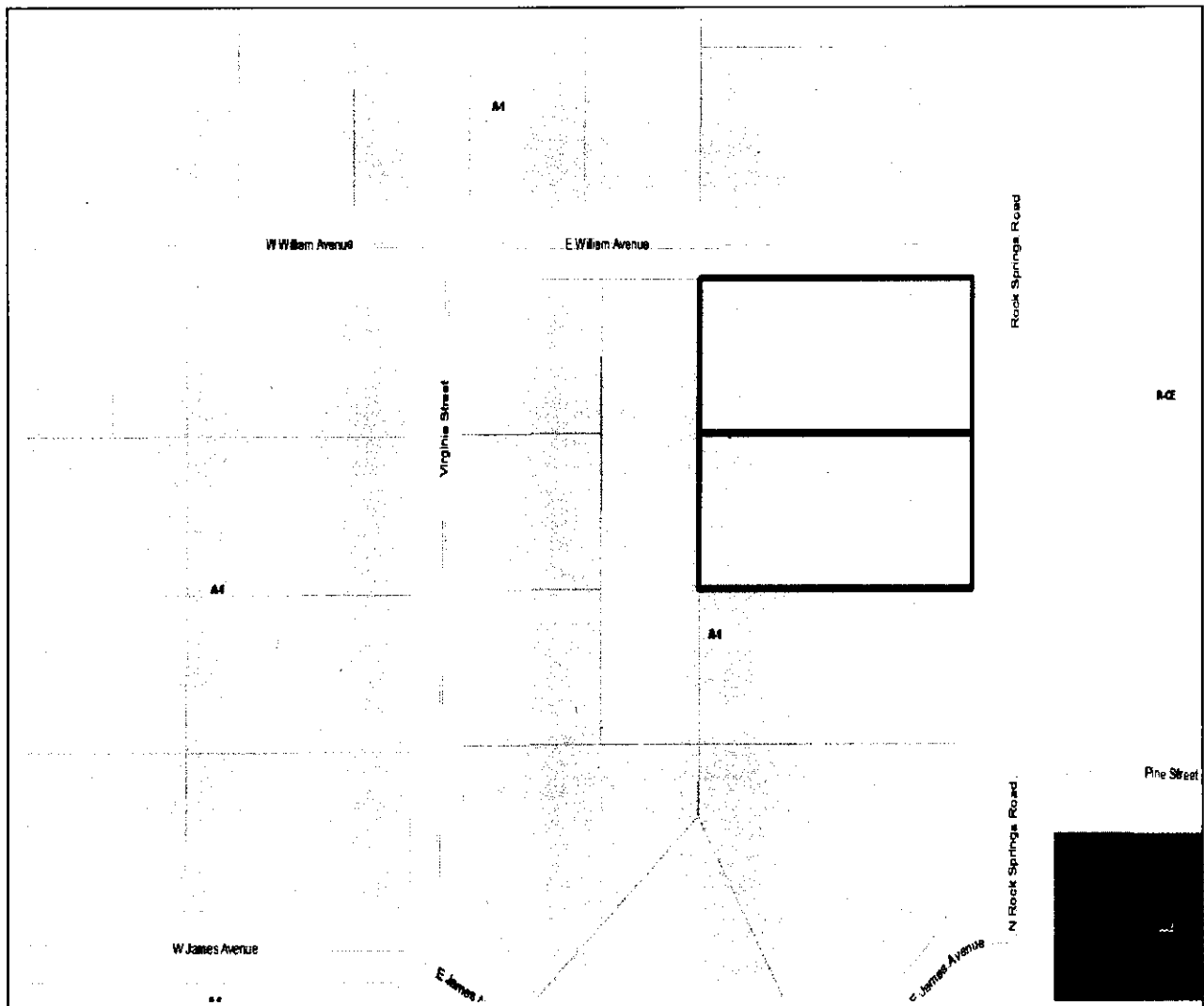
One (1) neighbor spoke against the case, citing festivals with over 100 people, chanting at 4:00 a.m., and loitering.

The applicant stated the use is quiet, and referred to the neighbor of twenty-five (25) years, who stated there was no amplified sound and no chanting late at night.

The BZA felt the use was not a nuisance to the public.

Staff received one (1) commentary in favor of the application and four (4) in opposition.

The BZA approved the Special Exception and Variance.



Applicant: Tam Bao Buddhist Monastery

BZA Number: SE-16-12-157

BZA Date: 12/01/2016

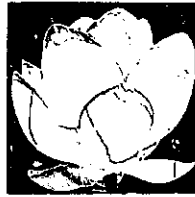
District: 2

Sec/Twn/Rge: 16-20-28-NE-A

Tract Size: 2 acres

Address: 4724 Rock Springs Road, Apopka FL 32712

Location: Southwest corner of Rock Springs Rd. and E. Williams Ave.



Founded 1990

October 3, 2016

Orange County Board of Zoning Adjustment
201 Rosalind Avenue
Orlando, Florida 32801

RE: Tam Bao Buddhist Monastery - Special Exception
4766 and 4724 Rock Springs Road, Apopka, FL 32712

Dear Members of the Orange County Board of Zoning Adjustment:

We, Tam Bao Buddhist Monastery, own two adjacent lots (4766 and 4724 Rock Springs Road, Apopka, FL 32712). The monastery has been in this location since 1990. We would like to request a special exception to add a 60-seat meditation hall.

PURPOSE

Established in 1990, Tam Bao Buddhist Monastery was founded exclusively for charitable and spiritual education. Its mission is to be a spiritual training center for ordained Theravada Buddhist monastics and practitioners of meditation who seek virtuous conduct, concentration, and wisdom.

A significant spiritual, cultural, and civic asset to the community, the monastery offers meditation training in a serene environment for contemplation, learning, reflection, and healing. To further our mission of helping the community live in peace and serenity, we wish to build add a 60-seat meditation hall.

SIZE: 5000 SF meditation hall

EXISTING USES: Buddhist Monastery

NUMBER OF CLIENTS: 1 resident monk, 1 to 2 volunteers to do yard maintenance periodically. No animals. No children. No employees. No students.

DAYS & HOURS OF OPERATION & SERVICE: Friday from 6 PM to 8 PM (meditation for approximately 15 practitioners).

PROPOSED OUTDOOR ACTIVITIES: None

Tam-Bao Buddhist Monastery
4766 Rock Springs Road, Apopka, Florida 32712, USA Telephone 407.703.7009

Tam Bao Buddhist Monastery - Special Exception
Page 2

Additionally, we've complied with the following Orange County zoning requirements:

1. Building setbacks
2. Building height
3. Parking
4. Stormwater retention
5. Landscape
6. Noise ordinance

For your reference, we've attached a growing list of names, addresses, and signatures of our generous and compassionate neighbors who support our effort to build the meditation hall on our land. In the same vein, we owe you our deep gratitude for your consideration and support.

Respectfully submitted,

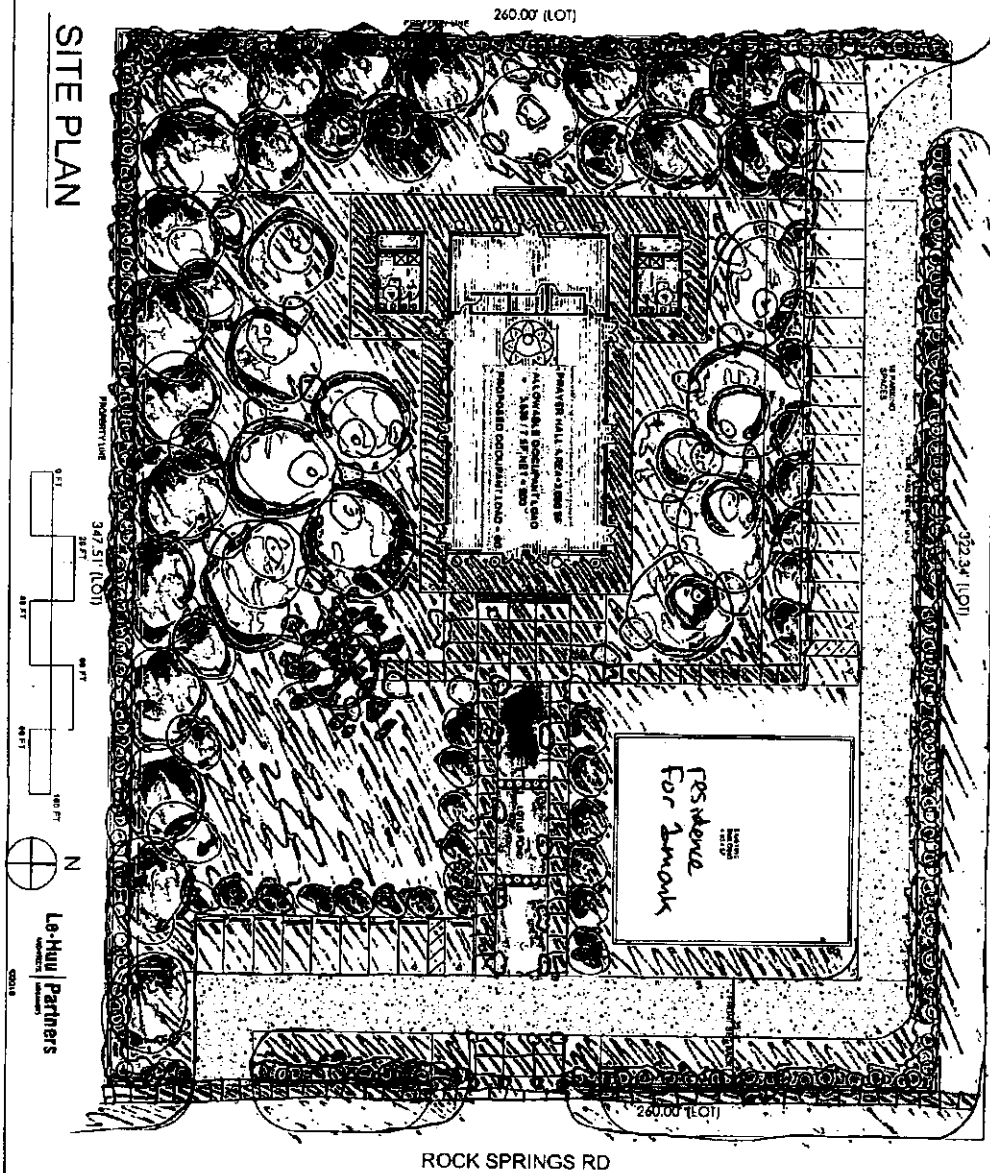


Lam Douglas Quang, Authorized Representative
for the Venerable Khippapanno-Kim Trieu, Director

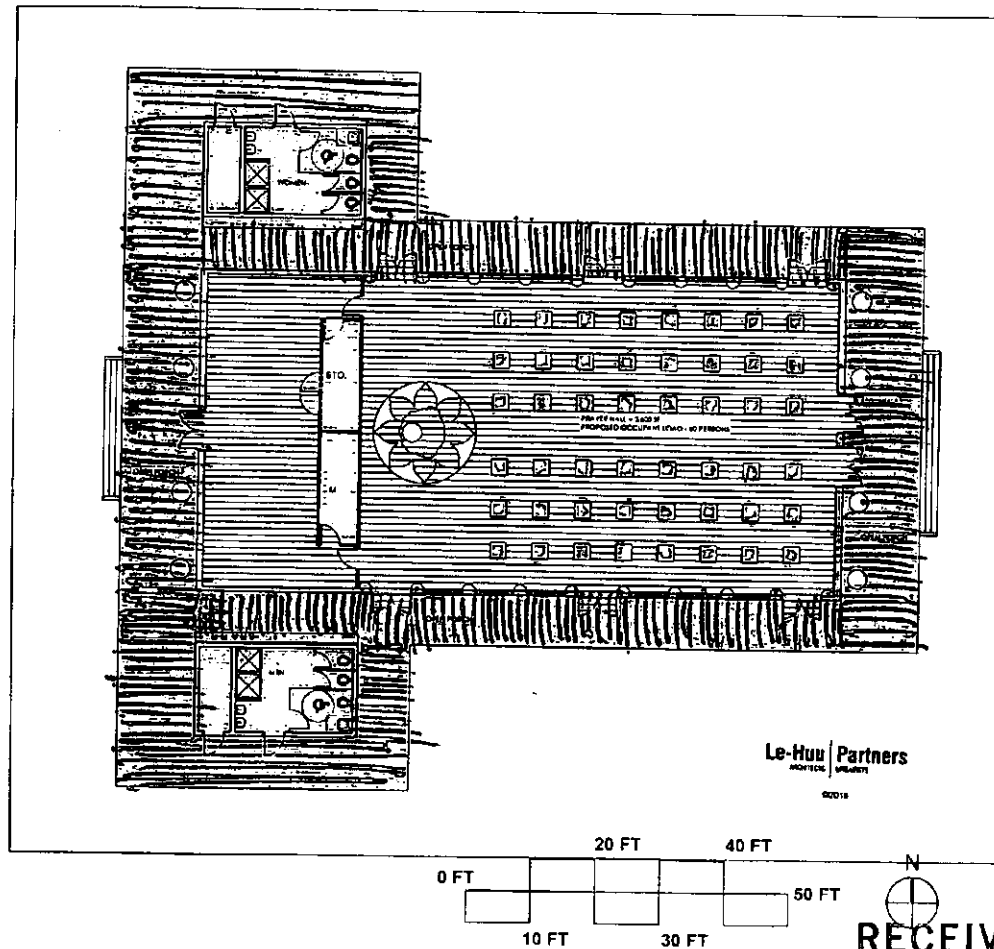
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ZONING DIVISION

Tam-Bao Buddhist Monastery
4766 Rock Springs Road, Apopka, Florida 32712, USA Telephone 407.703.7009

2 SITE PLAN



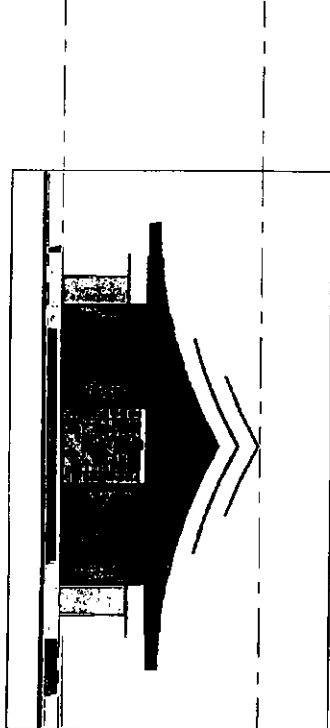
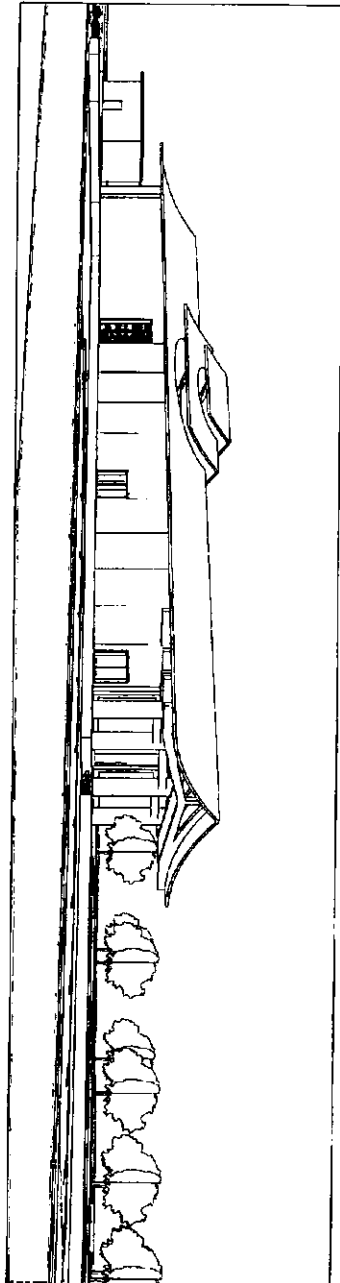
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ZONING DIVISION



3 FLOOR PLAN

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ORANGE COUNTY
ZONING DIVISION



ROOF 9
27.0'

EAST ELEVATION

BASED PLANS 9
17.0'

4 EAST ELEVATION

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OCT 11 2016
ORANGE COUNTY
ZONING DIVISION



STAFF REPORT
CASE #SE-16-12-157
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
December 1, 2016
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Tam Bao Buddhist Monastery

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-1 zoning district to expand existing religious use to include the construction of a new 5,000 sq. ft. meditation hall building and Variance to allow grass parking in lieu of paved parking spaces.

(Note: The proposed meditation hall will not have any outdoor activities associated with it).

LOCATION: Southwest corner of Rock Springs Rd. and E. Williams Ave.

PROPERTY ADDRESS: 4766 Rock Springs Rd.

PARCEL ID's: 16-20-28-7612-08-080 and 16-20-28-7612-08-090

TRACT SIZE: 2 acres

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Religious facility

PROPOSED USE(S): 5000 sq. ft. meditation hall

SURROUNDING USES: N – Single Family Residential
S – Single Family Residential
E – Single Family Residential, vacant
W - Single Family Residential

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes a new 5,000 sq. ft. sixty (60) seat meditation hall with new drive aisles and grass parking. The existing 3,390 sq. ft. temple will be converted into living space.
2. The applicant has redesigned the site to keep parking and drive aisles as far as possible from the adjacent residential neighbors.
3. The applicant has stated there will be no outdoor events.
4. The applicant has stated that the building will only be used for meditation/training/classes on Fridays, from 6:00 p.m. to 8:00 p.m.
5. The applicant proposes to keep as many large specimen trees as possible, and to supplement with additional trees and hedge material to provide a buffer to the adjacent residential neighbors.
6. The proposed site plan shows conceptual landscaping that provides more tree specimens than what Chapter 24, Orange County Code requires. However, there is no landscaping legend for County arborists to follow once plans are submitted for permitting. Staff supports extra tree specimens and hedging along the west and south property lines provided that a detailed landscaped plan with a legend is submitted at the time of site plan review.

STAFF RECOMMENDATION:

Staff will make a recommendation at the public hearing on December 1, 2016, after all the evidence and testimony has been entered into the record.

If the BZA approves the request, the following conditions should be imposed:

1. Development in accordance with site plan dated October 11, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The grass parking spaces shall be fitted with tire stops, and all drive aisles and handicap parking spaces shall be paved per County Code;
5. The site shall be limited to one (1) vehicular access point on Rock Springs Road;
6. The new building shall have a fifty (50) foot minimum setback from the west property line;
7. There shall be a minimum fifty (50) foot natural preserved vegetative buffer along the west and south property lines as shown on the site plan;
8. No retention, parking or drive aisles shall be permitted within the fifty (50) feet of the west and south property lines, except as shown on the site plan;
9. There shall be no outdoor special events;
10. Both lots shall be combined, under a single parcel I.D. number prior to permitting; and,
11. Construction plans shall be submitted to Orange County within two (2) years or this approval becomes null and void.

cc: Kha Le-Huu (Applicant's Representative)
4401 N Orange Blossom Trail
Orlando, Florida 32804

Douglas Lam (Applicant)
4766 Rock Springs Road
Apopka, Florida 32712

ORLANDO KART CENTER
SE-16-12-165

REQUEST: **Special Exceptions and Variances** in the I-4 zoning district to modify previous Special Exception approval of August 7, 2012, as follows:
1) Special Exception: To construct a 1,730 sq. ft. services building;
2) Special Exception: To add a 50 ft. x 80 ft. metal canopy over viewing area;
3) Special Exception: To place 41 storage containers containing 9,600 sq. ft. on the site for storage purposes;
4) Variance: To place storage containers 3.6 ft. from front property line in lieu of 35 ft.; and,
5) Variance: To place storage containers 0 ft. from the side (west) property line in lieu of 25 ft.
(Note: The race track is only used for go carts with maximum 45 horsepower engines. The drag strip use has been removed).

ADDRESS: 201 Parcel Lane, Orlando FL 32824

LOCATION: North side of Parcel Lane, West side of Cosmonaut Blvd., north of Central Florida Pkwy.

S-T-R: 11-24-29

TRACT SIZE: 14.1 acres

DISTRICT#: 4

LEGAL: COMM AT THE SE CORNER OF SEC 11-24-29, RUN TH S89-46-37W, 42.15 FT TH NO3-50-37W 313.80 FT TH S89-40-43W 622.98 FT NOO-19-17W 349.52 TH S89-46-44W 283.63 FT TH NO3-50-37W 360.00 FT TH N89-46-44E 450.00 FT TH N O3-50-37W 388.22 FT FOR POB TH NO3-50-37W 132

PARCEL ID: 11-24-29-7268-00-840

NO. OF NOTICES: 39

DECISION: APPROVED the Special Exception requests in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions: (5 in favor and 1 opposed):

1. Development in accordance with site plan dated October 12, 2016 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The track shall be used for go karts only with engines not to exceed forty-five (45) horsepower;
5. Prior to the issuance of any permits, the applicant shall submit engineering plans and obtain permit approval from the Building Division and the Fire and Safety Division; and,
6. There shall be no more than four (4) outdoor special events with street legal cars at the manufacturers intended horse power. Said events shall be for charity with 501(c)(3) status.

SYNOPSIS: The applicant is modifying the previously approved Special Exception. They are adding a canopy over the viewing area and placing up to forty-one (41) storage containers on the site for storage and to act as sound mitigation. The track is being used for go-karts only and the drag strip has been removed.

Staff gave a presentation regarding the requests and the surrounding area. The area is a heavy industrial park containing high intense industrial land uses. The industrial park contains storage containers scattered throughout.

The BZA discussed the charity events held at this site and amended the conditions to allow them formally.

There was no opposition.



Applicant: Orlando Kart Center

BZA Number: SE-16-12-165

BZA Date: 12/01/2016

District: 4

Sec/Twn/Rge: 11-24-29-SE-D

Tract Size: 14.1 acres

Address: 201 Parcel Lane, Orlando FL 32824

Location: North side of Parcel Lane, West side of Cosmonaut Blvd., north of Central Florida Pkwy.

Special Exception/Variance Cover Letter

Project: Orlando Kart Center (previously Central Florida Road Course)

Date: October 12, 2016

The proposed special exception is intended to amend a previously approved special exception SE-12-07-038. The special exception approved the use of the property as a racetrack for racing, testing and display of race cars, legend cars, motorcycles, autocross, karts, vehicle testing, car shows, go-karts and drag racing of street cars and motorcycles and non-street legal hot rods on a 51.55 acre parcel. Also included was to allow the consumption of alcohol on the premises. The 51.55 acres was reduced to 14 acre parcel (11-24-29-7268-00-840). This 14 acre parcel has a different owner and drag strip is not part of it. Drag strip is abandoned and is being used to access adjacent storage yard (equipment, vehicles etc). Race track on parcel is for go-karts only. No more than 45 horse power engines are used. Parcel is zoned IND4 and is surrounded by storage yards.

Special Exception requests:

- The proposed amendment is to consolidate the project area to a 14 acre parcel (11-24-29-7268-00-840). The drag strip course element of the project is removed and is not part of this parcel.
- Add 1,730 sf to the existing race track services building.
- Add a 50x80 metal canopy structure to provide a shaded viewing area.
- Add 9,600 sf of metal storage containers (existing on-site). There are 41 containers (6400 sq ft) on front side (Parcel Ln side) and 10 (3200 sq ft) on East side to be used as buffer and also as storage of go-karts and equipment.

Container Use:

A lot of individuals and families travel from around and outside the State of Florida to the Orlando Kart Center facility. Many haul their own go-karts, equipment and tools. Containers (Front Side) are being leased to patrons of Orlando Kart Center to store go-karts, equipment and tools for minor go-kart repair. This helps traveling much easier, specially for the regular visitors. Containers on East side are being used for storage of Orlando Kart center go-karts only. They all have a roll up door. None will be used as booths or other outside storage. Plans and engineer drawings (meeting building and fire safety codes) will be submitted to Building department to obtain required permits.

Variance Request:

- Variance to reduce the front setback from 35' to 3.6'
- Variance to reduce the Side Setback from 25' to 0'

We herein request that the amendment to the existing special exception and variance be approved. The proposed modifications will be a reduction in the intensity of use and is fully consistent with the previously approved special exceptions. Owner agrees to exclude any activities for autocross, drag racing of street cars and motorcycles and non-street legal hot rods on property.

If you have any questions or require additional information, please feel free to contact either Clarence Hoenstine (321) 689-3346 or Darcy Unroe PE (407) 299- 0650.



STAFF REPORT
CASE #SE-16-12-165
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
December 1, 2016
Commission District: 4

GENERAL INFORMATION:

APPLICANT: Orlando Kart Center

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the I-4 zoning district to modify previous Special Exception approval of August 7, 2012, as follows:

- 1) Special Exception: To construct a 1,730 sq. ft. services building;
- 2) Special Exception: To add a 50 ft. x 80 ft. metal canopy over the viewing area;
- 3) Special Exception: To place 41 storage containers containing 9,600 sq. ft. on the site for storage purposes;
- 4) Variance: To place storage containers 3.6 ft. from front property line in lieu of 35 ft.; and,
- 5) Variance: To place storage containers 0 ft. from the side (west) property line in lieu of 25 ft.

(Note: The race track is only used for go carts with maximum 45 horsepower engines. The drag strip use has been removed).

LOCATION: North side of Parcel Lane, West side of Cosmonaut Blvd., north of Central Florida Pkwy.

PROPERTY ADDRESS: 201 Parcel Lane

PARCEL ID: 11-24-29-7268-00-840

PUBLIC NOTIFICATION: 1500 ft. radius; 39 notices

TRACT SIZE: 14.1 acres

DISTRICT #: 4

ZONING: IND-4

EXISTING USE(S): Go Kart Racetrack facility

PROPOSED USE(S): 1,730 sq. ft. services building
50 ft. x 80 ft. canopy over viewing area
41 Storage containers

SURROUNDING USES: The subject site is surrounded by heavy industrial land uses.

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing to place up to forty-one (41) storage containers on the east side and south side of the existing go kart track. The applicant states he will lease and use the containers for storage of go karts, equipment, and tools. This will allow the owners of the go karts to store their go karts on site as opposed to hauling the go karts to and off the site.
2. The property is zoned to allow storage containers.
3. On August 7, 2012, the Board of County Commissioners approved the track use and the on-site consumption of beer and wine, provided it met all distance separations. The 2012 approval allowed for a wide variety of racing, except for drag racing. This applicant has volunteered to further restrict this track to go karts only with an engine not to exceed forty-five (45) horsepower if this application is approved.
4. Requests #4 and #5 are variances to allow the placement of the storage containers to be 3.6 ft. and 0 ft. from the front and side property lines, respectively. Although the variances appear excessive, the west property line is adjacent to a bus parking lot which is fenced, and the south property line is adjacent to Parcel Lane which dead ends into the parcel to the west. Staff inspected the site and sees no practical harm to any adjacent properties. Staff will show photographs to demonstrate this point.
5. The area is a heavy industrial park. It is zoned for heavy intense industrial land uses. Surrounding land uses include petroleum storage, tractor trailer depots, bus service and repair, manufacturing plants, heavy equipment storage yards, and cement batch plants. The race track and proposed buildings and storage containers blend in with the surrounding land uses. In fact, the storage containers will act as sound mitigation for the race track activities.
6. Building Division staff has advised that the applicant will need to submit engineering plans and obtain approval from both the Building Division and the Fire Safety Division prior to the issuance of any permits.

7. There have been no sound complaints to EPD since the BCC's approval of August 7, 2012.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated October 12, 2016 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. The track shall be used for go karts only with engines not to exceed forty-five (45) horsepower; and,
5. Prior to the issuance of any permits, the applicant shall submit engineering plans and obtain permit approval from the Building Safety Division and the Fire and Safety Division.

cc: Clarence Hoenstine (Applicant's Representative)
1903 Hoffner Avenue
Orlando, Florida 32809

**SOUL QUEST CHURCH OF MOTHER EARTH
SE-16-12-166**

REQUEST: **Special Exception** in the A-2 zoning district for a religious use facility; and, **Variance** to allow unpaved parking spaces in lieu of paved.
(Note: The applicant intends to use the property and existing 4,939 sq. ft. residence for religious, charitable and educational purposes).

ADDRESS: 1371 Hancock Lone Palm Road, Orlando FL 32828

LOCATION: East side of Hancock Lone Palm Rd., south of E. Colonial Dr.

S-T-R: 24-22-31

TRACT SIZE: 4.5 acres

DISTRICT#: 4

LEGAL: S 150 FT OF N 1200 FT OF W1/2 OF SW1/4 (LESS W 30 FT FOR RD) OF SEC 24-22-31

PARCEL ID: 24-22-31-0000-00-054

NO. OF NOTICES: 67

DECISION: **APPROVED** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (5 in favor and 1 opposed):

1. Development in accordance with site plan dated October 12, 2016 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Gravel parking and driving aisles may be unpaved. All handicapped spaces shall be paved;
5. No amplified sound devices or amplification of music;
6. No more than four (4) special outdoor events. Said events shall operate between the hours of 9:00 a.m. and 9:00 p.m. Said special outdoor events shall not include the religious/spiritual retreats;
7. Use permits for the new use shall be submitted within two (2) years or this approval becomes null and void; and,
8. The use shall comply with Section 15.182 (Noise Control Ordinance), Orange County Code for residential uses.

SYNOPSIS: The applicant proposes to use his property for religious purposes. He will also reside in the home. No new construction is proposed.

Staff gave a brief presentation. Staff advised that most of the religious services will be held outdoors in honor of Mother Nature.

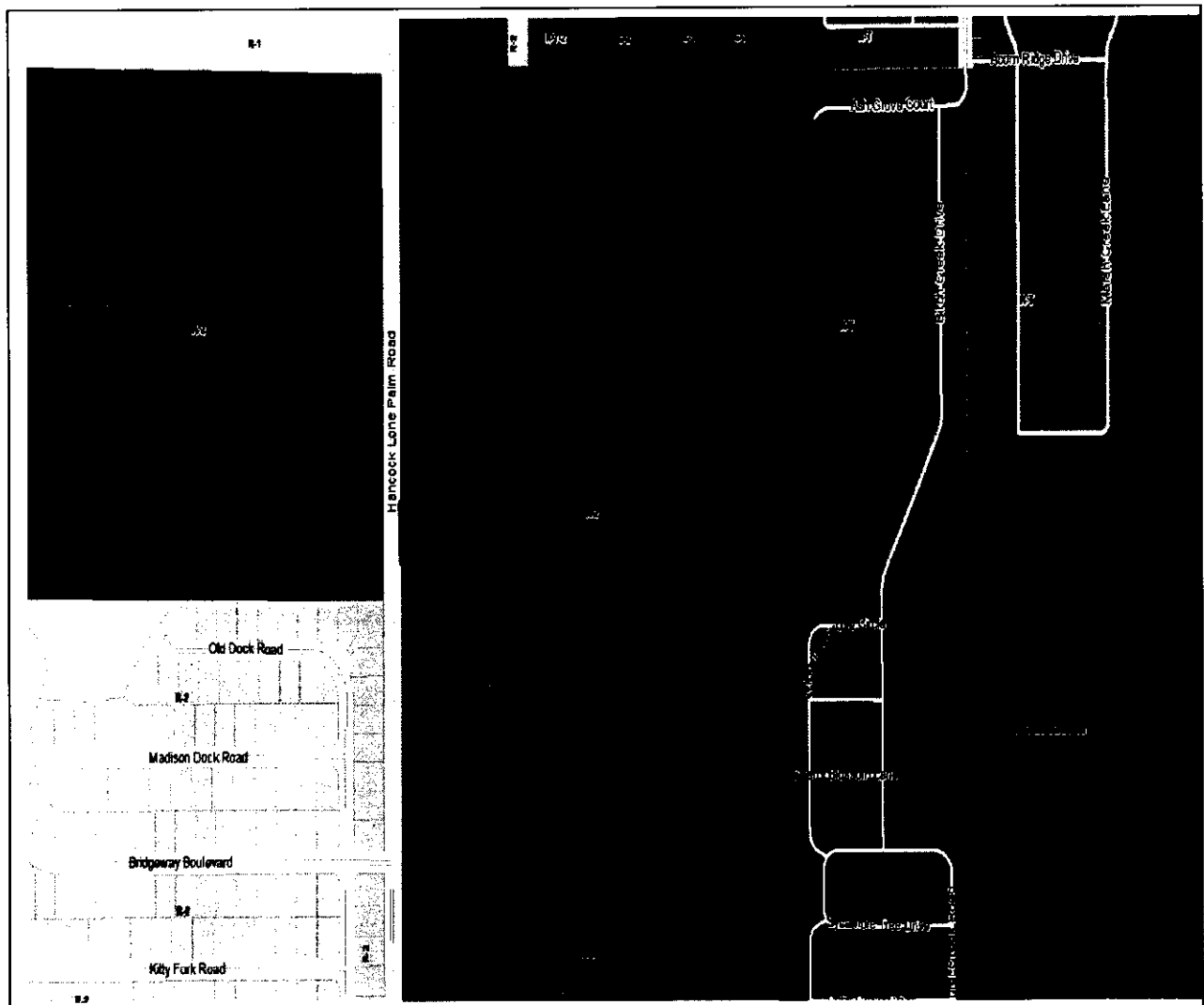
The BZA had concerns about the outdoor worshipping and the potential impacts to neighbors.

The applicant agreed to restrict themselves to the noise and sound limitations as required by the County's Noise Ordinance.

The applicant advised the BZA that their outdoor worshipping is not using outdoor sound devices or amplification of sound.

The BZA felt the request was reasonable given the rural nature of the area and the buffers to the rear of the parcel.

There was no opposition at the hearing.



Applicant: Soul Quest Church of Mother Earth

BZA Number: SE-16-12-166

BZA Date: 12/01/2016

District: 4

Sec/Twn/Rge: 24-22-31-SW-C

Tract Size: 4.5 acres

Address: 1371 Hancock Lone Palm Road, Orlando FL 32828

Location: East side of Hancock Lone Palm Rd., south of E. Colonial Dr.



REPLY TO: WINTER GARDEN

October 12, 2016

VIA HAND DELIVERY

Rocco Relvini
Orange County Zoning
201 S. Rosalind Avenue
Orlando, Florida 32802

Re: 1371 Hancock Lone Palm Road – Application for Special Exception

Dear Mr. Relvini:

Our firm represents Soul Quest Church of Mother Earth, Inc. ("Soul Quest"), whose President Christopher Young and Vice-President Verena Young are the owners of approximately ± 4.5 acres of land located at 1371 Hancock Lone Palm Road in unincorporated Orange County (Parcel Id. No. 24-22-31-0000-00-054) ("Property"). Enclosed is an Orange County Board of Zoning Adjustment Application, together with the applicable fee of \$1,355.00, requesting approval of a special exception to operate a Native American-based religious facility with unpaved parking on the Property, which is zoned "A-2."

Soul Quest is a Florida not-for-profit corporation organized exclusively for religious, charitable, and educational purposes (*see* enclosed Articles of Incorporation). Soul Quest is an inter-faith, inter-tribal, indigenous Native American-based church, whose members believe in the sanctity of Mother Earth and Father Sky and worship in accordance with native indigenous practices. Soul Quest's purpose is to protect and practice North and South American spiritual traditions, spiritual ceremonies, sacred practices, and natural healing ways.

Soul Quest's religious activities on the Property involve hosting spiritual weekend retreats three times a month for no more than thirty (30) members, during which members participate in indigenous religious ceremonies, sacraments, prayer, and related activities. Such religious activities primarily occur on the large patio and around the fire pit depicted on the enclosed site plan.

Soul Quest questions whether a special exception is necessary to host its weekend spiritual retreats, worship in accordance with native indigenous practices, and to conduct other religious activities on the Property. Further, pursuant to Section 38-77 of the Orange County Code, a religious institution is a permitted use on land zoned "A-2," such as the Property. Indeed, prior to acquiring the property in February 2016, our client contacted Orange County Zoning and was informed by a

TALLAHASSEE
433 NORTH MAGNOLIA DRIVE
TALLAHASSEE, FLORIDA 32308
(850) 224-7332
FAX: (850) 224-7662

WINTER GARDEN
12200 WEST COLONIAL DRIVE, SUITE 200
WINTER GARDEN, FLORIDA 34787
(407) 347-5388
FAX: (407) 264-6132

www.theriaquelaw.com

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Rocco Relvini
October 12, 2016
Page 2

staff member that a "church" is a permitted use on the Property. Nonetheless, to avoid any future issue in this regard and in an abundance of caution, Soul Quest hereby seeks approval of a special exception to operate a church/spiritual center on the Property. In so doing, Soul Quest also seeks a waiver to allow unpaved parking on site.

We appreciate Orange County Zoning Staff's support of the requested special exception for our client's proposed religious facility. As always, please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

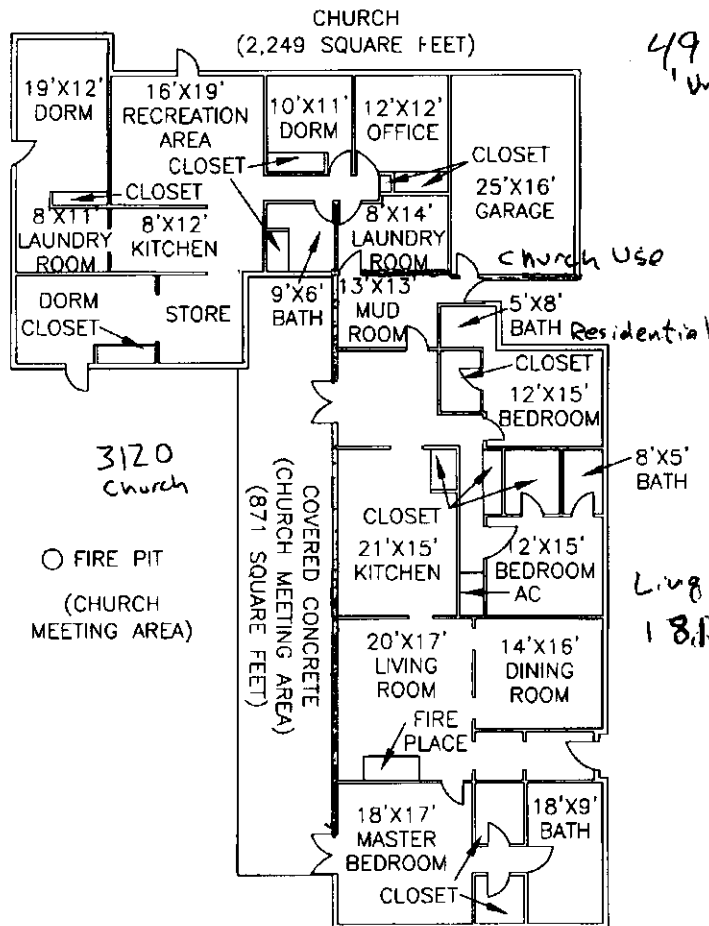
A handwritten signature in black ink, appearing to read "S. Brent Spain", with a long horizontal flourish extending to the right.

S. Brent Spain

Enclosures



FLOOR PLAN



HOURS OF OPERATION
 CHURCH OFFICE HOUSE: MON.-SAT. 10AM-3PM
 SERVICES: FRI.-SAT. 9AM-2PM
 SUN. 9AM-3PM

RECEIVED

OCT 12 2016
 ORANGE COUNTY
 ZONING DIVISION



STAFF REPORT
CASE #SE-16-12-166
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
December 1, 2016
Commission District: 4

GENERAL INFORMATION:

APPLICANT: Soul Quest Church of Mother Earth

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-2 zoning district for a religious use facility and Variance to allow unpaved parking spaces in lieu of paved.

(Note: The applicant intends to use the property and existing 4,939 sq. ft. residence for religious, charitable and educational purposes).

LOCATION: East side of Hancock Lone Palm Rd., south of E. Colonial Dr.

PROPERTY ADDRESS: 1371 Hancock Lone Palm Road

PARCEL ID: 24-22-31-0000-00-054

TRACT SIZE: 4.5 acres

DISTRICT #: 4

ZONING: A-2

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Religious Institution

SURROUNDING USES: N – Single Family Residences
S – Single Family Residence
E – Mobile home park
W – Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to convert the existing single family residence into a religious use. The parking will be unpaved.
2. Based on the application, the applicant will have spiritual weekend retreats three (3) times a months with up to thirty (30) members.
3. Based on the application, no new construction is proposed. Therefore, there will be no physical changes to the site.
4. Staff inspected the site and general area. The zoning along Hancock Lone Palm Road is primarily agricultural. Most of the agricultural properties are approximately five (5) acres in size. Some of these parcels are vacant, some contain mobile homes, and conventional single family homes; and, at least two of them are landscape nurseries. The area is trending towards platted single family subdivisions. The proposed use will not adversely impact the area and is compatible with the surrounding land uses.
5. The BZA needs to differentiate between special outdoor events and the normal services that occur on site. It appears the retreats will be conducted indoors and outdoors. Staff has no objection to the applicant's proposed plan for indoor/outdoor services as the area is very isolated and the outdoor activities will occur behind the existing house. There is a 600-700 foot dense vegetative buffer between the back of the house and the parcels to the east.
6. The applicant is requesting gravel parking and driving aisles. Due to the infrequent usage of this property and the fact that the surrounding parcels do not contain paved parking lots, staff has no objections.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated October 12, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Gravel parking and driving aisles may be unpaved. All handicapped spaces shall be paved;
5. No amplified sound devices or amplification of music;
6. No more than four (4) special outdoor events. Said events shall operate between the hours of 9:00 a.m. and 9:00 p.m. Said special outdoor events shall not include the religious/spiritual retreats; and,
7. Use permits for the new use shall be submitted to Orange County within two (2) years or this approval becomes null and void.

cc: Brent Spain (Applicant's Representative)
12200 W. Colonial Drive, Suite 300C
Winter Garden, Florida 34787

**RADIANT LIFE ACADEMY
SE-16-12-167**

REQUEST: **Special Exceptions** in the A-1 zoning district to expand an existing religious/school as follows:
1) Add a two story 13,000 sq. ft. School/Administration Building; and,
2) Increase enrollment from 150 children (Grades K-5) to 400 students in Grades K-12.

ADDRESS: 8151 Clarcona Ocoee Road, Orlando FL 32818

LOCATION: North side of Clarcona Ocoee Rd., approximately 900 ft. east of N. Apopka Vineland Rd.

S-T-R: 34-21-28

TRACT SIZE: 4.2 acres

DISTRICT#: 2

LEGAL: BEG 449.92 FT E OF NW COR OF SE1/4 OF SE1/4 OF SEC 34-21-28 RUN S 616.07 FT ELY ALONG RD RW 314.78 FT N 631.95 FT W 314.2 FT TO POB (LESS PT TAKEN ON S FOR R/W PER 6977/3080 03-CA-2425) & 7054/3491 ERROR IN LEGAL BEG SW COR OF NE1/4 OF SE1/4 RUN N 589 F

PARCEL ID: 34-21-28-0000-00-085

NO. OF NOTICES: 56

DECISION: APPROVED the Special Exception requests in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 6-0):

1. Development in accordance with site plan dated October 12, 2016, 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;

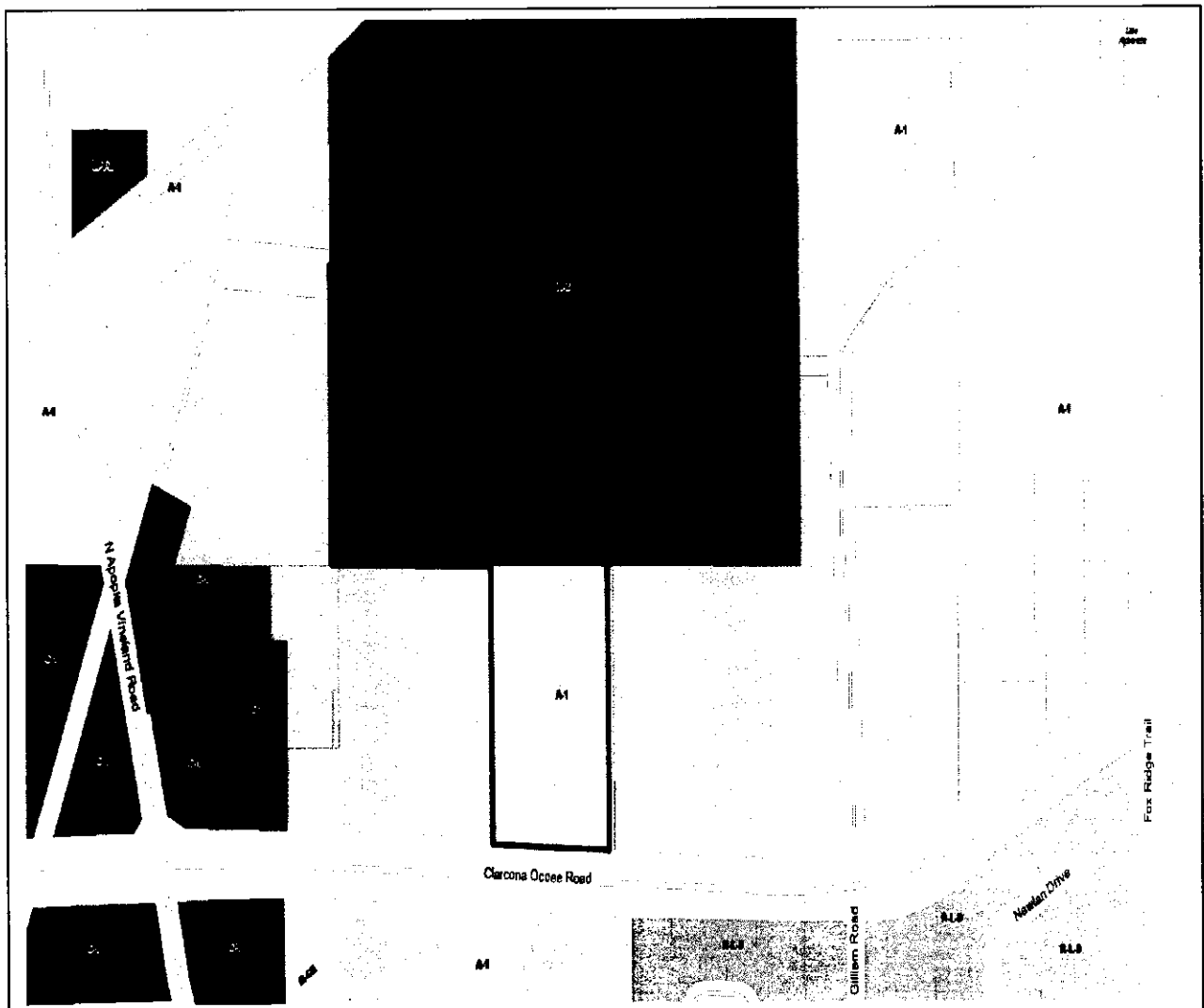
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Construction plans shall be submitted within three (3) years or this approval becomes null and void;
5. Actual enrollment shall be regulated through the availability of parking in accordance with Sec. 38-1476.(a) of the County Code. Any expansion of the parking lot shall require paved drive aisle and parking spaces;
6. No more than four (4) outdoor special events in conjunction with the school per calendar year between the hours of 9:00 a.m. and 9:00 p.m.;
7. No outdoor speakers or other audio amplification, except during outdoor special events;
8. Lighting for the outdoor recreational areas shall be prohibited;
9. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, Exterior Lighting shall be shielded and down lit using "Dark Sky" lighting principles. Lighting fixtures in parking lots shall be mounted to the shortest poles possible to provide safe lighting;
10. Signage shall be in accordance with 31.5, Orange County Code for non-residential uses in a residential zoning district; and,
11. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

SYNOPSIS: Staff gave a brief overview of the existing operation and how this proposal would allow expansion for a K-5 to a K-12. It was noted that the proposed building, while two-stories was actually not as tall as the existing sanctuary. It was also explained that the parking would ultimately determine the number and grades of students.

The applicant was in agreement with the staff recommendation and conditions of approval. Two (2) individuals spoke in support of the request. One individual indicated that they were not opposed; however, they had concerns regarding traffic and congestion. It was explained that these issues would be reviewed as part of the non-

residential permitting process, and if it is found that improvements are needed to the road, the applicant will be responsible for them.

The BZA found that the proposed school expansion met the criteria for a Special Exception and that the conditions as amended would ensure a balance between parking and enrollment.



Applicant: Radiant Life Assembly of God of Orlando Florida, Inc.

BZA Number: SE-16-12-167

BZA Date: 12/01/2016

District: 2

Sec/Twn/Rge: 34-21-28-SE-D

Tract Size: 4.2 acres

Address: 8151 Clarcona Ocoee Road, Orlando FL 32818

Location: North side of Clarcona Ocoee Rd., approximately 900 ft. east of N. Apopka Vineland Rd.

Radiant Life Academy Cover Letter

To whom it may concern,

As we, Radiant Life, are growing, we are asking for a special exception to accommodate our expansion.

In the works is a thirteen thousand (13,000) square foot addition, which we would like to build onto our existing building. It is a two story building, so, it's actual footprint is sixty eight hundred (6,800) sq. ft. It will attach to the west side of the existing Church /school.

In 1997 and 1999, we applied for and received special exceptions to go forward with our school, Radiant Life Academy, and now, seventeen years of growth later, we are once again in need of an exception to accommodate our attendance growth and waiting list of students.

The fire department says our proposed building extension will comfortably seat over four hundred students, so, at this time, four hundred students will be our goal for the next five to ten years.

No new signage is required so, none will be requested.

Our lot presently comprises abundant, existing, approved parking and Landscaping, so, there will be little to no changes and such will be reflected on the plans.

Aside from the addition itself and an updated facade, across the existing building, there will be little changes to the property

The building and it's addition sit over two hundred (200) feet from Clarcona Ocoee Road.

The church itself has one hundred, fifty six (156) seats in the chapel for church services and this proposed addition will provide a neat clean home for the school

We look forward to completing this expansion and further serving our community.

RECEIVED
OCT 12 2016
Zoning Division

Nearing, David C

From: Nearing, David C
Sent: Tuesday, October 18, 2016 10:06 AM
To: 'Jeff Cromwell'
Subject: RE: SE-16-12-167 Radiant Life Academy

Thank you Pastor, I've updated your application and contact information accordingly.

Dave Nearing
Development Coordinator
Zoning Division
(407) 836-5955

PLEASE NOTE: Florida has a very broad public records law (F. S. 119).
All e-mails to and from County Officials are kept as a public record.
Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time.

From: Jeff Cromwell [mailto:pastorjeffcromwell@gmail.com]
Sent: Tuesday, October 18, 2016 9:24 AM
To: Nearing, David C
Subject: Re: SE-16-12-167 Radlant Life Academy

Good Morning Dave,

We appreciate all your help in this matter. We would like to go Pre-School to 12th grade. Please let me know if I can answer anymore of your questions. Jimmy Davis e-mail address is: vtwinjimmy@gmail.com
Thank You for all your help and I hope you have a great day.

Pastor Jeff Cromwell
Radiant Life Assembly

On Oct 17, 2016, at 4:30 PM, David.Nearing@ocfl.net wrote:

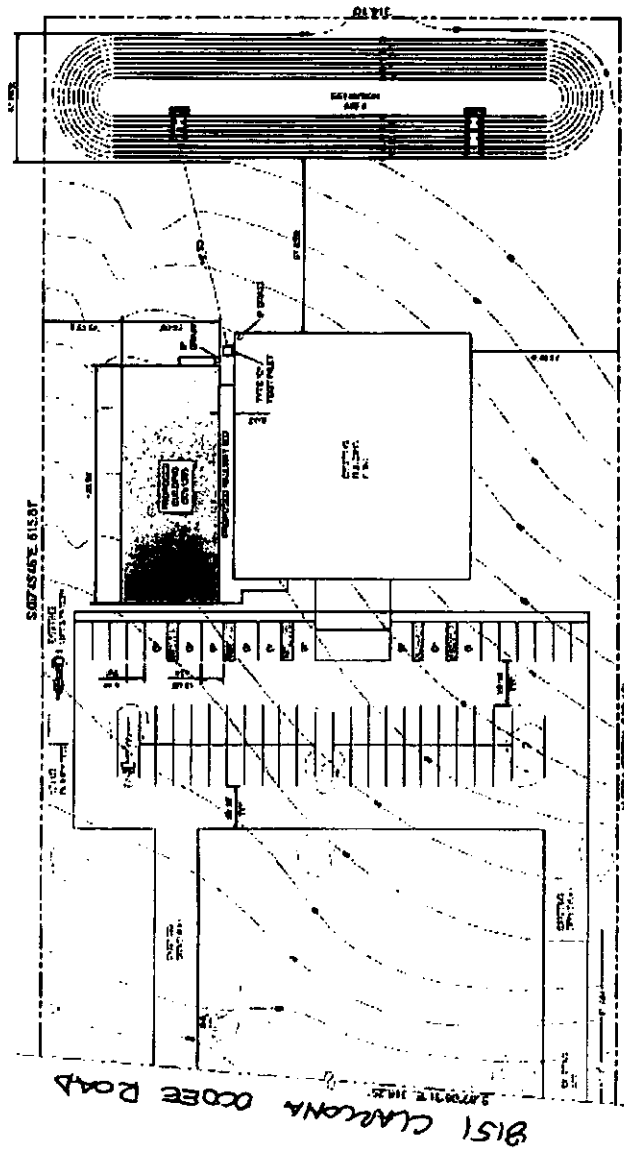
Good afternoon Reverend,

I am the staff person with the County who took in your application. I had a couple of questions. Your current approval was for a K-5 school. With the increase in enrollment, I am assuming you wish to expand to higher grades. If this is correct, will you expand to K-8 or all the way to K-12? Also, could you get me Jimmy Davis' e-mail address? Have a pleasant rest of your day.

Dave Nearing
Development Coordinator
Zoning Division
(407) 836-5955

PLEASE NOTE: Florida has a very broad public records law (F. S. 119).
All e-mails to and from County Officials are kept as a public record.
Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time.

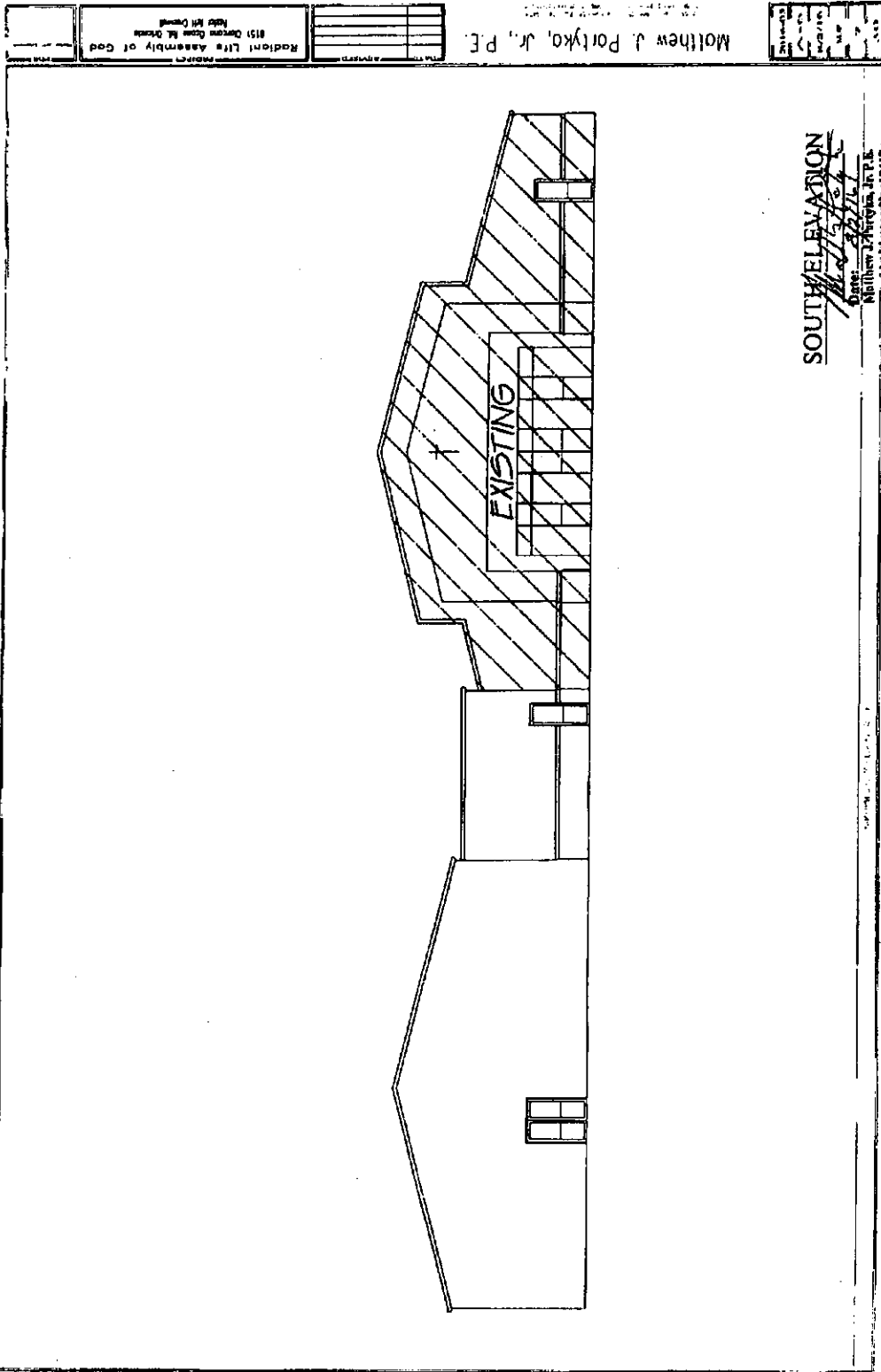
SITE PLAN



Radient Life Assembly of God
415 Cherry Lane SE
Marietta, GA 30066

McIlwain, J. Patrick, Jr., P.E.
Professional Engineer
No. 10000

RECEIVED
OCT 12 2016
Zoning Division



SOUTH ELEVATION

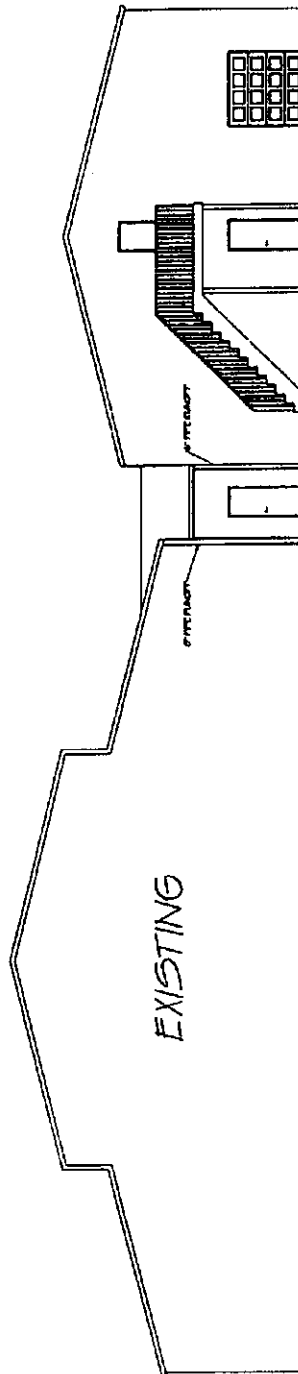
Date: 8/27/14
 Matthew J. Portyka, Jr., P.E.
 Florida License No. 18417

Matthew J. Portyka, Jr., P.E.

Radion! Life Assembly of God
 8150 Ocean Drive SE, Suite
 100, Fort Lauderdale, FL 33324



NORTH ELEVATION

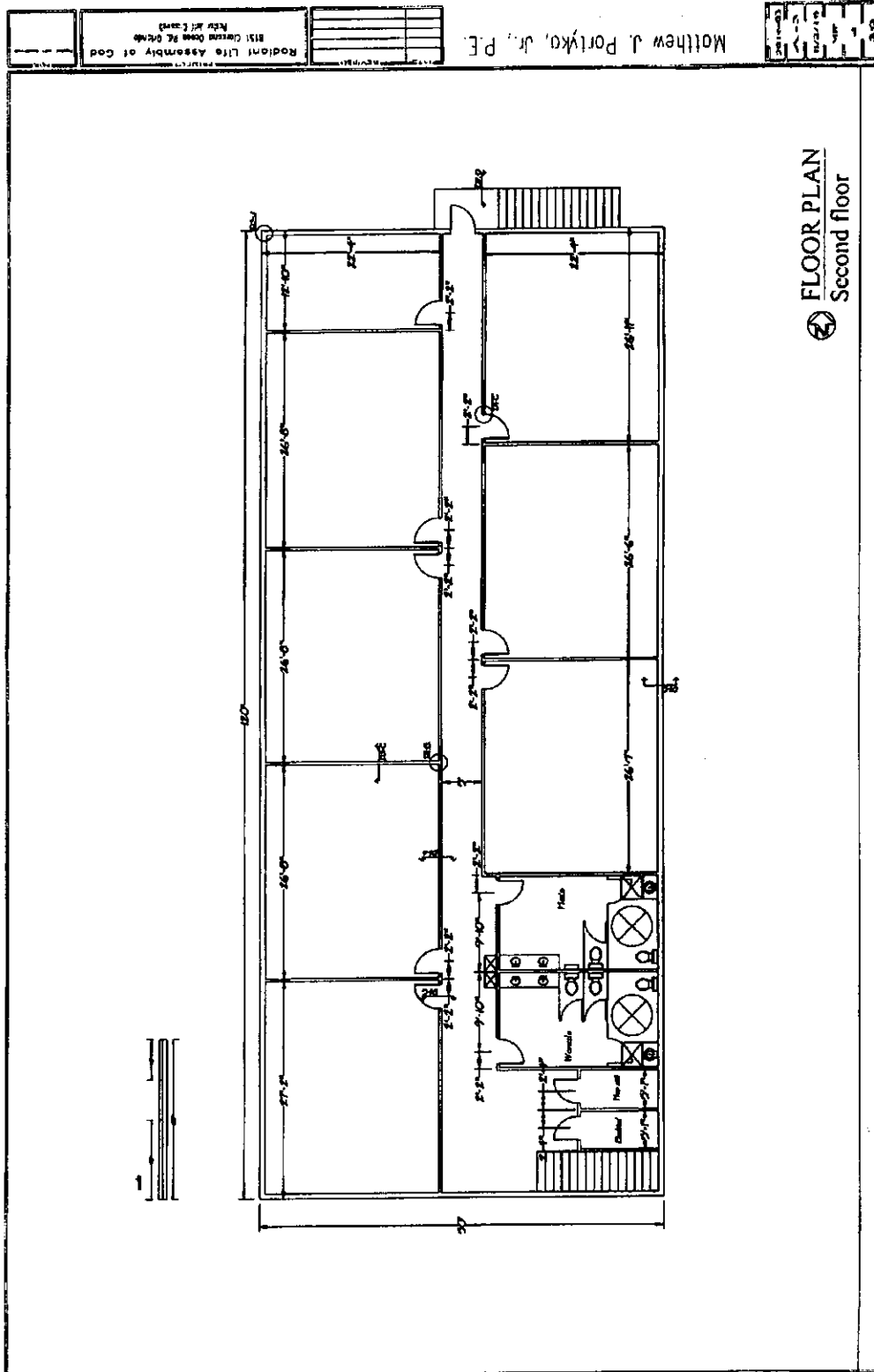


Matthew J. Parlyka, Jr., P.E.

Regional Life Assembly of God
8151 Channing Avenue
P.O. Box 10000

Revised 10/1/2004

1971-1972 1973-1974 1975-1976 1977-1978 1979-1980 1981-1982 1983-1984 1985-1986 1987-1988 1989-1990 1991-1992 1993-1994 1995-1996 1997-1998 1999-2000 2001-2002 2003-2004 2005-2006 2007-2008 2009-2010 2011-2012 2013-2014 2015-2016 2017-2018 2019-2020 2021-2022 2023-2024 2025-2026 2027-2028 2029-2030 2031-2032 2033-2034 2035-2036 2037-2038 2039-2040 2041-2042 2043-2044 2045-2046 2047-2048 2049-2050 2051-2052 2053-2054 2055-2056 2057-2058 2059-2060 2061-2062 2063-2064 2065-2066 2067-2068 2069-2070 2071-2072 2073-2074 2075-2076 2077-2078 2079-2080 2081-2082 2083-2084 2085-2086 2087-2088 2089-2090 2091-2092 2093-2094 2095-2096 2097-2098 2099-2100 2101-2102 2103-2104 2105-2106 2107-2108 2109-2110 2111-2112 2113-2114 2115-2116 2117-2118 2119-2120 2121-2122 2123-2124 2125-2126 2127-2128 2129-2130 2131-2132 2133-2134 2135-2136 2137-2138 2139-2140 2141-2142 2143-2144 2145-2146 2147-2148 2149-2150 2151-2152 2153-2154 2155-2156 2157-2158 2159-2160 2161-2162 2163-2164 2165-2166 2167-2168 2169-2170 2171-2172 2173-2174 2175-2176 2177-2178 2179-2180 2181-2182 2183-2184 2185-2186 2187-2188 2189-2190 2191-2192 2193-2194 2195-2196 2197-2198 2199-2200 2201-2202 2203-2204 2205-2206 2207-2208 2209-2210 2211-2212 2213-2214 2215-2216 2217-2218 2219-2220 2221-2222 2223-2224 2225-2226 2227-2228 2229-2230 2231-2232 2233-2234 2235-2236 2237-2238 2239-2240 2241-2242 2243-2244 2245-2246 2247-2248 2249-2250 2251-2252 2253-2254 2255-2256 2257-2258 2259-2260 2261-2262 2263-2264 2265-2266 2267-2268 2269-2270 2271-2272 2273-2274 2275-2276 2277-2278 2279-2280 2281-2282 2283-2284 2285-2286 2287-2288 2289-2290 2291-2292 2293-2294 2295-2296 2297-2298 2299-2300 2301-2302 2303-2304 2305-2306 2307-2308 2309-2310 2311-2312 2313-2314 2315-2316 2317-2318 2319-2320 2321-2322 2323-2324 2325-2326 2327-2328 2329-2330 2331-2332 2333-2334 2335-2336 2337-2338 2339-2340 2341-2342 2343-2344 2345-2346 2347-2348 2349-2350 2351-2352 2353-2354 2355-2356 2357-2358 2359-2360 2361-2362 2363-2364 2365-2366 2367-2368 2369-2370 2371-2372 2373-2374 2375-2376 2377-2378 2379-2380 2381-2382 2383-2384 2385-2386 2387-2388 2389-2390 2391-2392 2393-2394 2395-2396 2397-2398 2399-2400 2401-2402 2403-2404 2405-2406 2407-2408 2409-2410 2411-2412 2413-2414 2415-2416 2417-2418 2419-2420 2421-2422 2423-2424 2425-2426 2427-2428 2429-2430 2431-2432 2433-2434 2435-2436 2437-2438 2439-2440 2441-2442 2443-2444 2445-2446 2447-2448 2449-2450 2451-2452 2453-2454 2455-2456 2457-2458 2459-2460 2461-2462 2463-2464 2465-2466 2467-2468 2469-2470 2471-2472 2473-2474 2475-2476 2477-2478 2479-2480 2481-2482 2483-2484 2485-2486 2487-2488 2489-2490 2491-2492 2493-2494 2495-2496 2497-2498 2499-2500 2501-2502 2503-2504 2505-2506 2507-2508 2509-2510 2511-2512 2513-2514 2515-2516 2517-2518 2519-2520 2521-2522 2523-2524 2525-2526 2527-2528 2529-2530 2531-2532 2533-2534 2535-2536 2537-2538 2539-2540 2541-2542 2543-2544 2545-2546 2547-2548 2549-2550 2551-2552 2553-2554 2555-2556 2557-2558 2559-2560 2561-2562 2563-2564 2565-2566 2567-2568 2569-2570 2571-2572 2573-2574 2575-2576 2577-2578 2579-2580 2581-2582 2583-2584 2585-2586 2587-2588 2589-2590 2591-2592 2593-2594 2595-2596 2597-2598 2599-2600 2601-2602 2603-2604 2605-2606 2607-2608 2609-2610 2611-2612 2613-2614 2615-2616 2617-2618 2619-2620 2621-2622 2623-2624 2625-2626 2627-2628 2629-2630 2631-2632 2633-2634 2635-2636 2637-2638 2639-2640 2641-2642 2643-2644 2645-2646 2647-2648 2649-2650 2651-2652 2653-2654 2655-2656 2657-2658 2659-2660 2661-2662 2663-2664 2665-2666 2667-2668 2669-2670 2671-2672 2673-2674 2675-2676 2677-2678 2679-2680 2681-2682 2683-2684 2685-2686 2687-2688 2689-2690 2691-2692 2693-2694 2695-2696 2697-2698 2699-2700 2701-2702 2703-2704 2705-2706 2707-2708 2709-2710 2711-2712 2713-2714 2715-2716 2717-2718 2719-2720 2721-2722 2723-2724 2725-2726 2727-2728 2729-2730 2731-2732 2733-2734 2735-2736 2737-2738 2739-2740 2741-2742 2743-2744 2745-2746 2747-2748 2749-2750 2751-2752 2753-2754 2755-2756 2757-2758 2759-2760 2761-2762 2763-2764 2765-2766 2767-2768 2769-2770 2771-2772 2773-2774 2775-2776 2777-2778 2779-2780 2781-2782 2783-2784 2785-2786 2787-2788 2789





STAFF REPORT
CASE #SE-16-12-167
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
December 1, 2016
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Radiant Life Academy

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-1 zoning district to expand an existing religious/school as follows:

- 1) Add a two story 13,000 sq. ft. School/Administration Building; and,
- 2) Increase enrollment from 150 children (Grades K-5) to 400 students in Grades K-12.

LOCATION: North side of Clarcona Ocoee Rd., approximately 900 ft. east of N. Apopka Vineland Rd.

PROPERTY ADDRESS: 8151 Clarcona Ocoee Road

PARCEL ID: 34-21-28-0000-00-085

TRACT SIZE: 4.2 acres

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Religious Institution w/Day Care and School (K-5)

PROPOSED USE(S): School and Administrative Offices (K-12)

SURROUNDING USES: N – Horse Farm
S – Philanthropic Organization
E – Agriculture
W - Undeveloped

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting approval to construct a two-story 13,000 sq. ft. building next to the existing sanctuary building.
2. The applicant currently operates a school for up to 150 children in grades K-5, which was approved by the BZA in 1999. They are requesting approval to increase their enrollment to 400 in grades K-12. They anticipate that it will be at least five (5) years before they reach capacity.
3. The first floor of the new building will have two (2) large multipurpose rooms, plus a new facility to house the day care center approved for the site in 1997. The second floor will have seven (7) classrooms and office space.
4. Staff conferred with the staff to the Orange County School District to determine if this proposal posed any concerns. On November 10, 2016, School District staff indicated that they had no comments regarding this proposal.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated October 12, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Construction plans shall be submitted to Orange County within three (3) years or this approval becomes null and void;

5. Actual enrollment shall be regulated through the availability of parking in accordance with Sec. 38-1476.(a) of the County Code. Any expansion of the parking lot shall require paved drive aisle and parking spaces;
6. No more than ____ outdoor special events in conjunction with the school per calendar year;
7. No outdoor speakers or other audio amplification;
8. Lighting for the outdoor recreational areas shall be prohibited;
9. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, Exterior Lighting shall be shielded and down lit using "Dark Sky" lighting principles. Lighting fixtures in parking lots shall be mounted to the shortest poles possible to provide safe lighting;
10. Signage shall be in accordance with 31.5, Orange County Code for non-residential uses in a residential zoning district; and,
11. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

cc: Jimmy Davis (Applicant's Representative)
23407 Valderama Lane
Sorrento, Florida 32776

Jeff Cromwell (Applicant's Representative)
8111 Clarcona Ocoee Road
Orlando, Florida 32818

MADISON LANDING APARTMENTS
SE-16-09-118

REQUEST: **Variance** in the R-3 zoning district to construct two (2) multifamily structures 72 ft. in height in lieu of 35 ft.
(Note: The applicant is in the process of amending the future land use designation and zoning of the subject property to allow the multifamily land use. The proposed structures will be used for elderly affordable housing. There are no single family structures within 100 ft. of the subject property).

ADDRESS: 1701 W Oak Ridge Road, Orlando FL 32809

LOCATION: West side of S. Rio Grande Ave., 425 ft. north of the northwest corner of Rio Grande Ave. and W. Oak Ridge Rd.

S-T-R: 22-23-29

TRACT SIZE: 5.4 acres

DISTRICT#: 6

LEGAL: PLAN OF BLK 1 PROSPER COLONY D/109 LOTS 57 58 & S1/2 OF 39 & 40 (LESS W 200 FT OF LOT 58 & W 200 FT OF S1/2 OF LOT 39) & (LESS RD R/W ON S & E THEREOF) & (LESS R/W TAKEN PER OR 4269/1528)

PARCEL ID: 22-23-29-7268-57-000

NO. OF NOTICES: 165

DECISION: APPROVED the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0):

1. Development in accordance with site plan dated July 13, 2016 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. No permits shall be issued until the Future Land Use is amended and approved by the Board of County Commissioners;
5. Lighting and architectural design shall be in accordance with Chapter 9, Orange County Code; and,
6. Construction plans shall be submitted within two (2) years or this approval becomes null and void.

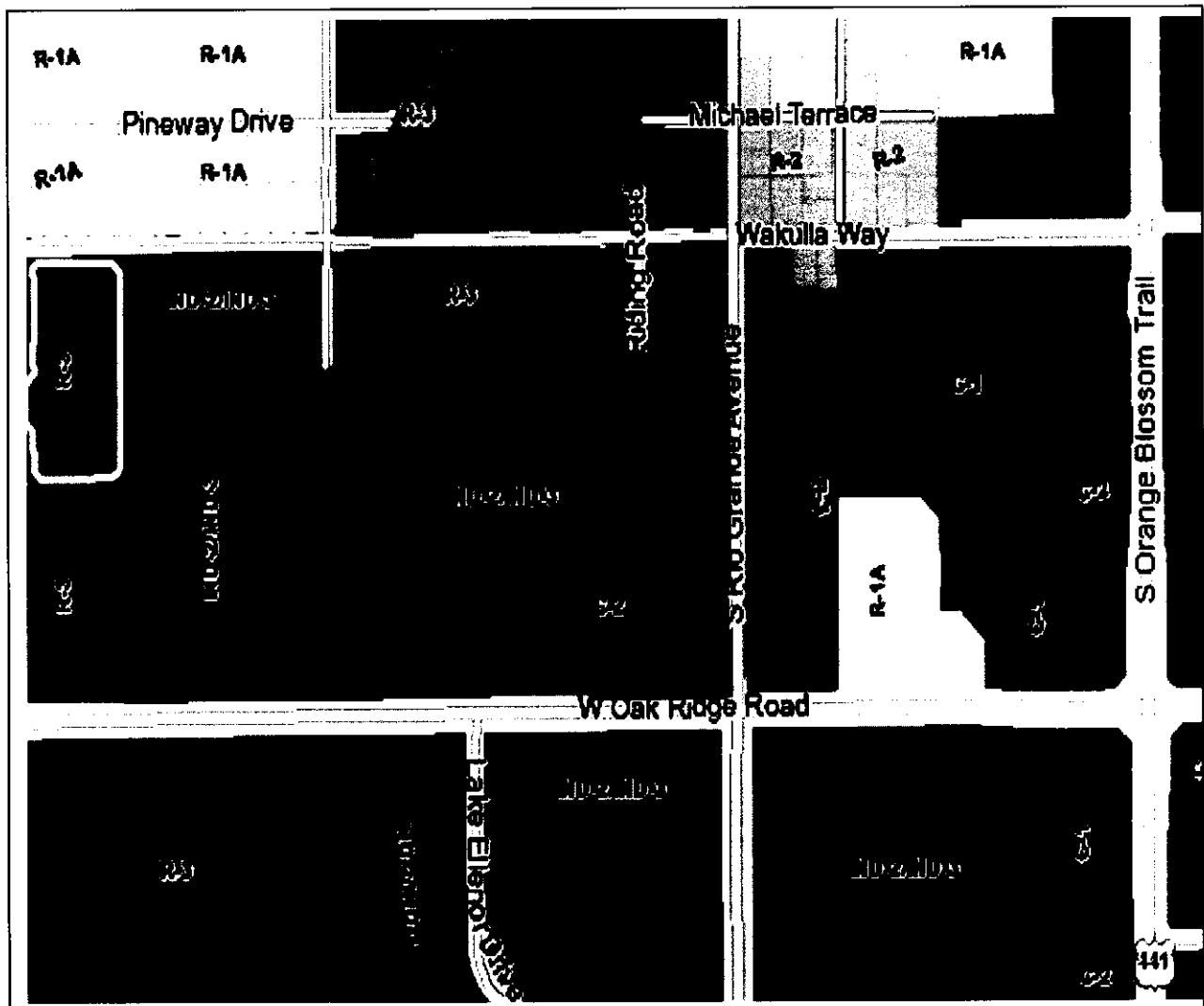
SYNOPSIS: The applicant is proposing two (5) story buildings to accommodate senior citizen housing.

On November 15, 2016, the BCC approved the rezoning and future land use amendment for this project.

Staff advised the BZA this applicant originally submitted this request as a Special Exception but on September 20, 2016, the BCC changed the zoning rules and converted this to a Variance request as opposed to a Special Exception request.

The applicant gave a brief presentation.

The BZA concluded the hardship was caused by County action and the project constitutes an asset to this community. There was no opposition to this request.



Applicant: Madison Landing Apartments

BZA Number: SE-16-09-118

BZA Date: 12/01/2016

District: 6

Sec/Twn/Rge: 22-23-29-NW-B

Tract Size: 5.4 acres

Address: 1701 W Oak Ridge Road, Orlando FL 32809

Location: West side of S. Rio Grande Ave., 425 ft. north of the northwest corner of Rio Grande Ave. and W. Oak Ridge Rd.

**PARAMETRIC DESIGN &
DEVELOPMENT, LLC**

558 West New England Ave, Suite 230
Winter Park, FL 32789
P: 407-758-4866
E: sbanach@pddmetric.com

July 13, 2016

Orange County Zoning Division
201 South Rosalind Ave., 2nd Floor
Orlando, FL 32801

RE: Special Exception Application

COVER LETTER

Introduction

The subject property is located approximately 800' north of the intersection of West Oak Ridge Road and Rio Grande Avenue. The applicant is currently in the process of amending the Future Land Use and zoning on approximately 5.40 acres of the entire 9.32 acres. There is currently an existing commercial development on the south 3.92 acres. This land has commercial zoning and the development consists of a few retail shops, restaurants and a pharmacy. The remaining 5.40 acres is vacant and has remained undeveloped.

Proposed Action

The applicant is applying for a Special Exemption from relief of the 35' height requirement in the R-3 zoning. This approval will be contingent on the approval of the Comp Plan amendment and rezoning. The proposed affordable elderly development would consist of 2 phases; each phase would contain a building requiring a height limit of 72'. The proposed building type has most recently been built in Tampa and Kissimmee. The applicant has included with this application, pictures of these buildings as well as the proposed elevations of this development.

Surrounding Land Uses

North: The properties to the north are all have a Future Land Use (FLU) of Low Density Residential (LDR) and they are all zoned R-3, the intended zoning for the subject property. The parcels consist of a cluster of vacant property and numerous properties owned by First Baptist Church.

East: Directly east of the subject property is S Rio Grande Ave. The property to the east of the road has a FLU of Medium Density Residential (MDR) and is also zoned R-3. The existing buildings are apartments.

RECEIVED

JUL 13 2016

Zoning Division

West: The property to the west of the subject property has a FLU of Industrial and is zoned IND-2/IND-3. The property is for public storage.

South: The property directly south of the subject property is also owned by the applicant. It is the south part of the property and the FLU and zoning is not proposed to be changed. It has a FLU of Commercial and is zoned C-2. The property consists of a strip mall with various retail, restaurants and a pharmacy.

Conclusion

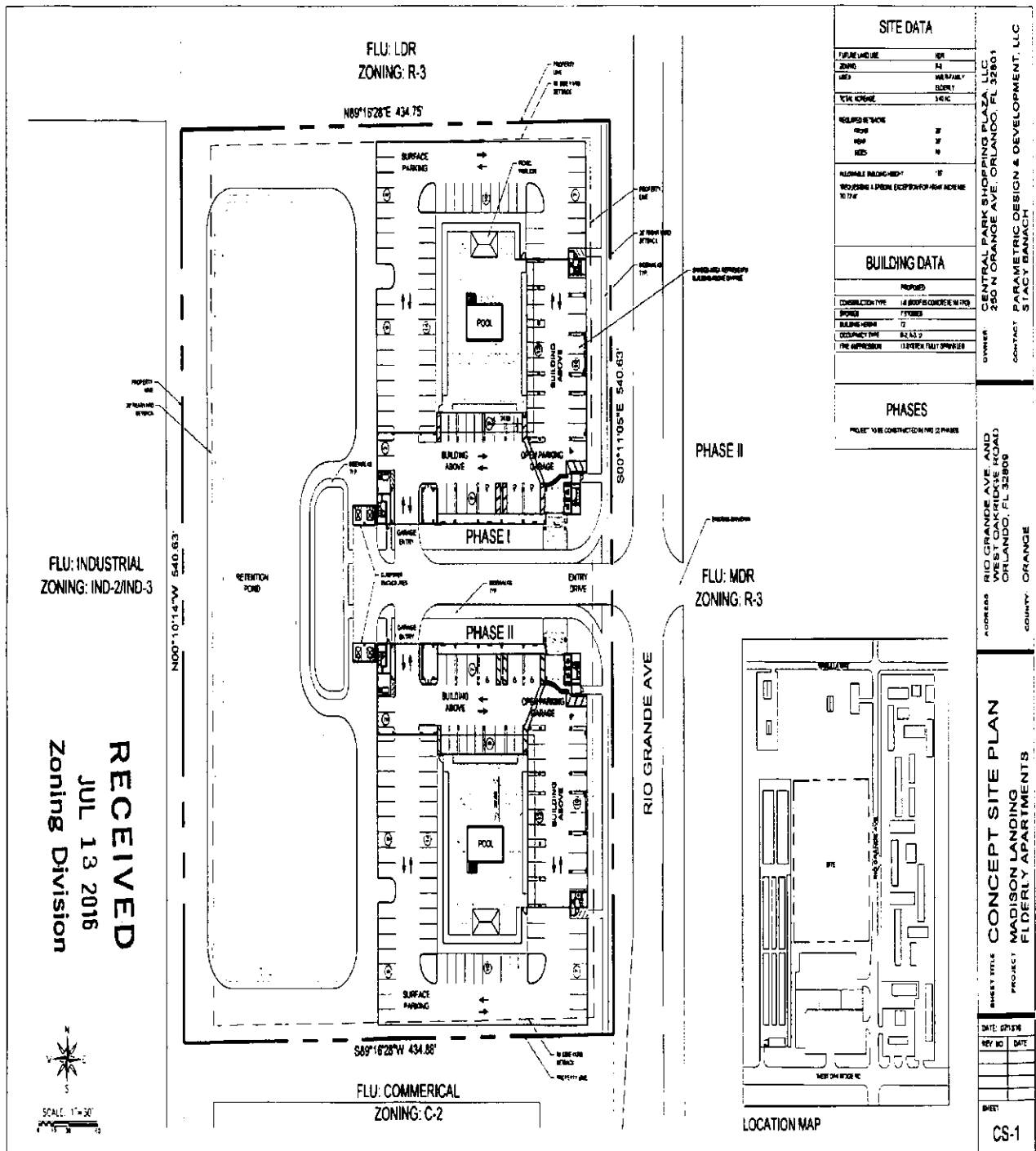
The approval of the proposed height exception will be the final step required for the proposed development to meet the overall zoning requirements of the County and will help facilitate the goals and objectives of the comprehensive plan by allowing for future growth of high density multifamily apartments in the Urban Service Area (USA). Because of the restrictive size of the subject property and the urban location of the land, the increase of height, density and allowable use of multifamily will allow for a cost-effective provision of public services and facilities to the desired future development. This will be facilitated by the compact vertical design of the buildings and their proximity to existing utilities in the area.

If there are any questions or concerns in regards to the information above, please do not hesitate to contact me.

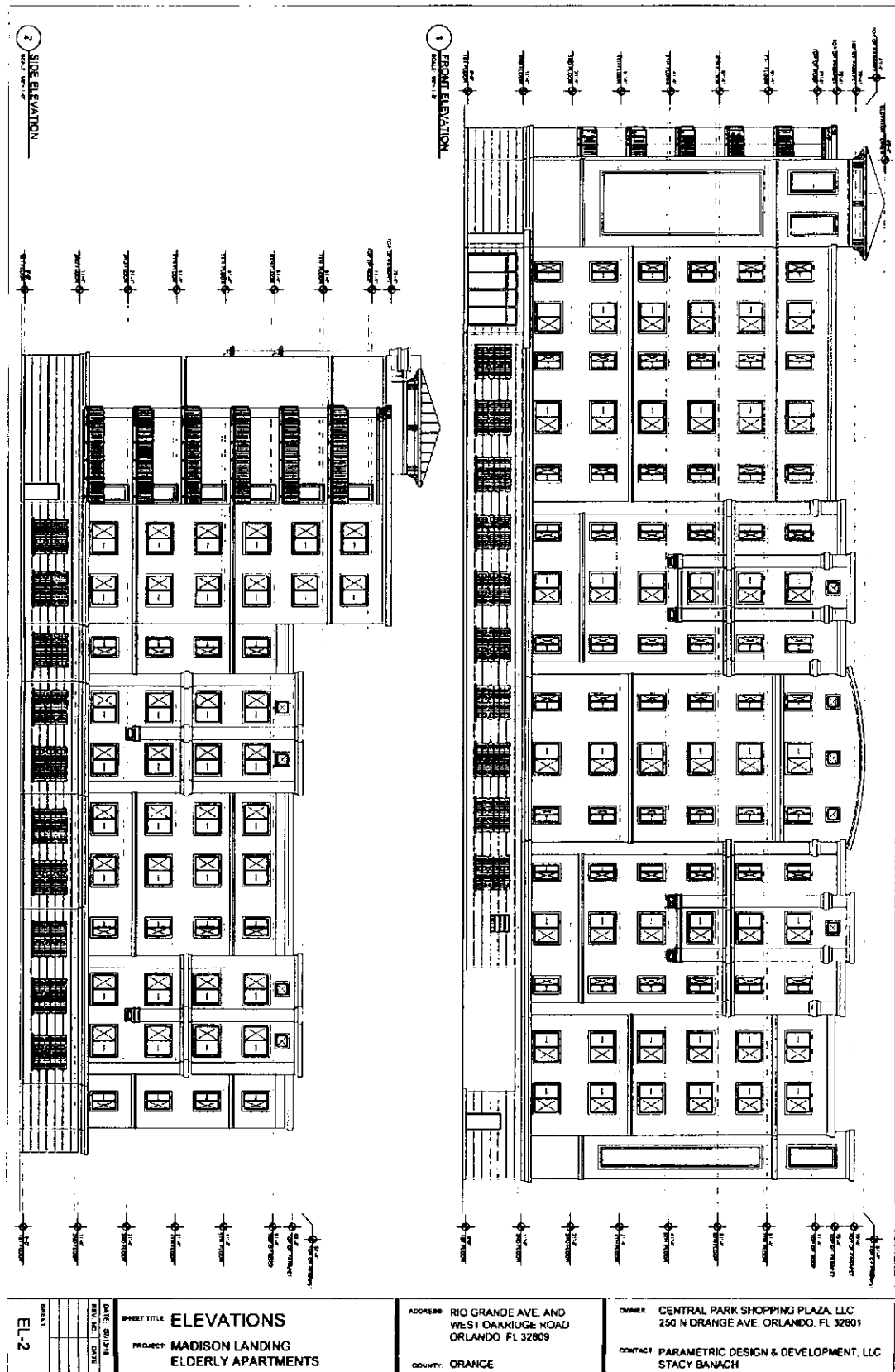
Sincerely,



Stacy Banch



SITE DATA	
TITLE	CONCEPT SITE PLAN
DATE	07/13/2016
BY	STACY BANACH
FOR	PARAMETRIC DESIGN & DEVELOPMENT, LLC
PROJECT	MADISON LANDING ELDERLY APARTMENTS
ADDRESS	250 N ORANGE AVE, ORLANDO, FL 32801
COUNTY	ORANGE
BUILDING DATA	
PROPOSED	14 BOP'S CONCRETE W/ TFS
CONSTRUCTION TYPE	14 BOP'S CONCRETE W/ TFS
STORIES	14
BASELINE AREA	75,000
OCCUPANCY TYPE	RESIDENTIAL
FIRE DEPRESSION	11.000000000000000
PHASES	
PHASE I TO BE CONSTRUCTED IN TWO (2) PHASES	





STAFF REPORT
CASE #SE-16-09-118
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
December 1, 2016
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Madison Landing Apartments

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Variance in the R-3 zoning district to construct two (2) multifamily structures 72 ft. in height in lieu of 35 ft.

(Note: The applicant is in the process of amending the future land use designation and zoning of the subject property to allow the multifamily land use. The proposed structures will be used for elderly affordable housing. There are no single family structures within 100 ft. of the subject property).

LOCATION: West side of S. Rio Grande Ave., 425 ft. north of the northwest corner of Rio Grande Ave. and W. Oak Ridge Rd.

PROPERTY ADDRESS: 1701 W Oak Ridge Road

PARCEL ID: 22-23-29-7268-57-000

PUBLIC NOTIFICATION: 165

TRACT SIZE: 5.4 acres

DISTRICT #: 6

ZONING: R-3

EXISTING USE(S): Vacant

PROPOSED USE(S): 2 senior affordable apartment buildings with a total of 90 residential units.

SURROUNDING USES: N – Isolated single family homes
S – Retail commercial uses
E – Apartments
W - Warehousing

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing two (2) multi-story buildings containing apartments for the elderly. The project will be seven (7) stories in height or seventy-two (72) feet high. The zoning regulations limit the height of structures to thirty-five (35) feet in the R-3 zoning district.
2. On November 15, 2016, the Board of County Commissioners approved the Zoning and the Comprehensive Plan Amendment to allow this project.
3. The request is to approve a variance to allow the height of the buildings to exceed the required thirty-five (35) feet height limit. The proposed height is seventy-two (72) feet. Even though the proposed apartments will provide housing for the aging population, all variance requests must comply with the variance criteria. Since this is a new project, this request falls short of meeting any of the variance criteria. It is clearly a project that could otherwise meet the requirements if it were not for market demand and contractual agreements with the State.
4. This request is further complicated by the fact that prior to September 13, 2016, the zoning code required this application to be processed as a Special Exception. As a Special Exception, this request would have been deemed to meet the special exception criteria. However, on September 13, 2016, staff presented a package of zoning code amendments to the BCC. One of those amendments changed the procedure for requesting structures over thirty-five (35) feet in height from a special exception to a variance. That effectively changed the burden of proof from staff to the applicant and required compliance with the variance criteria. On September 13, 2016, the BCC approved the amendments. It should be noted that prior to the BCC's approval of the zoning code amendments, this project was already submitted to Orange County as a rezoning and a comprehensive plan amendment. Therefore, the BZA can make a determination that this change in mid-course constitutes a special circumstance for this project and the BCC's approval of the zoning code amendments created a hardship for this applicant. The BZA can determine this project meets the variance criteria.
5. Staff provided this applicant another option which was to rezone this property to Planned Development. However, the applicant's due date to obtain County approval is December, 2016. They lose the tax credits if they do not meet this deadline.

STAFF RECOMMENDATION:

If the BZA determines there are no special circumstances related to this request, the recommendation should be for denial. However, if the BZA determines there are circumstances that were not self-created, then the recommendation is for approval with the following conditions:

- Development in accordance with site plan dated July 13, 2016, 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;
- 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;
- Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
- No permits shall be issued until the Future Land Use is amended and approved by the Board of County Commissioners;
- Lighting and architectural design shall be in accordance with Chapter 9, Orange County Code; and,
- Construction plans shall be submitted to Orange County within two (2) years or this approval becomes null and void.

cc: Stacy Banach (Applicant's Representative)
558 W New England Avenue, Suite 230
Winter Park, Florida 32789

Interoffice Memorandum

DATE: December 20, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners (BCC)

FROM: *Self for* Joseph C. Kunkel, P.E., Deputy Director, Public Works Department

SUBJECT: PETITION TO VACATE PTV-16-08-022 – Scott T. Boyd, on behalf of
SLF IV/Horizon West JV, LLC

Reason For Vacation

The applicant requests that Orange County vacate a 20 ft wide utility easement, containing approximately 1.46 acres. The easement was dedicated per a "Utilities Easement" document recorded in 2012. The utilities easement was granted to the County prior to the new alignment of the northerly extension of Hamlin Groves Trail. The new utility improvements (water lines, etc.) have been constructed and are located entirely within the right-of-way and due to the realignment, the Utilities Easement is no longer required. The applicant wishes to vacate the easement to allow for future development.

Location of Property/Legal Description

The property lies east of State Road 429 and north of New Independence Parkway. Public interest was created per a "Utilities Easement", as recorded in O.R. Book 10408, Page 8039, of the Public Records of Orange County, Florida. The parcel is unaddressed and lies in District 1.

Statement of No Objection

The Real Estate Management and Environmental Protection Divisions have consented to the request. Orange County Utilities have also consented. The Relationship Disclosure and Specific Expenditure forms have been submitted.

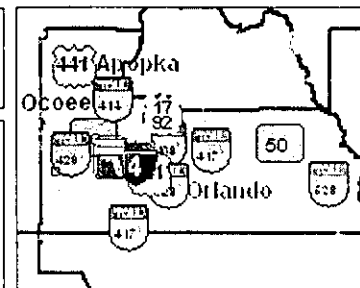
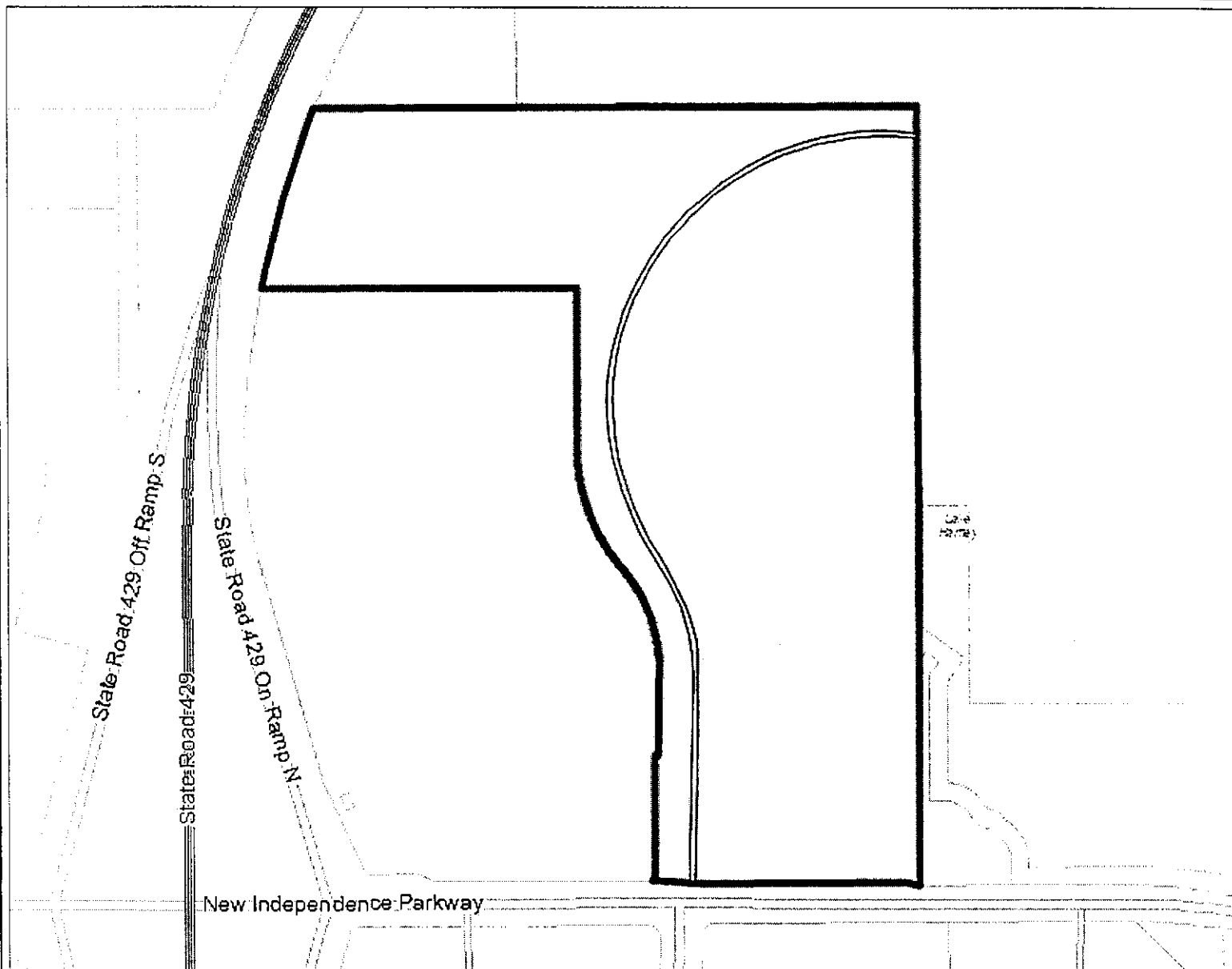
Staff Findings

There appears to be no visible improvements within the utility easement requested for vacation.



Staff Recommendations

Approval of this request will have no adverse effect on Orange County. Staff has no objection to this request.

ACTION REQUESTED: APPROVAL OF PTV-16-08-022 – DISTRICT 1



Legend

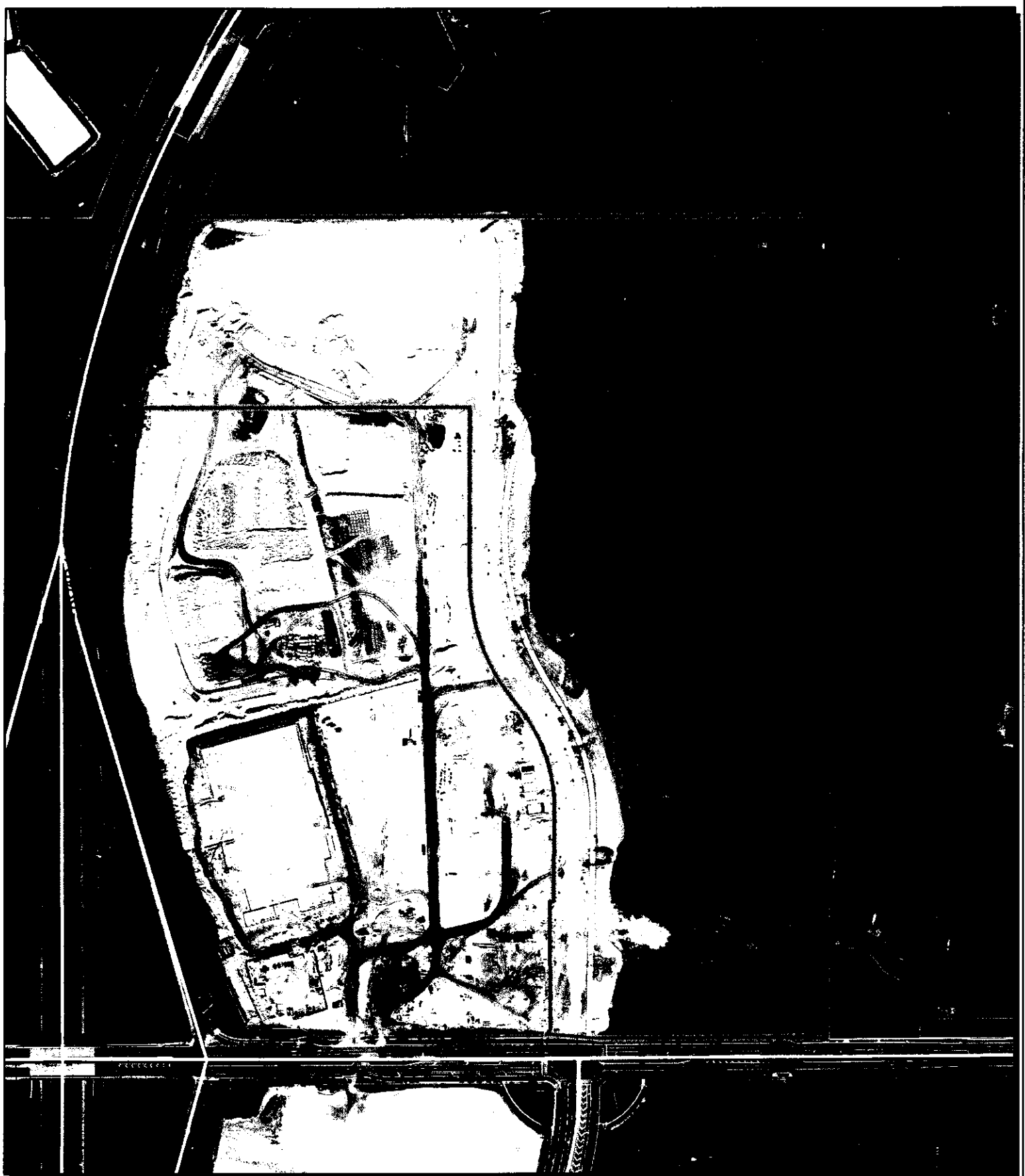
-  Petitioner's property
-  20 ft wide utility easement to be vacated

1: 5,866



0.2 0 0.09 0.2 Miles

Notes



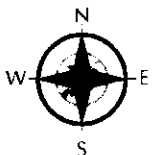
397

PTV # 16-08-022
Scott T. Boyd, on behalf of SLF IV/Horizon West JV, LLC

20' Wide Utility Easement to be Vacated



Subject Property



0 200 400
Feet
1 in = 400 ft



Interoffice Memorandum

December 13, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director *JV*
Community, Environmental and Development Services Department

CONTACT PERSON: Carol Knox, Manager, Zoning Division *CK*
407-836-5585

SUBJECT: December 20, 2016 – BCC Called Public Hearing
Applicant: Khaldoun Mamlouk
BZA Case #VA-16-10-128, October 6, 2016; District #5

Case #VA-16-10-128, located at 18659 Madison Avenue in District #5, is a BCC called public hearing to be heard on December 20, 2016. Khaldoun Mamlouk (applicant) is requesting a variance to retain the existing fencing on his property lines. The existing fencing along the front yard ranges in height from 6 ft. to 8 ft. The zoning regulations limit this fencing to 4 ft. in height. The existing fencing along the sides and rear property lines range in height from 4 ft. to 10 ft. The zoning regulations limit this fencing to 8 ft. in height.

The subject property is located at 18659 Madison Avenue which is on the north side of Madison Avenue, 1,100 ft. east of N. Sixth St. in the Town of Bithlo.

During the October 6, 2016 BZA public hearing, the applicant informed the BZA that he needs the fencing to contain his dogs. Staff advised the BZA that this property was the subject of an appeal of the Zoning Manager's determination that the property lost its non-conforming rights to an automobile salvage yard. On July 16, 2013, the BCC upheld the BZA's denial of the applicant's appeal. The applicant has removed the junk vehicles from the site. The BZA determined that the requested variances were reasonable and imposed numerous conditions of approval. The BZA approved the request voting 5-0 (2 absent).

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Carol Knox at 6-5585 or Rocco Relvini at 6-5386.

ACTION REQUESTED: Uphold the BZA's recommendation of approval of October 6, 2016. District #5.

**COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES
DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
December 20, 2016**

The following is a BCC Called public hearing before the Board of County Commissioners on December 20, 2016 at 2:00 p.m.

APPLICANT: KHALDOUN MAMLOUK

REQUEST: Variances in the R-T-2 zoning district to allow existing fences to remain as follows:

- 1) 8 ft. in height along the front and side property lines in lieu of 4 ft.;
- 2) 10 ft. in height along the rear property line in lieu of 8 ft.; and,
- 3) To allow more than 50% fence opacity for fences on vacant properties.

(Note: Variance #3 is not necessary as the property is not vacant. The site is the former non-conforming auto salvage yard which lost its non-conforming status. A site inspection revealed the site has been cleared of all junk vehicles. The applicant states the main reason for the fencing is to act as a containment structure for the applicant's dogs).

LOCATION: North side of Madison Ave., approximately 1,100 ft. east of N. Sixth St.

TRACT SIZE: 5.1 acres

ZONING: R-T-2

DISTRICT: #5

PROPERTIES NOTIFIED: 39

BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:

Variance request #3, is not necessary as the property is not vacant.

The applicant is the new owner of the site. The new owner has removed the junk vehicles from the site. However, he desires to retain the existing fencing surrounding the site. He stated he owns several dogs.

Staff advised the BZA that while the fencing is not typical for residential yards, it has existed for numerous years. Also, since the owner has dogs and the site is located directly across a public park, it was wise to keep the fence along Madison Avenue at eight (8) feet in height.

The BZA questioned the applicant. The BZA addressed the tarp on the two (2) entry gates by conditions of approval.

There was no opposition at the hearing. .

BZA HEARING DECISION:

A motion was made by Zachary Seybold, seconded by Carolyn Karraker and unanimously carried to APPROVE the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous):

1. Development in accordance with site plan dated August 15, 2016 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Approval if for the fencing only. The applicant shall provide detailed fence plans at the time of permitting. Development of the site shall be in accordance with the on-site zoning and the Comprehensive Plan.
5. The two tarps shall be removed. The easternmost gate shall be replaced with fencing that matches the existing fence. The remaining gate shall be filled with metal slats.
6. Approval of this request does not waive any pre-existing conditions, obligations, and/or requirements of returning the site to its residential condition.
7. Permits for the fencing shall be obtained within 90 days or this approval becomes null and void and code enforcement action may proceed.
8. If the fence is damaged, the applicant shall apply to the Zoning Manager for replacement or restoration. The Zoning Manager may remand it to the Board of Zoning Adjustment for review and approval.

REQUEST: **Variances** in the R-T-2 zoning district to allow existing fences to remain as follows:
1) 8 ft. in height along the front and side property lines in lieu of 4 ft.;
2) 10 ft. in height along the rear property line in lieu of 8 ft.; and,
3) To allow more than 50% fence opacity for fences on vacant properties.
(Note: The site is the former non-conforming auto salvage yard which lost its non-conforming status. A site inspection revealed the site has been cleared of all junk vehicles. The applicant states the main reason for the fencing is to act as a containment structure for the applicant's dogs).

ADDRESS: 18659 Madison Avenue, Orlando FL 32820

LOCATION: North side of Madison Ave., approximately 1,100 ft. east of N. Sixth St.

S-T-R: 15-22-32

TRACT SIZE: 5.1 acres

DISTRICT#: 5

LEGAL: UNRECORDED PLAT EAST ORLANDO ESTATES SECTION 1 TR 136 DESC AS BEG 412.6 FT S & 3302.67 FT E FROM W1/4 COR OF SEC 22-22-32 E 429.94 FT N 512.5 FT W 429.94 FT S 512.5 FT TO POB

PARCEL ID: 15-22-32-2336-01-360

NO. OF NOTICES: 39

DECISION: **APPROVED** the Variance requests **#1 & #2** in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; and further, determined Variance Request **#3**, as **UNNECESSARY** (unanimous; 5-0 and 2 absent):

1. Development in accordance with site plan dated August 15, 2016, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to

comply with the standard;

4. Approval if for the fencing only. The applicant shall provide detailed fence plans at the time of permitting. Development of the site shall be in accordance with the on-site zoning and the Comprehensive Plan;
5. The two (2) tarps shall be removed. The easternmost gate shall be replaced with fencing that matches the existing fence. The remaining gate shall be filled with metal slats;
6. Approval of this request does not waive any pre-existing conditions, obligations, and/or requirements of returning the site to its residential condition;
7. Permits for the fencing shall be obtained within ninety (90) days or this approval becomes null and void and code enforcement action may proceed; and,
8. If the fence is damaged, the applicant shall apply to the Zoning Manager for replacement or restoration. The Zoning Manager may remand it to the Board of Zoning Adjustment for review and approval.

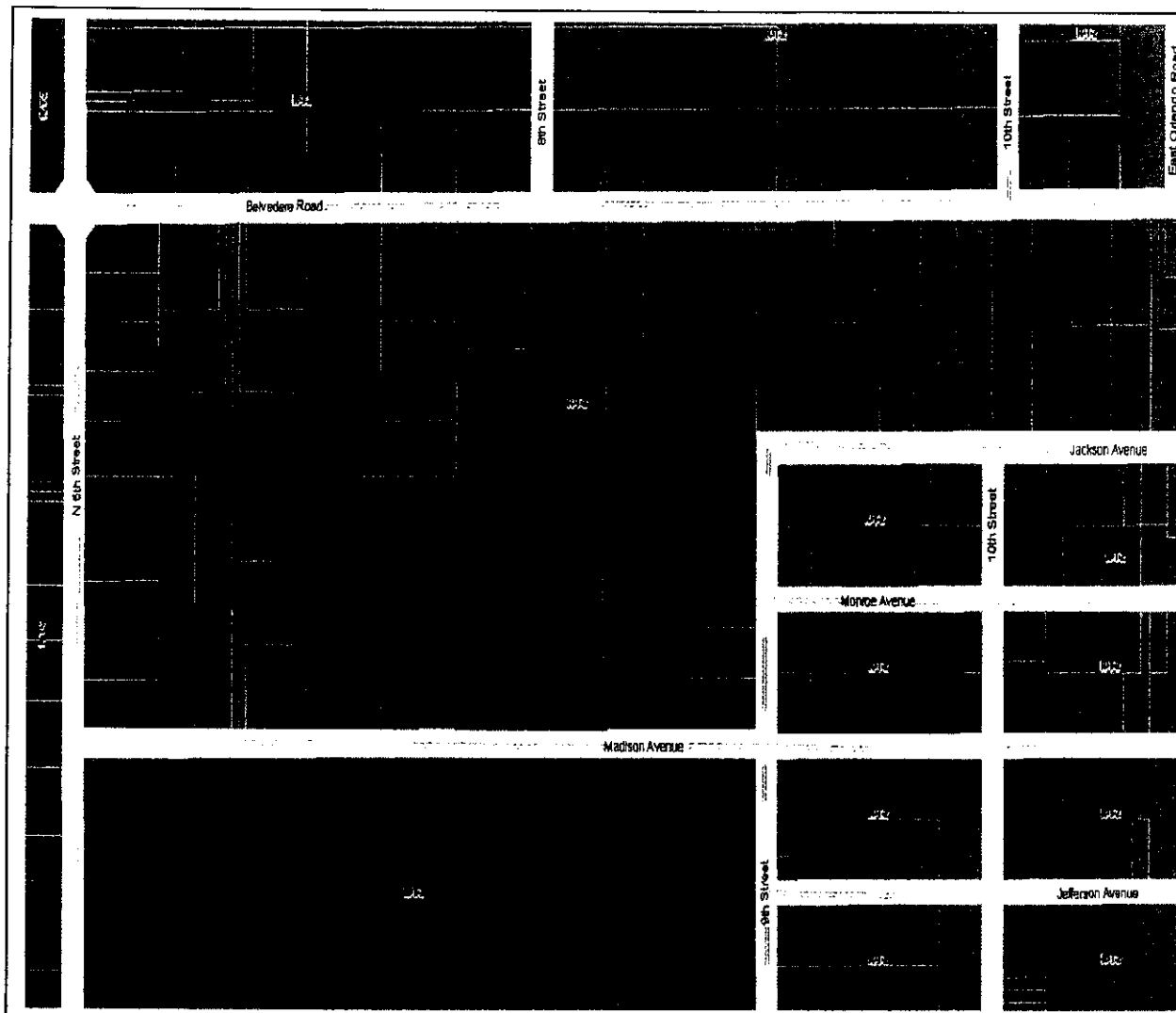
SYNOPSIS: Variance request #3, is not necessary as the property is not vacant.

The applicant is the new owner of the site. The new owner has removed the junk vehicles from the site. However, he desires to retain the existing fencing surrounding the site. He stated he owns several dogs.

Staff advised the BZA that while the fencing is not typical for residential yards, it has existed for numerous years. Also, since the owner has dogs and the site is located directly across a public park, it was wise to keep the fence along Madison Avenue at eight (8) feet in height.

The BZA questioned the applicant. The BZA addressed the tarp on the two (2) entry gates by conditions of approval.

There was no opposition at the hearing.



Applicant: Khaldoun Mamlouk

BZA Number: VA-16-10-128

BZA Date: 10/06/2016

District: 5

Sec/Twn/Rge: 22-22-32-SE-D,22-22-32-NE-A

Tract Size: 5.1 acres

Address: 18659 Madison Avenue, Orlando FL 32820

Location: North side of Madison Ave., approximately 1,100 ft. east of N. Sixth St.

Khaldoun Mamlouk
18659 Madison Avenue
Orlando, FL 32820

August 7th, 2016

Orange County Zoning Division
201 S. Rosalind Avenue
P.O. Box 2687
Orlando, FL 32802-2687

Dear Zoning Manager,

This detailed letter is part of the submittal package required to apply for the following zoning variance as follows:

I am formally requesting a zoning variance for an existing structure located on tract 136 and tract 93 as described on the attached boundary surveys. The existing structure in question is an 8' high metal fence running along the south side of tract 136 and tract 93 and a 10' high metal fence running along the north side of tract 136 and tract 93 as interpreted on the attached boundary survey report. The recent attached boundary survey report was completed on August 1st, 2016.

The main reason for keeping the existing fence in place as described above is because it acts as a containment structure for our dogs that reside on the property.

Details of the 2 fences are as follows:

- 1.) The south fence consists of 8' metal panels and is 434 linear feet running in a straight line from the southeast corner to the southwest corner of the property. The total 434 linear feet includes 2, 26 foot gate openings closer to the southeast corner. Refer to attached recent survey for details.
- 2.) The north fence consists of 10' metal panels and is 453 Linear feet running in a slightly jagged path from the northeast corner to the southeast corner of the property. There are no gates located on this section of the fence. Refer to attached recent survey for details.

Please refer to the attached recent survey which shows the distances both fences in question are from the property lines.

An approval for my zoning variance request is much appreciated. Feel free to contact me direct if you have any questions. My cellular number is 321-297-0613 or 407-982-0606.

Sincerely,



Khaldoun Mamlouk

RECEIVED
AUG 15 2016
Zoning Division



STAFF REPORT
CASE #VA-16-10-128
Orange County Zoning Division
Planner: Rocco Relvini
Board of Zoning Adjustment
October 6, 2016
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Khaldoun Mamlouk

REQUEST: Variances in the R-T-2 zoning district to allow existing fences to remain as follows:

- 1) 8 ft. in height along the front and side property lines in lieu of 4 ft.;
- 2) 10 ft. in height along the rear property line in lieu of 8 ft.; and,
- 3) To allow more than 50% fence opacity for fences on vacant properties.

(Note: The site is the former non-conforming auto salvage yard which lost its non-conforming status. A site inspection revealed the site has been cleared of all junk vehicles. The applicant states the main reason for the fencing is to act as a containment structure for the applicant's dogs).

LOCATION: North side of Madison Ave., approximately 1,100 ft. east of N. Sixth St.

PROPERTY ADDRESS: 18659 Madison Ave.

PARCEL ID: 15-22-32-2336-01-360

TRACT SIZE: 5.1 acres

DISTRICT #: 5

ZONING: R-T-2

STAFF FINDINGS AND ANALYSIS:

1. This is the former Ronald Cartes salvage yard site which the BZA and BCC denied for junk yard use. Since then the property owner has removed the junk vehicles.
2. This application is to allow the existing fence to remain as is.
3. On September 12, 2016, staff inspected the fence. There are two (2) gate openings that contain tarp. Staff recommends the tarp be removed since it is unsightly.
4. The fences along the east, west and north property lines are only visible by the adjacent owners and are obscured by heavy vegetation. The eight (8) foot high metal fence along Madison Avenue is not a typical residential fence. However, leaving the fence as is (without the tarps) will not adversely impact anyone.
5. Variance #3, is not necessary because the property is not vacant. It contains a residence.
6. Staff's primary concern is the view of the fence from the Bithlo Park and the Madison Avenue frontage. With the exception of the two (2) tarp areas, the existing fence will not be injurious to anyone. If the BZA prefers this site to have a typical residential fence where the fence has visible openings into the site, then they should deny this request.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to the following conditions:

1. Development in accordance with site plan dated August 15, 2016, 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. Any deviation from an Orange County Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;
4. Approval if for the fencing only, the applicant shall provide detailed fence plans at the time of permitting. Development of the site shall be in accordance with the on-site zoning and the Comprehensive Plan;
5. The two (2) tarps shall be removed;
6. Approval of this request does not waive any pre-existing conditions, obligations and/or requirements of returning the site to its residential condition; and,
7. Permits for the existing fence shall be obtained within ninety (90) days or this approval becomes null and void.

cc: Khaldoun Mamlouk
18730 E. Colonial Drive
Orlando, Florida 32820



Interoffice Memorandum

December 8, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smoger, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: December 20, 2016 – Public Hearing
Marco Manzie, IDrive Orlando Hotel, LLC
Avanti Resort Expansion Planned Development (PD)
Case # CDR-16-11-378 / District 6

The Avanti Resort Expansion PD was originally approved May 24, 2016 and provides for the development of 1,004 hotel rooms and a 2,967 square foot restaurant.

Through this PD substantial change request, the applicant is seeking to amend an existing May 24, 2016 condition of approval to allow a ten foot (10') building setback along the south PD perimeter for *all* buildings, in lieu of only a proposed parking garage. The applicant is also requesting an additional waiver to allow a twenty foot (20') building setback along International Drive, in lieu of the required forty foot (40') building setback along an arterial roadway.

On December 7, 2016, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Ordinance 2008-14, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Avanti Resort Expansion Planned Development / Land Use Plan (PD/LUP) dated “Received November 10, 2016”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 6**

Attachments

CASE # CDR-16-11-378

Commission District: # 6

GENERAL INFORMATION

APPLICANT	Marco Manzie, IDrive Orlando Hotel, LLC
OWNER	IDrive Orlando Hotel, LLC
PROJECT NAME	Avanti Resort Expansion Planned Development (PD)
PARCEL ID NUMBER	05-24-27-0000-00-011
TRACT SIZE	10.19 gross acres
LOCATION	8738 International Drive; or generally between International Drive and Interstate-4, and south of Austrian Court.
REQUEST	A PD substantial change to amend an existing Condition of Approval dated May 24, 2016 by granting a waiver from Orange County Code Section 38-1272(a)(3) to allow a ten foot (10') building setback for all structures along the south PD perimeter, in lieu of the requirement for a twenty-five foot (25') building setback along the perimeter of the PD. In addition, a waiver from Orange County Code Section 38-1272(a)(3)(b) is requested to allow a twenty (20) foot building setback along the International Drive front setback, in lieu of the required forty (40) foot building setback along an arterial roadway.
PUBLIC NOTIFICATION	A notification area extending beyond fifteen hundred (1,500) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Five hundred forty-six (546) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this request.

IMPACT ANALYSIS

Special Information

The Avanti Resort Expansion PD was originally approved May 24, 2016 and provides for the development of 1,004 hotel rooms and a 2,967 square foot restaurant.

Through this PD substantial change request, the applicant is seeking to amend an existing May 24, 2016 condition of approval to allow a ten foot (10') building setback along the south PD perimeter for *all* buildings, in lieu of only a proposed parking garage. The applicant is also requesting an additional waiver to allow a twenty foot (20') building setback along International Drive, in lieu of the required forty foot (40') building setback along an arterial roadway.

Land Use Compatibility

This PD substantial change request would not adversely impact any adjacent properties. It is also consistent with the spirit and intent of the I-Drive 2040 Strategic Vision, which was formally accepted by the Board of County Commissioners (BCC) on November 3, 2015.

Comprehensive Plan (CP) Consistency

The property has an underlying Future Land Use Map (FLUM) designation of Commercial (C). The proposed use is consistent with this designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

Overlay District Ordinance

The subject property is located within the International Drive Master Transit MSTU.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Environmental Protection Division (EPD) staff reviewed the PD substantial change request, but did not identify any issues or concerns.

Transportation / Concurrency

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 / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the PD substantial change request, but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (December 7, 2016)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Avanti Resort Expansion Planned Development / Land Use Plan (PD/LUP) dated "Received November 10, 2016", subject to the following conditions:

1. Development shall conform to the Avanti Resort Expansion Planned Development / Land Use Plan (PD/LUP) dated "Received November 10, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this land use plan and the land use plan dated "Received November 10, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or

undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this Land Use Plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. A waiver from Orange County Code Section 38-1272(a)(3)(b) is granted to allow a twenty (20) foot building setback along the International Drive front setback, in lieu of the requirement for a forty (40) foot building setback along an arterial roadway.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 24, 2016, shall apply:
 - a. 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.
 - b. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the PD

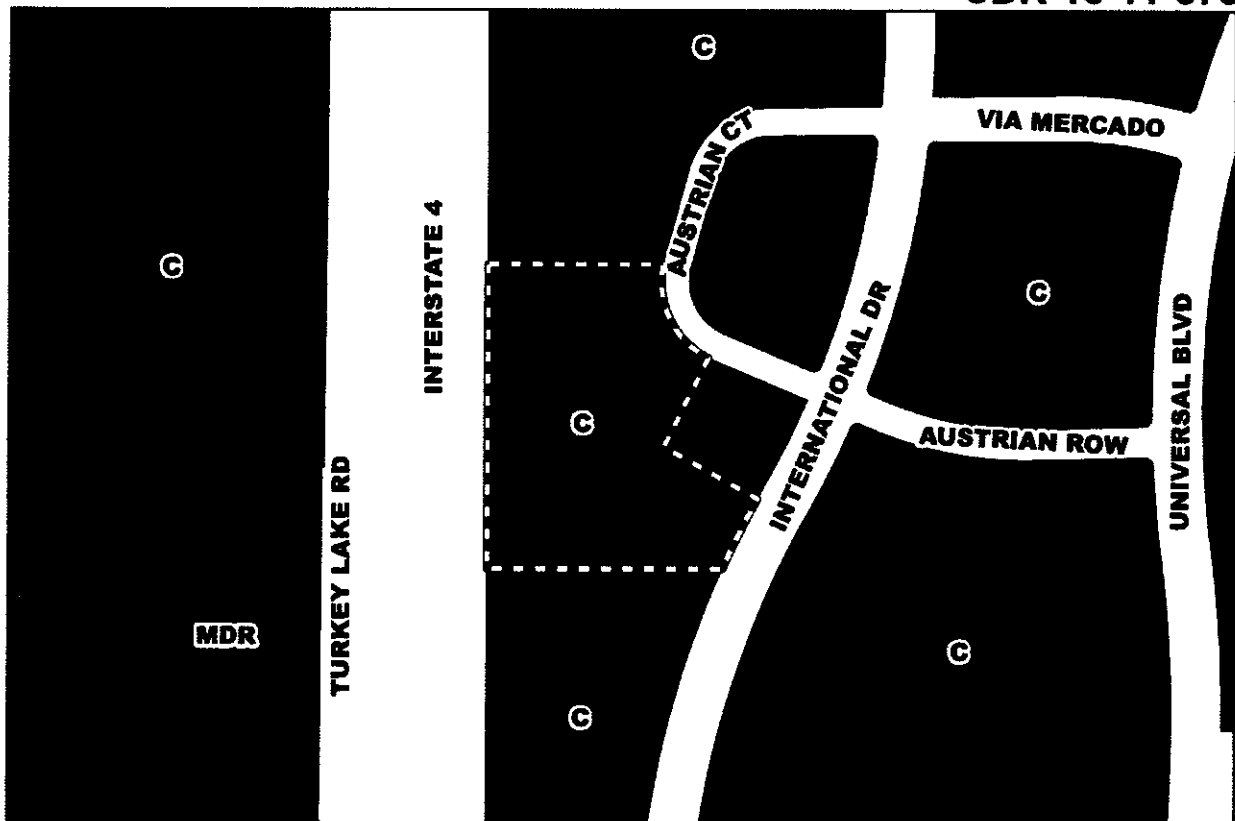
- c. The Developer shall obtain wastewater service from Orange County Utilities.
- d. Outside sales, storage, and display shall be prohibited.
- e. At the Developer's expense the I-Drive south bound U-turn on the North bound approach across from the proposed right-out access point needs to be closed. The existing I-Drive grassed median shall be extended and landscaping shall be provided replacing the U-turn opening.
- f. Billboards and new pole signs are prohibited.
- g. The existing pole sign at the northwest corner of the property, adjacent to I-4, shall be converted to a monument sign not to exceed twenty-five feet (25') in height and two hundred twenty-one (221) square feet in copy area, and may be converted to an Electronic Message Center (EMC) not to exceed fifty percent (50%) of the copy face.
- h. The following waivers are hereby granted from Orange County Code:
 - 1) For the existing pole sign at the northwest corner of the property, adjacent to Interstate-4:
 - a) A waiver from Section 31.5-166(a) to allow two hundred twenty-one (221) square feet of copy area for a monument sign in lieu of eighty (80) square feet;
 - b) A waiver from Section 31.5-166(b) to allow a height of twenty-five feet (25') for a monument sign in lieu of ten feet (10'); and
 - c) A waiver from Section 31.5-166(f) to allow a property with less than one thousand (1,000) feet of total road frontage to have a changeable copy sign.
 - 2) For the overall parcel:
 - a) A waiver from Section 31.5-166(d) to allow three (3) ground signs per parcel with property frontage that does not exceed five-hundred feet (500'); in lieu of the requirement that allows a maximum of one (1) ground sign per parcel, unless the property frontage of the parcel exceeds five-hundred feet (500');
 - b) A waiver from Section 31.5-168(b) to allow two (2) wall signs on one (1) building face, in lieu of the requirement for a maximum number of one (1) wall sign per building face for a single tenant, or per store front for a multitenant site;
 - c) A waiver from Section 38-1272(a)(3) to allow a ten foot (10') building setback along the south PD perimeter ~~for the proposed parking garage~~, in lieu of the requirement for a twenty-five foot (25') building setback along the perimeter of the PD; and

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

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (October 18, 2016)

Upon a motion by Commissioner Siplin, seconded by Commissioner Edwards, and carried with members voting AYE (by voice vote), the Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Marco Manzie, IDrive Orlando Hotel, LLC, Avanti Resort Expansion Planned Development (PD) Land Use Plan (LUP) – Case #LUP-16-02-061 to rezone one (1) parcel containing 10.19 gross acres from C-2 to PD, in order to expand and exiting hotel to include 1,004 hotel rooms, and 2,967 square feet of restaurant use. The request also provided for a maximum building height of 250 feet. In addition seven (7) waivers from Orange County Coder were granted for the subject property, subject to conditions.

CDR-16-11-378



Subject Property



Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Marco Manzie, IDrive Orlando Hotel, LLC

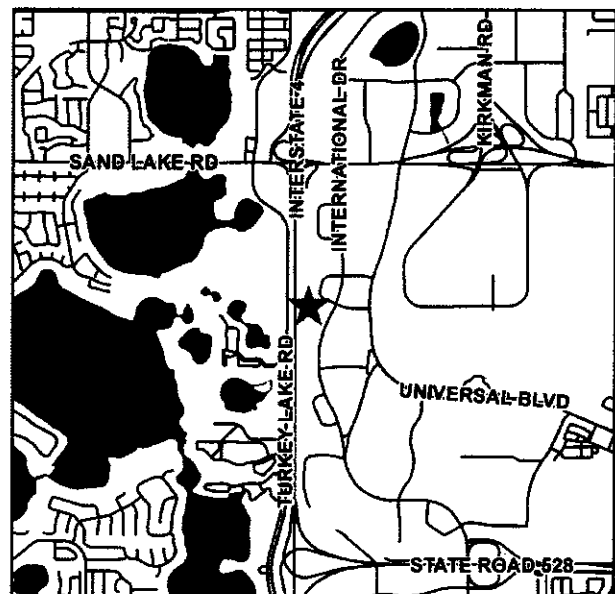
LOCATION: 8738 International Drive; or generally located between International Drive and Interstate-4, south of Austrian Court.

TRACT SIZE: 10.19 gross acres

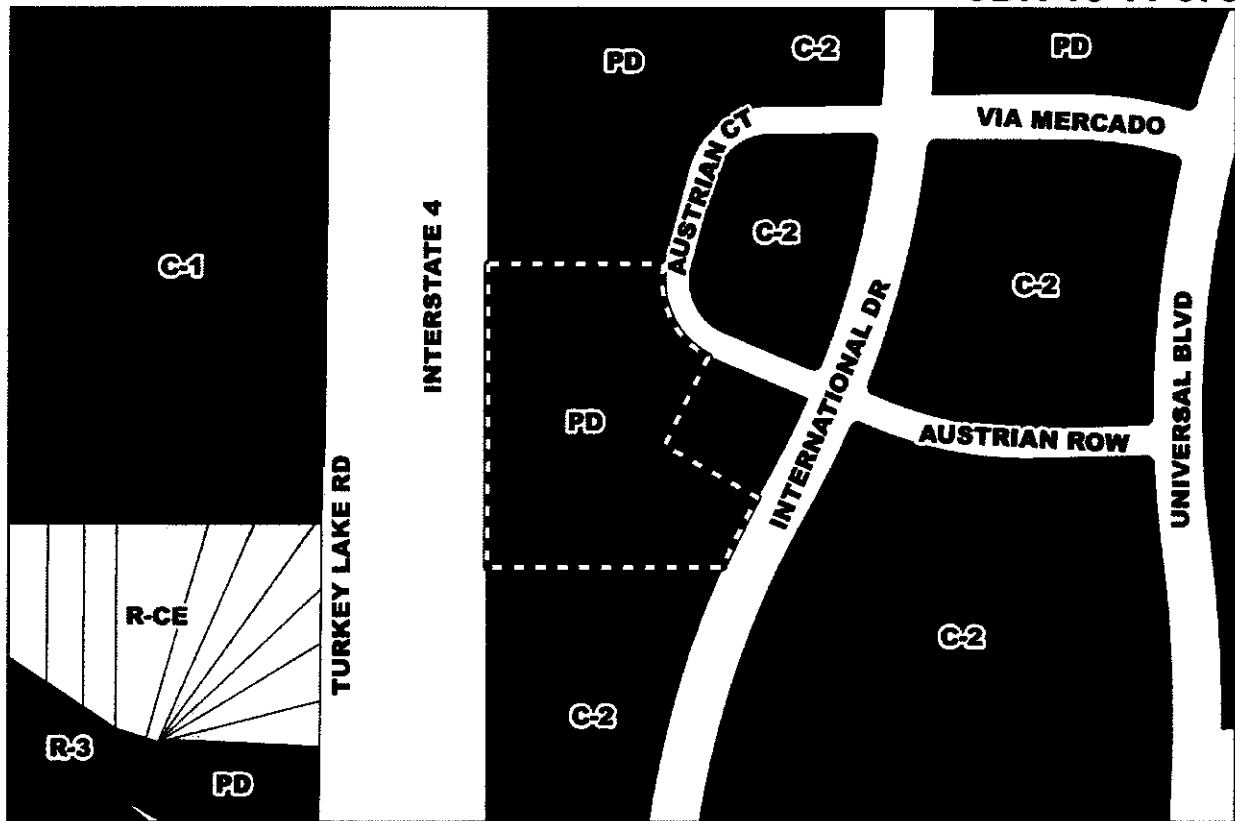
DISTRICT: # 6

S/T/R: 36/23/28

1 inch = 417 feet



CDR-16-11-378



 Subject Property



★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Marco Manzie, IDrive Orlando Hotel, LLC

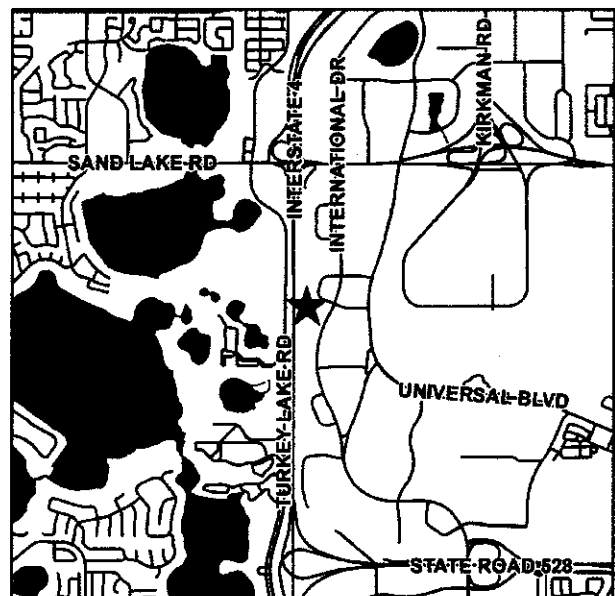
LOCATION: 8738 International Drive; or generally located between International Drive and Interstate-4, south of Austrian Court.

TRACT SIZE: 10.19 gross acres

DISTRICT: # 6

S/T/R: 36/23/28

1 inch = 417 feet



AT
8738 INTERNATIONAL DRIVE
ORANGE COUNTY, FL
CASE NO.: LUP-16-02-061

CIVIL ENGINEER
LOCHRANE ENGINEERING, INC.
201 SOUTH BUMBY AVENUE
ORLANDO, FLORIDA 32803
407-896-3317



AERIAL MAP

THE LAND REFERRED TO HEREIN BELONGS TO THE COUNTY OF ORANGE, STATE OF FL., AND IS DESCRIBED AS FOLLOWS:

THIS PART OF THE WEST 1/4 OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF THE QUARTER $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 23 S. RANGE 21 E., 10th

[illegible]

THE LARGEST SURVEY EVER SHOWN THE DEGREE OF RISK FOR THE SPAN LARVA AS DESCRIBED IN THIS TITLE. QUANTITATIVE ANALYSIS BY FIRST AND SECOND TITLE PERFORMANCE COMPANY. COMPARISON NO. 100-175723-0672, DATED MAY 20, 2012.

[illegible]

JURISDICTION / UTILITIES

ALABAMA
Alabama Electric Light & Power Co.
Consumer Service Dept.
1000 19th St. N.E.
Birmingham, AL 35203-4400
Attn: Service
205/944-6000

ARIZONA
Arizona Electric Light & Power Co.
Is not regulated by
state utility commission
www.azepco.com

CALIFORNIA
California Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

CONNECTICUT
Connecticut Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

ILLINOIS
Illinois Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

INDIANA
Indiana Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

KANSAS
Kansas Electric Light & Power Co.
Is not regulated by state
utility commission
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Louisiana Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

MARYLAND
Maryland Electric Light & Power Co.
Is not regulated by state
utility commission
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Massachusetts Electric Light & Power Co.
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Michigan Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

MINNESOTA
Minnesota Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

MISSISSIPPI
Mississippi Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

MISSOURI
Missouri Electric Light & Power Co.
Is not regulated by state
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MONTANA
Montana Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

NEBRASKA
Nebraska Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

NEVADA
Nevada Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

NEW HAMPSHIRE
New Hampshire Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

NEW JERSEY
New Jersey Electric Light & Power Co.
Is not regulated by state
utility commission
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NEW YORK
New York Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

OHIO
Ohio Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

OKLAHOMA
Oklahoma Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

OREGON
Oregon Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

PENNSYLVANIA
Pennsylvania Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

RHODE ISLAND
Rhode Island Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

SOUTH CAROLINA
South Carolina Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

SOUTH DAKOTA
South Dakota Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

TENNESSEE
Tennessee Electric Light & Power Co.
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TEXAS
Texas Electric Light & Power Co.
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Utah Electric Light & Power Co.
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WASHINGTON
Washington Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

WEST VIRGINIA
West Virginia Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

WISCONSIN
Wisconsin Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

WYOMING
Wyoming Electric Light & Power Co.
Is not regulated by state
utility commission
www.azepco.com

By Lisette Egipciaco at 9:22 am, Nov 10, 2016

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: December 20, 2016

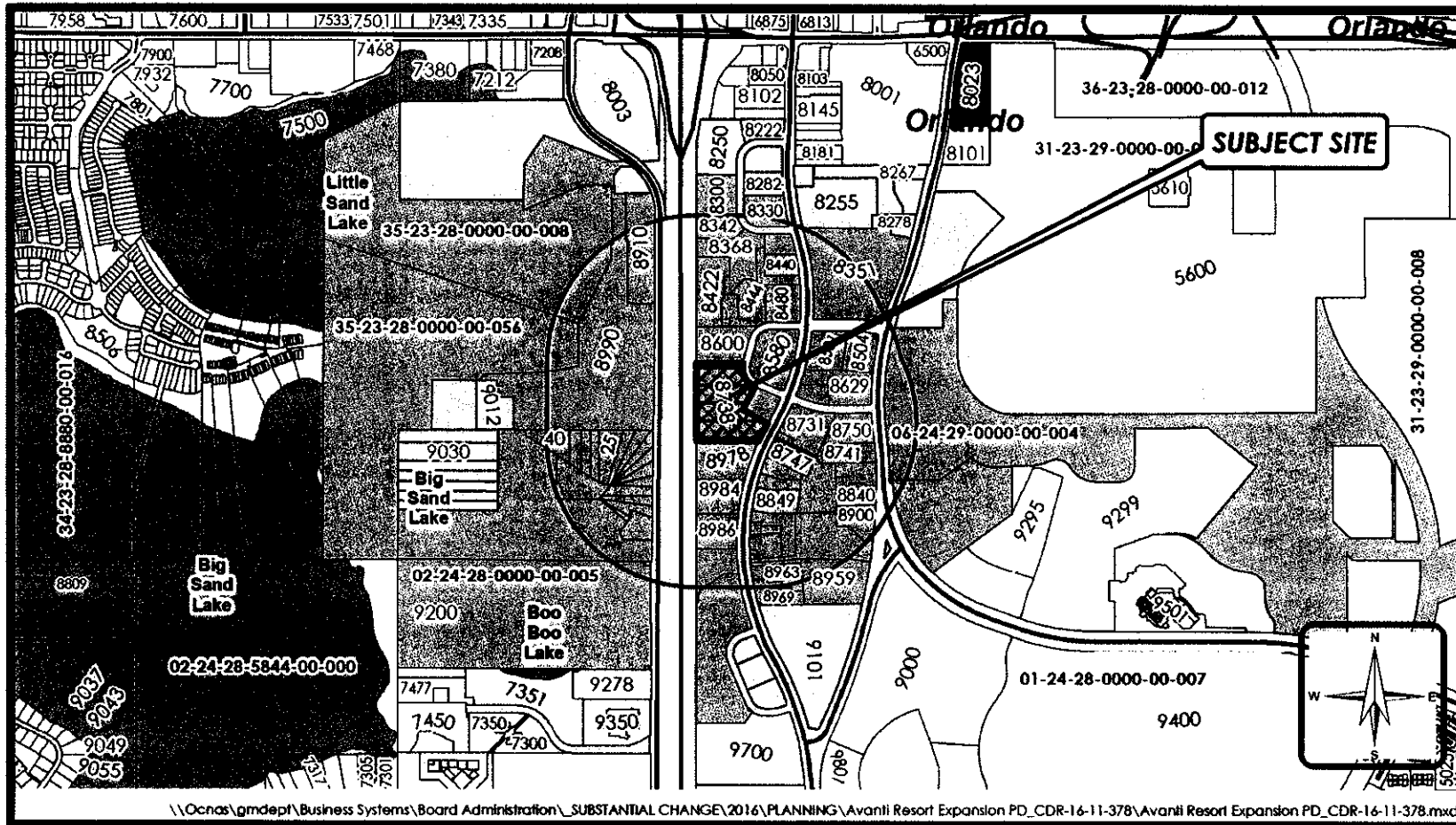




Public Notification Map

Avanti Resort Expansion PD_CDR-16-11-378

1500 FT BUFFER, 546 NOTICES



Notification Map

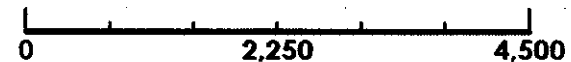
DRC Staff Report
Orange County Planning Division
BCC Hearing Date: December 20, 2016

MAP LEGEND

	SUBJECT		ADDITIONAL_PARCELS
	1500_FT_BUFFER		HYDROLOGY
	NOTIFIED_PARCELS		PARCELS



1 inch = 1,432 feet
Feet





Interoffice Memorandum

December 8, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smoger, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: December 20, 2016 – Public Hearing
Heather Himes, Esq., Akerman, LLP
Village F Master Planned Development (PD)
Case # CDR-16-06-202 / District 1

The Village F Master PD is located within the Village F Specific Area Plan (SAP) boundary of Horizon West in southwest Orange County, and was originally approved on September 15, 2009. The existing PD development program consists of 3,245 residential dwelling units, 240,000 square feet of non-residential activity, two elementary schools, one high school and other Adequate Public Facilities (APF).

Through this PD substantial change, the applicant is seeking a waiver from Orange County Code, and applicable to PD Parcel S-27 only, to allow first floor elevations to have one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk. Changes to the existing / approved Village F Master PD development program are not proposed.

On October 19, 2016, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Ordinance 2008-14, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Village F Master Planned Development / Land Use Plan (PD/LUP) dated “Received November 10, 2016”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1**

Attachments

CASE # CDR-16-06-202

Commission District: # 1

GENERAL INFORMATION

APPLICANT	Heather Himes, Esq., Akerman, LLP
OWNER	Toll FL XII, LP (<i>affected parcels only</i>)
PROJECT NAME	Village F Master Planned Development / Land Use Plan (PD/LUP)
PARCEL ID NUMBERS	05-24-27-0000-00-011 (partially); 05-24-27-5330-01-340 through 480; 05-24-27-5331-01-790 through 990; 05-24-27-5331-02-260 through 370; 05-24-27-5331-02-460 through 500; 05-24-27-5331-02-000 (<i>affected parcels only</i>)
TRACT SIZE	1,708.95 gross acres (<i>overall PD</i>) 47.24 gross acres (<i>affected parcels only</i>)
LOCATION	North of Seidel Road, east of the Western Beltway.
REQUEST	A substantial change request to the Village F Master PD to grant the following waiver from Orange County Code: <ol style="list-style-type: none">1. A waiver from Section 38-1384(f)(2)(c) for PD Parcel S-27 (Estate District) only to allow first floor elevations with one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk.
PUBLIC NOTIFICATION	A notification area extending beyond fifteen hundred (1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One-hundred sixty nine (169) notices were mailed to those property owners in the notification buffer area. A community meeting was not required for this request.

IMPACT ANALYSIS

Special Information

The Village F Master PD is located within the Village F Specific Area Plan (SAP) boundary of Horizon West in southwest Orange County, and was originally approved on September 15, 2009. The existing PD development program consists of 3,245 residential dwelling units, 240,000 square feet of non-residential activity, two elementary schools, one high school and other Adequate Public Facilities (APF).

Through this PD substantial change, the applicant is seeking a waiver from Orange County Code, and applicable to PD Parcel S-27 only, to allow first floor elevations to have one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk. Changes to the existing / approved Village F Master PD development program are not proposed.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The underlying Future Land Use Map (FLUM) designation of the Village F Master PD is "Village", indicating that the property falls within the Horizon West Sector Planning Area (SAP). More specifically, and excluding Adequate Public Facility (APF) lands, upland greenbelts, wetlands, and power easements; the subject PD parcel is designated Estate District by the Village F SAP map. The request is consistent with the underlying SAP land use designations and all applicable provisions of the Comprehensive Plan.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

Environmental Protection Division (EPD) staff reviewed the PD substantial change request, but did not identify any issues or concerns.

Transportation / Concurrency

This PD substantial change does not increase existing development entitlements; therefore, no additional impacts to the surrounding roadway network are anticipated.

Seidel Road: Village F Master PD APF and Impact Fee Credit Agreement was approved by RAC on 11/12/2008 and approved by the Board of County Commissioners on 11/15/2009 and recorded at ORBK 9936 Pg 3381 and various other pages. There are 12 APF agreements for the various property owners for Village F some with surplus and others with deficiency which were approved by the Committee. Four of these agreements have First Amendments.

Seidel Road: The Board of County Commissioners approved the Village F Horizon West Road Network Agreement on 6/18/2013 providing for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of Seidel Road to four lanes in three phases according to specific trip allocations and performance thresholds. Concurrency Vesting shall be provided pursuant to Table 1 based on achieved thresholds of the road improvements. Conveyance shall be by general warranty deed

at no cost to the County prior to each phase of roadway construction. The Signatory Owners will receive Road Impact Fee Credits in Road Impact Fee Zone 4 for the lesser of (a) 95% of the actual, reasonable unreimbursed sums incurred by Signatory Owners for permitting, design, mitigation, inspection and construction expense exclusive of enhanced landscaping and street lighting or (b) 60% of the countywide average total cost of road construction per lane mile.

To demonstrate concurrency entitlements have been met for this project the developer must provide an Assignment of Vested Trips document signed by Orange County concurrent with or prior to Development Plan submittal. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.

As proof of satisfaction of the project's transportation concurrency obligations, the project must comply with that certain Village F Road Network Agreement recorded at O.R. Book 10591, Page 5123, Public Records of Orange County, Florida. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to development plan submittal. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development. Finally, owners must comply with all terms of the Village F Road Network Agreement approved by the BCC on June 18, 2013.

Schools

Orange County Public Schools (OCPS) did not comment on this case, as it does not involve an increase in residential units or density.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the PD substantial change request, but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (October 19, 2016)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Village F Master Planned Development / Land Use Plan (PD/LUP) dated "Received November 10, 2016", subject to the following conditions:

1. Development shall conform to the Village F Master Planned Development / Land Use Plan (PD/LUP) dated "Received November 10, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be

developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received November 10, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. A waiver applicable to PD Parcel S-27 (Estate District) only, from Orange County Code Section 38-1384(f)(2)(c), is granted to allow first floor elevations to have one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 18, 2016 shall apply:
 - a. Owners must comply with all terms of the Village F Road Network Agreement approved by the BCC on June 18, 2013, and recorded at Book 10951, Page 5123, Public Records of Orange County, Florida.
 - b. The following waivers from Orange County Code are granted and applicable to the non-residential portion of PD Parcels S-6 and N-35 (Village Center District) only:
 - 1) A waiver from Section 38-1389(b) to allow a grocery store and up to three (3) additional buildings south of the internal main street to face Seidel Road and/or Seton Creek Boulevard; in lieu of the requirement that primary building entries and façades face the internal streets of the Village Center.
 - 2) A waiver from Section 38-1389(d)(3)(g) to allow for interior blocks, not including Seidel Road or Seton Creek Boulevard, to have a minimum of forty percent (40%) of the build-to-line of any block or parcel to be occupied by buildings and/or street-walls, and up to one-hundred percent (100%) of that requirement to be landscaped street-walls; in lieu of the requirement that a minimum of seventy percent (70%) of the build-to-line of any block or parcel be occupied by buildings and/or street-walls, and that landscaped street-walls not make up more than fifty percent (50%) of the required frontage.
 - 3) A waiver from Section 38-1389(d)(4)(d) to allow parking adjacent to Seidel Road and Seton Creek Boulevard to span the length of the roadway frontage; in lieu of the maximum frontage for parking lots of sixty-five (65) feet along a Village Center circulator or a Village Center major local street.

- 4) A waiver from Section 38-1389(d)(4)(g) to allow parking lots to abut street intersections or civic use areas; in lieu of the requirement that parking lots and parking garages not abut street intersections or civic use areas.
- 5) A waiver from Section 38-1389(d)(4)(h) to allow parking in the front of the grocery store and buildings south of the internal main street; in lieu of the requirement that off-street parking be located to the rear or side of buildings.
- 6) A waiver from Section 38-1389(d)(4)(i)(i) to allow parking in the front of the grocery store; in lieu of the requirement that parking be located at the rear or side of the grocery store front façade.
- 7) A waiver from Section 24-5(a)(3) to allow a buffer to be less than six (6) feet in height and less than fifteen (15) feet wide; in lieu of the requirement that a buffer be completely opaque from the ground up to a height of at least six (6) feet and a minimum of fifteen (15) feet wide.
- c. On-street parking is prohibited on Seton Creek Boulevard.
- d. Sale of alcohol for on-premises consumption, including drinking establishments, cocktail lounges, pubs and bars, is prohibited with the exception of full-service restaurants, which may have ancillary alcohol sales.
- e. Drive-through establishments shall be limited to the area between the south side of the internal main street and Seidel Road, with an exception for the grocery store that is off the internal main street and which may incorporate a drive-through feature.
- f. The Developer / Applicant shall hold a community meeting to allow residents to view and comment upon the development plan(s), prior to the development plan(s) being heard by the Development Review Committee.
- g. Construction vehicles and construction traffic shall use Seidel Road only for access to the site, rather than Seton Creek Boulevard or any other neighborhood/residential street.
- 8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 26, 2016 shall apply:
 - a. The following waivers from Orange County Code are granted for 116 lots within the Village F Master PD (to be reflected on the Horizon West Village F Parcels N32, N33, N34, N36, N37, N38, S3, S4 and S5 Preliminary Subdivision Plan if and when approved):
 - 1) A waiver from Section 38-1384(g)(3)(f) to allow lots 60 feet and greater to have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure, in lieu of the requirement that lots greater than 65 feet can have garages placed in front of the primary structure if oriented toward either

side yard with windows facing the street and meeting the setbacks for the primary structure;

- 2) A waiver from Section 38-1384(g)(2) to permit the "J load" home product and the "half and half" home product to have front-loaded garage doors that are flush with the nearest adjacent plane of the primary structure, in lieu of the requirement that front-loaded garage doors be recessed a minimum of ten (10) feet behind the nearest adjacent plane of the primary structure. [NOTE: See Sheet No. 14 of 14 of the Village F PD for "J load" home product and "half and half" home product elevations.];
 - 3) A waiver from Section 38-1384(f)(2)(c) to allow first floor elevations with one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk; and
 - 4) A waiver from Section 38-1384(d) to permit porches less than ten feet wide to be constructed without railings, in lieu of the requirement that porches less than 10 feet wide include railings.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 15, 2015 shall apply:
- a. The following waivers from Orange County Code are granted and applicable to the residential portion of PD Parcels S-6 and N-35 (Village Center District) only:
 - 1) A waiver from Orange County Code Section 38-1258(a) to allow a maximum height of three (3) stories and forty-five (45) feet for multi-family residential buildings located within one hundred (100) feet, but greater than fifteen (15) feet, from single family zoned property; in lieu of a maximum height of one single story for multi-family residential buildings located within one-hundred (100) feet of single family zoned property;
 - 2) A waiver from Orange County Code Section 38-1258(b) to allow a maximum height of three (3) stories and forty-five (45) feet for 100% of the multi-family residential buildings located between one-hundred plus (100+) feet and one-hundred fifty (150) feet from single family zoned property; in lieu of varying building heights with a maximum of 50% of the buildings being a maximum of three (3) stories and forty (40) feet and the remaining buildings being one (1) or two (2) stories;
 - 3) A waiver from Orange County Code Section 38-1389(b) to allow structures to be placed at a twenty (20) foot build-to-line from Seton Creek Boulevard, Wood Crane Drive, and defined internal / circulator corridors, and at a thirty (30) foot build-to-line from Seidel Road; in lieu of structures being brought forward to a ten (10) foot build-to-line; and
 - 4) A waiver from Orange County Code Section 38-1389(d)(3)(g) to allow all primary buildings, structures, walks, and fences to be placed along a thirty (30) foot build-to-line from Seidel Road; in lieu of the requirement that all

primary buildings, structures, walks and fences be placed along a ten (10) foot build-to-line from all public street frontages.

- 5) A waiver from Orange County Code Section 38-1389(c)(1) to allow a maximum residential land area within the Village Center District of 46%, in lieu of a maximum residential land area of 40%.

10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 4, 2015 shall apply:

- a. All terms of the Village F Road Network Agreement, recorded at O.R. Book 10591, Page 5123, Public Records of Orange County, Florida, must be met for this project.
- b. To demonstrate concurrency entitlements have been met for this project, the developer must provide a valid Assignment of Vested Trips document signed by Orange County prior to plat approval. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
- c. The following waivers from Orange County Code are granted for a designated area within PD Parcel S-27 (Estate District) only, as depicted on the PD/LUP:
 - 1) A waiver from Section 38-1385(b)(4) to allow for a minimum lot width of fifty (50) feet, in lieu of the required minimum lot width of eighty-five (85) feet;
 - 2) A waiver from Section 38-1385(b)(2) to allow for a minimum average lot size of 6,000 square feet, in lieu of the required minimum average lot size of 10,000 square feet; and
 - 3) A waiver from Section 38-1385(b)(9) to allow for a minimum front porch setback of 15 feet, in lieu of the required minimum front porch setback of 20 feet.

11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 30, 2015, shall apply:

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

- b. A waiver from Orange County Code Section 38-79(114)(h) is granted to allow accessory structures in the form of entry features (such as an entry column, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet. These features shall be exclusive of lightning protection, with an additional two (2) feet allowed for lightning protection.

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

- c. A Level One (1) Environmental Site Assessment (ESA) shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.

12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 25, 2014, shall apply:

- a. A waiver from Orange County Code Section 38-1253(c) is granted to allow on street parking within PD Parcels S-22, S-24, S-26 and S-27 only.
- b. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting on a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not needed to satisfy the 7.5% requirement of Code Section 38-1382(i); or where the size and configuration of an open space tract precludes it from functioning as an active gathering space. The waiver is applicable within PD Parcels S-22, S-24, S-26 and S-27 only.
- c. The following waivers from Orange County Code Section 38-1385 (Village Home District) are granted and applicable to PD Parcel S-26 only:
 - 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;
 - 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and

- 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
 - d. A waiver from Orange County Code Section 38-1387.1(a)(7) is granted to allow for a minimum 10% "common open space" within PD Parcel S-24 only (Townhome District), in lieu of a minimum 30% common open space.
 - e. At a minimum, an additional 7.5% "public open space" shall also be provided, for a cumulative total of 17.5% open space within the subject parcel.
 - f. No PD development permits will be issued until TDR credits are presented to and accepted by the County.
13. The following BCC Conditions of Approval dated December 17, 2013 shall apply:
- a. A waiver from Orange County Code Section 34-152(c) is granted to remove the requirement that each lot within the Village Home and Townhome Districts that front a community mew, park, or open space tract to have a minimum access width of 20 feet to a dedicated public paved street. This waiver shall apply to PD Parcels N-23A, N-23B, N-25A, N-26A, N-26B and S-2 only.
 - b. A waiver from Orange County Code Section 38-1384(b)(4) is granted to allow for an average block length range of 200 feet to 400 feet where the average lot width for single-family attached or detached developments is less than 60 feet in width; and to allow for an average block length range of 600 feet to 800 feet where the average lot width for single-family attached or detached developments is between 60 feet and 85 feet in width. This waiver shall apply to PD Parcels N-21, N-22, N-25A, N-25B, N-26A, N-26B, S-1 and S-2 only.
 - c. A waiver from Orange County Code Section 38-1384(f)(3) is granted to eliminate the pedestrian path/walkway from the primary entrance to the sidewalk for lots equal to or less than 60 feet in width. This waiver shall apply to PD Parcels N-21, N-22, N-25B, N-26B, S-1 and S-2 only.
 - d. A waiver from Orange County Code Section 38-1384(f)(3)(c) is granted to eliminate the requirement for three (3) steps used to elevate the finished floor of residential buildings above the sidewalk grade that are adjacent to wetlands, lakes or ponds within the limits of the Estate and Garden Home Districts. This waiver shall apply to PD Parcels N-21, N-22 and N-25B only.
 - e. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not needed to satisfy the 7.5% requirement of Code Section 38-1382(i); or where the size and configuration of an open space tract precludes it from functioning as an active gathering space; or where a visual barrier and landscaped buffer median has been provided within the right-of-way. This waiver shall apply to PD Parcels N-25B, N-26B, S-1 and S-2 only.

- f. A waiver from Orange County Code Sections 38-1384(b)(4) and 38-187.1(a)(12) is granted to allow for an average block length of 400 feet for townhome lots where proposed lot widths are less than 60 feet, and to not require the minimum and maximum block width requirements of 290 feet and 310 feet, respectively. This waiver shall apply to PD Parcels N-23A, N23-B, N-24, N-25A, N-26A, N-26B and S-2 only.
- g. A waiver from Section 38-1384(f)(1) requiring that each block face contain at least two (2) district lot sizes (excluding end units); is granted to allow each block face to contain one (1) distinct lot size. This waiver applies to PD Parcels N-21, N-22, N-23B, N-25A, N-25B, N-26A, N-26B, S-1 and S-2 only.
- h. The following waivers are granted from Orange County Code Section 38-1385.7 (Garden Home District) for PD Parcels N-25A, N-25B and S-1 only:
 - 1) waiver from Section 38-1385.7(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 6,000 square feet;
 - 2) A waiver from Section 38-1385.7(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of forty (40) feet;
 - 3) A waiver from Section 38-1385.7(b)(5) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1385.7(b)(9)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1385.7(b)(9)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- i. The following waivers are granted from Orange County Code Section 38-1386 (Village Home District) for PD Parcels N-26A, N-26B and S-2 only and Townhome District PD Parcel N-23B only:
 - 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;

- 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
14. All previous applicable BCC Conditions of Approval, dated August 27, 2013, shall apply:
- a. The following waivers are granted from Orange County Code Section 38-1385.7 (Garden Home District) for PD Parcels N-8 and N-11 only:
 - 1) A waiver from Section 38-1385.7(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 6,000 square feet;
 - 2) A waiver from Section 38-1385.7(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of forty (40) feet;
 - 3) A waiver from Section 38-1385.7(b)(5) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1385.7(b)(9)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1385.7(b)(9)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
 - b. The following waivers are granted from Orange County Code Section 38-1386 (Village Home District) for PD Parcels N-15 and N-16 only:
 - 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;

- 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- c. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting on a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not needed to satisfy the 7.5% requirement of Code Section 38-1382(i), or where the size and configuration of an open space tract precludes it from functioning as an active gathering space.
15. All previous applicable BCC Conditions of Approval dated April 9, 2013, shall apply:
- a. The following waivers from Orange County Code are applicable only to PD Parcels N-32, N-33, N-34, N-35, N-36, N-37, N-38, S-3, S-4, S-5, S-6, S-7, S-10, S-15, S-16, S-18, S-19 & S-20; and are intended to provide alternative sign/architectural features and/or a greater mix of single-family detached residential lot types and larger front porches, while ensuring the desired balanced and blended residential development pattern required by the Village F Specific Area Plan (SAP) and Village Planned Development Code:
 - 1) Waivers from Section 31.5-67(b) and Section 31.5-73(c) are granted to allow a ground sign with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of forty-two (42) feet, in lieu of a ground sign with architectural features at one (1) primary project entrance along Seidel Road with a maximum height of eight (8) feet. These features shall be exclusive of lightning protection and may include signage; however, the features shall be consistent with the locations shown on the master sign plan (PD/LUP) with no signage exceeding the allowable square footage for a primary entry sign;
 - 2) Waivers from Section 31.5-67(b) and Section 31.5-73(c) are granted to allow a ground sign with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) secondary project entrances along Seidel Road with a maximum height of ten (10) feet, in lieu of a ground sign with architectural features at one (1) secondary project entrance along Seidel Road with a maximum height of eight (8) feet. These features shall be exclusive of lightning protection and may include signage; however, the features shall be consistent with the locations shown on the master sign plan (PD/LUP) with no signage exceeding the allowable square footage for a secondary entry sign; and

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

- 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- d. Excluding the primary segments of a required six foot (6') high perimeter/roadway screen wall, waivers from Section 38-1408(b) and (f) and Section 34-209 are granted to increase the wall height to fourteen (14) feet for architectural accents only (such as archways, pilasters, etc.), at not less than one-hundred (100) foot intervals along the perimeter of parcels adjacent to APF roadways.
- e. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
 - 1) The same front facade for single family residential units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (2) units with different facades.
 - 2) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front facade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are setback from the facade. In no case shall more than fifty (50) percent of the front facade of the house consist of an unobstructed block wall or garage door.
 - 3) At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover minimum ten (10) feet in width or one third (1/3) of the front facade, whichever is greater.
 - 4) Flat roofs shall be prohibited.
 - 5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.
 - 6) The provisions of the CC&R's incorporating the above referenced requirements shall not be amended, removed or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion and the CC&R's shall contain a statement to that effect. Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.

- 7) Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.
16. All previous applicable BCC Conditions of Approval, dated November 13, 2012 shall apply:
- a. Prior to any PSP or DP approval for PD Parcels N-23 through N-26, an agreement shall be executed to address required right-of-way dedication for Phil Ritson Way if necessary as determined by the Development Review Committee (DRC).
 - b. Prior to any PSP or DP approval, a road agreement shall be executed to address required right-of-way dedication for Seidel Road.
 - c. Access locations and roads that impact wetlands and rare wetlands are only approximations and are not approved with this plan. The exact location will have to consider minimization and avoidance of wetland impact and rare habitat and will be determined during the Orange County conservation area determination and impact permit process.
17. All previous applicable BCC Conditions of Approval, dated August 28, 2012 shall apply:
- a. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - b. No activity will be permitted within the boundaries of the site that may disturb, influence or interfere with areas of soil or groundwater contamination, remediation activities, or within the hydrological zone of influence of the contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection.

Such approval may include, but is not limited to: an FDEP No Further Action letter, Site Rehabilitation Completion Order (SRCO), or documentation of specific permission from FDEP. Such documentation shall be provided to the Environmental Protection Division of Orange County.
 - c. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.
 - d. On properties where contamination has been documented, the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the property has been identified with soil and groundwater contamination and shall state the status of the resulting remediation.
 - e. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.

- f. A Master Utility Plan (MUP) for Village F PD shall be submitted to Orange County Utilities prior to the approval of the first Preliminary Subdivision Plan or Development Plan. The MUP must be approved prior construction plan approval.
 - g. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village F Master Utilities Plan (MUP).
 - h. Prior to construction plan approval, all property owners within Village F, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities size for Village requirements are constructed.
 - i. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 - j. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5 and Section 38-1389(d)(5).
18. All previous applicable BCC Conditions of Approval, dated September 15, 2009 (as modified) shall apply:
- a. Final configuration of the Parcel N-17 Elementary School / Park site shall be approved by both the Orange County Parks and Recreation Division and Orange County Public Schools.
 - b. There shall be a 20-foot fee simple access provided between the Parcels S-17 Park site and the Parcel S-25 Elementary School site.
 - c. A waiver from Section 38-1386(a)(2) is granted to allow Parcel N-33 to have structures and uses to serve civic (excluding education / daycare / telecommunication towers & fields) and non-commercial recreational needs without having to obtain Special Exception Approval from the Board of Zoning Adjustment.
 - d. The Garden Home and Village Home Districts may contain a mix of single family detached and single-family attached residences (within the Village F Master PD). The exact configuration of this mix shall be determined at the time of Preliminary Subdivision Plan review.

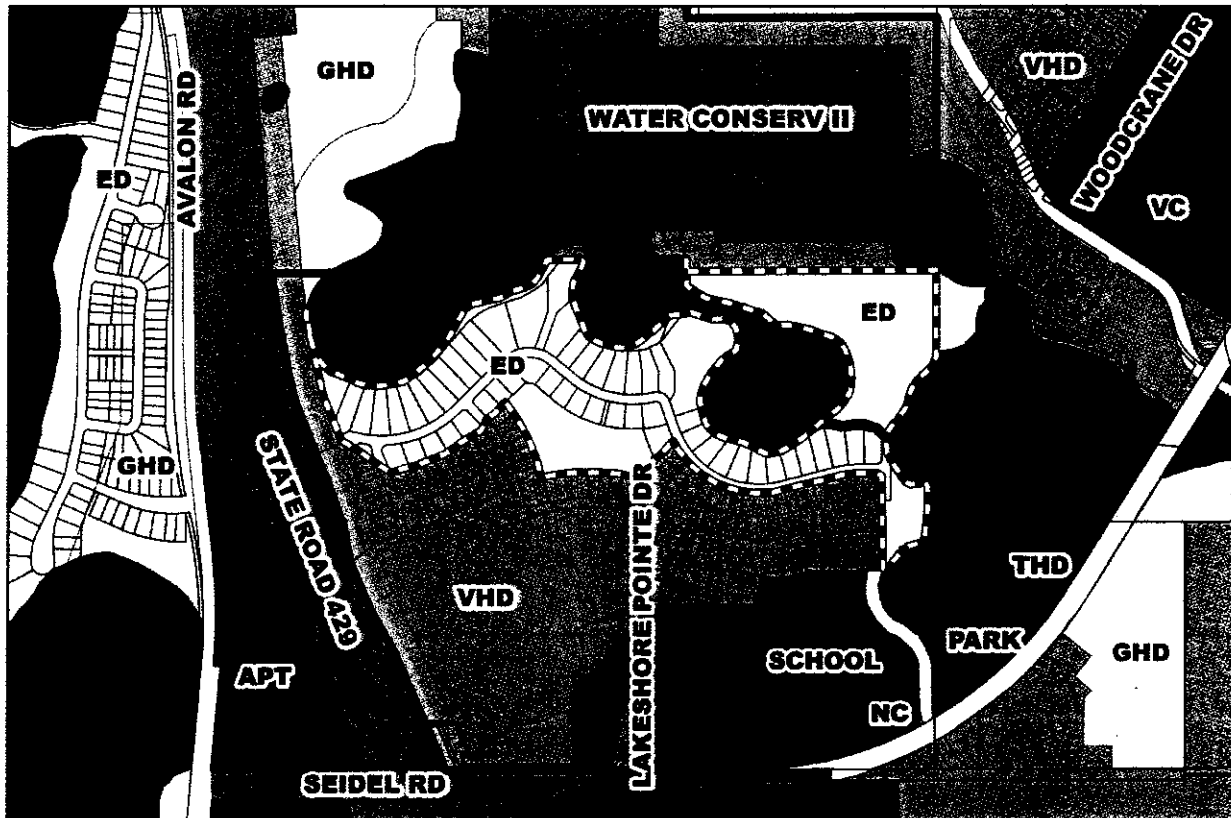
- e. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
- f. A waiver from Section 38-1384(f)(1) is granted to allow each block face to contain one (1) distinct lot size in lieu of each block containing at least two (2) distinct lot sizes (excluding end units). This waiver shall apply only to block faces with five (5) or fewer lots.
- g. The following Education Conditions of Approval shall apply:
 - 1) The Developer shall comply with all provision of Capacity Enhancement Agreements (CEAs) numbered 06-011-01, 06-011-02, 06-011-03, 06-011-05, 06-011-06-T2, 06-011-07, 06-011-08, 06-011-10, 06-011-12, 06-011-14, 06-011-15, and 06-011-16 entered into with the Orange County School Board (and Orange County) in November 2006 and recorded in the official records of the Orange County Comptroller, and all provisions of CEA OC-13-022 entered into with the Orange County School Board on November 12, 2013.
 - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the residential units allowed under the zoning existing prior to the approval of the PO zoning, as indicated in each of the CEAs listed above. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - 3) The Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of the developer's rights.
 - 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the Developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - 5) At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- h. The cross-section for Seidel Road is not approved with this plan. The final cross-section shall be designed to be pedestrian-oriented, with a maximum

speed limit of thirty (30) miles per hour. The final design speed shall be reviewed and approved by the County Engineer.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (October 18, 2016)

Upon a motion by Commissioner Boyd, seconded by Commissioner Edwards, and carried with six members voting AYE, and Mayor Jacobs voting NAY, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Kathy Hattaway, HCI Planning & Land Development Consultants, Village F Master Planned Development / Land Use Plan (PD/LUP), Case #15-12-381, by revising the Village Center Conceptual Block inset on the PD/LUP, expanding permitted Village Center District uses; and granting seven (7) waivers from Orange County Code, which constitutes a substantial change to the development on the described property; subject to conditions, including five (5) new conditions added by Commissioner Boyd.

CDR-16-06-202



Subject Property
 PD Boundary



★ Subject Property

Future Land Use Map

FLUM: Village (V) - Village F Specific Area Plan (SAP) - Estate District (ED)

APPLICANT: Heather Himes, Esq., Akerman, LLP

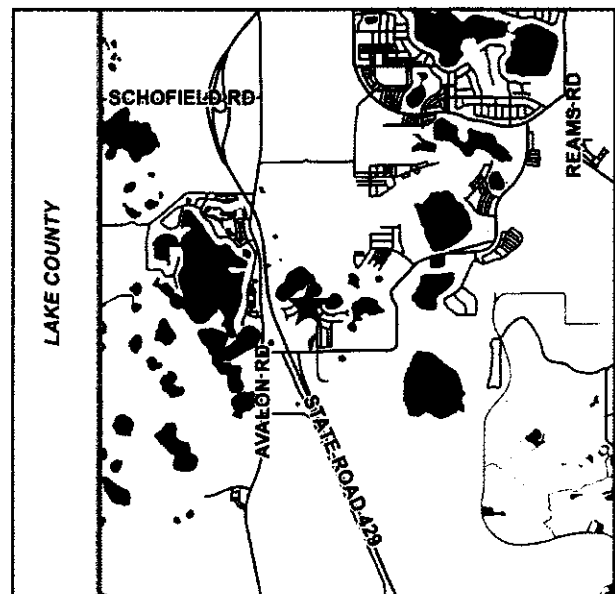
LOCATION: North of Seidel Road, east of the Western Beltway

TRACT SIZE: 1,708.95 gross acres (overall PD)
 47.24 gross acres (affected parcels only)

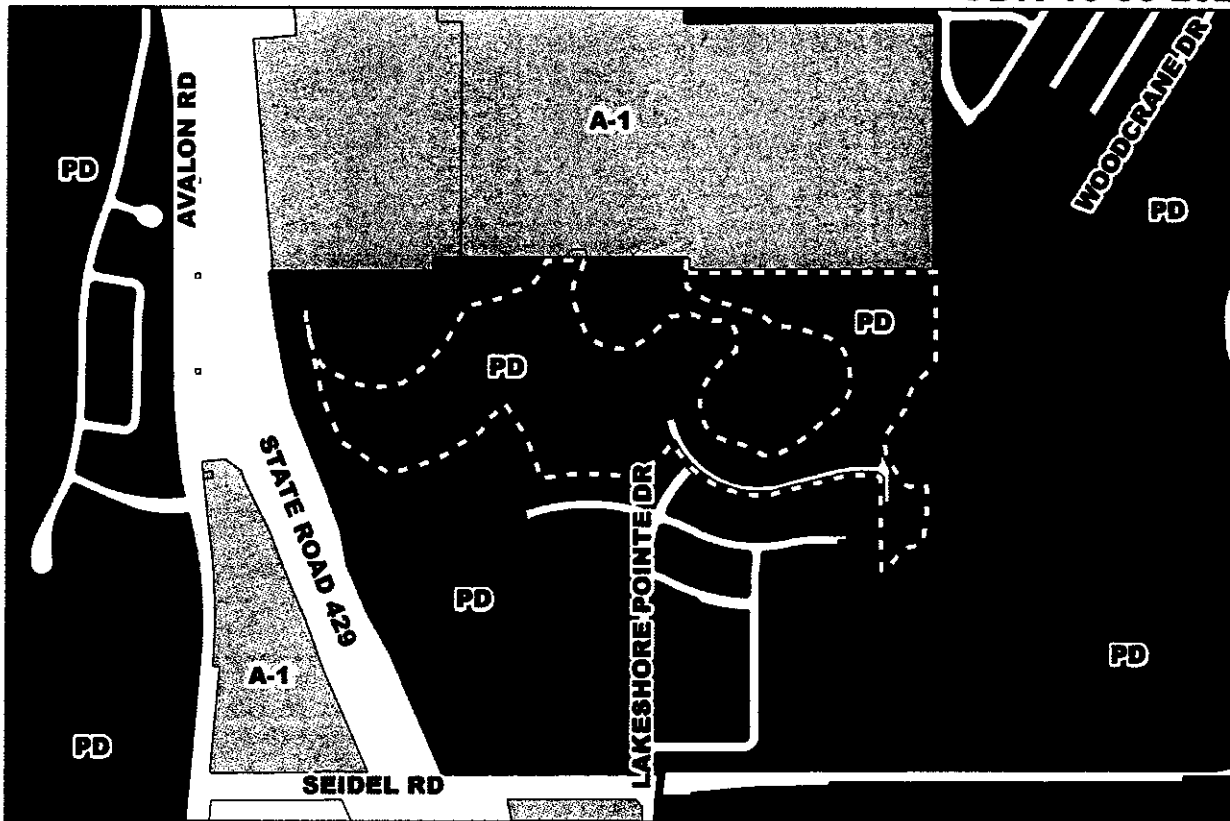
DISTRICT: # 1

S/T/R: 05/24/27

1 inch = 833 feet



CDR-16-06-202



Subject Property
 PD Boundary

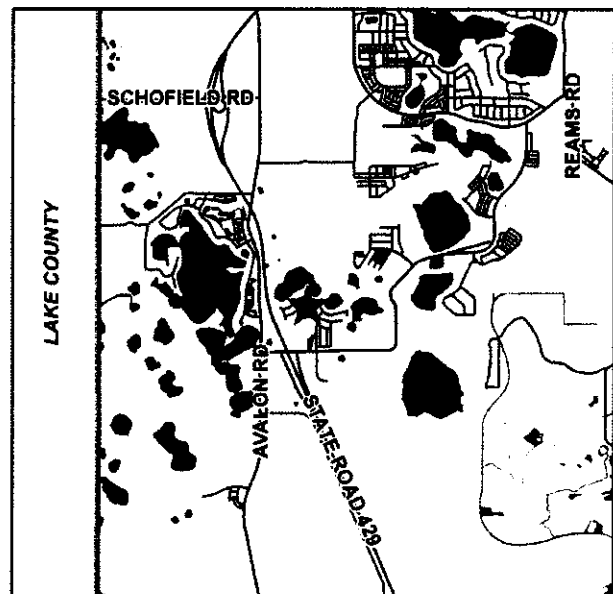


★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)
APPLICANT: Heather Himes, Esq., Akerman, LLP
LOCATION: North of Seidel Road, east of the Western Beltway
TRACT SIZE: 1,708.95 gross acres (overall PD)
 47.24 gross acres (affected parcels only)
DISTRICT: # 1
S/T/R: 05/24/27

1 inch = 833 feet



VILLAGE F MASTER PLANNED DEVELOPMENT LAND USE PLAN FOR VILLAGE F PROPERTY OWNER'S GROUP IN HORIZON WEST ORANGE COUNTY, FLORIDA

CDR-16-06-202
SUBMITTAL: 6-7-16

PARCEL ID. NO. 05-24-27-0000-00-011 (affected parcel)

33-23-27-0000-00-003; 33-23-27-0000-00-006; 33-23-27-0000-00-007; 34-23-27-0000-00-002;
34-23-27-0000-00-004; 34-23-27-0000-00-011; 03-24-27-0000-00-003; 04-24-27-0000-00-001; 04-24-27-0000-00-002;
04-24-27-0000-00-005; 04-24-27-0000-00-006; 04-24-27-0000-00-007; 04-24-27-0000-00-015; 04-24-27-0000-00-016;
04-24-27-0000-00-017; 04-24-27-0000-00-019; 05-24-27-0000-00-001; 05-24-27-0000-00-005; 08-24-27-0000-00-008;
08-24-27-0000-00-011; 08-24-27-0000-00-013; 08-24-27-0000-00-026; 33-23-27-0000-00-17; 33-23-27-0000-00-018

Water Request:

For Parcel 5-27, a waiver is requested from Section 38-1394(5)(2) for the Eminent to allow first floor elevations with one (1) step above the finished grade of the sidewalk on "3 level" houses, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk.

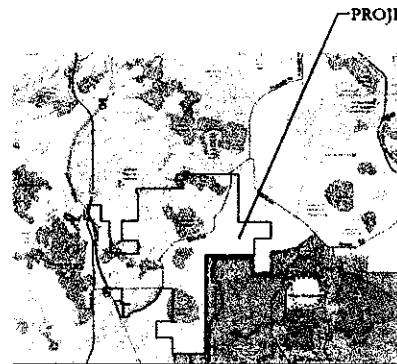
Justification:

The Estate style houses which are "3 level" houses do not support a floor plan with a minimum of three (3) steps from the finished grade of the sidewalk to the first floor elevation because this style of house does not include a grade change. The driveway leads to the side facing garage and the front entry is at the same elevation as the driveway.

PD amendment Chronology

Report No.	PD Amendment	Submitted by	Approval date
CDR 15-06-206	Parcel 15-05 A 5-4 Waiver	John Perrelli, VTD	December 15, 2015 BCC
CDR 15-11-209	Sign Permit Location Change	Eric Weiss, Poulos & Bennett	December 15, 2015 BCC (New Submission)
CDR 15-12-401	Water Request	Eric Weiss, Poulos & Bennett	April 26, 2016 BCC
CDR 15-12-404	Concept Plan revision & water Request	Kelly Hattaway, HCL Planning	October 18, 2016
CDR 16-06-202	Water Request	Hendrix Hunt, Albano, LLC	Pending

POULOS & BENNETT, LLC
3622 N. Longwood Drive
ORLANDO, FLORIDA 32834
TEL: 407-467-1294
www.poulosandbennett.com
ENG BUS NO. 24567



LOCATION MAP

SCALE: 1" = 400'
NORTH

TABLE OF CONTENTS

CIVIL	COVER SHEET
1	OVERALL BOUNDARY SKETCH & LEGAL DESCRIPTION (AS PREVIOUSLY APPROVED)
2	TOPOGRAPHY & FLOOD AREAS (AS PREVIOUSLY APPROVED)
3	SOILS (AS PREVIOUSLY APPROVED)
4	VEGETATION (AS PREVIOUSLY APPROVED)
5	LAND USE PLAN
6	VILLAGE CENTER DETAIL & WAIVERS
7	ADAPTABLE PUBLIC FACILITIES
8	TRANSFER OF DEVELOPMENT RIGHTS
9-11	(SENDING & RECEIVING AREAS)
12A	SITE DATA & PERFORMANCE STANDARDS
12B	PROJECT DATA
13	BCC CONDITIONS OF APPROVAL
13A	TYPICAL SECTIONS & PROPERTY OWNERS
13B	WITH PARCEL ID. NUMBERS
	SCREEN WALL & SIGNAGE FEATURES
	ENTRY FEATURES

In Accordance With Section 38-1227, Any Variations From County Code Minimum Standards Represented On This Plan That Have Not Been Explicitly Approved By The BCC Are Invalid

RECEIVED
By Lissette Eggleston at 4:11 pm, Nov 10, 2016



Village F Master PD / LUP (Cover Sheet)

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: December 20, 2016

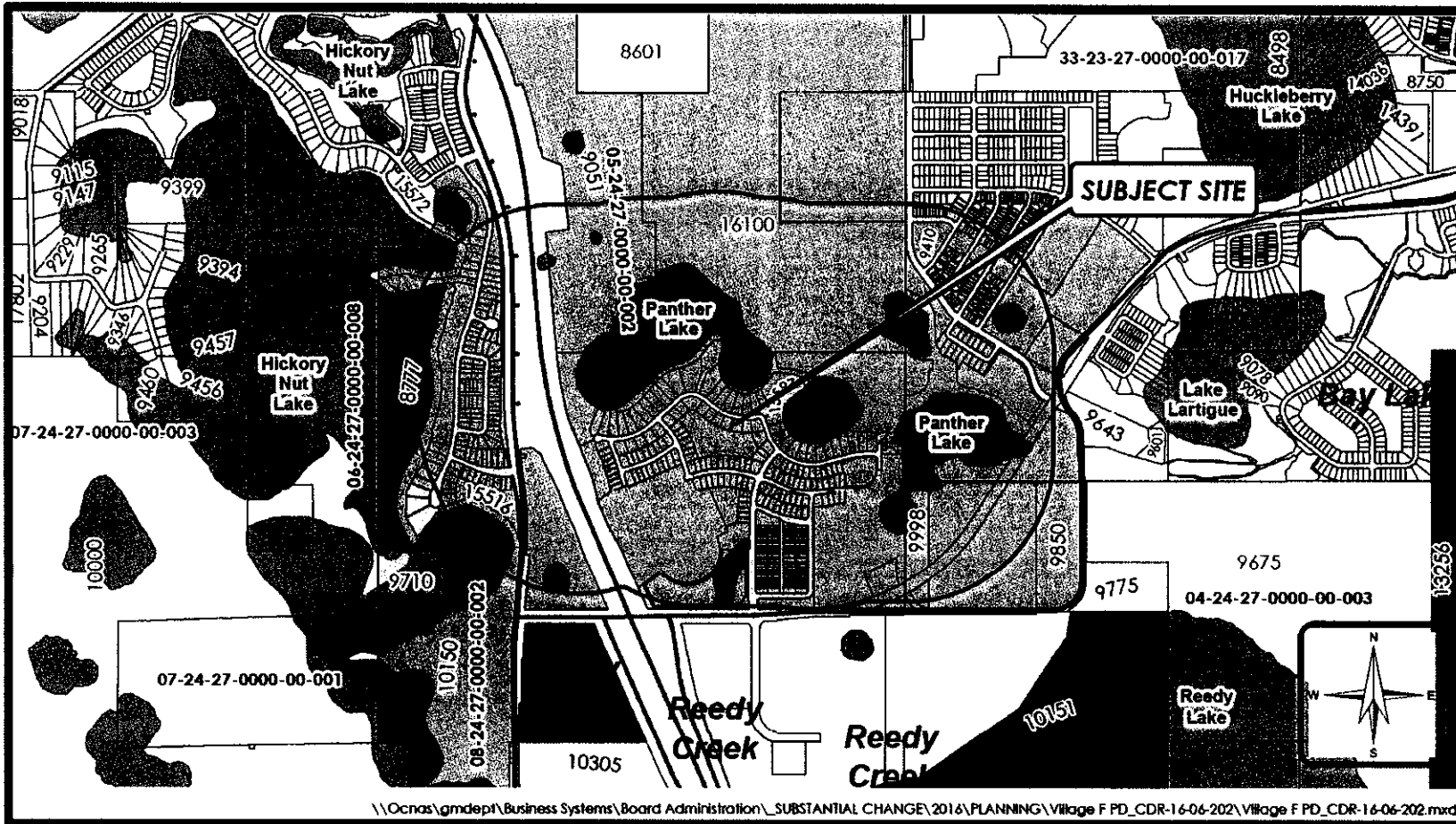




Public Notification Map

Village F PD_CDR-16-06-202

1500 FT BUFFER, 169 NOTICES



Notification Map

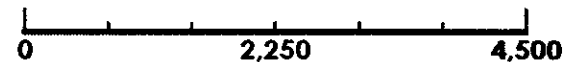
DRC Staff Report
Orange County Planning Division
BCC Hearing Date: December 20, 2016

MAP LEGEND

- HYDROLOGY
- 1500 FT BUFFER
- NOTIFIED PARCELS
- COURTESY NOTICES
- PARCELS



1 inch = 1,432 feet
Feet





Interoffice Memorandum

December 8, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smoger, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: December 20, 2016 – Public Hearing
Tina Lee, Ashton Residential Orlando, LLC
Sweetwater Golf and Country Club Planned Development (PD)
Case # CDR-15-11-333 / District 2

The Sweetwater Golf and Country Club PD was originally approved in 1973, and currently provides for a development program consisting of 632 residential dwelling units and a golf course / clubhouse.

With this PD substantial change, the applicant is seeking to reconfigure golf villas (single-family attached) and golf clubhouse / ancillary use areas within the PD, and remove an existing condition of approval dated March 9, 2010 that requires the applicant to process a Future Land Use Map amendment to change the southern portion of the golf course from Low Density Residential (LDR) to Park / Open Space / Golf Course (P / OS / Golf Course) prior to platting.

In addition, the applicant has requested eleven (11) waivers from Orange County Code to address building setbacks from property lines, distance separation to adjacent single-family properties, building height, and access.

On November 2, 2016, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting for this request and an associated Subdivision Plan (PSP-15-11-339) and Development Plan (DP-15-11-340) was held on January 7, 2016 at Piedmont Middle School.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Ordinance 2008-

14, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Sweetwater Golf and Country Club Planned Development / Land Use Plan (PD/LUP) dated “Received August 31, 2016”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 2

Attachments

CASE # CDR-15-11-333

Commission District: # 2

GENERAL INFORMATION

APPLICANT	Tina Lee, Ashton Residential Orlando, LLC
OWNER	Sweetwater Golf and Country Club, Inc.
PROJECT NAME	Sweetwater Golf and Country Club Planned Development / Land Use Plan (PD/LUP)
PARCEL ID NUMBERS	36-20-28-0000-00-030; 36-20-28-8466-00-004; 36-20-28-8466-00-005; and 36-20-28-8466-00-003
TRACT SIZE	315.8 gross acres (overall PD) 10.3 gross acres (affected parcels)
LOCATION	South of Wekiva Springs Road and west of the Orange / Seminole County boundary.
REQUEST	A substantial change request to reconfigure golf villas (single-family attached) and golf clubhouse / ancillary use areas within the PD, and remove an existing condition of approval dated March 9, 2010 that requires the applicant to process a Future Land Use Map (FLUM) amendment to change the southern portion of the golf course from Low Density Residential (LDR) to Park / Open Space / Golf Course (P-OS / Golf Course) prior to platting. Finally, as listed below, eleven (11) waivers from Orange County Code have been requested.

Single-Family Attached (Townhome)-Related Waivers:

The following waiver requests shall apply only within the limits of the PD Parcel designated Golf Villas (Townhomes). All areas external to the townhome buildings are to be maintained by the Homeowner's Association, including lawns, landscaping, irrigation, hardscaping, pavement, sidewalks, and building exteriors (e.g., roof replacement, paint, etc.).

1. *A waiver from Sections 38-79(20)(D), 38-79(20)(P), 38-1405(g) and 38-1501 to allow the following site and building requirements:*

a. *A minimum front yard of 15 feet, in lieu of the required 20 feet [38-79(20)(P)] as long as the face of the building is set back at least 20 feet from the back edge of the sidewalk;*

b. *A minimum rear yard of 20 feet adjacent to the project*

perimeter, in lieu of requiring R-3 setbacks along the project perimeter of 30 feet for buildings containing 3 or more units [38-79(20)(D) & 38-1501]; and

- c. A minimum side yard of 0 feet in all locations as long as the building is at least 10 feet from the back of curb of the adjacent private street, in lieu of requiring R-3 setbacks along the project perimeter of 10 feet [38-79(20)(D) & 38-1501] and in lieu of the required 15 feet adjacent to a side street [38-1405(g)].*
- 2. A waiver from Section 38-79(20)(J) to allow minimum rear-to-rear building separation between single-family attached townhome buildings of 40 feet, in lieu of 60 feet.*

Multi-Family / Clubhouse-Related Waivers:

The following waiver requests shall apply only within the limits of the PD Parcel designated Golf Clubhouse & Ancillary Uses (Including Multi-Family). Waivers to allow increased building height and to allow access to the multi-family units through single-family property were previously granted by the Orange County Board of County Commissioners on March 9, 2010, and March 10, 2009, respectively. Waivers related to these two code sections are being requested again because of the proposed clubhouse / multi-family building has been relocated to the south and is no longer in the area for which the waivers were previously approved.

- 1. A waiver from Sections 24-5(a)(3) and 38-1258(f) to allow the following modifications to the required separation between the clubhouse / multi-family uses and the adjacent Golf Villas (Townhomes) parcel:*
 - a. Allow a landscaped buffer with a five foot (5') minimum width adjacent to the Golf Villas (Townhomes) parcel, in lieu of the required Type C buffer with a fifteen foot (15') minimum width [24-5(a)(3)];*
 - b. Allow a minimum setback and landscaped buffer width of five feet (5') between the parking and paved areas serving the clubhouse / multi-family building and the Golf Villas (Townhomes) parcel, in lieu of providing the minimum required twenty-five foot (25') setback and landscape buffer consistent with a Type C buffer [38-1258(e)]; and*
 - c. Eliminate the required screen wall separating the clubhouse / multi-family building and the Golf Villas (Townhomes) parcel, in lieu of providing the required*

six-foot high masonry, brick or block wall [38-1258(f)].

2. A waiver from Sections 38-1258(a), 38-1258(b) and 38-1272(a)(5) to allow construction of a 2-story clubhouse / multi-family building with a maximum building height (not including basement) of forty-five feet (45') with a minimum setback of fifty feet (50') to the Golf Villas (Townhomes) parcel to the north and a minimum setback of one-hundred feet (100') to the Single-Family parcel to the southwest in lieu of the required:
 - a. Single-story within one-hundred feet (100') of single-family zoned property [38-1258(a)];
 - b. Three (3) stories, not to exceed forty feet (40') in height, for up to fifty percent (50%) of the buildings between one-hundred plus feet (100+) and one-hundred fifty feet (150') of single-family zoned property, with the remaining buildings being one (1) story or two (2) stories in height [38-1258(b)];
 - c. Thirty-five feet (35') within one-hundred feet (100') of any residential [38-1272(a)(5)].
3. A waiver from Section 38-1258(g) to allow access to the clubhouse / multi-family building to extend through the residential parcels designated Golf Villas (single-family) and Golf Villas (Townhomes), in lieu of providing independent access.

PUBLIC NOTIFICATION

A notification area extending beyond five hundred (500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Six-hundred twenty-five (625) notices were mailed to those property owners in the notification buffer area. As summarized below, a community meeting was also held on January 7, 2016 at Piedmont Middle School.

IMPACT ANALYSIS

Special Information

The Sweetwater Golf and Country Club PD was originally approved in 1973, and currently provides for a development program consisting of 632 residential dwelling units and a golf course / clubhouse.

With this PD substantial change, the applicant is seeking to reconfigure golf villas (single-family attached) and golf clubhouse / ancillary use areas within the PD, and remove an existing condition of approval dated March 9, 2010 that requires the applicant to process Future Land Use Map amendment to change the southern portion

of the golf course from Low Density Residential (LDR) to Park / Open Space / Golf Course (P / OS / Golf Course) prior to platting.

In addition, the applicant has requested eleven (11) waivers from Orange County Code to address building setbacks from property lines, distance separation to adjacent single-family properties, building height, and access.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The affected parcel has underlying Future Land Use Map (FLUM) designation of Public Recreation and Open Space (PR-OS). However, for PD's that were approved before the Comprehensive Plan adoption date of 1991, requested uses are considered consistent with the Comprehensive Plan if any property within the PD has a FLUM designation that allows for such uses. In this case, a portion of the overall PD is designated Low Density Residential (LDR) on the FLUM; therefore, it has been determined that this request is consistent with the CP.

Community Meeting Summary

A community meeting for this request and an associated Subdivision Plan (PSP-15-11-339) and Development Plan (DP-15-11-340) was held on January 7, 2016 at Piedmont Middle School. Sixty-nine (69) residents were in attendance and expressed concern about clubhouse access, the quality of proposed development, and traffic. These issues were subsequently addressed by the applicant.

Overlay District Ordinance

The subject property is located within the Wekiva Study Area and within the Wekiva Protection Area.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

This site is located within the geographical limits of the Wekiva River Protection Ordinance. Basin wide regulations may apply. Reference Orange County Code Chapter 15, Article XIII, for requirements and applicability.

Transportation / Concurrency

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 issuance of the initial certificate of occupancy. Nothing in the decision to approve this request shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Schools

Orange County Public Schools (OCPS) has reviewed the request but did not identify any issues or concerns.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the PD substantial change request, but did not identify any issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (November 2, 2016)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Sweetwater Golf and Country Club Planned Development / Land Use Plan (PD/LUP) dated "Received August 31, 2016", subject to the following conditions:

1. Development shall conform to the Sweetwater Golf and Country Club Planned Development / Land Use Plan (PD/LUP) dated "Received August 31, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received August 31, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates

from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

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

7. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
8. The Developer shall obtain water and wastewater service from Orange County Utilities.
9. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
10. Short term and/or transient rental shall be prohibited. Length of stay shall be for 180 days or greater.
11. The following waivers from Orange County Code are granted for the PD Parcel designated as Golf Villas (Townhomes):
 - a. A waiver from Sections 38-79(20)(D), 38-79(20)(P), 38-1405(g) and 38-1501 to allow the following site and building requirements:
 1. A minimum front yard of 15 feet, in lieu of the required 20 feet [38-79(20)(P)] as long as the face of the building is set back at least 20 feet from the back edge of the sidewalk;
 2. A minimum rear yard of 20 feet adjacent to the project perimeter, in lieu of requiring R-3 setbacks along the project perimeter of 30 feet for buildings containing 3 or more units [38-79(20)(D) & 38-1501];
 3. A minimum side yard of 0 feet in all locations as long as the building is at least 10 feet from the back of curb of the adjacent private street in lieu of requiring R-3 setbacks along the project perimeter of 10 feet [38-79(20) (D) & 38-1501], in lieu of the required 15 feet adjacent to a side street [38-1405(g)].
 - b. A waiver from Section 38-79(20)(J) to allow minimum rear to rear building separation between single-family attached townhome buildings of 40 feet, in lieu of 60 feet.
12. The following waivers from Orange County Code are granted for the PD Parcel designated as Golf Clubhouse and Ancillary Uses (Including Multi-Family):
 - a. A waiver from Sections 24-5(a)(3) and 38-1258(f) to allow the following modifications to the required separation between the clubhouse / multi-family uses and the adjacent Golf Villas (Townhomes) parcel:
 1. Allow a landscaped buffer with a five-foot (5') minimum width adjacent to the Golf Villas (Townhomes) parcel, in lieu of the required Type C buffer with a fifteen-foot (15') minimum width [24-5(a)(3)];

2. Allow a minimum setback and landscaped buffer width of five feet (5') between the parking and paved areas serving the clubhouse / multi-family building and the Golf Villas (Townhomes) parcel, in lieu of providing the minimum required twenty-five-foot (25') setback and landscape buffer consistent with a Type C buffer [38-1258(e)]; and
3. Eliminate the required screen wall separating the clubhouse / multi-family building and the Golf Villas (Townhomes) parcel, in lieu of providing the required six-foot high masonry, brick or block wall [38-1258(f)].
- b. A waiver from Sections 38-1258(a), 38-1258(b) and 38-1272(a)(5) to allow construction of a 2-story clubhouse / multi-family building with a maximum building height (not including basement) of forty-five feet (45') with a minimum setback of fifty feet (50') to the Golf Villas (Townhomes) parcel to the north and a minimum setback of one-hundred feet (100') to the single-family parcel to the southwest, in lieu of the required:
 1. Single-story within one-hundred feet (100') of single-family zoned property [38-1258(a)];
 2. Three (3) stories, not to exceed forty feet (40') in height, for up to fifty percent (50%) of the buildings between one-hundred plus feet (100'+) and one-hundred fifty feet (150') of single-family zoned property, with the remaining buildings being one (1) story or two (2) stories in height [38-1258(b)];
 3. Thirty-five feet (35') within one-hundred feet (100') of any residential [38-1272(a) (5)].
- c. A waiver from Section 38-1258(g) to allow access to the clubhouse / multi-family building to extend through the residential parcels designated Golf Villas (Single-Family) and Golf Villas (Townhomes), in lieu of providing independent access.
13. The landscaping shall be installed and inspected in compliance with the landscape plans prepared by Scott Moore dated October 31, 2016 and November 1, 2016.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 9, 2010, shall apply, with the exception of 5.d which has been deleted:
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 10, 2009, shall apply:
 - a. Outdoor storage and display shall be prohibited.
 - b. Billboards and pole signs shall be prohibited.
 - c. In the event that the golf course or any portion of the golf course is ever closed and proposed for redevelopment or the number of unit exceeds 580 units, such proposals shall be deemed a substantial change to the Planned Development

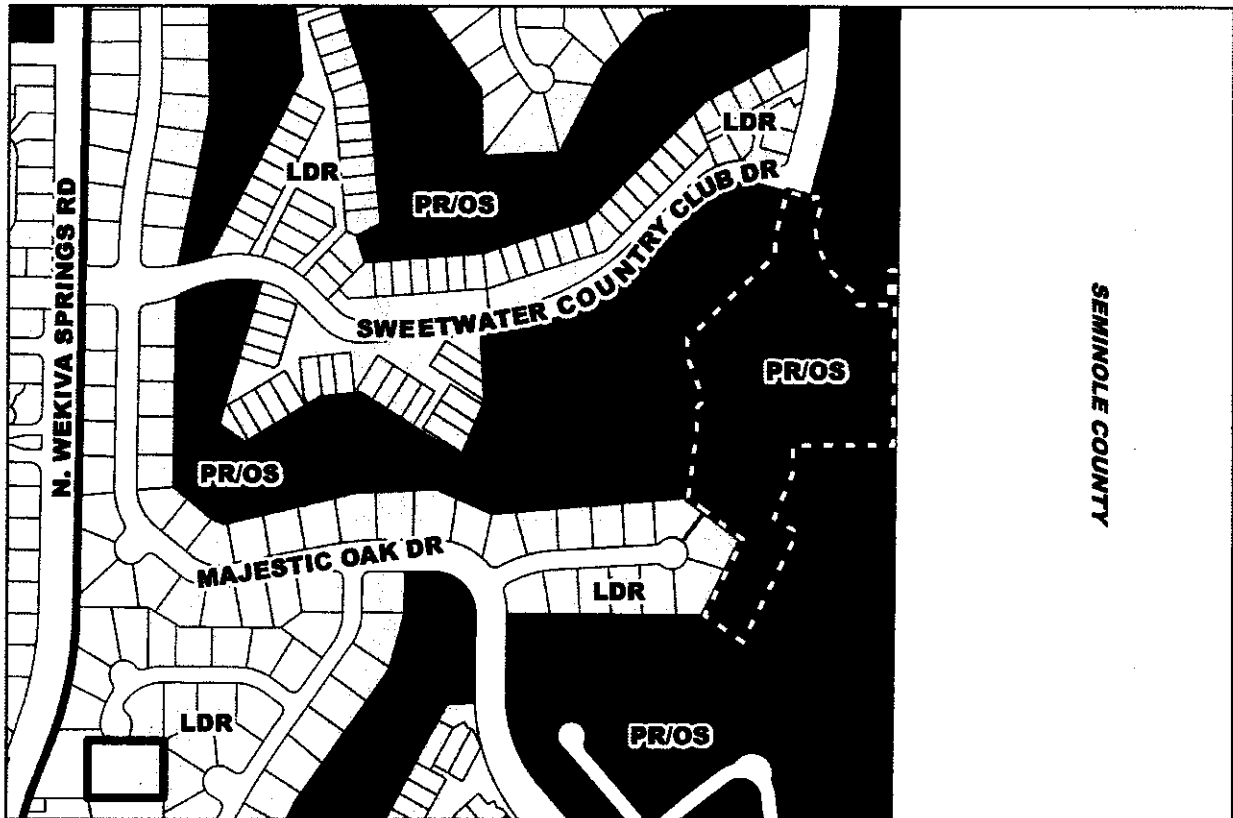
necessitating a public hearing and approval by the Board of County Commissioners.

- d. Prior to the approval of a Preliminary Subdivision Plan or Development Plan, traffic calming shall be addressed.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (March 9, 2010)

Upon a motion by Commissioner Fernandez, seconded by Commissioner Russell, and carried with six members voting AYE, and Commissioner Brummer voting NAY, the Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Javier Omana, Sweetwater Golf and Country Club Planned Development / Land Use Plan (PD/LUP), by increasing the height from 40 feet / 3 stories to 99 feet / 7 stories, increasing the square footage of the clubhouse from 77,000 square feet to 130,000 square feet, increasing the number of multi-family units from 75 units to 127 units, and to grant a waiver from Section 38-1258 to allow the setback for the 7 story (99' high) building to be 125 feet from single-family residential in lieu of 150 feet, which constitutes a substantial change to the development on the described property; subject to conditions.

CDR-15-11-333



Subject Property
 PD Boundary

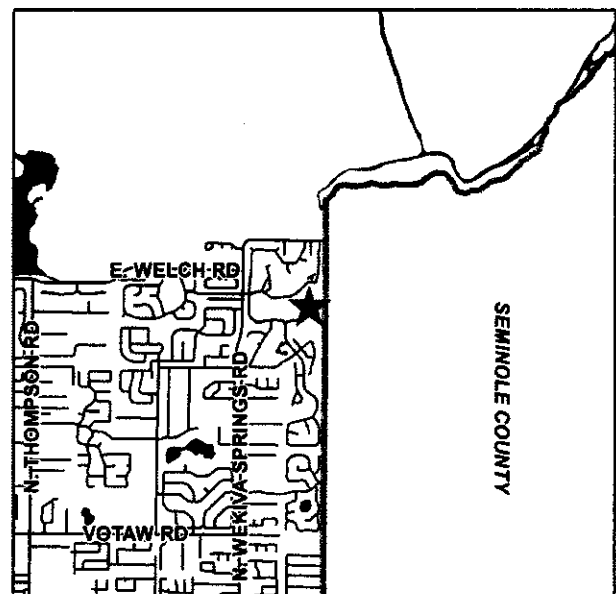


★ Subject Property

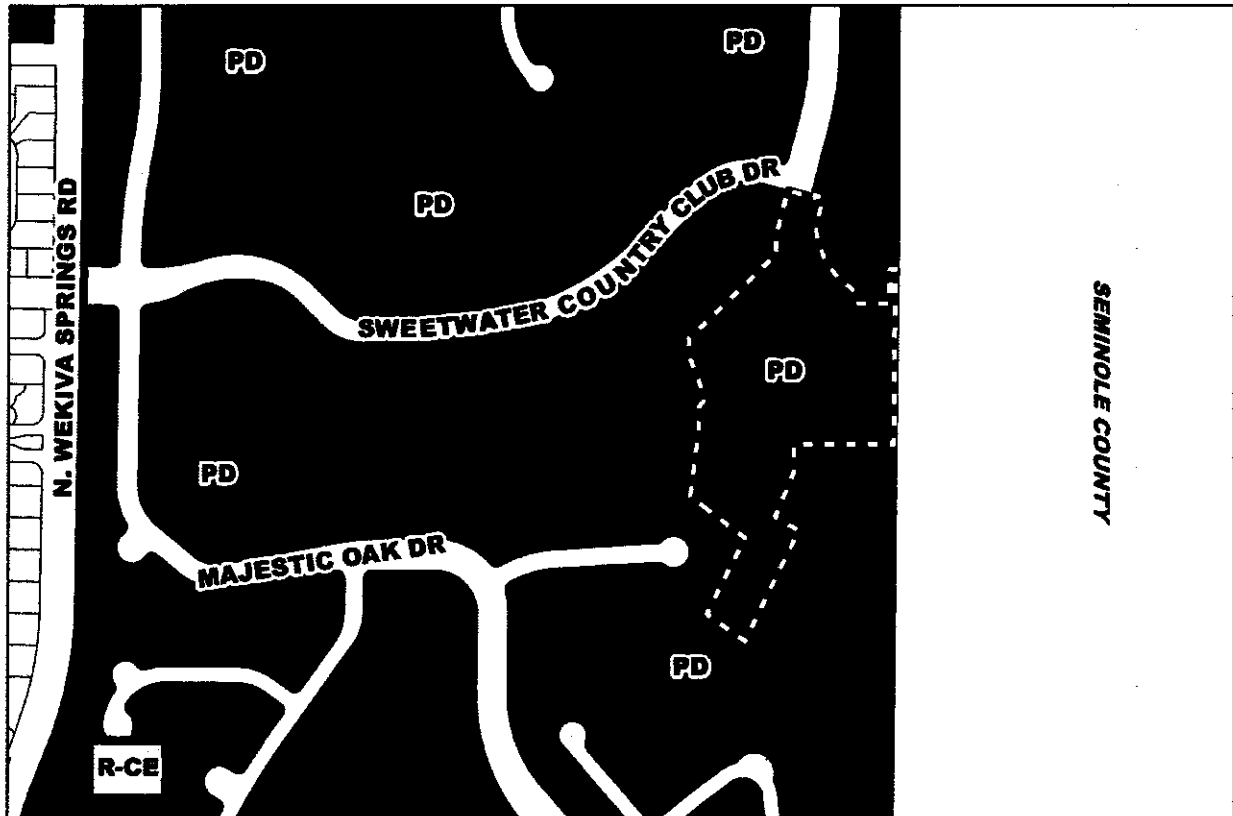
Future Land Use Map

FLUM: Parks and Recreation / Open Space (PR/OS)
 APPLICANT: Tina Lee, Ashton Residential Orlando, LLC
 LOCATION: South of Wekiva Springs Road / West of
 Orange / Seminole County Line
 TRACT SIZE: 315.80 gross acres (overall PD)
 10.30 gross acres (affected parcels only)
 DISTRICT: # 2
 S/T/R: 36/20/28

1 inch = 500 feet



CDR-15-11-333



Subject Property
 PD Boundary

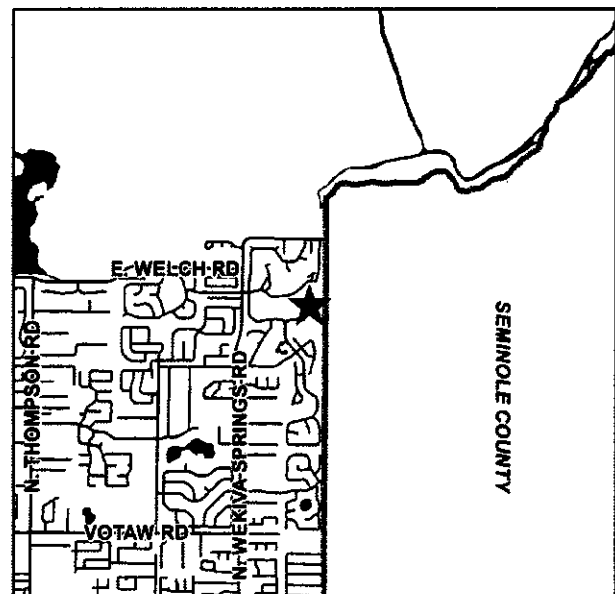


★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)
APPLICANT: Tina Lee, Ashton Residential Orlando, LLC
LOCATION: South of Wekiva Springs Road / West of Orange / Seminole County Line
TRACT SIZE: 315.80 gross acres (overall PD)
 10.30 gross acres (affected parcels only)
DISTRICT: # 2
S/T/R: 36/20/28

1 inch = 500 feet



SWEETWATER GOLF AND COUNTRY CLUB PD LAND USE PLAN AMENDMENT

ORANGE COUNTY, FLORIDA

PREPARED FOR

ASHTON ORLANDO RESIDENTIAL, LLC
1064 GREENWOOD BOULEVARD, SUITE 124
LAKE MARY, FLORIDA 32746
PHONE (407) 708-0171
CDR 15-11-333

CONTACTS:

ASHTON ORLANDO RESIDENTIAL, LLC
 1064 GREENWOOD BOULEVARD, SUITE 124
 LAKE MARY, FLORIDA 32746
 PHONE (407) 708-0171
 CDR 15-11-333

LEGAL COUNSEL
 DONALD W. MCINTOSH ASSOCIATES, INC.
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789
 PHONE (407) 644-0084

ENGINEERS
 DONALD W. MCINTOSH ASSOCIATES, INC.
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789
 PHONE (407) 644-0084

PLANNERS
 DONALD W. MCINTOSH ASSOCIATES, INC.
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789
 PHONE (407) 644-0084

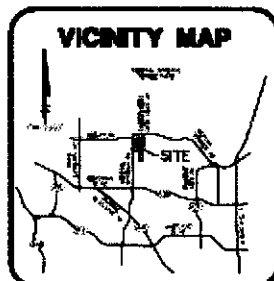
SURVEYORS
 DONALD W. MCINTOSH ASSOCIATES, INC.
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789
 PHONE (407) 644-0084

TAX PARCEL ID NUMBERS:

PARCELS AFFECTED BY THIS AMENDMENT
 36-20-28-0000-00-030
 36-20-28-8466-00-003
 36-20-28-8466-00-004
 36-20-28-8466-00-005

OVERALL PD PARCELS

36-20-28-0000-00-030	36-20-28-8478-ALL PARCELS
36-20-28-3470-ALL PARCELS	36-20-28-8487-ALL PARCELS
36-20-28-8883-ALL PARCELS	36-20-28-8489-ALL PARCELS
36-20-28-8440-ALL PARCELS	36-20-28-8497-ALL PARCELS
36-20-28-8442-ALL PARCELS	36-20-28-8506-ALL PARCELS
36-20-28-8448-ALL PARCELS	36-20-28-8516-ALL PARCELS
36-20-28-8534-ALL PARCELS	36-20-28-8524-ALL PARCELS
36-20-28-8466-ALL PARCELS	01-21-28-2037-ALL PARCELS
36-20-28-8467-ALL PARCELS	



SECTION 36, TOWNSHIP 20 SOUTH, RANGE 28 EAST
 & SECTION 1, TOWNSHIP 21 SOUTH, RANGE 28 EAST
 ORANGE COUNTY, FLORIDA

NOVEMBER 4, 2016
REVISED AUGUST 31, 2016



DONALD W. MCINTOSH ASSOCIATES, INC.
 ENGINEERS PLANNERS SURVEYORS
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-0084

SHEET INDEX

- 1 COVER SHEET & LEGAL DESCRIPTION
- 2 CONDITIONS OF APPROVAL
- 3 AERIAL W/ PLACES & SOILS
- 4 EXISTING CONDITIONS AT AMENDMENT AREA
- 5 AMENDED LAND USE PLAN



Sweetwater Golf and Country Club (Cover Sheet)

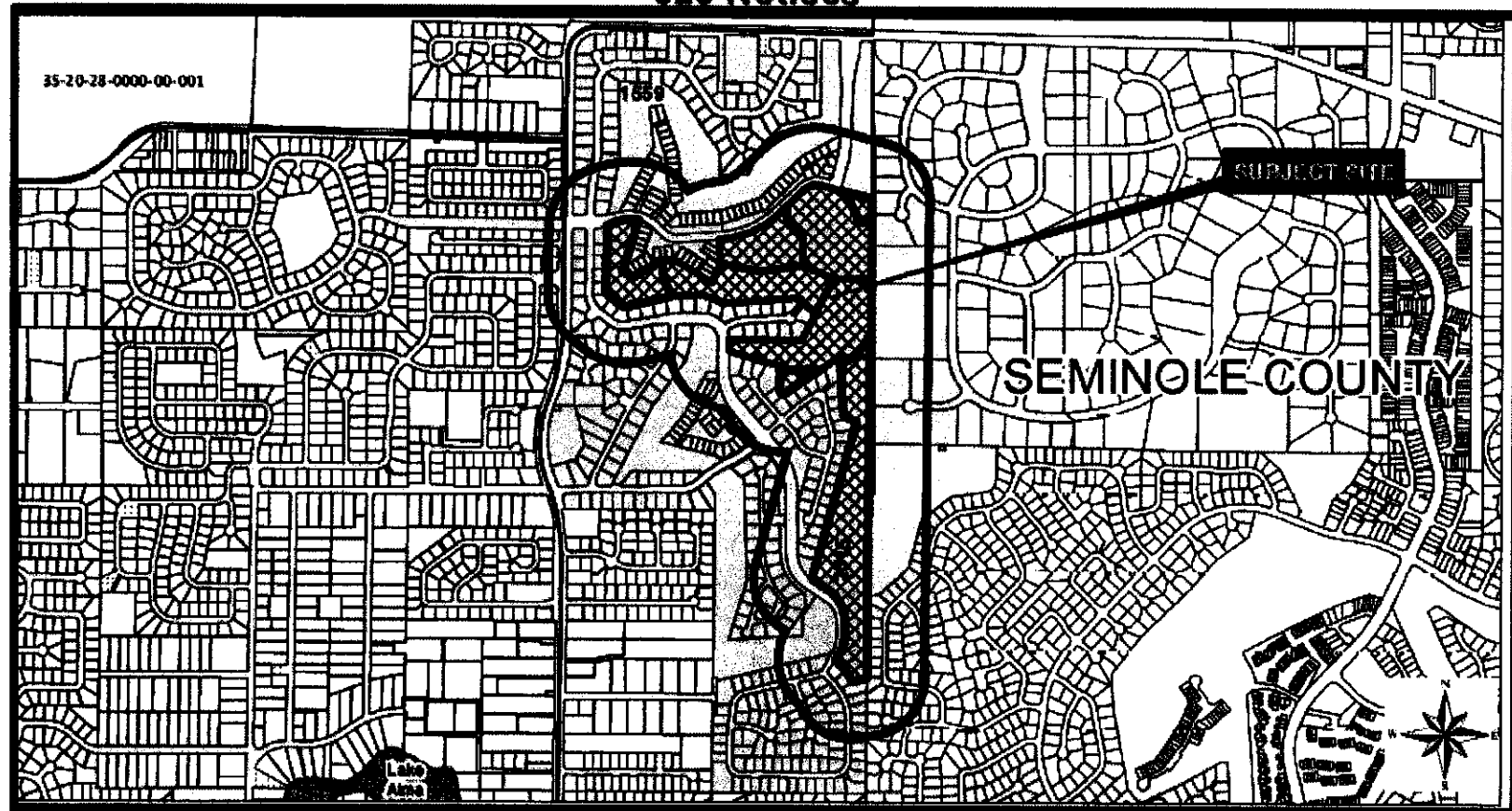
BCC Hearing Date: December 20, 2016

Orange County Planning Division

DRC Staff Report

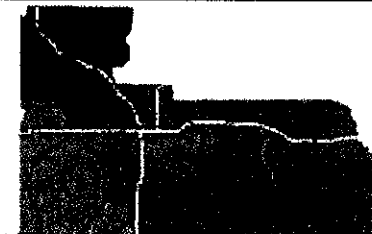
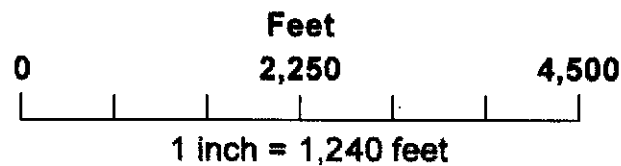


Public Notification Map
Sweetwater Golf & Country Club PD_CDR-15-11-333
625 Notices



Legend

- | | | | |
|--|---------|--|---------------------------|
| | PARCELS | | 600 FT BUFFER |
| | SUBJECT | | SELECTED PARCELS |
| | | | SEMINOLE COUNTY SELECTION |
| | | | HYDROLOGY |



Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: December 20, 2016

\\orange\dept\business_systems\land_administration\SUBMITTAL_CHANGE\2016\CDR\Sweetwater Golf & Country Club PD_CDR-15-11-333\Notification Map & Country Club PD_CDR-15-11-333.mxd



Interoffice Memorandum

December 8, 2016

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director
Community, Environmental and Development
Services Department

CONTACT PERSON: John Smogor, Chairman
Development Review Committee
Planning Division
(407) 836-5616

SUBJECT: December 20, 2016 – Public Hearing
Lance Bennett, Poulos & Bennett, LLC
University Planned Development (PD)
Case # CDR-16-02-070 / District 5

The University PD was originally approved by the Board of County Commissioners (BCC) in 1988 and currently allows for the development of up to 691 multi-family dwelling residential dwelling units and 165 assisted living residential units.

With this PD substantial change, the applicant is seeking to split PD Tract B into Tracts B1 and B2, and modify its assigned development entitlements for 165 assisted living facility (ALF) residential dwelling units, into 80 age-restricted multi-family residential dwelling units or 120 ALF residential dwelling units within PD Tract B1; and into 30 age-restricted multi-family residential dwelling units or 45 ALF residential dwelling units within PD Tract B2.

On December 7, 2016, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was not required for this request.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Ordinance 2008-14, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the University Planned Development / Land Use Plan (PD/LUP) dated “Received November 7, 2016”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 5**

Attachments

CASE # CDR-16-02-070

Commission District: # 5

GENERAL INFORMATION

APPLICANT	Lance Bennett, Poulos & Bennett, LLC
OWNERS	Heron Senior Housing, LLC & Dean and Univ Investments, LLC
PROJECT NAME	University Planned Development / Land Use Plan (PD/LUP)
PARCEL ID NUMBERS	08-22-31-0000-00-165 and 08-22-31-0000-00-195 (affected parcels only)
TRACT SIZE	62.04 gross acres (overall PD) 5.49 gross acres (affected parcels only)
LOCATION	Generally east of North Dean Road, approximately 650 feet south of University Boulevard.
REQUEST	A substantial change request to amend the PD/LUP by splitting PD Tract B into Tracts B1 and B2, and modifying its assigned development entitlements for 165 assisted living facility (ALF) residential dwelling units, into 80 age-restricted multi-family residential dwelling units or 120 ALF residential dwelling units within PD Tract B1; and into 30 age-restricted multi-family residential dwelling units or 45 ALF residential dwelling units within PD Tract B2. No waivers from Orange County Code have been requested.
PUBLIC NOTIFICATION	A notification area extending beyond eight hundred (800) feet was used for this application [<i>Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet</i>]. Two hundred thirty-six (236) notices were mailed to those property owners in the notification buffer area.

IMPACT ANALYSIS

Special Information

The University PD was originally approved by the Board of County Commissioners (BCC) in 1988 and currently allows for the development of up to 691 multi-family dwelling residential dwelling units and 165 assisted living residential units.

With this PD substantial change, the applicant is seeking to split PD Tract B into Tracts B1 and B2, and modify its assigned development entitlements for 165 assisted living facility (ALF) residential dwelling units, into 80 age-restricted multi-family residential dwelling units or 120 ALF residential dwelling units within PD Tract B1; and into 30 age-restricted multi-family residential dwelling units or 45 ALF residential dwelling units

within PD Tract B2.

Land Use Compatibility

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

Comprehensive Plan (CP) Consistency

The affected parcels have an underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR), which allows a residential density of up to 20 dwelling units per acre. The proposed PD substantial change request is consistent with this FLUM designation and all other applicable CP provisions.

Community Meeting Summary

A community meeting was not required for this request.

Overlay District Ordinance

The subject property is not located within a Zoning Overlay District.

Rural Settlement

The subject property is not located within a Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Environmental

CAD - Orange County Conservation Area Determination CAD 09-028 and Impact Permit CAI 09-034 were completed for Tract B but both have expired. A new CAD-15-12-144 application was received on December 22, 2015, but it only includes southern parcel 165 in Tract B. A new CAD needs to be completed with a certified survey of the conservation area boundary approved by EPD prior to submitting a PSP or DP that includes Tract B or the undeveloped portions of Tract A.

Transportation / Concurrency

At time of DP, the applicant must ensure that the site plan provides for sidewalks internal to the site as well as those connecting to the public right-of-way (per CP Policy T3.2.2).

Schools

Orange County Public Schools (OCPS) did not comment on this case, as the proposed ALF (assisted living facility) or age-restricted multi-family dwelling units do not involve an increase in school-aged children.

Parks and Recreation

Orange County Parks and Recreation staff reviewed the request, but raised no issues or concerns.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Development Review Committee (DRC) Recommendation – (December 7, 2016)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the University Planned Development / Land Use Plan (PD/LUP) dated "Received November 7, 2016", subject to the following conditions:

1. Development shall conform to the University Planned Development / Land Use Plan (PD/LUP) dated "Received November 7, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received November 7, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022,

the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. 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.
7. The necessity for a left turn lane off Dean Road into the project will be evaluated with the review of the DP for this project.
8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
9. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PD.
10. The Developer shall obtain water and wastewater service from Orange County Utilities.
11. Short term rental shall be prohibited. Length of stay shall be for 180 days or greater within multi-family projects.

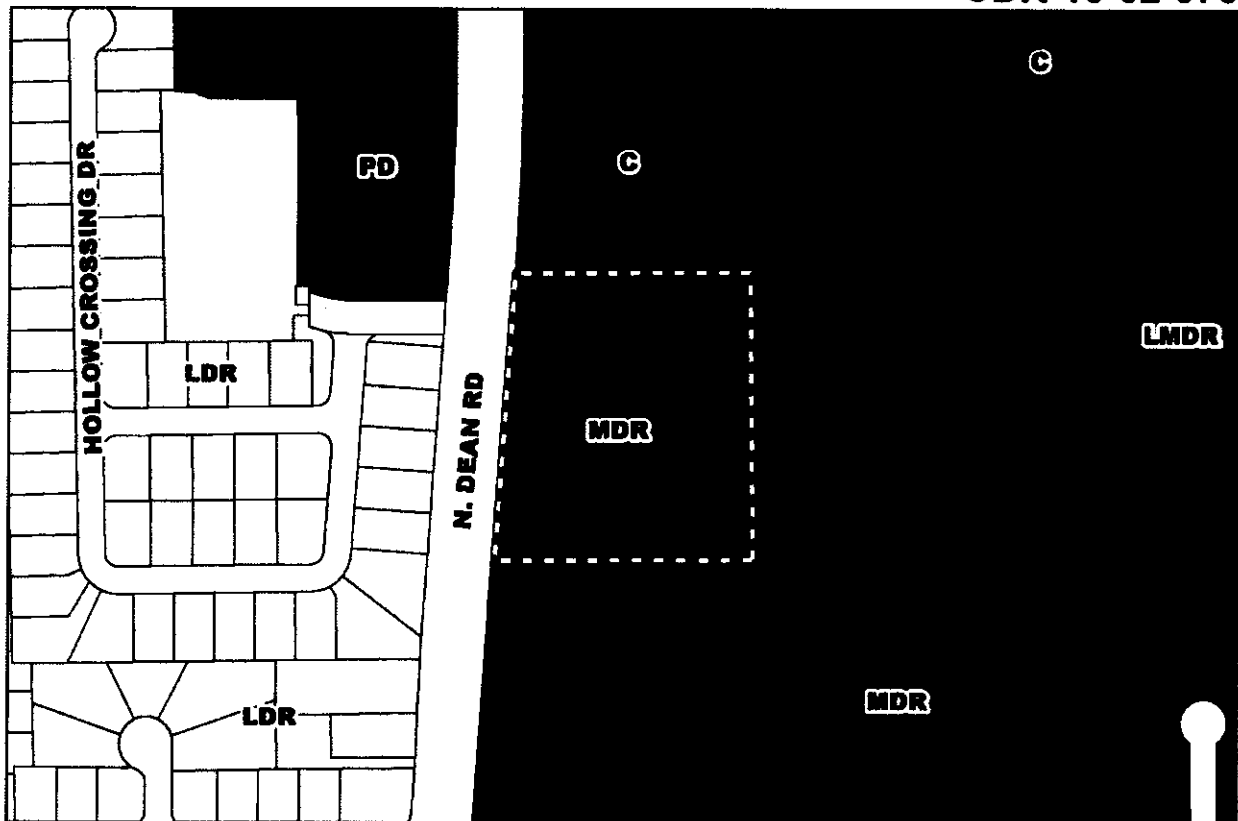
12. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
14. For tracts B-1 and B-2 only, in the event this project ever generates more than a de minimis amount of students in Orange County public schools, the project shall pay school impact fees at the then-current rate and shall comply with any then-applicable school capacity and school concurrency requirements.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 21, 1989 and August 22, 1988 shall apply:
 - a. Building setbacks for one (1) and two (2) story structures shall be 25 feet from all property boundaries, or from right-of-way lines as established on right-of-way reservation map. Buildings in excess of (2) two stories shall have a minimum 150 foot setback from all property boundaries, except where abutting commercial.
 - b. A six (6) foot masonry wall shall be provided on the eastern, western, and southern property boundaries of the site, except where adjacent to similarly zoned property. Landscape buffer or wall shall be provided along University Boulevard.
 - c. This approval will not preclude Orange County from requesting or requiring that the developer accept phasing of the project as indicated by the Alafaya Trail Traffic Study, authorized by the Orange County Commission on May 2, 1988. Inclusion of this condition will not preclude the developer from objecting to the imposition of any phasing requirement on this project.

This condition shall not impair the developer or his successors from proceeding with this project prior to a final determination with respect to any phasing requirements.
 - d. The applicant shall preserve the trees in the oak hammock, located in the southwestern portion of the project, to the greatest extent practical.
 - e. There shall be no access onto Buck Road. There will be three accesses onto Dean Road and two accesses onto University Boulevard with one of the access points being a joint access with the property to the east.

PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (December 8, 1998)

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Johnson, and carried with all present members voting AYE by voice vote, County Chairman Martinez was absent; the Board approved the request by Charles Madden, University Planned Development/Land Use Plan (PD/LUP), to increase the maximum height from 35 feet to 45 feet; which constitutes a substantial change to the development on the above-described property; and further, made a finding of consistency with the Comprehensive Policy Plan.

CDR-16-02-070



 Subject Property
 PD Boundary



★ Subject Property

Future Land Use Map

FLUM: Medium Density Residential (MDR)

APPLICANT: Lance Bennett, Poulos & Bennett, LLC

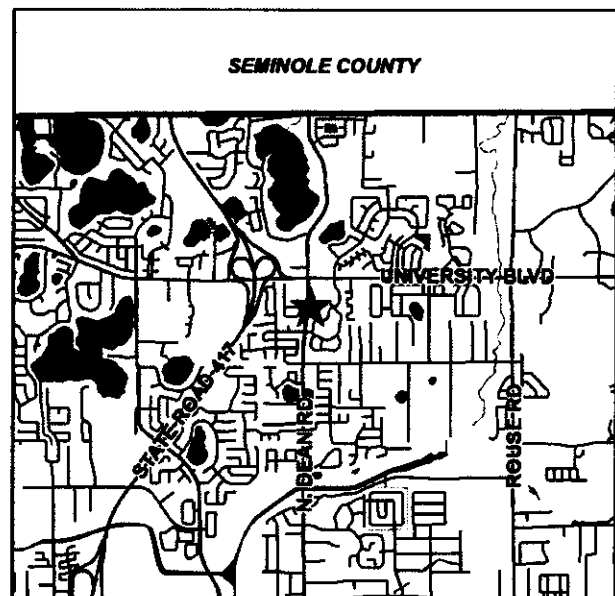
LOCATION: Generally east of N. Dean Road,
approximately 650 feet south of University
Boulevard

TRACT SIZE: 62.04 gross acres (overall PD)
5.49 gross acres (affected parcels only)

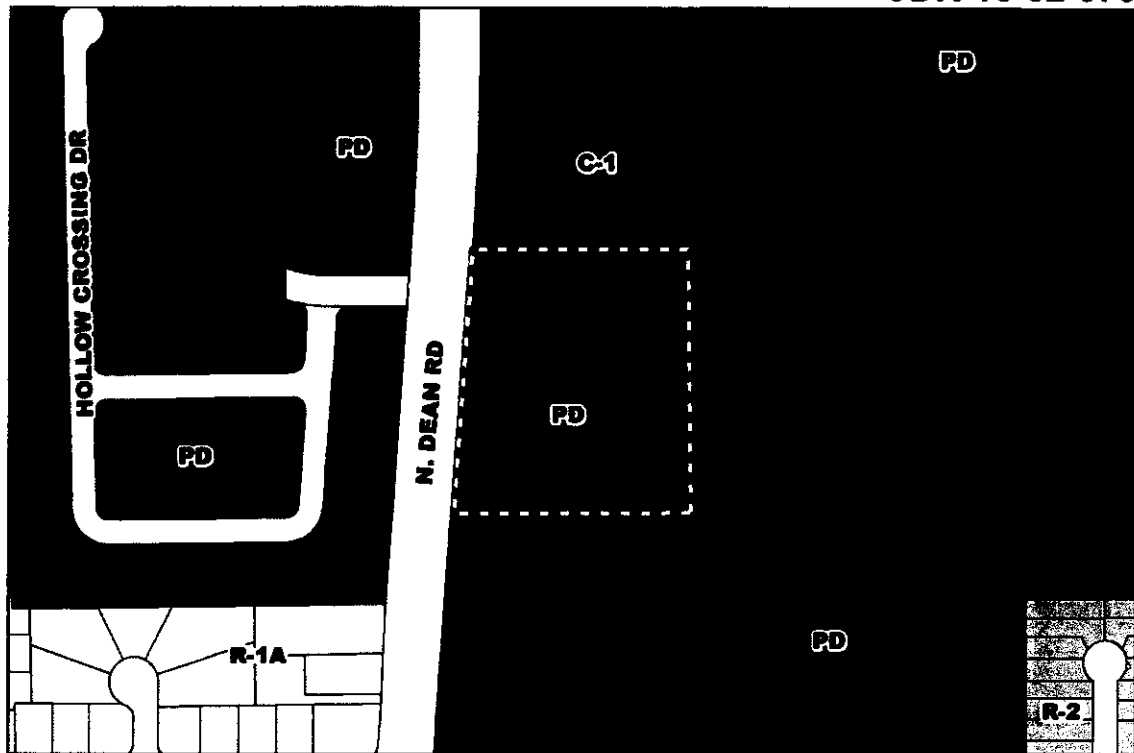
DISTRICT: # 5

S/T/R: 08/22/31

1 inch = 292 feet



CDR-16-02-070



 Subject Property
 PD Boundary



★ Subject Property

Zoning Map

ZONING: PD (Planned Development District)

APPLICANT: Lance Bennett, Poulos & Bennett, LLC

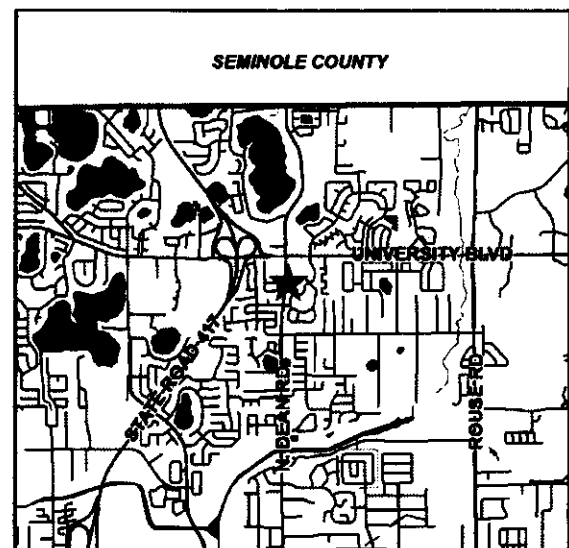
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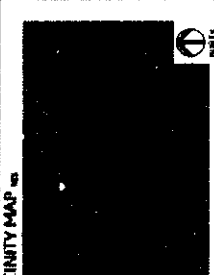
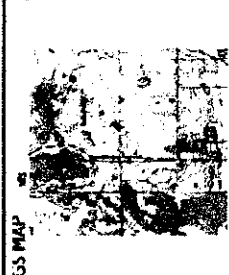
DISTRICT: # 5

S/T/R: 08/22/31

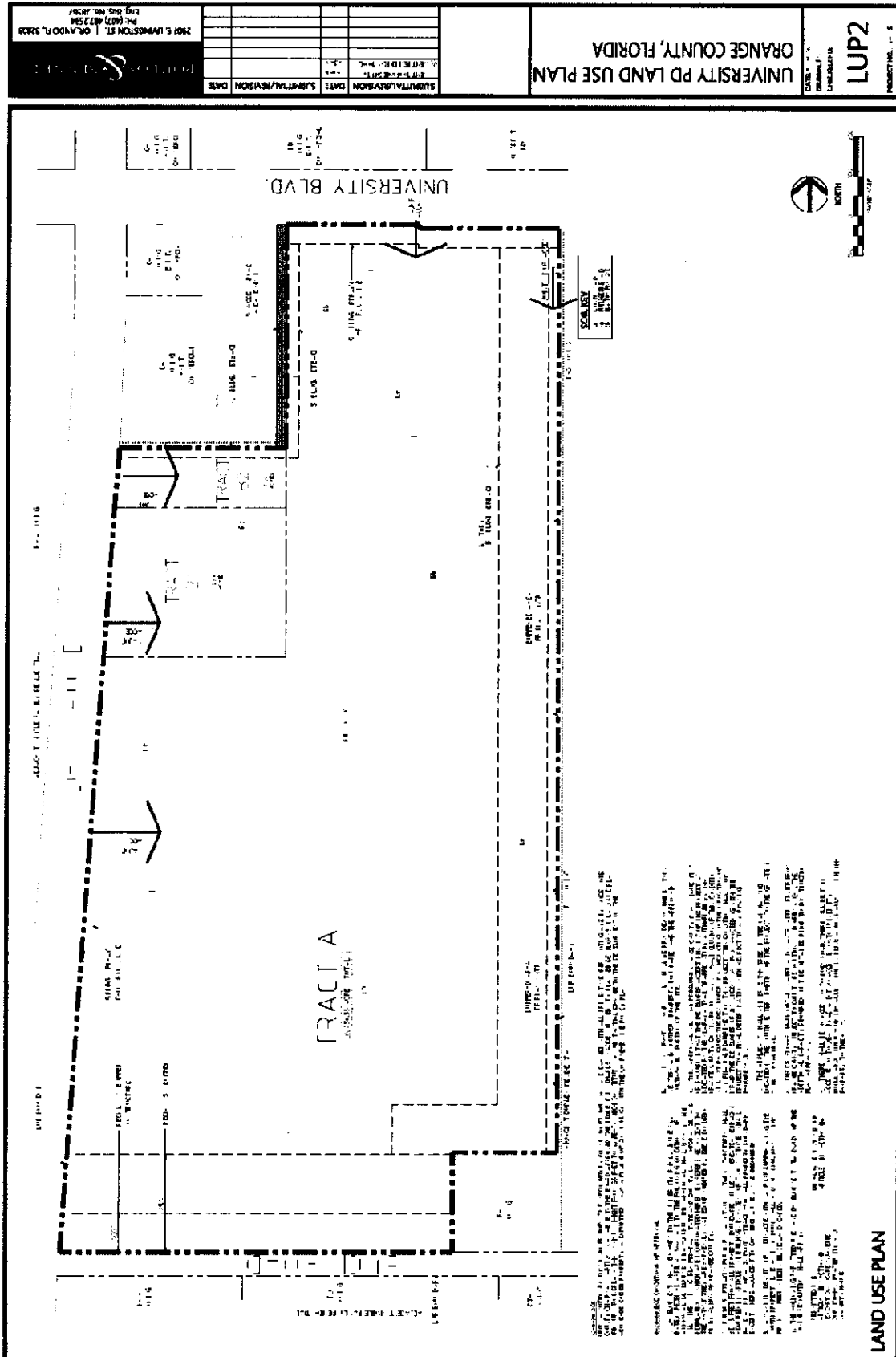
1 inch = 292 feet



University PD / LUP (Cover Sheet)

<h1 style="margin: 0;">UNIVERSITY PD LAND USE PLAN</h1> <h2 style="margin: 0;">UNIVERSITY BLVD & DEAN ROAD ORLANDO, FLORIDA</h2>		<p>UNIVERSITY PD LAND USE PLAN ORANGE COUNTY, FLORIDA</p> <p>PROJECT NO. 15 LUP1 DATE: 11/15/16 CAG-0016</p>																	
<p>TRACT A PARCEL ID NO. 08-22-31-0000-00-001 PARCEL ID NO. 08-22-31-0000-00-011 PARCEL ID NO. 08-22-31-0000-00-012 PARCEL ID NO. 08-22-31-0000-00-003 PARCEL ID NO. 08-22-31-0000-00-009</p> <p>TRACT B1 PARCEL ID NO. 08-22-31-0000-00-165 TRACT B2 PARCEL ID NO. 08-22-31-0000-00-195</p>		<p>CONTACTS</p> <p>PROJECT MANAGER: [Name] DESIGNER: [Name] DATE: [Date]</p> <p>INDEX OF DRAWINGS</p> <table border="1" style="width: 100%;"> <tr><th>NO.</th><th>DESCRIPTION</th></tr> <tr><td>1</td><td>COVER SHEET</td></tr> <tr><td>2</td><td>GENERAL NOTES</td></tr> <tr><td>3</td><td>LEGAL DESCRIPTION</td></tr> <tr><td>4</td><td>ZONING DATA</td></tr> <tr><td>5</td><td>SITE DEVELOPMENT AREA</td></tr> <tr><td>6</td><td>USGS MAP</td></tr> <tr><td>7</td><td>VICINITY MAP</td></tr> </table>		NO.	DESCRIPTION	1	COVER SHEET	2	GENERAL NOTES	3	LEGAL DESCRIPTION	4	ZONING DATA	5	SITE DEVELOPMENT AREA	6	USGS MAP	7	VICINITY MAP
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<p>SITE DEVELOPMENT AREA</p> <p>UNIVERSITY PD LAND USE PLAN ORANGE COUNTY, FLORIDA</p>		<p>CONTACTS</p> <p>PROJECT MANAGER: [Name] DESIGNER: [Name] DATE: [Date]</p>																	

University PD / LUP

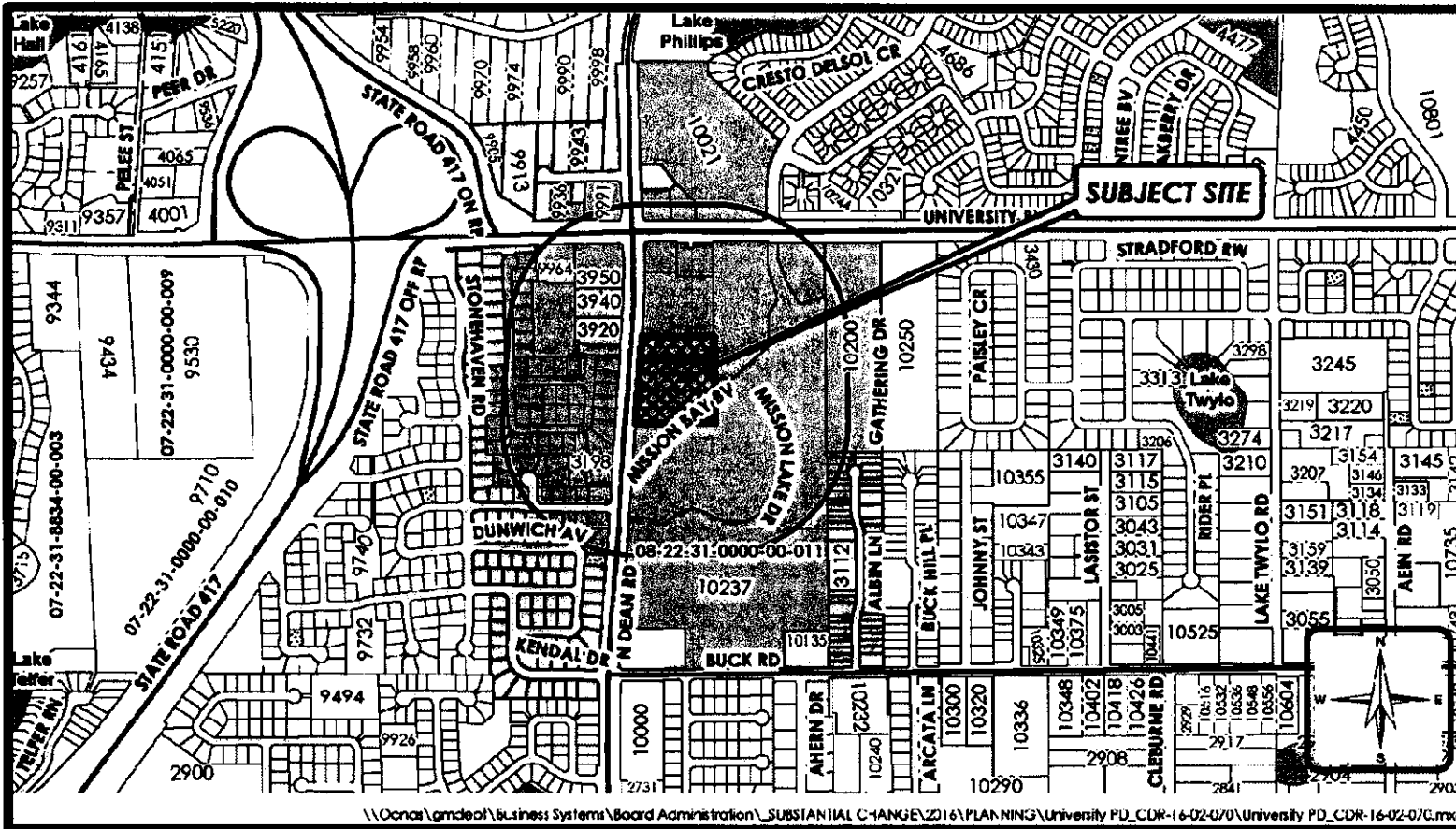




Public Notification Map

University PD_CDR-16-02-070

800 FT BUFFER, 236 NOTICES

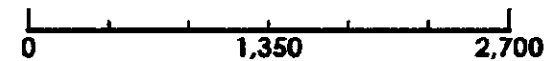


MAP LEGEND

- | | |
|--------------------|-----------|
| SUBJECT | HYDROLOGY |
| 800 FT BUFFER | PARCELS |
| NOTIFIED PARCELS | |
| COURTESY SELECTION | |



1 inch = 859 feet
Feet



Notification Map

DRC Staff Report
Orange County Planning Division
BCC Hearing Date: December 20, 2016