

Orange County Government 

Board of County Commissioners 

201 South Rosalind Avenue County Commission Chambers 

1st Floor 

County Administration Center www.OrangeCountyFL.net

# **TUESDAY, MARCH 15, 2016**

## MEETING STARTS AT 9:00 a.m.

- Invocation Mayor
- Pledge of Allegiance
- Public Comment\*

# I. <u>CONSENT AGENDA</u>

## A. COUNTY COMPTROLLER

- 1. Approval of the minutes of the January 5, 2016 and January 26, 2016 meetings of the Board of County Commissioners. (Clerk's Office) Page 19-101
- 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 19
- 3. Disposition of Tangible Personal Property as follows: (Property Accounting) Page 19,102
  - a. Trade-in assets toward the purchase of new equipment

### B. COUNTY ATTORNEY

1. Approval to make payment in the amount of \$2,354,716.04 in the case of *Orange County vs. Buchman, et al* (Trial Case No. 2008-CA-26977 and Appellate Case No. 5D 14-3544). Page 103-118

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\*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.

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# I. <u>CONSENT AGENDA (Continued)</u>

#### C. COUNTY ADMINISTRATOR

- 1. Approval of the Membership and Mission Review Board's recommendations for the following advisory board appointments/reappointments: (Agenda Development Office) Page 119-120
  - A. Agricultural Advisory Board: Consideration of the reappointment of Larry B. Bean in the citrus industry representative category with a term expiring December 31, 2017 and Alexander H. Smith in the at large representative category with a term expiring December 31, 2016; the appointment of Caitlyn Glatting to succeed Joseph Chambers in the at large representative category with a term expiring December 31, 2016; and the appointment of Zachary Marimon to succeed David Dymond in the at large representative category with a term expiring December 31, 2017. Note: This would be a fourth term for Larry B. Bean and will require a supermajority vote of the Board of County Commissioners. Page 121-123
  - B. Animal Services Advisory Board: Consideration of the appointment of Paul L. Wean to succeed Elizabeth Bertrand in the attorney representative category with a term expiring December 31, 2016 and Lisa A. Franchina to succeed Sue N. Carpenter in the at large representative category with a term expiring December 31, 2017. Page 124-125
  - C. Animal Services Classification Committee: Consideration of the reappointment of Deputy Sheriff Gustavo Marinoni in the K-9 Handler representative category, Crockett Bohannon in the at large representative category, and Vanessa Bouffard in the alternate representative category with terms expiring December 31, 2017. Page 126-127
  - D. Community Development Advisory Board: Consideration of the reappointment of Mary M. Hurley in the District 5 representative category with a term expiring June 30, 2017. Page 128
  - E. Environmental Protection Commission: Consideration of the reappointment of Sally Atwell in the Regulated Business or Municipal Representative category with a term expiring December 31, 2017. Page 129
  - F. Nuisance Abatement Board: Consideration of the reappointment of Donald L. Pittman, Steven Alexander, and Rosalind B. Johnson in the at large representative category with terms expiring January 1, 2018 and the appointment of Lindsay D. Kiley to succeed Jason G. Toll in the at large representative category with a term expiring January 1, 2018. Page 130-131

# I. <u>CONSENT AGENDA (Continued)</u>

## C. COUNTY ADMINISTRATOR (Continued)

- 2. 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 132
- 3. Approval to spend \$401,341.28 from the Law Enforcement Impact Fee fund to purchase equipment. (Office of Management and Budget) Page 133-134
- 4. Approval to pay the third quarter billing for the Orange County Property Appraiser in the amount of \$2,932,035.61. (Office of Management and Budget) Page 135-136
- 5. Approval of budget transfer #16C-110. (Office of Management and Budget) Page 137-138
- Approval of Ratification of payment of Intergovernmental claims of January 28, 2016 and February 11, 2016 totaling \$519,473.06. (Risk Management Division) Page 139

## D. ADMINISTRATIVE SERVICES DEPARTMENT

- Approval to award Invitation for Bids Y16-157-MA, Recycling and Waste Disposal Services, to the low responsive and responsible bidder, Disposall, Inc. The estimated contract award amount is \$2,134,872.90 for a 3-year term. ([Administrative Services Department Facilities Management Division] Procurement Division) Page 140-142
- Approval to award Invitation for Bids Y16-179-JS, Limerock Road Base, to the low responsive and responsible bidder, Dixie Lime and Stone Company. The estimated contract award amount is \$350,000. ([Utilities Department Solid Waste Division] Procurement Division) Page 143-145
- 3. Approval to award Invitation for Bids Y16-180-JS, Tree Trimming and Related Services for Parks and Recreation Division, to the low responsive and responsible bidder, Blades of Green, Inc. The estimated annual contract award amount is \$224,300. ([Community, Environmental and Development Services Department Parks and Recreation Division] **Procurement Division**) **Page 146-148**
- 4. Approval to award Invitation for Bids Y16-199-JS, Liquid Carbon Dioxide, to the single responsive and responsible bidder, Air Liquide Industrial U.S. LP. The estimated annual contract award amount is \$757,000 for a 1-year term. ([Utilities Department Water Division] **Procurement Division**) **Page 149-151**
- 5. Approval to award Invitation for Bids Y16-714-CH, Wildwood Area Road Network Pond C Underdrain and Slurry Trench Improvements Project, to the low responsive and responsible bidder, Cathcart Construction Company - Florida. The estimated contract award amount is \$359,143. ([Public Works Department Engineering Division] **Procurement Division**) **Page 152-155**

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# I. <u>CONSENT AGENDA (Continued)</u>

#### D. ADMINISTRATIVE SERVICES DEPARTMENT (Continued)

- 6. Approval to award Invitation for Bids Y16-716-CC, Orange County Courthouse Generator Fuel Delivery System Retrofit & Master Controller Upgrade, to the low responsive and responsible bidder, Eau Gallie Electric, Inc. The total contract award amount is \$390,452. ([Administrative Services Department Capital Projects Division] **Procurement Division**) **Page 156-159**
- Approval to award Invitation for Bids Y16-733-CC, Regional Computing Center Roof Replacement, to the low responsive and responsible bidder, R.F. Lusa & Sons Sheetmetal, Inc. The total contract award amount is \$294,490. ([Administrative Services Department Capital Projects Division] Procurement Division) Page 160-163
- Approval to purchase the renewals of all lines of coverage for the County's Commercial Insurance Program under Contract Y15-192-ZM, Insurance Broker and Consultant Services, for premiums not-to-exceed \$4,900,300. ([Office of Accountability Risk Management Division] Procurement Division) Page 164-165 Commercial Property Program \$4,000,000 Includes Stand-alone Terrorism, Boiler & Machinery and Vehicle and Mobile Equipment Policies

Excess Public Entity Liability	\$ 510,000
Cyber Liability & Extortion	\$ 100,000
Commercial Crime & Public Officials Bonds	\$ 15,000
Tenant User's/Vendor Liability Programs	\$ 34,500
Neighborhood Services Grants- Liability	\$ 13,000
Corporate Counsel	\$ 10,000
Corrections AD&D and Med Pay Policies	\$ 12,800

### Broker's Fee

\$ 205,000

 Approval of Purchase Order M77480 – Purchase of Siemens Signal Controller Assemblies and Clary UPS Assemblies, with Temple, Inc., for the total amount of \$809,094. ([Public Works Department Traffic Engineering Division] Procurement Division) Page 166

## CONTINUED

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# I. <u>CONSENT AGENDA (Continued)</u>

#### D. ADMINISTRATIVE SERVICES DEPARTMENT (Continued)

- Approval of Purchase Order M77482 Purchase of Adaptive Signal System (InSync), with Rhythm Engineering, LLC, for the total amount of \$1,489,100.
   ([Public Works Department Traffic Engineering Division] Procurement Division) Page 167
- Approval of Purchase Order M77643 Purchase of Siemens PLC's (Programmable Logic Controllers), Memory Cards and Power Units with AWC, Inc, in the amount of \$215,798.93. ([Utilities Department Field Services Division] Procurement Division) Page 168-169
- 12. Approval of Contract Y16-1026-TA, Inmate Management System (IMS) Maintenance and Support for the period of April 1, 2016 through March 31, 2021 with DSI-ITI, LLC, in the amount of \$2,010,670. ([Office of Accountability Information Systems and Services Division] **Procurement Division**) **Page 170-171**
- 13. Approval to award contracts under Request for Proposals Y16-132-ZM, Civil Engineering, Planning, Vertical Construction Management and Real Estate Acquisition staff Augmentation for Roadway Design and Right-of-Way Acquisition Engineering (Lot A) to Hill International, Inc. in the amount of \$3,965,936 and Visium Resources, Inc. in the amount of \$2,541,760; Traffic Control Engineering (Lot B) to Hill International, Inc. in the amount of \$812,344; Roadway Construction Inspection (Lot C) to Moten Tate, Inc. in the amount of \$787,446.40; Transportation Planning (Lot D) to Moten Tate, Inc. in the amount of \$517,504; Real Estate Management (Lot E) to Hill International, Inc. in the amount of \$4,013,776 and Visium Resources, Inc. in the amount of \$3,174,080; and Vertical Construction Management Project Management (Lot F) to Hill International, Inc. in the amount of \$1,735,427.20. ([Public Works Department Engineering Division] Procurement Division) Page 172-176
- 14. Approval and execution of Lease Agreement between Orange County and Harbor House of Central Florida, Inc. and delegation of authority to the Real Estate Management Division to exercise renewal option, if necessary, for office space for Harbor House @ OC Courthouse, Lease File #5090, 425 N. Orange Avenue, 4<sup>th</sup> Floor, Orlando, Florida. District 5. (Real Estate Management Division) Page 177-178
- 15. Approval and execution of Second Amendment to Standard Shopping Center Lease between Equity One, Inc. and Orange County for Clinic Space at Alafaya Commons #2037, 11881 East Colonial Drive, Space No. 4A, Orlando, Florida. District 5. (Real Estate Management Division) Page 179-180

# I. <u>CONSENT AGENDA (Continued)</u>

## D. ADMINISTRATIVE SERVICES DEPARTMENT (Continued)

- 16. Approval and execution of Notice to Tax Collector of Application for Tax Deed, authorization for Comptroller to pay all fees and costs and perform all actions necessary and incidental to Tax Deed Sales for Tax Certificates Held by Orange County (properties valued over \$5,000 for Tax Year 2009). Districts 1, 2, 4, 5 and 6. (Real Estate Management Division) Page 181-182
- 17. Approval and execution of Notice to Tax Collector of Application for Tax Deed, authorization for Comptroller to pay all fees and costs and perform all actions necessary and incidental to Tax Deed Sales for Tax Certificates Held by Orange County (properties valued over \$5,000 for Tax Year 2010). Districts 1, 2, 3, 4, 5 and 6. (Real Estate Management Division) Page 183-184
- Approval and execution of Access and Drainage Easement Agreement between Orange County and The School Board of Orange County and authorization to record instrument for Avalon Middle School Access (Patrick Dean Park). District 4. (Real Estate Management Division) Page 185-186
- 19. Approval and execution of Sidewalk Easement Agreement between Louis L. Huntley Enterprises, Inc. and Orange County, approval of Subordination of Encumbrances to Property Rights to Orange County from Firstatlantic Bank and authorization to record instruments for Thermo King Bachman (Permit # B14902480). District 4. (Real Estate Management Division) Page 187-188
- 20. Approval of Warranty Deed and Non-Exclusive Drainage Easement from Core Real Estate Limited LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Core Academy PD/UNP/LUP. District 1. (Real Estate Management Division) Page 189-190
- 21. Approval of General Warranty Deed from Asbury Theological Seminary, Incorporated to Orange County and authorization to perform all actions necessary and incidental to closing for Valencia College Lane (RAC) (Asbury Theological Seminary). District 3. (Real Estate Management Division) Page 191-192
- 22. Approval of Utility Easement between TPG Smoothie, Inc., Sunnyspring Enterprises, LLC and Orange County and authorization to record instrument for Pep Boys – Site Work Only OCU Permit: B14901655 OCU File #: 77766. District 4. (Real Estate Management Division) Page 193

# I. <u>CONSENT AGENDA (Continued)</u>

## E. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

 Approval and execution of the Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division) Page 194-195

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LC 15-1493	LC 15-1458	LC 15-1272	LC 15-1352	LC 15-1487
LC 15-1544	LC 15-1561	LC 15-1523	LC 15-1387	LC 15-1510
LC 15-1675	LC 15-1609	LC 15-1582	LC 15-1412	LC 15-1511
LC 15-1160	LC 15-1624	LC 15-1608	LC 15-1419	LC 15-1557
LC 15-1177	LC 15-1666	LC 16-0178	LC 15-1433	LC 15-1586
LC 15-1179	LC 15-1667	LC 16-0180	LC 15-1475	LC 15-1633
LC 15-1209	LC 15-1677	LC 16-0229	LC 15-1476	LC 15-1649
LC 15-1251	LC 15-1679	LC 15-1573	LC 15-1480	LC 15-1662

- 2. Approval and execution of DEP Agreement No. S0484 Amendment No. 4 between the State of Florida Department of Environmental Protection (FDEP) and Orange County Florida for the Petroleum Restoration Program to expand Orange County's area of responsibility under the program to include Lake County. Program to be fully funded by FDEP. All Districts. (Environmental Protection Division) Page 196-199
- 3. Approval and execution of Multi-Family Affordable Housing Developer's Agreement for Impact Fee Subsidy by and between Orange County, Florida and Brixton Landing, Ltd., in the amount of \$75,000. District 2. (Housing and Community Development Division) Page 200-210
- 4. Note: This item will be pulled to be heard with Public Hearing D.11. Approval and execution of Right of Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD by and between Mattamy Orlando LLC and Orange County for the conveyance of 1.75 acres of APF Land providing \$39,375 in Transportation Impact Fee Credits and for the satisfaction of an APF Deficit fee in the amount of \$79,879.82. District 1. (Roadway Agreement Committee) Page 211-244
- 5. Approval and execution of Second Amendment to Town Center East Road Network Agreement Hamlin Groves Trail; Porter Road by and among SLF IV/Boyd Horizon West JV, LLC, Orange County, Florida, and Orlando Health Central, Inc. to adjust the performance thresholds needed for vested trips to be allocated and the timing of award of transportation impact fee credits. District 1. (Roadway Agreement Committee) Page 245-255

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# I. <u>CONSENT AGENDA (Continued)</u>

### F. FAMILY SERVICES DEPARTMENT

- 1. Approval and execution of License Agreement between Orange County, Florida and City of Winter Garden regarding the use of Orange County's Community Centers for the Maxey Community Center. (Community Action Division) Page 256-268
- 2. Receipt and filing of Head Start Policy Council Program Information and Updates February 2016 and Head Start Policy Council Meeting Minutes January 21, 2016 for the official county record. **(Head Start Division) Page 269-307**
- 3. Approval of the February 2016 Business Assistance for Neighborhood Corridors Program Grants for Aloma Kids Academy (\$1,200) and Pine Hills Preschool and Childcare Center (\$1,866). Districts 5 and 6. (Neighborhood Preservation and Revitalization Division) Page 308-310

### G. HEALTH SERVICES DEPARTMENT

1. Approval and execution of the Paratransit Services License for Reliable Non-Emergency Medical Transportation to provide wheelchair/stretcher service. The term of this license is from March 31, 2016 through March 31, 2018. There is no cost to the County. **(EMS Office of the Medical Director) Page 311-316** 

### H. PUBLIC WORKS DEPARTMENT

- 1. Approval and execution of Resolution of the Orange County Board of County Commissioners regarding the Adoption of the Orange County Title VI Nondiscrimination Policy and Plan for compliance with the Title VI Requirements of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Other Nondiscrimination Authorities and approval of Title VI Nondiscrimination Policy and Plan. All Districts. **(Transportation Planning Division) Page 317-327**
- 2. Authorization to record the plat of Curry Ford Market Square. District 3. (Development Engineering Division) Page 328
- 3. Approval and execution of Acknowledgement of Joint Maintenance and Use Agreement (Curry Ford Market Square-Lot 1) by and between Wal-Mart Stores East, LP and Orange County, Florida. District 3. (Development Engineering Division) Page 329-338

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## II. INFORMATIONAL ITEMS\*\*

### A. COUNTY COMPTROLLER

- 1. Receipt of the following items to file for the record: (Clerk's Office) Page 339-341
  - a. City of Apopka Annexation Ordinances and Vicinity Maps as follows:
    - Ordinance No. 2459 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by JTD Land At Rogers Rd., LLC, located at 2303 Rogers Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
    - Ordinance No. 2460 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Huy Tran and Hai Anh Nguyen, located at 904 Schopke Lester Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
      - Ordinance No. 2461 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Property Industrial Enterprises, LLC, located at 300 West 2nd Street; providing for directions to the City Clerk, severability, conflicts, and an effective date.
      - Ordinance No. 2462 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Debra Evans Cargil, located at 202 South Hawthorne Avenue; providing for directions to the City Clerk, severability, conflicts, and an effective date.

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

## <u>TUESDAY, MARCH 15, 2016</u>

## II. INFORMATIONAL ITEMS\*\* (Continued)

#### A. COUNTY COMPTROLLER (Continued)

- 1. Receipt of the following items to file for the record: (Continued) (Clerk's Office) Page 339-341
  - a. City of Apopka Annexation Ordinances and Vicinity Maps as follows: (Continued)
    - Ordinance No. 2463 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Apopka Clear Lake Investments, LLC, located south of Peterson Road and West of Binion Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
    - Ordinance No. 2465 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Jerry Kirkland and Lannette Kirkland, LLC, located 3707 Rock Springs Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - b. Minutes of the November 23, 2015, East Park Community Development District meeting.
  - c. City of Orlando Ordinances 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 as follows:
    - Ordinance No. 2016-12 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. Harding St., east of S. Fern Creek Ave., south of E. Kaley St., and west of Kasper Ct., and comprised of 0.15 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as residential low intensity on the City's Official Future Land Use Maps; designating the property as the R-2A 1-2 family district along with the traditional city overlay district on the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, and an effective date.

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

# II. INFORMATIONAL ITEMS\*\* (Continued)

#### A. COUNTY COMPTROLLER (Continued)

- 1. Receipt of the following items to file for the record: (Continued) (Clerk's Office) Page 339-341
  - c. City of Orlando Ordinances 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 as follows: (Continued)
    - Ordinance No. 2016-3 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 St., east of Dickson Ave., south of E. Jersey Ave., and west of Ives Ave., addressed as 1730 E. Jersey Ave., and comprised of 0.324 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, in part, on the City's Official Future Land Use Maps; designating the property as the MU-1 Medium Intensity mixed use corridor district along with the traditional city overlay district, in part, and the R-2A 1-2 family 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, and an effective date.

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

## II. INFORMATIONAL ITEMS\*\* (Continued)

### A. COUNTY COMPTROLLER (Continued)

- 1. Receipt of the following items to file for the record: (Continued) (Clerk's Office) Page 339-341
  - d. City of Orlando Voluntary Annexation Request Starwood Property -ANX2015-00013, ANX2015-000119, ANX2015-00020. Notice of Proposed Enactment. On February 29, 2016, the Orlando City Council will consider proposed Ordinance #2016-26, 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 Wewahootee Rd., east of State Road 417, south of State Road 528, and west of International Corporate Park Blvd., and comprised of 2,559 acres of land, more or less; providing findings, amendment of the City's boundary description, and for amendment of the City's Official Maps; providing for severability, correction of scrivener's errors, and an effective date. A public hearing on this Ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida.
  - e. Florida Public Service Commission Consummating Order. In re: Petition to approve revision to Tariff Sheets Nos. 6.2811, 6.282, and 6.284 rate schedule LS-1 Lighting Service, by Duke Energy Florida, LLC.

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

# III. DISCUSSION AGENDA

## A. COUNTY ADMINISTRATOR

1. Approval and execution of Orange County, Florida Amended and Restated Water and Wastewater Utility Revenue Bond Resolution and approval and execution of Resolution of the Orange County Board of County Commissioners regarding authorization for Water and Wastewater Utility Revenue Bonds, Series 2016. (Fiscal and Business Development Division) Page 342-344

## B. ADMINISTRATIVE SERVICES DEPARTMENT

- 1. Selection of one firm and two alternates to provide Design Services for a Fire Station Prototype, Request for Proposals Y16-806-CC, from the following three firms, listed alphabetically:
  - Architects Design Group/ADG, Inc.
  - Bentley Architects + Engineers, Inc.
  - C.T. HSU + Associates, P.A.

([Administrative Services Department Capital Projects Division] **Procurement Division**) **Page 345-350** 

- 2. Selection of one firm to provide Centralized Community Resource/Case Management Software Application Request for Proposals Y15-143-ZM, from the following three firms, listed alphabetically:
  - Cocentrix, Inc.
  - Social Solutions
  - Spirit, Inc.

([Health Services Department] Procurement Division) Page 351-354

## C. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. Public Speaker Automation System. All Districts. (Planning Division) Page 355

# IV. WORK SESSION AGENDA

## A. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. Sustainable Land Development Code Update. All Districts. (Planning Division) Page 356

# RECESS

# MEETING STARTS AT 2:00 p.m.

# V. <u>RECOMMENDATIONS</u>

February 18, 2016 Planning and Zoning Commission Recommendations

# VI. PUBLIC HEARINGS

## Public hearings scheduled for 2:00 p.m.

#### A. Municipal Service Benefit Unit

- 1. Ashlin Park Phases 1 and 2, amend for streetlighting and for retention pond(s); District 1
- 2. Avalon Town Center, Avalon Town Center Phases 2A and 2B, amend for retention pond(s) maintenance; District 4
- 3. Avalon Park Area Master Roads, amend for streetlighting; District 4
- 4. Countrywalk Units 4 & 5, Phases 1, 2, 3, 3 Replat and 4, amend for streetlighting and for retention pond(s) maintenance; District 4
- 5. Estates at Wekiva and Estates at Wekiva Phase 2, amend for streetlighting and for retention pond(s) maintenance; District 2
- 6. Isleworth Fourth, Fifth and Seventh Amendments, amend for retention pond(s) maintenance; District 1
- 7. Lake Preserve Phase 1 and Lake Preserve Phase 2, amend for streetlighting; District 4 (CANCELLED)

### B. Preliminary Subdivision Plan

- 8.✓ Applicant: Dennis Seliga, Boyd Horizon West, LLC, Hamlin PD/UNP/ CCM – 7 Preliminary Subdivision Plan, Case # PSP-15-04-101; District 1
- 9. ✓ Applicant: Rick Merkel, Highland Engineering, LLC, Boggy Creek Crossing PD – Boggy Creek Crossing PSP, Case # PSP-15-01-031; District 4

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.

 $<sup>\</sup>checkmark$  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.

## VI. <u>PUBLIC HEARINGS (Continued)</u>

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

#### C. Preliminary Subdivision Plan/Development Plan

10.✓ Applicant: Dennis Seliga, Boyd Horizon West, LLC, Hamlin PD/UNP/ Lakewalk at Hamlin Preliminary Subdivision Plan/Development Plan, Case # PSP-15-08-222; District 1

#### D. Rezoning

11.✓ Applicant: Kathy Hattaway-Bengochea, HCI Planning & Land Development Consultants, Reams Road Property Planned Development/ Land Use Plan PD/LUP, Case # LUP-15-05-139; District 1

#### E. Substantial Change

- 12. ✓ Applicant: Thomas Sullivan, Gray-Robinson, Vineland Pointe Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-05-145, amend plan; District 1 (Continued from December 15, 2015 and February 9, 2016)
- 13.✓ Applicant: Harry Brumley, HB Associates, LLC, Orangewood Center Planned Development (PD) Land Use Plan (LUP), Case # CDR-15-10-325, amend plan; District 1

 $\sqrt{}$  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.

## VI. <u>PUBLIC HEARINGS (Continued)</u>

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

#### E. Substantial Change (Continued)

- 14.✓ Applicant: Christopher J. Allen, Dewberry, Savona Planned Development (PD) Land Use Plan (LUP), Case # CDR-15-11-335, amend plan; District
   1
- 15.✓ Applicant: Abdul Alkadry, Harris Civil Engineers, LLC, Lake Olivia Reserve Preliminary Subdivision Plan (PSP), - Substantial Change -Case # CDR-15-09-256, 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.

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.

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## 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.occcompt.com

### COUNTY COMMISSION AGENDA Tuesday, March 15, 2016

### COUNTY COMPTROLLER

## Items Requiring Consent Approval

- 1. Approval of the minutes of the January 5, 2016 and January 26, 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.
- 3. Disposition of Tangible Personal Property

Approval is requested of the following:

a. Trade-in assets toward the purchase of new equipment

## ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date:	Tuesday, January 5, 2016			
Location:	Commission Chambers, Orange County Administration Center,			
	First Floor, 201 S. Rosalind Avenue, Orlando, Florida			
Members Present:	Vice-Mayor Bryan Nelson; Commissioners S. Scott Boyd, Pete Clarke, Jennifer Thompson, Ted Edwards, Victoria P. Siplin			
Member Absent:	County Mayor Teresa Jacobs			
Others Present:	County Administrator Ajit Lalchandani, County Attorney Jeffrey J.			
	Newton, Deputy Clerk Katie Smith, Documents Coordinator			
	Jennifer Lara-Klimetz			

• CALL TO ORDER, 9:05 a.m.

• RELINQUISHED CHAIR Vice-Mayor Nelson relinquished the Chair to Former Vice-Mayor Boyd.

- INVOCATION Pastor Harvey Carpenter, Journey Christian Church
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

The following person addressed the Board for public comment: Maria Bolton-Joubert.

#### • REASSUMED CHAIR

Vice-Mayor Nelson reassumed the Chair from Former Vice-Mayor Boyd.

• PUBLIC COMMENT (CONTINUED)

The following persons addressed the Board for public comment:

- Harry Boggs
- John Zale
- Trini Quiroz
- COUNTY CONSENT AGENDA

Motion/Second:Commissioners Boyd/ThompsonAbsent:County Mayor JacobsAYE (voice vote):All present membersAction: The Vice-Mayor

- Deleted Administrative Services Department Item 12
- Deferred action on Community, Environmental and Development Services Department Item 7

and further, the Board approved the balance of the County Consent Agenda items as follows:

#### County Comptroller

- 1. Approval of the minutes of the November 3, 2015, meeting of the Board of County Commissioners. (Clerk's Office)
- 2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
  - December 11, 2015, to December 17, 2015; total of \$18,147,317.66
  - December 18, 2015, to December 22, 2015; total of \$30,550,220.32
  - December 23, 2015, to December 30, 2015; total of \$34,316,920.88

#### Supervisor of Elections

1. Approval of County Precinct Boundary Change Resolution 2016-M-01.

### County Attorney

- Approval of the proposed settlement in the case Orange County v. City of Orlando, et al., Case No. 2012-CA-7370-O, Parcels 803/804; (Owner – Greater Orlando Aviation Authority) Project: South Service Area/ East Service Area Water Main and Reclaimed Water Main (Boggy Creek Road to Wewahootee Road), and authorization for County Attorney's Office to execute the proposed Stipulated Order of Taking and Final Judgment as to Parcels 803/804 on behalf of Orange County.
- 2. Approval of the proposed settlement in the case Orange County v. City of Orlando, et al., Case No. 2014-CA-2437-O, Parcel 812; (Owners Greater Orlando Aviation Authority, Orlando Utilities Commission and City of Orlando) Project: South Service Area/ East Service Area Water Main and Reclaimed Water Main (Boggy Creek Road to Wewahootee Road), and authorization for County Attorney's Office to execute the proposed Stipulated Order of Taking and Final Judgment as to Parcel 812 on behalf of Orange County.

#### County Administrator

- 1. Approval of Central Florida Area Workforce Development Consortium Interlocal Agreement by and between Lake, Orange, Osceola, Seminole, and Sumter counties, and the Central Florida Regional Workforce Development Board, Inc. (Office of Economic, Trade and Tourism Development)
- 2. Approval of Receipt and Use of HAVA Funds for Federal Election Administration Activities; Certificate Regarding Matching Funds as required by the Florida Department of State/Division of Elections for the receipt and use of the Help America Vote Act funds in the amount of \$121,258.68, and approval to make a one-time payment of \$18,188.80 to the Orange County Supervisor of Elections as matching funds. (Office of Management and Budget)
- 3. Approval to pay the second quarter billing for the Orange County Property Appraiser in the amount of \$1,734,796.10. (Office of Management and Budget)
- 4. Approval of budget amendments #16-09, #16-10, #16-11, and #16-12. (Office of Management and Budget)
- 5. Approval of the sufficiency of the public officials' bonds provided by Travelers Casualty and Surety Company for all public officials currently holding office in Orange County, Florida. (Risk Management Division)

Administrative Services Department

- Approval of Change Order No. 4, Contract No. Y14-767 with Air Mechanical & Service Corporation in the amount of \$47,014.22, for the CORRECTIONS – Horizons Rooftop AHU Replacement Project. The revised lump sum contract amount is \$1,484,792.95. (Capital Projects Division)
- 2. Approval to award Invitation for Bids Y16-123-LC, Corrections Department Fence Installation and Repair, to the sole responsive and responsible bidder, KMG Fence, LLC, for a 1-year term contract in the estimated contract amount of \$630,100. Further, authorized the Procurement Division to renew the contracts for two additional 1-year periods. ([Corrections Department Security Operations Support Division] Procurement Division)
- 3. Approval to award Invitation for Bids Y16-150-JS, Laboratory Supplies, to the low responsive and responsible bidder, Thomas Scientific, in the estimated annual contract award amount of \$146,106.14 for a 1-year term contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Utilities Department Water Division] Procurement Division)

- 4. Approval to award Invitation for Bids Y16-167-DG, Liquid Chlorine, to the low responsive and responsible bidder, Brenntag Mid-South, Inc., in the estimated contract award amount of \$303,405 for a 1-year term contract. Further, authorized the Procurement Division to renew the contract for two additional 12-month periods. ([Utilities Department Water Division] Procurement Division)
- 5. Approval to award Invitation for Bids Y16-606-MA, Triple Quadrupole Mass Selective Detector, to the sole responsive and responsible bidder, Agilent Technologies, Inc. in the total contract award amount of \$204,510. ([Utilities Department Water Division] Procurement Division)
- 6. Approval to award Invitation for Bids Y16-711-SB, Great Oaks Village Hagood House HVAC System Replacement, to the low responsive and responsible bidder, Core Engineering & Construction, Inc., in the total contract award amount of \$167,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
- 7. Approval to award Invitation for Bids Y16-706-SB, Orange County Fleet Management Facility Parking Lot Improvements, to the low responsive and responsible bidder, Café Construction & Development, Inc., in the total contract award amount of \$165,500. ([Administrative Services Department Capital Projects Division] Procurement Division)
- 8. Approval of Amendment No. 1, Contract Y12-814, Final Engineering Design Services for International Drive Pedestrian Bridge (from the Hyatt Regency Orlando Hotel to Orange County Convention Center), with RS&H, Inc. in the amount of \$197,247.68 for a revised contract amount of \$1,092,165.26. ([Public Works Department Engineering Division] Procurement Division)
- 9. Approval of Amendment No. 5, Contract Y15-2062-LC, Family Drug Court Substance Abuse Treatment and Case Management Program with Aspire Health Partners Inc. for an additional amount of \$180,023 for a revised contract total amount of \$402,752. Further, authorized the Procurement Division to renew the contract for two additional 1-year periods if grant is extended. ([Ninth Judicial Circuit Court Drug Court Division] Procurement Division)
- 10. Approval and execution of Lease Agreement between WESTSIDE PLAZA ASSOCIATES LP and Orange County, SUBLEASE AGREEMENT between Orange County and State of Florida, Department of Health and delegation of authority to the Real Estate Management Division to exercise renewal options if necessary, for office space for WIC @ Westside Plaza, Lease File #2072, 6218 West Colonial Drive, Orlando, Florida 32808. District 6. (Real Estate Management Division)
- 11. Approval and execution of County Deed from Orange County to the City of Orlando and authorization to record instrument for Interlocal Agreement between Orange

County and the City of Orlando regarding Jurisdiction to Operate and Maintain W. D. Judge Drive between Mercy Drive and John Young Parkway. District 6. (Real Estate Management Division)

12. Approval of Contract for Sale and Purchase, Special Warranty Deed, Access Easement, and Temporary Construction Easement between Gold MIL Railroad Holdings, LLC 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 Pump Station 3437 (Orange Avenue 2) and Pump Station 3222 (Watts Avenue). District 3. (Real Estate Management Division)

(This item was deleted.)

- 13. Approval of Donation Agreement between Daryl Carter Parkway Extension Goodman 5 Foot Strip, LLC and Orange County with Joinder and Consent of Starwood Vacation Ownership, approval of Special Warranty Deed from Daryl Carter Parkway Extension – Goodman 5 Foot Strip, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Daryl Carter Parkway Extension, Goodman Donation. District 1. (Real Estate Management Division)
- 14. Approval of Corrective and Restated Conservation and Access Easement between D. R. HORTON, INC. and Orange County and authorization to record instrument for Waterleigh Phase I #CAI-13-05-010. District 1. (Real Estate Management Division)
- 15. Approval of Utility Easement between Boggy Creek Narcoossee, LLC and Orange County and authorization to record instrument for Boggy Creek Narcoossee Commercial Center OCU Permit #: 14-E-066. District 4. (Real Estate Management Division)
- 16. Approval of Utility Easement between Statewide Properties of Central Florida, Inc. and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Ladybird Florida Properties, LLC and authorization to record instruments for Lady Bird Academy @ Hunters Creek/Renovate/Site Work Parking, OCU Permit: B1490067 OCU File #: 76845. District 1. (Real Estate Management Division)
- 17. Approval of Utility Easement between Hillcrest Village, LLC and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Florida Bank of Commerce and authorization to record instruments for Hillcrest Village OCU Permit: B15901626 OCU File #: 82009. District 2. (Real Estate Management Division)

18. Approval of Drainage Easement between SLV Summerlake, L.L.C., and Summerlake Community Association, Inc. and Orange County and authorization to record instrument for Summerlake PD Phase 4A. District 1. (Real Estate Management Division)

Community, Environmental and Development Services Department

1. Approval of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 2, 3, 5, and 6. (Code Enforcement Division)

LC 15-0636	LC 15-1073	LC 15-0804	LC 15-1039	LC 15-0952
LC 15-0710	LC 15-1076	LC 15-0914	LC 15-1122	LC 15-0966
LC 15-0984	LC 15-1079	LC 15-1098	LC 15-1239	LC 15-0981
LC 15-0987	LC 15-1081	LC 15-1151	LC 15-0680	LC 15-0999
LC 15-1015	LC 15-1163	LC 15-1152	LC 15-0723	LC 15-1040
LC 15-1020	LC 15-1205	LC 15-1243	LC 15-0770	LC 15-1042
LC 15-1026	LC 15-1212	LC 15-1315	LC 15-0775	LC 15-1057
LC 15-1070	LC 15-1234	LC 15-0962	LC 15-0922	LC 15-1118

2. Approval of Resolution of the Orange County Board of County Commissioners regarding Claim of Special Assessment Liens Pursuant to Section 9-278 of the Orange County Code, Property Maintenance, and approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. Districts 3, 5 and 6. (Code Enforcement Division)

<u>Case No.</u>	<u>Dist. #</u>	Property Owner	<u>Amount*</u>
A 14-0486	3	EVERBANK	\$19,613.52
A 14-0443	5	LARECE JOSLINE M; LARECE MARCEL	\$20,012.21
A 14-0656	6	DEOLDE WILLIAM J	\$17,086.22

- 3. Acceptance of Recommendation of the Environmental Protection Commission to approve the request for a waiver to Section 15-342(b) (terminal platform size) for the Charles Gaylord Dock Construction Permit BD-15-09-102, with payment of \$667 to the Conservation Trust Fund within 60 days of the BCC decision date. District 1. (Environmental Protection Division)
- 4. Approval of Agreement between Orange County, Florida and Jewish Family Services of Greater Orlando, Inc. regarding the Community Development Block Grant in the amount of \$153,177. All Districts. (Housing and Community Development Division)

- 5. Approval of Agreement to Extend the 180 Day Adoption Period for Orange County Comprehensive Plan Amendments 2015-2-P-FLUE-1 - Lake Pickett Future Land Use, and 2015-2-A-5-1 – Lake Pickett South by and between Orange County, Florida, Dwight Saathoff, and Sean Froelich. District 5. (Planning Division)
- 6. Approval of Second Amendment to Proportionate Share Agreement for Waterford Oaks PD Phase II Woodbury Road: From Colonial Drive to Waterford Lakes Parkway by and between Bluerock Development, LLC and Orange County to provide for a correction to an exhibit label. District 4. (Roadway Agreement Committee)
- 7. Approval of First Amendment to Right Of Way Agreement Hollywood Plaza Parking Garage International Drive by and between Wallack Parking, LLC and 8050 I Drive Realty, LLC and Orange County to modify the timeframe for the conveyance. District 6. (Roadway Agreement Committee)

(This item was deferred.)

- 8. Approval of Hartzog Road Right of Way Agreement Acknowledgement by and between Orange Lake Country Club, Inc., and Orange County to clarify the terms of the 2004 Amended and Restated Developer's Agreement. District 1. (Roadway Agreement Committee)
- 9. Approval of Proportionate Share Agreement for Village Lake Retail Reams Road: From Center Drive (f/k/a Cast Drive) to Silverlake Park Drive by and between Lakeside II Partners, LLC and Orange County for a proportionate share payment in the amount of \$66,448. District 1. (Roadway Agreement Committee)

Family Services Department

- 1. Approval of Orange County Head Start Eligibility Priority Selection Criteria 2016-2017 to establish a formal selection process for eligible children and families. (Head Start Division)
- 2. Receipt and filing of Head Start Policy Council Program Information and Updates November 2015 and Head Start Policy Council Meeting Minutes October 24, 2015 for the official county record. (Head Start Division)
- 3. Approval of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Hal Marston Head Start. This application is only executed by Orange County. (Head Start Division)
- 4. Approval of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Pine Hills Head Start. This application is only executed by Orange County. (Head Start Division)

- 5. Approval of Funding Agreement between Orange County, Florida and Historical Society of Central Florida, Inc., to provide funds as approved during the budget sessions to design and renovate the History Centers permanent exhibits. (History Center)
- 6. Approval of January 2016 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board for Roseview Neighborhood Association (\$5,000); Miller's Cove HOA (\$5,000) and Watermill Cove HOA (\$5,000). Districts 1 and 5. (Neighborhood Preservation and Revitalization Division)
- 7. Approval of the January 2016 Sustainable Communities Grants as recommended by the Neighborhood Grants Advisory Board for: Christiana Gardens HOA (\$2,000) and Ashbury Park HOA (\$3,200). Districts 2 and 3. (Neighborhood Preservation and Revitalization Division)
- 8. Approval of January 2016 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for Bel Air Hills Neighborhood Association (\$5,000) and Bel Air Shores Neighborhood Association (\$5,000). District 3. (Neighborhood Preservation and Revitalization Division)
- 9. Approval of the January 2016 Neighborhood Pride Capital Improvement Grant as recommended by the Neighborhood Grants Advisory Board for Windmill Terrace HOA (\$7,000). District 3. (Neighborhood Preservation and Revitalization Division)

Health Services Department

1. Appointment of The Honorable Jeffrey Ashton, The Honorable Pete D. Clarke, The Honorable Jerry L. Demings, The Honorable Robert Wesley, The Honorable Robert Hansell, Dr. Raymond B. Franklin, Dr. Christopher Hunter, Ms. Beth Anne Knight, Mr. Robert C. Pigman, and Ms. Gail Thomas-DeWitt to the Chief Medical Examiner Candidate Search Committee. (Health Services Department)

### Public Works Department

- 1. Authorization to record the plat of Outer Circle PD. District 1. (Development Engineering Division)
- 2. Approval to record the Plat of South Rio Grande Avenue. District 6. (Roads & Drainage Division)
- 3. Approval of Resolution 2016-M-02 of the Orange County Board of County Commissioners regarding the Execution of a Locally Funded Agreement Between the State of Florida Department of Transportation and Orange County, Florida for a Cost Contribution towards Reconstruction and Adding Lanes on State Road

482/Sand Lake Road from West of Turkey Lake Road to Universal Boulevard and FM#: 407143-4-52-01 Locally Funded Agreement between The State of Florida Department of Transportation and Orange County. District 6. (Transportation Planning Division)

- 4. Approval of Resolution 2016-M-03 of the Orange County Board of County Commissioners regarding the Execution of a Locally Funded Agreement Between the State of Florida Department of Transportation and Orange County, Florida for a Cost Contribution towards Reconstruction and Addition of Lanes on State Road 482/Sand Lake Road from Universal Boulevard to West of John Young Parkway and FM#: 407143-5-52-01 Locally Funded Agreement between The State Of Florida Department of Transportation and Orange County. District 6. (Transportation Planning Division)
- 5. Authorization to execute the Title VI/Nondiscrimination Assurance Agreement regarding nondiscrimination and for re-certification of Orange County as an FDOT LAP agency. All Districts. (Transportation Planning Division)
- 6. Approval to establish a "No Parking" zone on both sides of Rio Pinar Lakes Boulevard from Goldenrod Road to 100 feet east of Cheney Boulevard. District 3. (Traffic Engineering Division)
- 7. Approval of Homeowner's Association Agreement for Lakeshore Preserve Subdivision Traffic Control Devices by and between Lakeshore Preserve Community Homeowner's Association, Inc., and Orange County, Florida, that provides for the Association to maintain decorative street name and traffic control signposts. District 1. (Traffic Engineering Division)
- 8. Approval to increase the posted speed limit on Dudley Avenue between Allen Street and Dora Drive from 25 miles per hour to 35 miles per hour. District 2. (Traffic Engineering Division)
- 9. Approval of Resolution 2016-M-04 of the Orange County Board of County Commissioners regarding the Execution of a Locally Funded Agreement Between the State of Florida Department of Transportation and Orange County, Florida for a Cost Contribution towards the construction of State Road 482/Sand Lake Road and County Road 423/John Young Parkway Overpass and FM#: 407143-6-52-01 and FM#: 407143-6-52-02 Locally Funded Agreement between The State of Florida Department of Transportation and Orange County. District 6. (Transportation Planning Division)
- INFORMATIONAL ITEMS

### **County Comptroller**

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

- a. Jurisdictional Boundary Map Update in reference to Ordinance No. 2015-44, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located north of Dahlia Dr, east of S Semoran Blvd, south of Hibiscus Rd and west of Delicata Dr, addressed as 5773 Dahlia Dr and comprised of 0.193 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as mixed use corridor medium intensity on the City's Official Future Land Use Maps; and designating the property as the MU-1 medium intensity mixed use corridor district along with aircraft noise overlay district on the city's official zoning maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors and an effective date.
- b. Minutes of the December 2, 2015, Meeting in the Sunshine. Commissioners Bryan Nelson and Victoria P. Siplin attended a meeting to discuss the Colonial West Stakeholders meeting.

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

COUNTY DISCUSSION AGENDA

County Administrator

1. Visit Orlando Bi-annual Update. (Convention Center)

George Aguel, President and CEO of Visit Orlando, presented a report on Visit Orlando's ongoing efforts to promote Orange County nationally and internationally as one of the world's premiere vacation and meeting destinations.

Board discussion ensued.

Action: None

2. Appointment of one commissioner to the Community Action Board with a term expiring December 31, 2019. (Agenda Development Office)

Commissioner Boyd nominated Commissioner Nelson.

AYE votes cast by voice vote for Commissioner Nelson as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Commissioner Nelson received a majority to be appointed to the Community Action Board with a term expiring December 31, 2019; no further votes were cast.

3. Reappointment of Nydia Marrero and Phillip Hollis to the Code Enforcement Board with terms expiring December 31, 2018 or nomination and appointment of an individual(s) to succeed them. (Agenda Development Office)

Commissioner Clarke nominated Nydia Marrero and Phillip Hollis.

AYE votes cast by voice vote for Nydia Marrero and Phillip Hollis as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Nydia Marrero and Phillip Hollis received a majority to be reappointed to the Code Enforcement Board with terms expiring December 31, 2018; no further votes were cast.

4. Appointment of an individual to succeed Carmen Torres on the Membership and Mission Review Board with a term expiring December 31, 2017 and reappointment of Ronald O. Rogers to the Membership and Mission Review Board with a term expiring December 31, 2017 or nomination and appointment of an individual to succeed him. (Agenda Development Office)

Commissioner Clarke nominated Nancy Rosado.

AYE votes cast by voice vote for Nancy Rosado as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Nancy Rosado received a majority to succeed Carmen Torres on the Membership and Mission Review Board with a term expiring December 31, 2017; no further votes were cast.

Commissioner Siplin nominated Ronald O. Rogers.

AYE votes cast by voice vote for Ronald O. Rogers as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Ronald O. Rogers received a majority to be reappointed to the Membership and Mission Review Board with a term expiring December 31, 2017; no further votes were cast.

5. Appointment of an individual to succeed Rev. Kevin Seraaj on the Planning and Zoning Commission with a term expiring December 31, 2017 and reappointment of Jose A. Cantero to the Planning and Zoning Commission with a term expiring December 31, 2017 or nomination and appointment of an individual to succeed him. (Agenda Development Office)

Commissioner Edwards nominated Yogesh Melwani.

AYE votes cast by voice vote for Yogesh Melwani as follows: Commissioners Nelson, Clarke, Thompson, Edwards.

NO votes cast by voice vote for Yogesh Melwani as follows: Commissioners Boyd, Siplin.

Member absent-County Mayor Jacobs

Yogesh Melwani received a majority to succeed Rev. Kevin Seraaj on the Planning and Zoning Commission with a term expiring December 31, 2017; no further votes were cast.

Commissioner Edwards nominated Jose A. Cantero.

AYE votes cast by voice vote for Jose A. Cantero as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Jose A. Cantero received a majority to be reappointed to the Planning and Zoning Commission with a term expiring December 31, 2017; no further votes were cast.

Administrative Services Department

- 1. Selection of one firm and one ranked alternate to provide Design Services for Orange County Convention Center (OCCC) North / South Show Power Upgrade, Request for Proposal, Y16-803-MM, from the following firms listed alphabetically:
  - RTM Engineering Consultants, LLC
  - SGM Engineering, Inc.

Further, recommend the Board authorize negotiation and execution of the final contract by the Procurement Division within a budget of \$480,000. ([Convention Center] Procurement Division)

Motion/Second:Commissioners Edwards/SiplinAbsent:County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board selected one firm, RTM Engineering Consultants, LLC, and an alternate, SGM Engineering, Inc., to provide Design Services for Orange County Convention Center (OCCC) North / South Show Power Upgrade; and further, authorized negotiation and execution of the final contract by the Procurement Division within a budget of \$480,000, Request for Proposal, Y16-803-MM.

- 2. Selection of one firm and two ranked alternates to provide Design Services for Orange County Convention Center (OCCC) West Building Restroom Renovations, Request for Proposal, Y16-804-MM, from the following firms listed alphabetically:
  - Helman Hurley Charvat Peacock Architects, Inc.
  - Jacobs Engineering Group, Inc.
  - Rhodes & Brito Architects, Inc.

Further, recommend the Board authorize negotiation and execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$798,000. ([Convention Center] Procurement Division)

Motion/Second: Commissioners Edwards/Siplin

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board selected one firm, Helman Hurley Charvat Peacock Architects, Inc., and two ranked alternates, #1 Rhodes & Brito Architects, Inc., and #2 Jacobs Engineering Group, Inc., to provide Design Services for Orange County Convention Center (OCCC) West Building Restroom Renovations; and further, authorized negotiation and execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$798,000, Request for Proposal, Y16-804-MM.

Public Works Department

1. Roadway Median Tree Program. (Engineering Division) All Districts.

County staff presented an update on the Roadway Median Tree Program including a background on how the program was created and an overview of the tree selection, program costs, and the various roadways that will be landscaped.

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

Action: None

#### County Mayor

1. Open discussion on issues of interest to the Board.

#### Action: None

- MEETING RECESSED, 10:03 a.m.
- MEETING RECONVENED, 2:05 p.m.

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

Others Present:

County Administrator Ajit Lalchandani, Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator Craig Stopyra, Documents Coordinator Jennifer Lara-Klimetz

#### • COUNTY DISCUSSION AGENDA (CONTINUED)

#### County Administrator

6. Nomination of Lisa Franchina as an Orange County representative on the Library Board of Trustees with a term effective January 5, 2016 and expiring December 31, 2019 or nomination of an individual to succeed her. (Agenda Development Office)

Commissioner Thompson nominated Lisa Franchina.

AYE votes cast by voice vote for Lisa Franchina as follows: Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Member absent-County Mayor Jacobs

Lisa Franchina received a majority to be nominated as the Orange County representative on the Library Board of Trustees with a term effective January 5, 2016 and expiring December 31, 2019; no further votes were cast.

By consensus, the Board adjourned as the Orange County Board of County Commissioners and convened as the Orange County Library District Governing Board

7. Appointment of an Orange County representative to the Library Board of Trustees with a term effective January 5, 2016 and expiring December 31, 2019; reappointment of Ted Maines to the Library Board of Trustees as a City of Orlando representative with a term expiring December 31, 2019; and Approval of the

January 27, July 13, September 14, and September 22, 2015 meeting minutes of the Library District Governing Board.

By consensus, the Board adjourned as the Orange County Library District Governing Board and reconvened as the Board of County Commissioners

#### • COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

7. Approval of First Amendment to Right Of Way Agreement Hollywood Plaza Parking Garage International Drive by and between Wallack Parking, LLC and 8050 I Drive Realty, LLC and Orange County to modify the timeframe for the conveyance. District 6. (Roadway Agreement Committee)

Motion/Second: Commissioners Boyd/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved the First Amendment to Right Of Way Agreement Hollywood Plaza Parking Garage International Drive by and between Wallack Parking, LLC and 8050 I Drive Realty, LLC and Orange County to modify the timeframe for the conveyance.

• RECOMMENDATIONS

December 3, 2015 Board of Zoning Adjustment Recommendations

Motion/Second: Commissioners Boyd/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of December 3, 2015, with the exception of and authorizing a public hearing be scheduled for Case # VA-15-12-126, Kung Fu-Sion, LLC, on February 9, 2016 (appeal filed); subject to the usual right of appeal by any aggrieved party.

• PUBLIC HEARINGS

Shoreline Alteration/Dredge and Fill

1. David Macchi, Lake Hickory Nut; District 1

Applicant: David Macchi Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit of installation of a 26-buoy slalom style ski course for recreational use on Lake Hickory Nut, pursuant to Orange County Code, Chapter 15, Article VI Location: District 1; on property located adjacent to Lake Hickory Nut; Section 06, Township 24 South, Range 27, East; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (SADF-15-01-000).

The following persons addressed the Board:

- Stephan Fay
- David Macchi

Motion/Second:Commissioners Boyd/ThompsonAbsent:County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved the request by David Macchi for a Shoreline Alteration/Dredge and Fill Permit (SADF-15-01-000) for installation of a 26-buoy slalom style ski course for recreational use on Lake Hickory Nut, on the described property, subject to the following conditions:

#### Specific Conditions:

- 1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
- 2. Construction activities shall be completed in accordance with the plans submitted by David Macchi., dated as received on September 9, 2015, by the Environmental Protection Division (EPD). The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void.
- 3. Any permit time extensions for the approved construction may be approved by way of Consent Agenda, if there are no changes.
- 4. No filling is approved with this permit.
- 5. The permittee shall apply and maintain reflective tape on the buoys at all times.
- 6. No portion of the slalom course shall be located in or over aquatic vegetation.
- 7. The buoys shall be firmly anchored to the bottom of the waterbody.
- 8. Within 30 days of installation, the permittee shall provide EPD with specific GPS coordinates of each of the buoys.

- 9. The use of the course is limited to private recreational purposes.
- 10. The use of the course is limited to daylight hours.
- 11. If the Permittee no longer owns lands riparian to Lake Hickory Nut, the course shall be removed within 30 days of conveyance.

#### **General Conditions**

- 12. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer (EPO). Notice of the revocation shall be provided to the permit holder promptly thereafter.
- 13. The permittee shall maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at his residence. The complete permit shall be available upon request by Orange County staff.
- 14. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct the ski course permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of ski course permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to remove the ski course within sixty (60) days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
- 15. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.

- 16. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
- 17. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
- 18. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
- 19. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
- 20. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
- 21. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
- 22. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
- 23. Pursuant to Section 125.022, Florida Statutes, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
- 24. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Board of Zoning Adjustment Appeal

2. Hector M. Vidal, Centro Cristiano Restauracion, Case # SE-15-10-089, November 5, 2015; District 3

Appellant	Hector M. Vidal
Applicant:	Centro Cristiano Restauracion
Case	Board of Zoning Adjustment Case # SE-15-10-089; November 5, 2015
Consideration:	Appeal of the recommendation of the Board of Zoning Adjustment's
	recommendation of denial rendered by the BZA on November 5, 2015.
	The applicant is the appellant. The applicant/appellant is proposing a
	child day care center inside the sanctuary. On November 5, 2015, the
	BZA recommended denial of the request. The applicant/appellant is
	appealing that recommendation to the BCC.
Location:	District 3; property generally located on the West side of N. Chickasaw
	Trail, approximately 950 ft. south of E. Colonial Drive; Orange County,

Florida (legal property description on file in Zoning Division)

The following persons addressed the Board:

- Hector Vidal
- Ashley Williams
- Gwen Hartmann

Motion/Second:Commissioners Clarke/BoydAbsent:County Mayor JacobsAYE (voice vote):All present membersAction: The Board continued the public hearing until February 9, 2016, at 2 p.m.

#### Rezoning

- 3. Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Chabad at UCF LUP, Case # LUP-15-08-237; District 5
- Applicant: Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Chabad at UCF LUP Case # LUP-15-08-237
  Consideration: Request to rezone one (1) parcel containing 1.92 gross acres from UR-3 (University Residential District) to PD (Planned Development District), in order to construct a student center. The request also includes the following waiver from Orange County Code: 1. A waiver from Section 38-1272(3) to allow for a minimum ten (10) foot setback along the north and south property lines, in lieu of a minimum twenty-five (25) foot PD perimeter setback and a minimum twenty-five (25) foot setback from adjacent residential use; pursuant to Orange County Code, Chapter 30.

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Location: District 5 property generally located North of Lokanotosa Trail, west of N. Alafaya Trail; Orange County, Florida (legal property description on file)

The following person addressed the Board: Tara Tedrow.

Motion/Second: Commissioners Edwards/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Chabad at UCF LUP - Case # LUP-15-08-237 to rezone one (1) parcel containing 1.92 gross acres from UR-3 (University Residential District) to PD (Planned Development District), in order to construct a student center. The request also includes the following waiver from Orange County Code:

A waiver from Section 38-1272(3) to allow for a minimum ten (10) foot setback along the north and south property lines, in lieu of a minimum twenty-five (25) foot PD perimeter setback and a minimum twenty-five (25) foot setback from adjacent residential use.

on the described property; subject to the following conditions:

- Development shall conform to the Chabad at UCF Planned Development / Land 1. Use Plan (PD/LUP) dated "October 19, 2015" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "October 19, 2015" the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the

development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 4. 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.
- 5. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- 6. 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.
- 7. Outside sales, storage, and display shall be prohibited.
- 8. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed water and wastewater systems have been designed to support all development within the PD.
- 9. The Developer shall obtain water and wastewater from Orange County Utilities.
- 10. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

- 11. A waiver from Section 38-1272(3) to allow for a minimum ten (10) foot setback along the north and south property lines, in lieu of a minimum twenty-five (25) foot PD perimeter setback and a minimum twenty-five (25) foot setback from adjacent residential use.
- 12. 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.
- 13. Prior to approval of a Development Plan (DP), a seepage (drainage) analysis shall be completed for the western boundary of the site.

## Substantial Change

- 4. Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Peppermill West Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-06-185, amend plan; District 1
- Applicant: Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Peppermill West Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-06-185
- Consideration: Substantial change request to amend the Peppermill West PD by removing the age-restriction (age 55+) previously applied to PD Parcel F Lot 7B; 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 S. John Young Parkway and south of Crystal Creek Boulevard; Orange County, Florida (legal property description on file)

The following person addressed the Board: Tara Tedrow.

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Tara L. Tedrow, Lowndes Drosdick Doster Kantor & Reed, P.A., Peppermill West Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-06-185, to amend the Peppermill West PD by removing the age-restriction (age 55+) previously applied to PD Parcel F - Lot 7B; which constitutes a substantial change to the development on the described property; subject to the following conditions:

- Development shall conform to the Peppermill West Planned Development / Land 1. Use Plan (PD/LUP) dated "Received September 22, 2015," and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities and intensities described in such Land Use Plan, subject to those uses, densities and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received September 22, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 4. Construction plans within this PD shall be consistent with an approved and up-todate Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.

- 5. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to issuance of the initial Certificate of Occupancy. Nothing in this condition and nothing in the decision to approve\_this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
- 6. The following Education Condition of Approval shall apply:
  - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of November 20, 2015.
  - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the zero (0) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement Agreement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

- 7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 10, 2009, shall apply:
  - a. The cell tower shall comply with Orange County's cell tower Ordinance 97-11, as may be amended.
  - b. A waiver from Section 38-1258(a) is granted to allow a 2-story building within 40 feet of single family residential in lieu of a single-story building within 100 feet of single family residential.
  - c. A waiver from Section 38-1258(e) is granted to allow a 7-foot paving setback in lieu of 25 feet.
  - d. The maximum building height shall be 35 feet / 2 stories.
  - e. The first and second floor shall be under 1 ownership per unit.
  - f. The developer shall obtain wastewater and water service from Orange County subject to County rate resolutions and ordinances.
  - g. Billboards and pole signs shall be prohibited.
  - h. The minimum living shall be 1,200 square feet under heated and cooled space only.
  - i. Uses in the commercial tracts shall be restricted to Retail Commercial District (C-1) and general Commercial District (C-2). Outdoor storage and display, and new or used auto dealerships are prohibited.
  - j. A 6-foot high masonry/brick/block wall shall be provided along the rear of Lots 5 & 6 in Parcel F.

- 5. Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Silver City Properties Planned Development/Land Use Plan (PD/LUP) Case # CDR-15-08-242; District 5
- Applicant: Miranda F. Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Silver City Properties Planned Development / Land Use Plan (PD / LUP) – Case # CDR-15-08-242
- Consideration: Substantial change request to amend the Silver City PD by reducing the amount of billboards within the project from five (5) to three (3), and reducing the amount of sign faces within the project from twelve (12) to seven (7). As proposed, all three remaining billboards will incorporate multi-messaging technology. No changes to the existing development program are proposed; 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 5; property generally located at the northwest intersection of University Boulevard and Forsyth Road (legal property description on file)

County staff stated that the proposal is to remove one of the vested billboards and one of the unvested billboards.

The following person addressed the Board: Jennifer Dixon.

The applicant addressed the proposal stated by County staff and clarified that the proposal is to remove one (1) vested and one (1) unvested billboard and not the two (2) unvested billboards as stated in the staff report.

Motion/Second: Commissioners Edwards/Boyd

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Miranda F. Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Silver City Properties Planned Development / Land Use Plan (PD / LUP) – Case # CDR-15-08-242, to amend the Silver City PD by reducing the amount of billboards within the project from five (5) to three (3), and reducing the amount of sign faces within the project from twelve (12) to seven (7). As proposed, all three remaining billboards will incorporate multi-messaging technology. No changes to the existing development program are proposed; which constitutes a substantial change to the development on the described property; subject to the following conditions:

- 1. Development shall conform to the Silver City Planned Development / Land Use Plan (PD/LUP) dated "Received October 14, 2015," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received October 14, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 4. All new billboards shall comply with the maximum allowable copy area as outlined in Section 31.5-126(h).

- 5. The billboards identified as "BB 2" and "BB 4" on the PD/LUP shall be removed within 90 days of the submittal of the first permit to convert the other signs to digital display.
- 6. The billboard identified as "BB 3" on the PD/LUP shall be allowed to operate as a three-faced billboard.
- 7. The billboard identified as "BB 1" on the PD/LUP shall be allowed to continue operation for a maximum of twenty five (25) years.
- 8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 7, 2000 shall apply:
  - a. Parking shall be provided per Orange County Code.

. . . . . . . . . .

• ADJOURNMENT, 2:41 p.m.

ATTEST:

County Mayor Teresa Jacobs

Date:

ATTEST SIGNATURE:

Martha O. Haynie County Comptroller as Clerk

Deputy Clerk

# ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date:	Tuesday, January 26, 2016
Location:	Commission Chambers, Orange County Administration Center,
	First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present:	County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Pete
	Clarke, Jennifer Thompson, Ted Edwards, Victoria P. Siplin;
	Commissioner Bryan Nelson joined the meeting where indicated.
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

- CALL TO ORDER, 9:05 a.m.
- OFFICIALS RECOGNIZED: Former Orange County Mayor Richard Crotty
   Orange County Clerk of Circuit Court Tiffany Moore
   Russell
- INVOCATION Pastor Mel Oquendo, Living Word Church
- MEMBER JOINED: Commissioner Nelson
- PLEDGE OF ALLEGIANCE
- PRESENTATION

Proclamation designating February as Black History Month

• PRESENTATION

Resolution recognizing the Bishop Moore Catholic High School Football Team as 2015 Florida Class 5A State Champions

RECOGNITION

County Mayor Jacobs recognized Walter A. Ketcham Jr., former Board Chairman of the Central Florida Expressway Authority.

- OFFICIALS RECOGNIZED: Former Orange County Mayor Richard Crotty Lake County Commissioner Welton Cadwell Osceola County Commissioner Fred Hawkins, Jr.
- PRESENTATION Proclamation recognizing Walter A. Ketcham Jr., for his service to Central Florida.
- PRESENTATION Art in the Chambers

# • PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Maria Bolton-Joubert
- Christine Cavagnaro
- Trini Quiroz
- Augustin Martinez
- Doug Head
- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Clarke/Thompson AYE (voice vote): All members Action: The Mayor

- Deferred action on County Attorney Item 3 for consideration with public hearing for Ordinance pertaining to Emergency and Non-Emergency Medical Care Transportation
- Deferred action on Community, Environmental and Development Services Department Item 2 for consideration with public hearing for Thomas Daly, Rio Reale Properties Orlando, LLC, Regular Cycle Privately-Initiated Text and Future Land Use Map Amendment 2014-2-A-4-4

and further, the Board approved the balance of the County Consent Agenda items as follows:

County Comptroller

- 1. Approval of the minutes of the November 17 and December 1, 2015, meetings of the Board of County Commissioners. (Clerk's Office)
- 2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
  - December 31, 2015, to January 7, 2016; total of \$85,644,549.86
  - January 8, 2016, to January 14, 2016; total of \$27,250,639.09
  - January 15, 2016, to January 21, 2016; total of \$62,003,219.14.

(Finance/Accounting)

County Administrator

- 1. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)
- 2. Approval of Amendment to the FY 2016 Grant Agreement between Black Business Investment Fund and Orange County, Florida. (Office of Economic, Trade and Tourism Development)
- 3. Approval of Resolution 2016-M-05 of the Orange County Board of County Commissioners regarding ADP, LLC Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
- Approval for the Orange County Sheriff's Office to spend \$157,300 from the FY 2016 Law Enforcement Trust Fund for the purchase of protective podiums (\$156,300), and to provide an eligible contribution to Youth Central Connection (\$1,000). (Office of Management and Budget)
- 5. Approval of budget amendments #16-13, #16-14, #16-15, and #16-16. (Office of Management and Budget)
- 6. Approval of Service Funding Agreement by and between Orange County, Florida and LYNX for FY 2015-16. All Districts. (Office of Regional Mobility)
- Approval of ratification of payment of Intergovernmental claims of November 5, 2015, November 19, 2015, December 3, 2015, and December 17, 2015 totaling \$1,368,609.69 (Risk Management Division)

County Attorney

- 1. Approval of proposed new Administrative Regulation, titled "Neighborhood Grant Program."
- 2. Approval of proposed revisions to Administrative Regulation 8.07.05 and 8.07.06, titled "Vehicle Take-Home Assignment Policy and Vehicle E-Pass Transponder Assignment Policy."

3. Approval of Resolution of the Orange County Board of County Commissioners regarding the Orange County Emergency Medical Services Advisory Council; Reconstituting Such Board as to Duties, Number of Members and Membership Qualifications; Reorganizing the Board's Responsibilities and Authorities; effect of Resolution to replace and supersede all prior Resolutions concerning the Emergency Medical Services Advisory Council; and Providing an effective date.

(This item was deferred.)

## Convention Center

1. Approval of Change Order No. 3, Contract Y13-7019 with RUSH Construction, Inc. in the amount of \$53,258, for a revised contract amount of \$1,992,258. (Convention Center)

Administrative Services Department

- Approval to award Invitation for Bids Y16-145-LC, HVAC Repair and Replacement Countywide, to the low responsive and responsible bidders, Air Mechanical and Service Corporation (AMSCO), as the primary contractor in the estimated annual contract of \$1,000,000 and Shaw Mechanical Services, LLC and Johnson Controls, Inc. as secondary contractors each in the contract amount of \$500,000. Although the total estimated contract awards amount to \$2,000,000, the total contract expenditure against these contracts will not exceed the budget of \$1,000,000 for these services. Further, authorized the Procurement Division to renew the contracts for four additional 1-year periods. ([Administrative Services Department Facilities Management Division] Procurement Division)
- 2. Approval to award Invitation for Bids Y16-708-PH, Orange County Utilities Supervisory Control and Data Acquisition (SCADA) Replacement Phase I, to the low responsive and responsible bidder, Curry Controls Company for the total contract award amount of \$4,749,000. ([Utilities Department Engineering Division] Procurement Division)
- 3. Approval of Amendment No. 5, Contract Y15-138-MA, Work Uniforms, with Designlab, Inc. in the estimated amount of \$127,390.25 for a revised total estimated contract amount of \$2,015,254.25. ([Convention Center] Procurement Division)
- 4. Selection of Federation of Families of Central Florida, Inc. to provide Family and Youth Recovery Services (Wraparound Orange), Request for Proposals Y16-153-LC in the amount of \$233,998.40. Further, authorized the Procurement Division to negotiate and execute a 1-year contract with three additional 1-year renewals. ([Health Services Department Mental Health and Homeless Issues Division] Procurement Division)

- Selection of HRS Group, Inc. dba Alertchecks to provide Background Checks under Request for Proposals Y16-141-JS. Further, authorized negotiation and execution of the final contract by the Procurement Division in the not-to exceed contract amount of \$275,625 for a three-year contract with two 1-year renewals. ([Office of Accountability Office of Professional Standards Division] Procurement Division)
- 6. Approval to award contracts for Request for Proposals Y16-152-LC, Wraparound Orange Services to Aspire Health Partners in the amount of \$178,859.20; Devereux Florida in the amount of \$334,172.80; IMPOWER, Inc. in the amount of \$192,939.20; The Children's Home Society of Florida in the amount of \$338,686.40 and Youth Advocate Programs, Inc. in the amount of \$412,927.80. Further, authorized the Procurement Division to negotiate and execute 1-year contracts with three additional 1-year renewals. ([Health Services Department Mental Health and Homeless Issues Division] Procurement Division)
- 7. Approval and execution of License Agreement between Reedy Creek Improvement District and Orange County and delegation of authority to the Real Estate Management Division to execute commencement certificate and to exercise renewal options, if needed, for office space, Sheriff's Office – Sector Six, License Agreement #2070, 2700 Village Services Trail, Lake Buena Vista, Florida 32830. District 1. (Real Estate Management Division)
- 8. Approval and execution of Utility and Ingress-Egress Easement Agreement between Sea World of Florida LLC and Orange County and authorization to disburse funds to pay all recording fees and record instrument for Sea World Water Meter Easement. District 1. (Real Estate Management Division)
- Approval of Memorandum of Understanding between Orange County Public Works Department and Orange County Utilities Department, approval and execution of Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for Pump Station No. 3586 (Donnybrook). District 3. (Real Estate Management Division)
- Approval and execution of Terminations of Easements and authorization to record instruments for Clarcona-Ocoee Rd (Ocoee-Apopka Rd to Hiawassee Rd). District 2. (Real Estate Management Division)
- 11. Approval and execution of Utility Easement between The School Board of Orange County, Florida and Orange County and authorization to record instrument for New Independence ES OCU File No. 77586. District 1. (Real Estate Management Division)
- 12. Approval and execution of Amendment to Non-Exclusive Drainage Easement and Joint Utilization Agreement (S.C. Orlando, L.L.C./Orange County) between JY-TV ASSOCIATES, LLC and Orange County, approval of Subordination of Encumbrances to Property Rights to Orange County from WELLS FARGO BANK,

N. A. and authorization to record instruments for Promenade Grande Lakes Apts. (Permit # B14903551). District 4. (Real Estate Management Division)

- 13. Approval of Access Easement between GB Curry Pine LLC and Orange County with Consent and Subordination by Mortgagee from BRANCH BANKING AND TRUST COMPANY and Consent to Access Easement from Wawa Florida, LLC, approval and execution of Access Easement between Orange County and GB Curry Pine LLC and authorization to record instruments for Curry Ford Rd. /Young Pine Rd. Retention Pond Re-Design. District 4. (Real Estate Management Division)
- 14. Approval of Purchase Price Above Appraised Value, Purchase Agreement between McKinnon Groves, LLLP, and Orange County, Utility Easement between McKinnon Groves, LLLP and Orange County and the City of Orlando and authorization to disburse funds to pay purchase price, recording fees and record instrument for Water Conserv II Utility Easement – Turnout 8T-05. District (Lake County). (Real Estate Management Division)
- Approval of Temporary Utility Easement between Vineland Express, LLC and Orange County and authorization to record instrument for Village F Parcels N-1 & N-2 Offsite Utilities OCU Permit: 14-E-107 OCU File #: 79185. District 1. (Real Estate Management Division)
- 16. Approval of Conservation Easement between D.R. Horton, Inc. and Orange County and authorization to record instrument for Creekstone Reserve (aka Bishop Property). District 4. (Real Estate Management Division)
- 17. Approval of Purchase Price Above Appraised Value, Contract For Sale and Purchase, Special Warranty Deed, Access Easement, and Temporary Construction Easement between Gold MIL Railroad Holdings, LLC 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 Pump Station 3437 (Orange Avenue 2) and Pump Station 3222 (Watts Avenue). District 3. (Real Estate Management Division)

Community, Environmental and Development Services Department

 Approval of School Concurrency Mitigation Agreement OC-15-003 Project Name: Ruby Lake - Parcel ID#: 15-24-28-7774-00-002; 15-24-28-7774-00-022; 15-24-28-7774-00-020; 15-24-28-7774-00-010; 15-24-28-7774-00-001 by and between The School Board of Orange County, Orange County, Florida, Pulte Home Corporation, and Jen Florida XXI, LLC. District 1. (Concurrency Management Office) 2. Approval of Environmental Land Stewardship Agreement Camino Reale Project by and between Camino Reale Properties, LLC, and Orange County. District 4. (Environmental Protection Division)

(This item was deferred.)

- 3. Acceptance of Recommendation of the Environmental Protection Commission to approve the recommendation of the Environmental Protection Officer's decision (Orange County Code, Chapter 15, Article IX, Section 15-349) to issue the modification to boat dock permit BD-15-05-069 for Mary Oakes. District 1. (Environmental Protection Division)
- 4. Acceptance of Recommendation of the Environmental Protection Commission, pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), to approve the request for after the fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b), and approve the request for after the fact variance to Section 15-343(a) for the Macias After the Fact Dock Construction Permit number BD-15-01-003 with a payment of \$725 to the Conservation Trust Fund. District 1. (Environmental Protection Division)
- 5. Approval of Proportionate Share Agreement for Reams Road Self Storage Facility Reams Road Improvements: From Summerlake Park Boulevard to Delmar Avenue by and between Reams Development, LLC and Orange County for a proportionate share payment in the amount of \$138,372. District 1. (Roadway Agreement Committee)
- 6. Approval of Memorandum of Agreement The State of Florida, Department of Transportation and Orange County, a Charter County and a Political Subdivision of the State of Florida to provide for \$300,000 to mitigate and offset impacts to the Conway Acres subdivision from the widening and improvement of Hoffner Avenue (S.R. 15). Districts 1 and 3. (Roadway Agreement Committee)
- 7. Approval of Proportionate Share Agreement for Taco Bell Pizza Hut Lakeside Village Center South PD Reams Road Improvements: From Center Drive (f/k/a Cast Drive) to Delmar Avenue by and between Lakeside II Partners, LLC and Orange County for a proportionate share payment in the amount of \$128,034. District 1. (Roadway Agreement Committee)

Family Services Department

1. Approval of the Federally-Funded Subgrant Agreement, CFDA Number: 93.568, Contract Number: 16EA-0F-12-00-01-022, between the State of Florida, Department of Economic Opportunity and Orange County, Florida for the Low-Income Home Energy Assistance Program (LIHEAP) in the amount of \$3,064,275 for the period of March 1, 2016 through March 31, 2017; and approval for the County Mayor or designee to approve any increases, decreases or modifications in the award amount. (Community Action Division)

- 2. Approval of License Agreement between Orange County, Florida and Boy Scouts of America, Troop 219 Regarding the use of Orange County's Community Centers for East Orange Community Center. (Community Action Division)
- 3. Authorization to accept the Chase Settlement Award Agreement between the Office of the Attorney General and Orange County, Florida for \$80,877.52. (Community Action Division)
- 4. Approval of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Bithlo Head Start. This application is only executed by Orange County. (Head Start Division)
- 5. Receipt and filing of Head Start Policy Council Program Information and Updates December 2015 and Head Start Policy Council Meeting Minutes November 19, 2015 for the official county record. (Head Start Division)
- 6. Approval of the December 2015 Business Assistance for Neighborhood Corridors Program Grant for Soiree Event and Conference Center (\$5,000). District 6. (Neighborhood Preservation and Revitalization Division)

Fire Rescue Department

- Approval of Federally-Funded Subaward and Grant Agreement Contract Number: 16-DS-T9-06-58-01-\_\_\_\_, CFDA Number 97.067 between the State of Florida, Division of Emergency Management and Orange County in the amount of \$92,873. There is no local match required. (Operations Division)
- Approval of Federally-Funded Subaward and Grant Agreement Contract Number: 16-DS-T9-06-58-01-\_\_\_\_, CFDA Number 97.067 between the State of Florida, Division of Emergency Management and Orange County in the amount of \$178,020. There is no local match required. (Operations Division)

# Health Services Department

1. Approval of Orange County Health Services Department Physician Employment Agreement by and between Orange County and Robert Buck, D.O., for the position of Medical Director, Corrections Health Services effective February 21, 2016. (Health Services Department)

Public Works Department

1. Approval and Execution of Use Agreement between Duke Energy Florida, LLC and Orange County to construct, operate and maintain a fence to screen cell site

improvements within the County's right of way. District 1. (Development Engineering Division)

2. Approval and Execution of Use Agreement between Westside Shoppes, LLC and Orange County to install, construct and maintain Roads A,B and C improvements within County's right-of-way. District 1. (Development Engineering Division)

### Utilities Department

 Approval and execution of a) Third Amendment to Orange County/City of Ocoee Water Service Territorial Agreement (Contract No. W-88-06) by and between The City of Ocoee and Orange County and b) Fourth Amendment to Orange County/City of Ocoee Sewer Service Territorial Agreement (Contract No. S-87-8) by and between The City of Ocoee and Orange County. Districts 1 and 2.

## • INFORMATIONAL ITEMS

### **County Comptroller**

- 1. Receipt of the following items to file for the record: (Clerk's Office)
  - a. Minutes of the May 14, June 9, July 9, August 13, September 10, October 8, and November 12, 2015, Charter Review Commission.
  - b. City of Orlando Voluntary Annexation Request: 6933 Curry Ford Road-ANX2015-00006; Copy of proposed advertisement, Notice of Proposed Enactment. On January 25, 2016 the Orlando City Council will consider proposed Ordinance 2015-38, 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 Curry Ford Rd., east and south of Camellia Garden Dr., and west of Colton Dr., addressed as 6933 Curry Ford Rd., and comprised of 44.74 acres, more or less; amending the City's adopted Growth Management Plan to designate the property as Residential Low Intensity on the City's Official Future Land Use Maps; providing for amendment of the City's Official Future Land Use Maps; providing findings, amendment of the City's boundary description, and for amendment of the City's official maps; providing for severability, correction of scrivener's errors, and an effective date. The public hearing and request for the second reading and adoption of the annexation ordinance is scheduled for the City Council meeting on January 25, 2016. The first reading of this ordinance was approved on July 27, 2015.
  - c. City of Orlando Voluntary Annexation Request: 1730 E. Jersey Ave.-ANX2015-00016; Copy of proposed advertisement, Notice of Proposed Enactment. On February 8, 2016 the Orlando City Council will consider proposed Ordinance 2016-3, 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 Michigan St., east of Dickson Ave., south of E. Jersey Ave., and west of Ives Ave., addressed as 1730 E. Jersey Ave., and comprised of 0.324 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, in part, on the City's Official Future Land Use Maps; designating the property as the MU-1 Medium Intensity Mixed Use Corridor District along with the traditional City overlay district, in part, and the R-2/A 1-2 Family 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, and an effective date. The public hearing and request for the second reading and adoption of the annexation ordinance is scheduled for the City Council meeting on February 8, 2016. The first reading of this ordinance is scheduled for January 25, 2016.

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

COUNTY DISCUSSION AGENDA

County Administrator

1. Appointment to the International Drive Master Transit and Improvement District Advisory Board of an individual to succeed Doug Gehret with a term expiring December 31, 2019.

Commissioner Siplin nominated Tom Smith.

AYE votes cast by voice vote for Tom Smith as follows: County Mayor Jacobs; Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Tom Smith received a majority to succeed Doug Gehret to the International Drive Master Transit and Improvement District Advisory Board with a term expiring December 31, 2019; no further votes were cast.

2. Approval of funding in the amount of \$25,000 to the Metro Orlando Defense Task Force, and authorization for the Mayor to execute an agreement with the Metro Orlando Defense Task Force on behalf of the Board of County Commissioners. (Office of Economic, Trade and Tourism Development)

Lt. General Tom Baptiste, USAF (Ret), President and CEO, National Center for Simulation, presented an update on the efforts of the Metro Orlando Defense Task, the threats to the Modeling, Simulation and Training Industry, and future initiatives related to these programs.

# Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board approved continued support from Orange County (\$25,000 in 2016) to help fund Metro Orlando Defense Task Force (MODTF) actions to complete the task and mitigate Team Orlando's Base, Realignment, and Closure (BRAC) risk.

## • MEMBER EXITED: Commissioner Thompson

## Administrative Services Department

- 1. Selection of one firm and one ranked alternate to provide Evaluation, Cultural and Linguistic Competence Services (Wraparound Orange), for Request for Proposals Y16-154-LC, from the following firms listed alphabetically:
  - Covian Consulting, Inc.
  - Visionary Vanguard Group, Inc.

Request authority for the Procurement Division to negotiate and execute a 1-year contract with a budget amount of \$200,000. The Procurement Division also requests the authority to renew the contract for three additional 1-year periods. ([Health Services Department Mental Health and Homeless Issues Division] Procurement Division)

Motion/Second:Commissioners Siplin/EdwardsAbsent:Commissioner Thompson

AYE (voice vote): All present members

Action: The Board selected one firm, Visionary Vanguard Group, Inc., and an alternate, Covian Consulting, Inc., to provide Evaluation, Cultural and Linguistic Competence Services (Wraparound Orange); further, authorized the Procurement Division to negotiate and execute a 1-year contract with a budget amount of \$200,000; and further, authorized the Procurement Division to renew the contract for three additional 1-year periods, for Request for Proposals Y16-154-LC.

• COUNTY WORK SESSION AGENDA

Community, Environmental and Development Services Department

1. Affordable Housing in Bithlo and Tiny Homes. All Districts. (Planning Division)

County staff also provided a brief overview of Orange County's specific affordable housing policies and initiatives. County staff outlined the County's approach in transforming a specific property challenged by Code Enforcement with a potential partnership with Habitat for Humanity in Bithlo. The presentation included a summary of the County's broader Habitat for Humanity's partnership and other housing types including Tiny Homes and their applicability based on best practices.

- MEMBER RE-ENTERED: Commissioner Thompson
- RELINQUISHED CHAIR

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

Board discussion ensued.

## • REASSUMED CHAIR

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

Board discussion ensued.

Action: None

• COUNTY DISCUSSION AGENDA (CONTINUED)

Commissioner's Report

1. Commissioner Boyd would like to discuss Garbage and Recycling Collection Transition.

Commissioner Boyd requested Board discussion of the recent transition to the new Garbage and Recycling Collection system implemented in Orange County.

County staff presented an update on the recent transition to the new Garbage and Recycling Collection system, which included challenges and improvements with the new system.

Board discussion ensued.

Action: None

• EXECUTIVE SESSION

DUE TO THE NATURE OF THE DISCUSSION, THIS MEETING IS NOT OPEN TO THE PUBLIC

County Administrator

- 1. Fraternal Order of Police (FOP) Special Magistrate Hearing.
- MEETING RECESSED, 11:54 a.m.

• MEETING RECONVENED, 2:07 p.m.

Members Present:	County Mayor Teresa Jacobs; Commissioners S. Scott Boyd,
	Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards,
	Victoria P. Siplin
Others Present:	County Comptroller Martha Haynie as Clerk, County Administrator
	Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County
	Attorney Joel Prinsell, Senior Minutes Coordinator Noelia Perez,
	Senior Minutes Coordinator Craig Stopyra

• PRESENTATION

Proclamation designating February 5, 2016 as School Crossing Guard Appreciation Day

- OFFICIAL RECOGNIZED: Orange County Sheriff Jerry Demings
- RECOMMENDATIONS

December 17, 2015 Planning and Zoning Commission Recommendations

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of December 17, 2015, with the exception of and authorizing a public hearing be scheduled for Case # RZ-15-12-048, Clarence Hoenstine (Appeal filed); subject to the usual right of appeal by any aggrieved party.

• PUBLIC HEARINGS

Budget Amendment

- 1. Amending Fiscal Year 2015-16 Budget
- Consideration: Recognition of encumbrance rollovers, grant rollovers, fund balance adjustments, capital improvement adjustments, and to make other necessary adjustments

County staff presented to the Board an overview and outline of the annual budget amendments for Fiscal Year 2015-2016.

The following person addressed the Board: County Comptroller Haynie.

Motion/Second: Commissioners Boyd/Edwards AYE (voice vote): All members Action: The Board approved the following Budget Amendments:

- 16-17, Fund Balance
- 16-18, Encumbrance Rollover
- 16-19, Grants Rollover
- 16-20, Capital Improvement Rebudgets

and further, approved twelve (12) new positions as follows:

- six (6) Utility Positions
- six (6) Building Positions

Board discussion ensued.

### NONAGENDA

Commissioner Boyd discussed with the Board an incident involving a car accident that occurred on the Southbound Turnpike SR 408 lane and the response time between the first and second 9-1-1 call. Commissioner Boyd indicated a FDOT camera was located at the site of the accident and inquired about the ability of departments to access/share information from cameras in order for rescue vehicles to reach the scene of an accident as quickly as possible. County staff provided the Board an update on the ability to access the information from cameras, the ability to process the information received from the cameras, and procedures that will be updated within the Fire Rescue Communications Center.

Board discussion ensued.

Petition to Vacate

- 2. Brooks Stickler, P.E., on behalf of U.S. Bank National Association, Trustee of the Anheuser-Busch Foundation, Petition to Vacate #15-10-021; District 1
- Applicant: Brooks Stickler, P.E., on behalf of U.S. Bank National Association, Trustee of the Anheuser-Busch Foundation
- Consideration:Resolution granting Petition to Vacate # 15-10-021, vacating a portion<br/>of a 10 ft wide utility easement, containing approximately 0.070 acresLocation:District 1; property located at 6901 Westwood Boulevard; S11/<br/>T24/R28; Orange County, Florida (legal property description on file)

## • RELINQUISHED CHAIR

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

The following person addressed the Board: Tyler Suddeth.

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution granting Petition to Vacate # 15-10-021 vacating a portion of a 10 ft wide utility easement, containing approximately 0.070 acres, on the described property.

3. David Wiercinski II on behalf of Joseph Bathalter and Frank Trytek, Petition to Vacate # 15-06-019; District 1

Applicant: David Wiercinski II on behalf of Joseph Bathalter and Frank Trytek

- Consideration: Resolution granting Petition to Vacate # 15-06-019, vacating a portion of an unopened and unimproved 50 ft wide right-of-way known as Piney Road containing approximately 0.413 acres
- Location: District 1; properties located at 8400 Piney Road and 4978 Washington Avenue; S15/T23/R28; Orange County, Florida (legal property description on file)

The following person addressed the Board: David Wiercinski.

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution granting Petition to Vacate # 15-06-019 vacating a portion of an unopened and unimproved 50 ft wide right-of-way known as Piney Road containing approximately 0.413 acres, on the described property.

Shoreline Alteration/Dredge and Fill

4. DR Horton, Inc., Fish-Pocket Canal, permit, District 1

Applicant: DR Horton, Inc.

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit in order to dredge 0.2 acre of canal bottom and 0.3 acre of adjacent uplands in order to create a navigable connection from the property to the Fish-Pocket Canal, 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 Fish-Pocket Canal, located at 10018 and 10024 Serene Waters Court, Orlando, Florida 32836; Section 09, Township 24 South, Range 28, East; Orange County, Florida (legal property description on file in Environmental Protection Division)

# • REASSUMED CHAIR

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

County staff identified this permit as (SADF-15-07-010).

The following persons addressed the Board:

## - Ben Shoemaker

- Anna Long
- Donna Brown Klinka
- Jonathan Klinka
- William Fogle

# • RELINQUISHED CHAIR

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

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

- Exhibit 1, from Ben Shoemaker
- Exhibit 2, from William Fogle

The following material was received by the Clerk prior to the close of the public hearing. The material referenced by the speaker was not presented to the Board: Submittal 1, from Donna Brown Klinka.

# • REASSUMED CHAIR

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

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board approved the request by DR Horton, Inc. for a Shoreline Alteration/Dredge and Fill Permit (SADF-15-07-010) to dredge 0.2 acre of canal bottom and 0.3 acre of adjacent uplands in order to create a navigable connection from the property to the Fish-Pocket Canal, on the described property, subject to the following conditions:

## Specific Conditions

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.

- 2. Construction activities shall be completed in accordance with the plans created by PE Group, LLC, dated received on December 3, 2015, by the Environmental Protection Division (EPD).
- 3. The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void.
- 4. Any permit time extensions for the approved construction may be approved by way of Consent Agenda, if there are no changes.
- 5. No filling is approved with this permit.
- 6. All dredged materials must be removed to a contained upland location (behind silt fencing) until utilized on site, or removed to an approved landfill.
- 7. Side slopes of the reconfigured canal must be stabilized with sod within 7 days of completion of final contours to minimize erosion into the canal.
- 8. Within 30 days of completion of the permitted activities, an as-built survey of the area is required to be submitted to EPD for review and a subsequent inspection will be conducted by EPD to confirm compliance with the permit specifications.
- 9. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. The site-specific "Sediment and Erosion Control Plan" (attached) shall be implemented prior to start of construction. The sediment and erosion control methods shall be updated and continually monitored during the construction activities and after completion until the area has become stabilized.
- 10. The permittee shall monitor water quality conditions before, during, and after the dredging activities with sampling frequencies and parameters as identified in the attached Water Quality Monitoring Plan dated received by EPD on December 1, 2015, from Bio-tech Consulting. In addition: a) samples are to be collected at a minimum of three locations as identified in the plan and documented by GPS; b) depth of the collection shall be at 0.5 meters; c) laboratory analyses shall be completed by a NELAC certified lab; d) field measured conditions calibration error allowances shall be that as listed in FDEP SOP FT 10000.
- 11. A baseline monitoring report that clearly shows water quality conditions prior to dredging activity must be submitted to EPD a minimum of 48 hours prior to the

start of the permitted activity. This report needs to include, at a minimum, the following information: site location sampling location documented by GPS; sampling parameters; sampling methodology; fish and wildlife observations; and results of the initial sampling and discussion.

- 12. The permittee is required to submit weekly monitoring reports to EPD. Each report needs to include, at a minimum the following information: site location; sampling location documented by GPS; sampling parameters; sampling methodology; comparison of the gathered data; baseline information and State Water quality standards; fish and wildlife observations; results; and discussion. If at any time the parameters fail to meet Class III surface water quality criteria as listed in F.A.C. 62-302 work shall cease until those parameters are in compliance.
- 13. The permittee is required to maintain the turbidity and sedimentation barriers until EPD has approved (in writing) the post-activity Water Quality Monitoring report that indicates the project area meets pre-construction water quality conditions as listed in Florida Administrative Code (FAC) 62-302. The Fish-Pocket Canal is considered part of the Butler Chain of Lakes Outstanding Florida Waters and therefore, as required by FAC 62-302.700, no degradation is allowed within that adjacent resource.
- 14. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
- 15. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Building Division in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.

**General Conditions** 

- 16. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
- 17. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.

- 18. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
- 19. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
- 20. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to complete the dredging activity permitted herein and any such dredging is done at the sole risk of the permittee. In the event that any part of activity permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent, or to restore the encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
- 21. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 33, Article IV of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
- 22. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
- 23. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to

EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.

- 24. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
- 25. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
- 26. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
- 27. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
- 28. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
- 29. Pursuant to Section 125.022, Florida Statutes, issuance of this 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.
- 30. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

# Substantial Change

- John Townsend, Donald W. McIntosh Associates, Inc., Orangewood Neighborhood 1 PD / Westwood at Orangewood Preliminary Subdivision Plan – Substantial Change – Case # CDR-15-06-177, amend plan; District 1
- Applicant: John Townsend, Donald W. McIntosh Associates, Inc., Orangewood Neighborhood 1 PD / Westwood at Orangewood Preliminary Subdivision Plan – Substantial Change – Case # CDR-15-06-177
- Consideration: Substantial change request to add parcel 12-24-28-0000-00-028 to the existing Orangewood Neighborhood 1 PD / Westwood at Orangewood PSP and allow for a 25,363 square foot addition to the existing 74,575 square foot Central Florida Behavioral Hospital; pursuant to Sections 34-69 and 30-89, Orange County Code.

Location: District 1; property generally located Northwest corner of Central Florida Parkway & Sea Harbor Drive; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: John Florio.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by John Townsend, Donald W. McIntosh Associates, Inc., Orangewood Neighborhood 1 PD / Westwood at Orangewood Preliminary Subdivision Plan – Substantial Change – Case # CDR-15-06-177, to add parcel 12-24-28-0000-00-028 to the existing Orangewood Neighborhood 1 PD / Westwood at Orangewood PSP and allow for a 25,363 square foot addition to the existing 74,575 square foot Central Florida Behavioral Hospital; which constitutes a substantial change to the development on the described property; subject to the following conditions:

- 1. Development shall conform to the Orangewood PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Neighborhood 1 - Westwood at Orangewood Preliminary Subdivision Plan dated "Received September 22, 2015," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received September 22, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on

the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

- 4. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
- 5. No vertical permit will be issued until the functionality of the proposed underground stormwater system has been adequately demonstrated.
- 6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
- 7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 11, 1979, shall apply:
  - a. Average Daily Traffic generated by all development in Westwood shall be limited to 22,096.
  - b. Uses shall be limited to uses permitted in the C-1, C-2, and P-O Districts provided that the Development Review Committee shall review for compatibility with tourist commercial development and use permitted within said districts determined by the Zoning Director to be incompatible or any other use proposed by the developer. Said determination of the Development Review Committee shall be subject to review by the Board.
  - c. The original PD plan for the Westwood area (Neighborhood 1) provided 84 acres of open space. A minimum of 44.5 acres of open space shall be provided by the developer within the Westwood area. The remaining 39.5 acres of open space (equaling the 84 acres originally provided) shall be provided in Neighborhood #2 as park area through the development of the remaining land owned by Florida Land Company in the Orangewood PD. The location of this acreage must be identified before final 90 acres of the Westwood project area are processed for final development approval.

- d. Provision of adequate fire protection in accordance with the Subdivision Regulations. No structure over three stories high shall be constructed unless and until aerial fire protection equipment and personnel are available to the Taft Fire Control District to serve the proposed high-rise development.
- e. Orange County will have no operation and maintenance responsibilities for either on or off-site retention. The County's responsibility will be limited to those closed drainage systems with the County dedicated right of way and any systems serving runoff from any roadway systems.
- f. The Valencia Drainage District and/or individual site owners will be responsible for the construction, operation and maintenance of all stormwater management systems other than those described in (7) above.
- g. A culvert system shall be installed along Westwood Boulevard for drainage with treatment of the first inch of runoff on each development site outside of the Westwood Boulevard right of way. The design and installation of the drainage system shall be subject to the approval of the Public Works and Pollution Control Directors and shall conform to County standards. All utility poles and sign structures shall be located so they do not interfere with the normal maintenance of the drainage system.
- Dennis Seliga, Lakeside Village Commercial Venture, LLC, Lakeside Village Center South Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-10-306, amend plan; District 1
- Applicant: Dennis Seliga, Lakeside Village Commercial Venture, LLC, Lakeside Village Center South Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-10-306
- Consideration: Substantial change request to add Auto Service Station as an approved use on Parcel ID 36-23-27-0000-00-004 only; 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 between Winter Garden Vineland Road (County Road 535) and Village Lake Road, immediately north of Silverlake Park Drive; Orange County, Florida (legal property description on file)

County staff noted that Condition of Approval #4 was modified to correct the spelling of the word "principle" found in the staff report.

Condition of Approval #4 to read as follows:

Auto Service Station shall be a permitted use on Parcel ID Number 36-23-27-0000-00-004 only. If the auto service station is to include fuel pumps, the fuel pumps shall be located to the rear of the principal structure.

The following person addressed the Board: Jim Willard.

### Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Dennis Seliga, Lakeside Village Commercial Venture, LLC, Lakeside Village Center South Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-10-306, to add Auto Service Station as an approved use on Parcel ID 36-23-27-0000-00-004 only; which constitutes a substantial change to the development on the described property; subject to the following conditions:

- 1. Development shall conform to the Lakeside Village Center South Planned Development / Land Use Plan (PD/LUP) dated "Received November 6, 2015," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses. densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received November 6, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this

condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 4. Auto Service Station shall be a permitted use on Parcel ID Number 36-23-27-0000-00-004 only. If the auto service station is to include fuel pumps, the fuel pumps shall be located to the rear of the <u>principal</u> structure.
- 5. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
- 6. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 8, 2014, shall apply:
  - a. The following waivers from Orange County Code are granted:
    - 1) A waiver from Section 38-1382(i) to allow the APF Park in Tract 7 of the Frye Center PD to count toward the required public open space and public tracts requirements.
    - 2) A waiver from Section 38-1389(c)(4) to allow the maximum allowable gross floor area per retail establishment (for pharmacy, home improvement store and multi-tenant retail building uses only) to be fifteen thousand (15,000) square feet, in lieu of a maximum allowable gross floor area per retail establishment (excluding grocery stores) of seven-thousand five hundred (7,500) square feet.
    - 3) A waiver from Sections 38-1389(b), 38-1389(d)(3)(g), and 38-1389(d)(3)(g)(1) to:
      - a) Allow for the build-to line of all primary buildings, structures, walks, and fences to be a maximum of seventy feet (70') from all public street frontages, in lieu of ten feet (10');

- b) Allow 100% of the required build-to line frontage to consist of only landscaped street-walls, in lieu of a maximum fifty percent (50%) of the required build-to line frontage to consist of landscaped street-walls.
- c) Allow for one hundred percent (100%) of any street frontage of a building to vary from the build-to line, up to a maximum of seventy feet (70'), in lieu of the requirement that up to twenty-five percent (25%) of any street frontage of a building may vary from the build-to line.
- 4) A waiver from Section 38-1389(d)(3)(g)(4) to allow at least one primary building street-facing façade to have a minimum of fifty percent (50%) transparency on the ground floor, and a minimum of twenty-five percent (25%) transparency or agreed-upon architectural features as part of DP review on the ground floors of all other street facing building facades, in lieu of the requirement that street-facing facades for ground floors of all buildings shall have a minimum of fifty percent (50%) transparency.
- 5) A waiver from Section 38-1389(d) (4) (d) to:
  - a) Allow parking lots to be located along all Village Lake Road and Silverlake Park Drive frontage when a knee wall and landscaping are placed between the parking area and the road, in lieu of the requirement that parking lots shall be located on a maximum of sixtyfive percent (65%) of these right-of-way frontages; and
  - b) Allow a maximum three hundred foot (300') frontage per lot for parking lots along any street, in lieu of the requirement that the maximum frontage for parking lots along any other street shall be two-hundred feet (200').
- 6) A waiver from Section 38-1389(d)(4)(g)(1) to allow parking lots and garages to abut street intersections and civic use areas, in lieu of not allowing parking lots and garages to abut street intersections and civic use areas.
- 7) A waiver from Section 38-1389(d)(4)(h) to allow one (1) drive aisle and one (1) row of parking in front of buildings located along Village Lake Road and Silverlake Park Drive, and one (1) drive aisle in front of buildings located along CR 535, in lieu of the requirement that off-street parking be located to the rear or side of buildings.
- 8) A waiver from Sections 38-1389(d)(4)(h) and 38-1476(a) to allow a reduced parking ratio for banks and other financial / lending institutions of

one space per 200 square feet, in lieu of the required parking ratio of one space per 100 square feet.

- 9) The following waivers from Orange County Code Section 38-1389(d)(5), which are also documented on the Lakeside Village Center South PD Master Sign Plan, are granted:
  - a) A waiver from Sections 38-1389(d)(5)(b)(1)(i) and (ii) to:
    - Allow two (2) ground signs per access drive, not to exceed 130 square feet per sign, in lieu of one (1) ground sign per access drive, not to exceed sixty (60) square feet per sign; and
    - Allow a maximum of one (1) ground sign per lot within the PD up to a maximum of seven (7) ground signs for the entire PD, in lieu of the requirement of a maximum of two (2) ground signs per principal parcel or project.
  - b) A waiver from Section 38-1389(d)(5)(b)(1)(v) to allow a minimum separation for ground signs of thirty feet (30'), in lieu of a minimum separation for ground signs of one-hundred feet (100').
  - c) A waiver from Section 38-1389(d)(5)(b)(2)(i) to allow a maximum copy area of one (1) square foot for each one (1) linear foot of building frontage, up to a maximum of seventy-five (75) square feet per establishment for wall or fascia signs, in lieu of the maximum copy area requirements set forth in Section 38-1389(d)(5)(b)(2)(i)(1) - (5).
  - d) A waiver from Section 38-1389(d)(5)(b)(2)(vi) to allow signs to be erected on any building face for any outparcel or lot, in lieu of allowing signs to be erected on any building face for any outparcel only.
- 10) A waiver from Section 38-1389(d)(6)(d)(3) to eliminate the requirement that the edge of vehicle use areas which abut an adjacent property be planted with shrubs at least three feet (3') high at the time of planting with a maximum spacing of thirty inches (30") on center with canopy trees and understory trees, when the vehicle areas of such adjacent properties are shared and located internal to the overall Village Center District. This waiver shall not be applicable to the frontages of parcels or tracts located along County Road 535.
- b. Prior to or as a part of platting, this development shall join the MSBU for street lighting that has been created for this area. Developer shall be responsible for the installation of street lights along Silverlake Park Drive and Village Lake Road.

- c. 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.
- d. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
- e. 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).
- f. Construction plans with this PD shall be consistent with an approved and upto-date Master Utility Plan (MUP).
- g. Any proposed self-storage facility design guidelines shall be subject to approval by the Board of County Commissioners at a public hearing.
- h. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Horizon West Village Center standards with the exception of any waivers / variances granted by the Board of County Commissioners, and as reflected on the approved Master Sign Plan.
- i. This property shall comply with the applicable Horizon West development standards, unless explicitly waived by the Board of County Commissioners.
- j. Outdoor sales, storage and display shall be prohibited with the exception of the special events location as depicted on the Land Use Plan.
- k. 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.
- I. Special events may be held on the area designated as "Special Event Area" on the PD Land Use Plan throughout the calendar year. The Zoning Manager in consultation with the Division of Building Safety and the Fire Rescue Department shall review special events, and all special events shall be subject to all applicable permits. With the exception of a farmers' market, a special event shall not have duration beyond 72 hours. In no instance shall the following be permitted:
  - 1) Car sale events, i.e., events featuring or promoting the sale of new or used vehicles;
  - 2) Boat sale events, i.e., events featuring or promoting the sale of new or used boats; or

- Special events featuring the sale of merchandise which is not customarily sold by uses permitted in the Orange County Commercial (C-1) Zoning District.
- m. The following conditional uses are permitted:
  - 1) Drive-through, in conjunction with drug stores, banks, and restaurants, including fast food, which shall not be oriented so as to face County Road 535 or Village Lake Road;
  - 2) Child care centers;
  - 3) Freestanding car washes that are enclosed on two (2) sides; and
  - 4) Self-storage facilities
- n. All of the lands within the Lakeside Village Center South PD (the "PD Property") were previously located within the geographic boundaries of the Lake Reams Neighborhood PD and the Frye PD, and were therefore subject to either: (i) that certain "Lake Reams Neighborhood PD Development Agreement" between Ashton Woods Orlando Limited Partnership ("AW") and Orange County, Florida ("County") approved August 25, 1998, as amended by that certain "First Amendment to Lake Reams Neighborhood PD (Adequate Public Facilities) Development Agreement" between AW and County approved August 25, 1998, and recorded on January 23, 2007, in Official Records Book 9078, Page 0223, and on February 1, 2007, in Official Records Book 9094, Page 4310, of the Public Records of Orange County, Florida (collectively, the "Lake Reams PD APF Agreement"); or (ii) that certain "Amended and Restated Frye Center PD Adequate Public Facilities Agreement" among GS Properties, LLC ("GS"), Lakeside Village Center, LLC ("LVC"), and County approved July 8, 2008, and recorded on July 22, 2008, in Official Records Book 9733, Page 8846, of the Public Records of Orange County, Florida, as amended by that certain "First Amendment to the Amended and Restated Frye Center PD Adequate Public Facilities Agreement" among GS, LVC, and County approved July 13, 2010, and recorded on July 16, 2010, in Official Records Book 10076, Page 2001, of the Public Records of Orange County, Florida (collectively, the "Frye Center PD APF Agreement").

Division 2 of Article XIV of Chapter 30 of the Orange County Code, as amended (the "APF/TDR Ordinance"), requires that Owner either convey to County, or enter into a developer's agreement addressing the conveyance to County of, adequate public facilities lands ("APF Lands"). Both the Lake Reams PD APF Agreement and the Frye Center PD APF Agreement are "developer's agreements" within the meaning of Division 2 of the APF/TDR Ordinance. All portions of the PD Property to be conveyed to County as APF Lands pursuant to either the Lake Reams PD APF Agreement or the Frye Center PD APF Agreement have been conveyed to County prior to the date of the approval of the Lakeside Village Center South PD, or are obligated to be conveyed to County pursuant to the developer's agreements. As such, prior to the date of the approval of the Lakeside Village Center South PD, the PD Property has satisfied the requirements of Division 2 of the APF/TDR Ordinance.

o. Developer shall provide documentation of the legal right to use and join the Master Stormwater System of the Lake Reams Neighborhood PD / Sharp PSP.

# NOTE: THE FOLLOWING PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

#### Substantial Change

- 7: Raymond Stangle, Jordan & Associates, LLC, Vista Centre Planned Development (PD), Case # CDR-15-06-164, amend plan; District 1 (Continued from December 15, 2015)
- Applicant: Raymond Stangle, Jordan & Associates, LLC, Vista Centre Planned Development (PD), Case # CDR-15-06-164
- Consideration: Substantial change request to amend the Vista Centre PD by amending PD Parcel 4 development entitlements from 7,000 square feet of commercial (restaurant with 280 seats) to 14,100 square feet of commercial (restaurant, gift shop, and tourist information kiosk). In addition, the following five (5) waivers are requested from Orange County Code:
  - 1. A waiver from Chapter 38-1234(3)(d) to provide a minimum open space of twenty-three percent (23%) in lieu of a minimum twenty-five percent (25%) open space.
  - A waiver from Section 38-1272(a)(1) to allow a maximum impervious coverage of eighty-two (82) percent for commercial development, in lieu of a maximum impervious coverage of seventy (70) percent for commercial development.
  - 3. A waiver from Section 38-1287(1) & (2) to allow a minimum thirtyfive (35) foot building setback from an abutting arterial right-of-way for the proposed tourist information kiosk and main building, in lieu of a minimum sixty (60) foot building setback from an abutting arterial right-of-way.
  - 4: A waiver from Section 38-1287 (2) & (4) to allow a minimum five (5) foot setback from the northern side property line only, in lieu of a minimum thirty (30) foot side property line setback, and a minimum seven and one-half (7.5) foot paving setback.
  - 5. A waiver to allow required parking for this development to be determined by the provisions of Chapter 38-1478 only, in lieu of the

parking calculation requirements for "restaurants" and "general business establishments" as otherwise listed in Chapter 38-1476(a); 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 12399 S. Apopka Vineland Road; generally located on the east of S.R. 535, approximately 400 feet south of Palm Parkway; Orange County, Florida (legal property description on file)

Court Reporter: Jan Osteen, First Choice Reporting

and

**Development Plan** 

- Raymond Stangle, Jordan & Associates Consulting, LLC, Vista Centre PD / Black Angus Development Plan (DP) – Case # DP-15-06-162; District 1 (Continued from December 15, 2015)
- Applicant:Raymond Stangle, Jordan & Associates Consulting, LLC, Vista Centre<br/>PD / Black Angus Development Plan (DP) Case # DP-15-06-162
- Consideration: Vista Centre PD / Black Angus Development Plan (DP) submitted in accordance with Article II of the Orange County Subdivision Regulations; This request is to construct a 7,860 square foot gift shop, a 6,000 square foot (196 seat) restaurant, an 80 square foot tourist information kiosk and a small miniature golf area on 1.16 acres.
- Location: District 1, property located at 12399 S. Apopka Vineland Road; generally located on the east of S.R. 535, approximately 400 feet south of Palm Parkway; Orange County, Florida (legal property description on file in Planning Division)

Court Reporter: Jan Osteen, First Choice Reporting

The following person addressed the Board: Jo Thacker.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Raymond Stangle, Jordan & Associates, LLC, Vista Centre Planned Development (PD), Case # CDR-15-06-164, to amend the Vista Centre PD by amending PD Parcel 4 development entitlements from 7,000 square feet of commercial (restaurant with 280 seats) to 14,100 square feet of commercial (restaurant, gift shop, and tourist information kiosk); and further, the following five (5) waivers are requested from Orange County Code:

1. A waiver from Chapter 38-1234(3)(d) to provide a minimum open space of twentythree percent (23%) in lieu of a minimum twenty-five percent (25%) open space.

- 2. A waiver from Section 38-1272(a)(1) to allow a maximum impervious coverage of eighty-two (82) percent for commercial development, in lieu of a maximum impervious coverage of seventy (70) percent for commercial development.
- 3. A waiver from Section 38-1287(1) & (2) to allow a minimum thirty-five (35) foot building setback from an abutting arterial right-of-way for the proposed tourist information kiosk and main building, in lieu of a minimum sixty (60) foot building setback from an abutting arterial right-of-way.
- 4. A waiver from Section 38-1287 (2) & (4) to allow a minimum five (5) foot setback from the northern side property line only, in lieu of a minimum thirty (30) foot side property line setback, and a minimum seven and one-half (7.5) foot paving setback.
- 5. A waiver to allow required parking for this development to be determined by the provisions of Chapter 38-1478 only, in lieu of the parking calculation requirements for "restaurants" and "general business establishments" as otherwise listed in Chapter 38-1476(a);

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

- 1. Development shall conform to the Vista Centre Planned Development / Land Use Plan (PD/LUP) dated "Received November 10, 2015" and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities and intensities described in such Land Use Plan, subject to those uses, densities and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the land use plan dated "Received November 10, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to

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

- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 4. Outdoor sales, storage and display shall be prohibited.
- 5. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.
- 6. Consistent with the policies for the International Drive Activity Center, right of way is required for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement is required for future roadway improvements. The applicant will be required to coordinate conveyance of ROW with the Road Agreement Committee.
- 7. The following waivers from Orange County Code are granted and applicable to PD Parcel 4 only:
  - a. A waiver from Section 38-1234(3)(d) to provide a minimum open space of twenty-three percent (23%) in lieu of a minimum twenty-five percent (25%) open space.
  - b. A waiver from Section 38-1272(a)(1) to allow a maximum impervious coverage of eighty-two (82) percent for commercial development, in lieu of a maximum impervious coverage of seventy (70) percent for commercial development.
  - c. A waiver from Section 38-1287(1) to allow a minimum thirty-five (35) foot building setback from an abutting arterial right-of-way for the proposed tourist information kiosk and main building, in lieu of a minimum sixty (60) foot building setback from an abutting arterial right-of-way.
  - d. A waiver from Section 38-1287(2) & (4) to allow a minimum five (5) foot setback from the northern side property line only, in lieu of a minimum thirty (30) foot side property line setback, and a minimum seven and one-half (7.5) foot paving setback.
  - e. A waiver to allow required parking for this development to be determined by the provisions of Section 38-1478 only, in lieu of the parking calculation

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requirements for "restaurants" and "general business establishments" as otherwise described in Section 38-1476(a).

- 8. Use of any proposed parking lift within PD Parcel 4 shall be limited to employees only.
- 9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 1, 1984, shall apply:
  - a. The proposed uses would be those permitted under C-1 and C-2 zoning district with the following exceptions:
    - 1) Service stations / auto repair
    - 2) Fast food restaurant
    - 3) Sales of new or used automobiles, motor cycles, mobile homes, boats, recreational vehicles
      - 4) Outdoor storage of merchandise parts or equipment visible from a public right-of-way
      - 5) Portable signs
  - b. Extensive buffering will be required the length of the property where the property abuts R-CE zoned property.
  - c. Building setbacks from SR 535 are 110 feet from centerline and 60 feet or right-of-way from the centerline, or as otherwise approved by the BCC.
  - d. Street Improvements:
    - 1) Reconstruction of State Road 535 to six-lanes from Palm Parkway to Interstate 4 shall be provided by the developer of the Camino Real PD prior to certificates of occupancy being issued beyond the reduced Phase 1, which shall consist of 43% of the total approved projected traffic generation, and is equivalent to the prime hotel site (640 rooms), 30,000 square feet of commercial and 3.2 acres for the spa/tennis tract. The developer will enter into a developer's agreement with the County to the foregoing effect prior to development plan approval.
    - 2) At the time of submittal of development plans for Phase 2 and 3, the developer shall provide for a two lane public road connection to Lakes Avenue, the developer shall be required to pave Lake Avenue through a two lane facility, from the eastern boundary of the Camino Real property to Apopka-Vineland Road when access is required by Orange County.

- 3) At the time of submittal of the development plans, provision shall be made for participation in the adopted southwest corridor mass transit facility plan.
- 4) All roads shall be designed in accordance with the manual on uniform standards for design, construction and maintenance for streets and highways, State of Florida and at the time of plan submittal, the engineer of record shall submit certification that the project complies with the minimum standards for street design.
- 5) Prior to engineering approval of construction plans, the developer shall submit a soils report including soil borings at a maximum interval along street centerlines of 500 feet. The minimum depth of boring shall be five (5) feet below profile grade, or two (2) feet below the storm or sanitary sewer, whichever is greater. Not less than two borings shall be taken per street, AASHTO soils classification, gradation, determination of water table elevation (24 hour test), and anticipated wet/dry season fluctuation shall be included in said report.
- 6) The typical road cross section shall conform to County standards. Swale drainage will be permitted only if the subgrade soil conditions are suitable as certified soils engineer and provided that the wet weather water table elevation is at least two (2) feet below the invert of the swales.
- 7) Intersection improvements are required at SR 535 and Palm Parkway. Specific improvement shall be identified by the development review committee at the time of submission of development plans.
- 8) Dedication of access rights to Orange County from all lots adjacent to SR 535, Palm Parkway and Lake Avenue, except at location approved by the County Engineer.
- e. Stormwater Management:
  - 1) A Stormwater Management Plans shall comply with the Orange County Ordinance #81-19 and shall be subjected to the approval of the County Engineer. Discharge of stormwater from this site shall be in accordance with the Reedy Creek Drainage District and Orange County Agreement, which limits discharge to 13 CSM, unless otherwise amended by agreement with Reedy Creek. The Storm water Management design shall conform to all jurisdictional regulatory agency criteria and any contractual or jurisdictionally imposed requirement in force at the time of development. If the proposed Lake System is to be utilized as an amenity, then upland retention will be required for pollution purposes only unless an alternative system is acceptable to the County Engineer.

- 2) Developer will sign a developer's agreement to run with the land specifying maintenance and liability responsibility to property owner's association.
- 3) Provide easements for retention areas and record developer's agreement for maintenance.
- 4) Upland retention facility shall be designed with a "Dry Bottom".
- 5) A detailed lot grading plan shall be required prior to construction plan approval.
- f. Fire protection and Public Utilities:
  - 1) The developer shall be required to participate in the funding and equipment of a new fire substation. The amount to be paid is \$56.80 per ERU as a maximum and if there is a lesser county wide assessment fee payment will be for a lesser amount. Based on 114,000 square feet of commercial use the fee shall be \$22,361.00. The commercial fee will be pain in proportion to the square footage at the time of issuance of certificate of occupancy. Total fee amount to \$101,426.00.
  - 2) Fire protection shall be in accordance with the subdivision regulations.
  - 3) The developer shall obtain water and wastewater service from Orange County subject to County resolutions and Ordinances
- g. Permitted heights of development in the general commercial area shall be permitted up to, but limited to, five (5) story construction.
- h. Assurance from FHA/VA shall be provided concerning the continued availability of FHA/VA loans to adjoining residential property since this property's percolation pond will be located only 300 feet from the adjacent residential property. If such assurances cannot be provided, the percolation pond shall be relocated a minimum of 400 feet from the adjacent residential properties.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Vista Centre PD / Black Angus Development Plan (DP) – Case # DP- 15-06-162 on the described property, subject to the following conditions:

1. Development shall conform to the Vista Centre Planned Development; Orange County Board of County Commissioners (BCC) approvals; Black Angus

. . . . . . . .

Development Plan dated "November 20, 2015"; and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
  - 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
  - 4. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
  - 5. Outside sales, storage, and display shall be prohibited.
  - 6. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.
  - 7. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
  - 8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and

must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

- 9. Consistent with the policies for the International Drive Activity Center, right of way is required for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement is required for future roadway improvements. The applicant will be required to coordinate conveyance of ROW with the Road Agreement Committee.
- 10. The mechanical parking lift system will be used by employees only and will not be available for public use.
- 11. 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 DP.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

#### Ordinance

- 9. Amending Orange County Code, Chapter 20, pertaining to Emergency and Non-Emergency Medical Care and Transportation
- Consideration: AN ORDINANCE RELATING TO EMERGENCY AND NONEMERGENCY MEDICAL CARE AND TRANSPORTATION; AMENDING SECTION 20-56 OF THE ORANGE COUNTY CODE REGARDING THE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL: AMENDING SECTION 20-92 REGARDING APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; AMENDING SECTION 20-93 REGARDING DISPOSITION OF APPLICATIONS; AMENDING SECTION 20-96 REGARDING MODIFICATION AND RENEWAL OF CERTIFICATES: AMENDING SECTION 20-134 REGARDING MODIFICATION AND RENEWAL OF LICENSES AND PERMITS FOR ALTERNATIVE TRANSPORTATION SERVICES AND VEHICLES; AND PROVIDING AN EFFECTIVE DATE

and

# • COUNTY CONSENT AGENDA (CONTINUED)

County Attorney (Deferred)

3. Approval of Resolution of the Orange County Board of County Commissioners regarding the Orange County Emergency Medical Services Advisory Council; Reconstituting Such Board as to Duties, Number of Members and Membership Qualifications; Reorganizing the Board's Responsibilities and Authorities; effect of Resolution to replace and supersede all prior Resolutions concerning the Emergency Medical Services Advisory Council; and Providing an effective date.

Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board adopted Ordinance 2016-01 of the Board of County Commissioners of Orange County, Florida, relating to Emergency and Non-Emergency Medical Care and Transportation amending Sections 20-56, 20-92, 20-93, 20-96, and 20-134 of the Orange County Code; and further, approved Resolution 2016-M-06 regarding the Orange County Emergency Medical Services Advisory Council; Reconstituting Such Board as to Duties, Number of Members and Membership Qualifications; Reorganizing the Board's Responsibilities and Authorities.

Comprehensive Plan

10 Amending Orange County Code, adopting Session II 2015-2 Regular Cycle and Small Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP)

County staff announced this is the second Session of the 2015-2 Session 2 Regular Cycle and Small Scale Comprehensive Plan Amendments. It also includes two amendments from the 2014-2 Cycle relating to Innovation Way. Furthermore, Regular Cycle Privately-Initiated Future Land Use Map Amendment 2015-2-A-1-3 and the Majorca Concurrent Substantial Change public hearing was withdrawn and will not be heard.

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

Amendment:	2015-2-S-2-1					
Applicant/Owner:	Javier Omana, CNU-a, CPH, Inc./ Pizzuti Equities, Inc.					
Consideration:	Rural Settlement 1/1 (RS 1/1) to Commercial (C) (Rural Settlement)					
	(RS)					
Location:	8222 and 8236 Clarcona Ocoee Rd. and 5401, 5449, and 8069 N.					
	Apopka Vineland Rd.; Generally described as located on the south					
	side of Clarcona Ocoee Rd. and the east side of N. Apopka					

Vineland Rd., north of Kimbro Ln.; Parcel ID#'s 34-21-28-0000-00-016/045/047/048/049/056/060; 8.46 gross ac.

County staff announced that following the December 17, 2015, Local Planning Agency (LPA) hearing, the applicant informed staff he intended to ask for the Planned Development-Commercial (PD-C) Rural Settlement future land use designation. County staff supports the applicant's amended request of the future land use designation.

The following person addressed the Board: Javier Omana.

The applicant requested to modify their original request of Rural Settlement 1/1 to Commercial to Planned Development-Commercial within the Rural Settlement.

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

Motion/Second: Commissioners Nelson/Boyd

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective FLU8.2; Policies FLU1.4.4, FLU6.2.2, FLU6.2.9, FLU6.2.10, FLU8.2.1, and FLU8.2.10; Neighborhood Element Objective N1.1; and Open Space Element Policy OS1.3.6); further, determined that the proposed amendment is in compliance; and further, adopted the Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2015-2-S-2-1, Rural Settlement 1/1 (RS 1/1) to Planned Development-Commercial (PD-C) Rural Settlement (RS).

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

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

Amendment:	2015-2-S-6-1
Applicant/Owner:	Anthony R. Greco, Multiple Owners
Consideration:	NC (Neighborhood Center) to C (Commercial)
Location:	Generally described as the block located at the southeast corner of
	W. Michigan St. and S. Orange Blossom TI, Parcel ID#'s 03-23-29-
	0180-61-060/130/160/240/010/020/230/031/110/ 180/200; 3.48
	gross ac.

and

# **REZONING PUBLIC HEARING**

Applicant: Anthony R. Greco, Case # RZ-15-03-009
 Consideration: Request to rezone from NC (Neighborhood Center) and C-3 (Wholesale Commercial District) to C-3 (Wholesale Commercial District)
 Location: Generally described as the block located at the southeast corner of W. Michigan St. and S. Orange Blossom TI, Parcel ID#'s 03-23-29-0180-61-060/130/160/240/010/020/230/031/110/ 180/200; 3.48 gross ac.

The following persons addressed the Board:

- Michael Manley
- Anthony Greco
- Emmett O'Dell
- Max Spann

The following material was received by the Clerk prior to the close of the public hearing: Submittal 1, from Vanessa Pinkney.

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Based upon input from the District Commissioner, the following prohibitive uses were added to the rezoning:

- Tire dealerships

- New and used automobile pickup or van dealerships

Board discussion ensued.

Motion/Second: Commissioners Siplin/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU1, Objectives FLU1.1 and FLU1.4, and Policies FLU1.1.1, FLU1.1.4, FLU1.4.1, FLU1.4.2, and FLU1.4.3, and Economic Element Policy E2.3.2); further, determined that the proposed amendment is in compliance; and further, adopted the Small Scale Development Privately-Initiated Future Land Use Element Map Amendment 2015-2-S-6-1, Neighborhood Center (NC) to Commercial (C).

Motion/Second: Commissioners Siplin/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal, Objective and Policies FLU1, FLU1.1, FLU1.1, FLU1.1.4, FLU1.4, FLU 1.4.1, FLU 1.4.2, FLU 1.4.3 and Economic Element Policy E2.3.2); and further, approved the request by Anthony R. Greco, Case # RZ-15-03-009, to rezone from NC (Neighborhood Center) and C-3 (Wholesale Commercial District) to

C-3 (Wholesale Commercial District), on the described property; subject to the following restrictions:

Restrictions

1. The following land uses shall be prohibited:

Prohibited Uses

- Labor pools and labor halls, as defined by F.S. 448.22(1) and (3) respectively
- Any business which, as a material part of its services, provides loans secured by vehicle titles (often known as "car-title loans"), but not including financial institutions such as banks, credit unions, trust companies, consumer finance and retail installment lenders
- Any business commonly known as "check cashing," or any business which, as a material part of its services, provides future employment wages or other compensation (often known as "payday loans," or "payday advances"), but not including retail businesses which provide a check cashing services as an incidental part of their business and financial institutions such as banks, credit unions, and trust companies;
- Tattoo, body art, or body piercing businesses;
- Pawnshops, as defined by section 539.001, Florida Statutes;
- Bail bond agencies, as defined by section 648.25(1), Florida Statutes;
- Flea markets, except for those operating in conjunction with not-for-profit functions;
- Fortune tellers, tarot cards readers, palm readers, psychics, and similar businesses;
- Dating services, escort services, or valet services;
- Outdoor storage of tires and vehicles, including boats;
- Bottle clubs;
- Fireworks retailers
- Tire dealerships
- New and used automobile pickup or van dealerships
- 2. New pole signs and billboards shall be prohibited.

SMALL SCALE ORDINANCE/COMPREHENSIVE PLAN PUBLIC HEARING

Amending Orange County Code, adopting Second Cycle 2015-2 Small Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184, and Section 163.3187 F.S.

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

Motion/Second: **Commissioners Edwards/Thompson** Absent: Commissioner Nelson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the amendments are in compliance; further, adopted Small Scale Comprehensive Plan Amendment Ordinance 2016-02, consistent with today's actions; and further, approved the proposed Future Land Use Map Amendments.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE MAP AND CONCURRENT SUBSTANTIAL CHANGE REQUEST

Amendment:	2015-2-A-1-3
Applicant/Owner:	Jim Hall, VHB, Inc. / WPFF Majorca Land Investor, LLC
Consideration:	Commercial (C) to High Density Residential (HDR)
Location:	Generally described as 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-
	030/031; 24.31 gross ac.

and

# SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant:	Jim Hall, VHB, Inc. / WPFF Majorca Land Investor, LLC, Majorca
	Planned Development (PD), Case # CDR-15-07-205

- 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 multifamily 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;
- 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; and
- 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 described as located on the west side of Majorca PI., west of Turkey Lake Rd., north of W. Sand Lake Rd., south of Toscana Blvd., and east of Dr. Phillips Blvd., Parcel ID#s 26-23-28-5411-00-030/031; 24.31 gross ac.

(Privately-Initiated Future Land Use Map Amendment 2015-2-A-1-3 and Majorca Planned Development, Case # CDR-15-07-205 Substantial Change public hearing were withdrawn.)

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE TEXT AMENDMENT

Amendment:2015-2-P-FLUE-2Consideration:Text amendment to Future Land Use Element establishing Policy<br/>FLU6.2.16 related to Rural Settlement Low Density (RSLD) Future<br/>Land Use designation

and

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE MAP (FLUM) AMENDMENT AND CONCURRENT REZONING REQUEST

Amendment:2015-2-A-1-5Applicant/Owner:Robert Holston & Major Stacy for Fire Creek at Gotha LLC, et alConsideration:Rural Settlement 1/1 (RS 1/1) to Rural Settlement Low Density<br/>(RSLD)

Location: Generally described as located on the north side of Moore Rd. and Park Ridge Gotha Rd., east of 7th Ave., and west of Dingens Ave.; 27.5 ac.

and

# **REZONING PUBLIC HEARING**

- Applicant/Onwer: Robert Holston & Major Stacy for Fire Creek at Gotha LLC, et al, Fire Creek at Gotha Planned Development (PD), Case # LUP-15-09-248
- Consideration: Request to rezone from A-1 (Citrus Rural District) and R-CE (Country Estate District) to PD (Planned Development), with the following waivers:
  - 1) A waiver from the R-1AAA District Standards of Orange County Code Sec. 38-1405(g) to allow for a side street corner setback of 12.5 feet, in lieu of 15 feet;
  - 2) A waiver from the R-1AAA District Standards of Orange County Code Sec. 38-1501, to allow a 20 foot front yard building setback, in lieu of 30 feet; and a 20 foot rear yard building setback, in lieu of 35 feet; and
  - 3) A waiver from the R-1AAA District Standards of Orange Code Sec. 38-1501, to allow a 7.5 foot side yard building setback, in lieu of 10 feet.
- Location: Generally described as located on the north side of Moore Rd. and Park Ridge Gotha Rd., east of 7th Ave., and west of Dingens Ave.; Parcel ID#s 33-22-28-3100-20-180/ 181/201; 33-22-28-3100-24-030/071; 33-22-28-3104-04-090/111; 33-22-28-3104-05-280/301/311/320/332; and 33-22-28-3100-15-110; 28.4 ac.
- MEMBER RE-ENTERED: Commissioner Nelson

The following persons addressed the Board:

- Bob Holston
- Kurt Ardaman
- Major Stacy
- Rick Geller
- Mohammed Abdallah
- Alan Byrd
- Jane Kennedy
- Michele Bumbier
- Mary Francis Fisher Howard
- Louise Meador
- Caroline Chomanics
- Stuart Rogers

- Marc Price
- Harry Strange
- Asim Ardaman
- Kathleen Klare
- Colleen Ardaman

# • RELINQUISHED CHAIR

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

The following persons addressed the Board:

- Margaret Ann Hornsby
- Rita Schoeffler
- Ray Schoeffler
- Maria Bolton-Joubert
- REASSUMED CHAIR

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

The following persons addressed the Board:

- Theresa Schretzmann-Myers
- Angela Withers
- Ricardo Cumberbatch
- Rainer Richter
- Eric Papalini
- Rob Morris
- James Reinert
- Stephen Skipper
- Tom Wilson
- Gail Holder

• RELINQUISHED CHAIR

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

The following persons addressed the Board:

- Conner Leigh Morris
- Linda O'Keefe
- Frank Baloun
- Eric Baloun
- Mike Kelsey
- Terry Rodgers
- Donna Johnson

### • REASSUMED CHAIR

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

The following persons addressed the Board:

- Joseph Smucz
- Dante Gabriel
- Doreen Hargreaves
- MEMBER EXITED: Commissioner Nelson

The following persons addressed the Board:

- Stephanie Josephs
- Kristin Harris
- Denzell Simmons
- Neal McFarland
- Debra Posgai
- Scott Richman
- Ron Blessing
- Bill Hohns
- Mary Solik

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

- Exhibit 1, from Bob Holston
- Exhibit 2, from Kurt Ardaman
- Exhibit 3, from Major Stacy
- Exhibit 4, from Rick Geller
- Exhibit 5, from Mohammed Abdallah
- Exhibit 6, from Alan Byrd
- Exhibit 7, from Eric Papalini
- Exhibit 8, from Donna Johnson
- Exhibit 9, from Donna Johnson
- Exhibit 10, from Joseph Smucz
- Exhibit 11, from Dante Gabriel
- Exhibit 12, from Doreen Hargreaves
- Exhibit 13, from Doreen Hargreaves
- Exhibit 14, from Neal McFarland
- Exhibit 15, from Scott Richman
- Exhibit 16, from Bob Hohns
- Exhibit 17, from Alan Byrd

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

- Submittal 1, from Alan Byrd
- Submittal 2, from Doreen Hargreaves
- Submittal 3, from Denzel Simmons

Board discussion ensued.

(Privately-Initiated Text Amendment 2015-2-P-FLUE-2, Privately-Initiated Future Land Use Map Amendment 2015-2-A-1-5 and Fire Creek at Gotha Planned Development (PD), Case # LUP-15-09-248 Rezoning public hearing were withdrawn.)

Amendments 2014-2-C-CP-1, 2014-2-A-4-4 and 2015-2-B-FLUE-4, which deal with Innovation Way, were deferred for consideration until after the Board heard testimony of Public Hearing H11 pertaining to the proposed repeal of the Jobs-To-Housing Linkage Program Ordinance.

# Ordinance

- 11. Repealing Orange County Code, Article XVI of Chapter 30, pertaining to the Jobs-To-Housing Linkage program for the Innovation Way Overlay
- Consideration: AN ORDINANCE OF ORANGE COUNTY, FLORIDA, REPEALING THE JOBS-TO-HOUSING LINKAGE PROGRAM ORDINANCE FOR THE INNOVATION WAY OVERLAY, ADOPTED AS ORDINANCE NO. 2010-05 AND CODIFIED AT SECTION 30-751 THROUGH SECTION 30-761 OF ARTICLE XVI OF CHAPTER 30 OF THE ORANGE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

The following person addressed the Board: Suzanne Arnold.

Motion/Second: Commissioners Clarke/Thompson

Absent: Commissioner Nelson

AYE (voice vote): All present members

Action: The Board adopted Ordinance 2016-03, consistent with today's actions, repealing the "Jobs-to-Housing Linkage Program Ordinance for the Innovation Way Overlay", codified at Section 30-751 through Section 30-761 of Article XVI of Chapter 30 of Orange County Code.

# Comprehensive Plan (Continued)

10 Amending Orange County Code, adopting Session II 2015-2 Regular Cycle and Small Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP)

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT DEFERRED

Amendment:2014-2-C-CP-1Consideration:Amendments to the Goals, Objectives, and Policies and maps in the<br/>Comprehensive Plan related to the Innovation Way Overlay

County staff presented to the Board a proposed modification to add the following language to the end of Policy FLU5.1.5 to read as follows:

Implementation and Transect-Based Approach. Transect-based planning shall be used to design complete communities requiring walkable streets, mix of uses, transportation options, and housing diversity. Transect-based planning and incremental urbanism allows for communities to evolve sustainably over generations. The IW-PD-RP shall identify and locate transects and districts to ensure the basis for a complete neighborhood structure within which a development program is planned that includes a mix of residential and nonresidential uses and furthers the Innovation Way vision. Development programs are based on the net developable land area which excludes natural water bodies and conservation (wetland) areas. The Innovation Way transect zones and corresponding Innovation Way districts are <del>outlined</del> <u>described</u> in FLU5.1.5A and FLU5.1.5B, respectively. The IW-PD-RP shall also include a proposed plan for the provision of a diversity of housing types including housing supportive of planned workforce in the RP area. In addition, if applicable, strategies shall be included linking the provision of land for high value jobs and economic catalyst industries in balance with the provision of housing within the project.

County staff proposed additional changes to Policies FLU5.2.1, FLU5.5.1 and FLU5.5.3 regarding Innovation Way to read as follows:

# FLU5.2.1

Innovation Way Future Land Use Map Amendment <u>FLUM</u>. A Future Land Use Map amendment for properties within the Innovation Way Overlay shall require the following:

<u>C.</u> Environmental Land Stewardship: Identification of the amount and type of land to be dedicated to Orange County to satisfy the requirements of the Environmental Land Stewardship Program, consistent with Ordinance 2010-04. Data must be based on professionally acceptable standards and analysis and identification of ELSP lands shall be <u>based on consistent</u> with the following sources: the Innovation Way Study, Florida Natural Areas Inventory, St. Johns River and South Florida Water Management District

Databases, Florida Land Use <u>and</u> Cover Classification Systems, <u>National Soil Natural</u> <u>Resources</u> Conservation Service, Federal Emergency Management Agency, Florida Fish and Wildlife Conservation Commission Habitat Model Data, and specific site indicators such as topography, vegetation, soils data, floodplain information, and other field observations.

# FLU5.5.1

The requirement for Innovation Way property owners to participate in the Environmental Land Stewardship Program (ELSP) is hereby incorporated into the Comprehensive Plan pursuant to Chapter 163, Florida Statutes. Once established, land within an environmental land stewardship area may not be removed through a plan amendment. The requirements for the ELSP program, referred to in the following Policies as the "Program" have been adopted by Ordinance No. 2010-04.

The ELS Program shall include measures to ensure perpetual protection of certain ecologically important lands within the Innovation Way Study Area consistent with the principles <u>identified in FLU 5.5.2</u>. These lands include conservation areas, certain developable areas, stewardship lands and preservation areas. The Innovation Way ELSP Conceptual Map 2009 is a guiding document that conceptually shows the location of lands to be included in the ELSP.

# FLU5.5.3

All property owners seeking a CRP and/or IW-PD-RP, DRI Development Order (DO) or rezoning within the Innovation Way Area Overlay must commit to the protection of stewardship Lands or dedicate suitable lands to the County or a County-approved conservation-oriented public or private entity. The proposed Stewardship lands also shall be reflected on all relevabt rezoning applications pursuant to the requirements of the ELSP Ordinance. If the proposed stewardship land is either partially or completely within the Econlockhatchee Basin, the land to be protected or development rights to be dedicated shall be uplands within or abutting the River Protection Zone as defined by Chapter 15, Article XI, Section 15-443(1) as amended from time to time.

Motion/Second:	Commissioners Thompson/Edwards
----------------	--------------------------------

Absent: Commissioner Nelson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, adopted the Staff-Initiated Comprehensive Plan Map Amendment 2014-2-C-CP-1, with the following changes to Policies FLU5.1.5, FLU5.2.1, FLU5.5.1 and FLU5.5.3 as follows:

# FLU5.1.5

Implementation and Transect-Based Approach. Transect-based planning shall be used to design complete communities requiring walkable streets, mix of uses, transportation options, and housing diversity. Transect-based planning and incremental urbanism allows for communities to evolve sustainably over generations. The IW-PD-RP shall identify and locate transects and districts to ensure the basis for a complete neighborhood structure within which a development program is planned that includes a mix of residential and nonresidential uses and furthers the Innovation Way vision. Development programs are based on the net developable land area which excludes natural water bodies and conservation (wetland) areas. The Innovation Way transect zones and corresponding Innovation Way districts are <del>outlined</del> <u>described</u> in FLU5.1.5A and FLU5.1.5B, respectively. The IW-PD-RP shall also include a proposed plan for the provision of a diversity of housing types including housing supportive of planned workforce in the RP area. In addition, if applicable, strategies shall be included linking the provision of land for high value jobs and economic catalyst industries in balance with the provision of housing within the project.

#### FLU5.2.1

Innovation Way Future Land Use Map Amendment FLUM. A Future Land Use Map amendment for properties within the Innovation Way Overlay shall require the following:

<u>C.</u> Environmental Land Stewardship: Identification of the amount and type of land to be dedicated to Orange County to satisfy the requirements of the Environmental Land Stewardship Program, consistent with Ordinance 2010-04. Data must be based on professionally acceptable standards and analysis and identification of ELSP lands shall be <u>based on consistent</u> with the following sources: the Innovation Way Study, Florida Natural Areas Inventory, St. Johns River and South Florida Water Management District Databases, Florida Land Use <u>and</u> Cover Classification Systems, <u>National Soil Natural Resources</u> Conservation Service, Federal Emergency Management Agency, Florida Fish and Wildlife Conservation Commission Habitat Model Data, and specific site indicators such as topography, vegetation, soils data, floodplain information, and other field observations.

#### FLU5.5.1

The requirement for Innovation Way property owners to participate in the Environmental Land Stewardship Program (ELSP) is hereby incorporated into the Comprehensive Plan pursuant to Chapter 163, Florida Statutes. Once established, land within an environmental land stewardship area may not be removed through a plan amendment. The requirements for the ELSP program, referred to in the following Policies as the "Program" have been adopted by Ordinance No. 2010-04.

The ELS Program shall include measures to ensure perpetual protection of certain ecologically important lands within the Innovation Way Study Area consistent with the principles <u>identified in FLU 5.5.2</u>. These lands include conservation areas, certain developable areas, stewardship lands and preservation areas. The Innovation Way ELSP Conceptual Map 2009 is a guiding document that conceptually shows the location of lands to be included in the ELSP.

#### FLU5.5.3

All property owners seeking a CRP and/or IW-PD-RP, DRI Development Order (DO) or rezoning within the Innovation Way Area <u>Overlay</u> must commit to the protection of stewardship Lands or dedicate suitable lands to the County or a County-approved

conservation-oriented public or private entity. The proposed Stewardship lands also shall be reflected on all relevabt rezoning applications pursuant to the requirements of the ELSP Ordinance. If the proposed stewardship land is either partially or completely within the Econlockhatchee Basin, the land to be protectd or development rights to be dedicated shall be uplands within or abutting the River Protection Zone as defined by Chapter 15, Article XI, Section 15-443(1) as amended from time to time.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

# REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE MAP (FLUM) AMENDMENT DEFERRED

Amendment: Applicant/Owner:	2014-2-A-4-4 Thomas Daly, Daly Design Group for Rio Reale Properties Orlando,				
Applicant/Owner.	LLC.				
Consideration:	Rural (R) to Innovation Way (IW) and Urban Service Area (USA) Expansion				
Location:	Bunkhouse Rd.; Generally described as located south of Wewahootee Rd., north of TM Ranch Rd., Parcel ID# 01-24-31-0000-00-011; 1032.90 gross ac.				

and

# • COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

2. Approval of Environmental Land Stewardship Agreement Camino Reale Project by and between Camino Reale Properties, LLC, and Orange County. District 4. (Environmental Protection Division)

The following person addressed the Board: Tom Daly.

Motion/Second: Commissioners Thompson/Edwards

Absent: Commissioner Nelson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Policies FLU1.1.1, OBJ FLU1.2, FLU1.2.1 FLU1.2.2, OBJ FLU1.3, FLU1.3.1A, FLU1.3.2(f), GOAL FLU5, OBJ FLU5.1, FLU5.1.2, FLU5.1.5, FLU5.1.5A, FLU5.1.5B, FLU5.1.6, OBJ FLU5.2, FLU5.2.1, FLU5.2.2, FLU8.2.1, and Capital Improvements Element Policy CIE1.6.6, and Transportation Element Objectives OBJ T2.5 and OBJ T2.6); further, determined that the proposed amendment is in compliance; and further, adopted the Privately-Initiated Future Land Use Element Text Amendment 2014-2-A-4-4, Rural (R) to Innovation Way (IW).

Motion/Second:Commissioners Thompson/ClarkeAbsent:Commissioner NelsonAYE (voice vote):All present membersAction: The Board approved the Environmental Land Stewardship Agreement CaminoReale Project by and between Camino Reale Properties, LLC, and Orange County.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT DEFERRED

Amendment: 2015-2-B-FLUE-4

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

Motion/Second: Commissioners Thompson/Edwards

Absent: Commissioner Nelson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, adopted the Staff-Initiated Comprehensive Plan Text Amendment 2015-2-B-FLUE-4.

REGULAR CYCLE STATE-EXPEDITED REVIEW COMPREHENSIVE PLAN AMENDMENTS ORDINANCE

Amending Orange County Code, adopting Second Cycle 2015-2 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184 and Section 163.3187, F.S.

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2015 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING EFFECTIVE DATES

Motion/Second: Commissioners Clarke/Thompson

Absent: Commissioner Nelson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the amendments are in compliance; further, adopted Ordinance 2016-04, consistent with today's actions; and further, approved the proposed Future Land Use Map and Text Amendments.

- 12. Amending Orange County Code, Chapter 15, relating to the Environmental Land Stewardship Program
- Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY BY AMENDING CHAPTER 15 OF THE ORANGE COUNTY CODE RELATING TO THE ENVIRONMENTAL LAND STEWARDSHIP PROGRAM; AND PROVIDING AN EFFECTIVE DATE

Motion/Second:Commissioners Clarke/ThompsonAbsent:Commissioner NelsonAYE (voice vote):All present members

Action: The Board adopted Ordinance 2016-05, for the revisions to the Environmental Land Stewardship Program, consistent with today's actions.

• ADJOURNMENT, 7:45 p.m.

ATTEST:

County Mayor Teresa Jacobs

Date: \_\_\_\_

ATTEST SIGNATURE:

Martha O. Haynie County Comptroller as Clerk

Deputy Clerk

#### Attachment to "Request For Action" Number

16-004

Asset	Asset Description	Purchase Date	Original Cost	Depreciated Value	Department/Office last using equipment	Disposition Requested	Justification
006298	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	1/2/2008	160,996.00	0.00	Fire & Rescue	Trade in assets for a \$6,000 allowance	Assets have exceeded their life expectancy
006299	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	1/2/2008	160,996.00	0.00		toward the purchase of new equipment	
006500	RESCUE VEHICLE/AMBULANCE,INTERNATIONAL	1/2/2008	160,996.00	0.00			
006502	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	1/18/2008	160,996.00	0.00			
006505	RESCUE VEHICLE/AMBULANCE,INTERNATIONAL	1/18/2008	160,996.00	0.00			
006511	RESCUE VEHICLE/AMBULANCE, DODGE	1/15/2009	126,222.00	0.00			$\downarrow$
006521	RESCUE VEHICLE/AMBULANCE, DODGE	4/29/2010	132,657.00	21,235.51			Asset life to date maintenance & repair cost is \$80,380.
						· •	It is not economically feasible to repair or refurbish the asset.
006283	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	12/28/2004	141,768.00	0.00		Trade in assets for a \$7,000 allowance	Assets have exceeded their life expectancy
006290	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	12/30/2005	141,943.00	0.00		toward the purchase of new equipment	
006291	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	12/30/2005	141,943.00	0.00			
006292	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	12/30/2005	141,943.00	0.00			
006297	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	11/29/2006	150,869.00	0.00			
006504	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	1/18/2008	160,996.00	0.00		↓ ·	
006287	RESCUE VEHICLE/AMBULANCE.INTERNATIONAL	12/16/2004	141,768.00	0.00		Trade in asset for a \$7,500 allowance towards the purchase of new equipment	
006289	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	12/30/2005	141,943.00	0.00		Trade in assets for a \$8,000 allowance	
006293	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	12/30/2005	141,943.00			toward the purchase of new equipment	
006294	RESCUE VEHICLE/AMBULANCE, INTERNATIONAL	11/29/2006	150,869.00	0.00			
006295	RESCUE VEHICLE/AMBULANCE,INTERNATIONAL	11/29/2006	150,869.00	0.00		↓ ↓	
007290	ENGINE (PUMPER), FREIGHTLINER	9/27/2001	206,813.68	0.00	· .	Trade in assets for a \$17,000 allowance	
007291	ENGINE (PUMPER), FREIGHTLINER	9/27/2001	206,813.68	0.00		toward the purchase of new equipment	
007294	ENGINE (PUMPER), FREIGHTLINER	9/27/2001	206,813.68	0.00	$\checkmark$	4	$\downarrow$



Deputy County Attorney

Joel D. Prinsell

# COUNTY ATTORNEY JEFFREY J. NEWTON

201 South Rosalind Avenue • 3rd Reply To: Post Office Box 1393 Orlando, FL 32802-1393 407-836-7320 • Fax 407-836-5888 http://www.ocfl.nct

# AGENDA ITEM

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# **MEMORANDUM**

TO: Senior Assistant County Attorneys Lila McHenry FROM: Assistant County Attorneys Andrea Adibe **Roberta Alfonso** DATE: Edward M. Chew Anthony Cotter RE: Whitney E. Evers Wanzo Galloway, Jr. **Georgiana Holmes** Katherine W. Latorre Peter A. Lichtman Scott McHenry Sawsan Mohiuddin Scott Shevenell William Turner Legal Administrative Supervisor

Anna M. Caban

Senior Paralegal Kimberly Cundiff

Paralegals Cathy Saravanja, CP Maria Vargas, ACP and County Commissioners

Mayor Teresa Jacobs

Jeffrey J. Newton, County Attorney Scott McHenry, Assistant County Attorney Contact Phone: 407-836-7354

February 26, 2016

# Consent Agenda Item for Board Meeting on March 15, 2016.

-- Petitioner, Orange County vs. Respondents, Beryle S. Buchman, Kenneth W. Buchman, J. Miles Buchman, Carol Ann Cole, Thomas Cole, Elise A. Della Rocca, formerly known as Elise A. Solomon, Robert B. Solomon, Alfred F. Barrett ("Owners")

-- Trial Case No. 2008-CA-26977; Appellate Case No. 5D14-3544

-- Project: Eminent Domain -- Clarcona-Ocoee Road near 429 Expressway

- -- Awards: Severance Damages, Statutory Attorneys' Fees, Statutory Interest, Expert Fees and Costs and Appellate Fees and Costs
- Applicable Judgments/Orders: Order on Post Trial Motions and Final Judgment ("Trial Court Judgment") dated August 26, 2014; Appellate Court Opinion ("Appellate Opinion") dated January 18, 2016; and, Appellate Mandate ("Mandate") dated February 19, 2016 (collectively "Court Orders")

This Consent Agenda item requests authorization from the Board of County Commissioners (BCC) to pay amounts due to Owners pursuant to the attached Court Orders for severance damages, statutory attorneys' fees, statutory interest, expert fees and costs and appellate fees and costs in the total amount of \$2,354,716.04. Said amount will be payable from available funds in Public Works Accounting Line #1023-072-5112-6110. Amounts were previously paid to Owners for the parcels taken and related amounts (statutory fees, etc.).

**BACKGROUND:** This Orange County project involved the re-alignment, widening and improvement of Clarcona-Ocoee Road in West Orange County from a rural 2-lane road to a 4-lane road with a new traffic-signaled intersection. The original tract

Mayor Teresa Jacobs and County Commissioners February 26, 2016 Page 2

owned by the Owners (located just east of the SR 429 Expressway and south of Forest Lake Golf Club near the intersection of Clarcona-Ocoee Road and Lakewood Avenue) consisted of two parcels totaling 77 acres- 1 parcel to the north of Clarcona-Ocoee Road and 1 parcel to the south of Clarcona-Ocoee Road. The County acquired 2 parcels: (1) Parcel A consisting of approximately 3.5 acres; and (2) Parcel B totaling 19,220 sq.ft acquired as a drainage easement. The primary issue in the case concerned severance damages, if any, to the remainder.

At the conclusion of the first trial in 2010, the jury rendered a verdict of \$2,725,329 --- \$690,050 for the 2 parcels taken and \$2,035,279 in severance damages. If the County had simply acquiesced to that verdict and immediately paid all amounts due, it would have owed approximately \$3.5 million inclusive of attorneys' fees and expert fees and costs.<sup>1</sup> However, the County believed (and the Appellate Court later agreed) that the severance damage award was based upon an erroneous jury instruction. Therefore, County appealed the 2010 verdict and was successful in having the severance damage portion overturned based upon the erroneous jury instruction and the case was remanded for a new trial on severance damages <u>only</u>.<sup>2</sup>

Thereafter, in 2013, a second trial was held on the issue of severance damages only. The jury returned a <u>net</u> severance damage verdict of approximately \$200,000 (after subtracting an amount for enhancement in value of the property as a result of the project) but the trial court judge decided that an "additur," i.e. an additional amount tacked onto the jury verdict, was appropriate and increased the net severance damage award to \$1,107,188. The County again appealed this time based upon what it believed to be an unauthorized additur by the trial judge and the property owners filed a cross-appeal. The 5<sup>th</sup> DCA has now affirmed in all respects denying the County's appeal but also denying the property owners cross-appeal.

In summary, the County will now have to pay approximately \$3.3 million<sup>3</sup> instead of the 2010 jury verdict of approximately \$3.5 million for a net savings to taxpayers of approximately \$200,000 as a result of County's efforts through the appellate process.

<sup>1</sup> \$690,050 for the 2 parcels taken; \$2,035,279 in severance damages; \$477,055 attorneys' fees; and \$284,295 expert fees and costs as well as statutory interest on some of the foregoing items.

<sup>2</sup> The 5<sup>th</sup> DCA affirmed the jury verdict of \$690,050 for the 2 parcels taken.

<sup>3</sup> The County has previously paid approximately \$1 million of this amount.

Mayor Teresa Jacobs and County Commissioners February 26, 2016 Page 3

The following back up materials are attached: 1. Trial Court Judgment; 2. Appellate Opinion; and 3. Mandate.

ACTION REQUESTED: Approval to make payment in the amount of \$2,354,716.04 in the case of *Orange County vs. Buchman, et al.* (Trial Case No. 2008-CA-26977 and Appellate Case No. 5D14-3544).

#### SRM/jac

cc:

# Attachments

Ajit Lalchandani, County Administrator Raymond L.A. Williams, P.E. Chief Engineer, Public Works Robin Hammel, Manager, Engineering/Public Works Ann Caswell, Manager, Real Estate Management Division Joel D. Prinsell, Deputy County Attorney

s:\scott mchenry\cases\buchman - appeal 5d14-3544\appeal - 5d14-3544\agenda\memo agenda 03-2016.doc

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IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY, FL

CASE NO.: 2008-CA-26977 DIVISION: 33

PARCELS: 1044 and 8044

ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida

Petitioner,

vs.

BERYLE S. BUCHMAN, KENNETH W. BUCHMAN; J. MILES BUCHMAN; CAROL ANN COLE; THOMAS COLE; ELISE A. DELLA ROCCA, formerly known as Elise A. Solomon; ROBERT B. SOLOMON; ALFRED F. BARRETT and EARL K. WOOD, ORANGE COUNTY TAX COLLECTOR,

Respondents.

DOC # 20140434932 B: 10796 P: 2035 08/27/2014 10:07 AM Page 1 of 7 Rec Fee: \$0.00 Deed Doc Tax: \$0.00 Mortgage Doc Tax: \$0.00 Intangible Tax: \$0.00 Martha O. Haynie, Comptroller Orange County, FL Ret To: ORANGE COUNTY CLERK OF COURT ERECORD

#### ORDER ON POST TRIAL MOTIONS AND FINAL JUDGMENT

THIS CAUSE, having come before the Court on Respondents' Motion for Judgment Notwithstanding the Verdict, for Judgment in Accordance with the Motion For Directed Verdict, or in the Alternative, Motion for New Trial, ("Motion") having reviewed the Motion, the Response filed by Petitioner, and the Reply filed by Respondents, having heard argument of counsel, and being otherwise advised of the premises, hereby finds:

1. An Order of Taking was entered in this matter in 2009. The County took title to the property in guestion by making its deposit on January 29, 2009.

2. This action was first tried by jury in 2010. In that trial, the County did not present the issue of enhancement to the jury. The jury returned a verdict of \$2,725,329.00,

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including \$690,050 for land and easement taken and \$2,035,279.00 in severance damages.

3. The County appealed the 2010 judgment, and the Fifth District Court of Appeal remanded the case solely for the determination of severance damages, affirming all other aspects of the case, including the values for the \$690,050 for the land and easement taken. The County did not plead nor present enhancement testimony at the first jury trial on compensation.

4. On remand and over Respondent's objection, the County presented testimony in the second trial that the remainder properties were enhanced in value as a result of the project. The County presented the testimony of expert appraiser Glen Spivey. Mr. Spivey testified that as a result of the taking, the Respondents' property value would be enhanced by \$1,979,000.00. The County further echoed Mr. Spivey's \$1,979,000 million enhancement determination in its closing argument.

5. The jury then returned a verdict of \$3,086,188.88 in severance damages, but found a setoff for enhancement in the amount of \$2,816,465.88.

6. Respondents' motion argues that the entire enhancement award should be stricken, reasoning that enhancement must be specifically pled as an avoidance. Respondents point the Court to Florida Rule of Civil Procedure 1.100(a) and several cases, including *Moores Meats, Inc. v. Strawn*, 313 So. 2d 660, 661 (Fla. 1975), *City of Brooksville v. Hernando Cnty.*, 424 So. 2d 846, 848 (Fla. 5th DCA 1983), and *Judkins v. Walton*, 128 So. 3d 62, 65 (Fla. 1st DCA 2013).

Based on the foregoing, the Court makes the following conclusions of law:

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7. The Court finds that enhancement, unlike set off, is not an avoidance and does not need to be specifically pled.

8. However, the amount of the enhancement included on the verdict form is outside the scope of the evidence presented to the Jury. The County's expert appraiser testified to a \$1,979,000 enhancement value. The County presented no evidence of enhancement above the \$1,979,000 amount. The jury could not, then, find an enhancement amount greater than that \$1,979,000, as a greater amount would be outside of the evidence and would decrease the Respondents' damage award to a value lower than the minimum damage amount in evidence. The jury's finding of \$2,816,465.88 in enhancement was therefore improper and unsupported by the evidence. See Behm, 336 So. 2d at 581-82; Causeway Vista, 918 So. 2d at 354-55.

9. In condemnation proceedings, the condemning authority "admits" the amount of damages to which its experts testify, and the jury is required to find that amount as the minimum award. *Behm v. Div. of Admin., State Dept. of Transp.*, 336 So. 2d 579, 581-82 (Fla. 1976); *see also Causeway Vista v. Dep't of Transp.*, 918 So. 2d 352 (Fla. 2nd DCA 2005). A jury verdict for an amount of enhancement which is more than the County appraiser's testimony and the amount the County argued to the jury results in a net verdict amount for severance damages, which is inadequate.

10. Thus, this Court concludes that the jury's verdict in this case was inadequate based upon the evidence which was before the jury, that the amount of enhancement benefits based upon the evidence was \$1,979,000 and that is the amount which should be on the line of the itemized verdict in lieu of the amount of \$2,816,465 which is not based upon the evidence. This makes the net amount of the jury's verdict \$1,107,188.

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11. The Court recognizes, however, that if a party objects to this amount of additur, that the party may choose a new trial. See *ITT Hartford Ins. Co. of the Southeast v. Owens*, 816 So. 2d 572 (Fla. 2002); *Waste Mgmt., Inc. v. Mora*, 940 So. 2d 1105 (Fla. 2006); *Born v. Goldstein*, 450 So. 2d 262, 264 (Fla. 5th DCA 1984).

Accordingly, it is ORDERED AND ADJUDGED:

12. Respondents' Motion for Judgment Notwithstanding the Verdict or in the alternative New Trial is GRANTED in part and DENIED in part.

13. Specifically, the Court finds that (1) the trier of fact ignored the evidence in reaching a verdict and erred by arriving at a number outside of the testimony when considering enhancement, (2) in order to arrive at an enhancement verdict outside of the maximum enhancement presented at trial, the trier of fact took into account improper benefits or arrived at the amount of enhancement by speculation and conjecture (3) the amount of the set off bears no reasonable relation to the evidence (nor the closing arguments) presented by the County, the set off is not supported by the evidence, and could not have been adduced in a logical manner by reasonable persons.

14. The line item for enhancement is hereby reduced to the maximum amount testified to by the County's witnesses, \$1,979,000.

15. All other arguments contained in Respondents Motion are DENIED.

16. Final judgment is hereby entered, as to severance damages only, in the amount of \$1,107,188.00.

17. Within 15 days of this Order the County may file a declaration that it exercises the alternative of a New Trial on the issue of severance damages only as ordered by

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the Fifth District Court of Appeal prior to this new trial, and this Court will schedule a New Trial.

18. Prejudgment interest is due and owing on the amount of \$1,107,188.88.

19. Statutory interest, under Section 55.03, Florida Statutes, is computed as follows:

PERIOD	RATE	DAILY RATE	DAYS IN PERIOD	INTEREST
1/29/09 to 12/31/09	8%	.0002192	337	\$81,788.42
1/1/10 to 12/31/10	6%	.0001644	365	\$66,437.92
1/1/11 to 9/30/11	6%	.0001644	273	\$49,691.93
10/1/11 to 12/31/11	4.75%	.0001302	92	\$13,262.34
1/1/12 to 12/31/12	4.75%	.0001298	366	\$52,598.96
1/1/13 to 7/20/13	4.75%	.0001302	201	\$28,975.33
9/17/13 to 12/31/13 <sup>1</sup>	4.75%	.0001302	105	\$15,136.37
1/1/14 to 8/30/14	4.75%	.0001302	242	\$34,885.72
				\$342,776.99

20. The total prejudgment interest through August 30, 2014 is \$342,776.99. In the event Petitioner completes the deposit on or before August 1, 2014, no post-judgment interest shall accrue.

21. Statutory attorneys' fees under section 73.092(1) may be calculated based on the severance damage amount of \$1,107,188.88. The severance award produces a statutory benefit.

<sup>&</sup>lt;sup>1</sup> The applicable periods and daily rates are taken from the statutory interest rates published by the Florida Department of Financial Services. Respondents agreed to toll interest between July 20, 2013 and September 17, 2013.

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22. The County has already paid the attorney's fee owed on the \$232,712.87 increase in the land value from the first trial at the statutory rate of 33%. The remaining benefit amount of \$17,291.00 at 33% produces an attorney fee award of \$5,706.03. The benefit amount of \$750,000 at 25% produces an attorney fee award of \$187,500. The remaining benefit amount of \$339,897.88 at 20% produces an attorney fee award of \$67,979.57. The total attorney fee award under Section 73.092(1), Florida Statutes, for the benefit obtained by Respondents' counsel in this trial is TWO HUNDRED SIXTY ONE THOUSAND ONE HUNDRED EIGHTY FIVE AND 60/100 (\$261,185.60).

23. Within twenty (20) days from the entry of this Final Judgment on Severance Damages, Petitioner shall deposit ONE MILLION SEVEN HUNDRED ELEVEN THOUSAND ONE HUNDRED FIFTY ONE AND 47/100 DOLLARS (\$1,711,151.47)(the sum of \$1,107,188.88 from Paragraph 14 above, the prejudgment interest sum of \$342,776.99 from Paragraph 17 above, and the \$261,185.60 statutory attorney fee from paragraph 20 above).

24. In the event that the deposit of \$1,711,151.47 is not made on or before August 20, 2014, Petitioner shall pay post-judgment interest on the amount of \$1,711,151.47 computed at the statutory rate (currently 4.75%) until payment is made.

25. Title to Parcels 1044 and 8044 which vested in Petitioner under the Order of Taking is approved, ratified and confirmed.

26. This Court retains jurisdiction to enter further orders regarding interest, expert fees and expert fee reimbursements and costs under Section 73.091, Florida Statutes, as well as attorneys' fees under 73.092(2), Florida Statutes, and for enforcement of this Final Judgment.

#### 20140434932 Page 7 of 7

27. This Final Judgment is subject to apportionment as between the eight (8) named

Respondents. To date, no other party has filed motions for apportionment in this case.

DONE and ORDERED in Chambers in Orange County, Florida this  $26^{n/2}$  day

<u>v, v 51</u>, 2014. of

Circuit Judge Røbert J. Egan

#### CERTIFICATE OF SERVICE

HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this <u>267</u> day of <u>109</u>, 2014, electronically or by U.S. Mail to Henry M. Brown, Esquire and Edward Chew, Esquire, 435 North Orange Avenue, Suite 300, Orlando, FL 32801 and Tracy A. Marshall, Esquire, GrayRobinson, P.A., P. O. Box 3068, Orlando, FL 32802.

Harnost.

# 7312101 v1

#### IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT

#### NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF FILED

#### ORANGE COUNTY, FLORIDA, ETC.,

Appellant/Cross-Appellant,

۷.

Case No. 5D14-3544

BERYLE S. BUCHMAN; KENNETH W. BUCHMAN, ET AL,

Appellees/Cross-Appellees.

Opinion filed January 8, 2016

Appeal from the Circuit Court for Orange County, Robert J. Egan, Judge.

Henry M. Brown, Edward Martin Chew, and Scott R. McHenry, of Orange County Attorney's Office, Orlando, for Appellant/Cross-Appellant.

Charles T. Wells, Tracey A. Marshall, Rachael M. Crews, and V. Nicholas Dancaescu, of GrayRobinson, P.A., Orlando, for Appellees/Cross-Appellees.

#### PER CURIAM.

The parties in this eminent domain case make their second appearance in this Court. In *Orange County v. Buchman*, 81 So. 3d 520 (Fla. 5th DCA 2012), we affirmed the jury's award as to the value of the land taken, but we reversed the severance

damage award and ordered a new trial on severance damages. Upon retrial, the jury returned a verdict that was not supported by the evidence. The trial judge ordered an additur, which Appellant now challenges. By cross-appeal, Appellees challenge the trial judge's rulings regarding evidence and legal theories advanced by Appellant. We affirm.

Appellant condemned approximately four acres of a seventy-seven-acre tract of land owned by Appellees for a road realignment project. The value of the four acres is no longer at issue. Instead, the issue in this case is the value of the remaining seventy-three acres after the realignment of the road ("severance damages"). Section 73.071(4), Florida Statutes (2014), provides that severance damages are calculated using two variables: (1) the general damage to the remainder caused by the severance, from which an "offset" is subtracted for any (2) "enhancement" (special benefit) in value.

At trial, the appraisal experts agreed on the value of the remaining land in its pretaking configuration. They disagreed dramatically, however, on the post-taking value of the land. Appellant's appraiser concluded that the land had actually increased in value after the taking, whereas Appellees' appraiser concluded that the remaining property had decreased in value by slightly less than \$4 million. The central focus of the dispute between the appraisers was the existence and amount of any enhancement, or socalled "special benefit" to the remaining property. Appellees' appraiser testified that there was no "special benefit." By contrast, Appellant's appraiser concluded that the property received a "special benefit" of \$1.9 million.<sup>1</sup> The jury returned a special

<sup>&</sup>lt;sup>1</sup> Appellant argues that its expert offered testimony from which the jury could discern a special benefit in the amount of over \$3.9 million. We disagree. This testimony fails to make a distinction between a special benefit and a general benefit, only the former of which may be offset against general damages. *Daniels v. State Road Dep't*, 170 So. 2d 846, 853 (Fla. 1964). The correct interpretation of the evidence, and the one credited by the trial judge, is that Appellant's appraiser opined that the special benefit

interrogatory verdict, finding that the general damages to the remaining property were slightly more than \$3 million. However, it found that the "special benefit enhancement" was slightly more than \$2.8 million, resulting in a net damage award of \$269,716.

After the jury was discharged, Appellees challenged the verdict by a request for a new trial or additur, arguing that the jury's calculation was not supported by the evidence because it exceeded the range of expert testimony regarding the special benefit. The trial judge granted the motion by ordering an additur. He calculated the net award by using the special benefit testimony of Appellant's expert, which he determined was the highest offset for special benefit that could be awarded. This resulted in a revised damage award of \$1.1 million. The judge gave Appellant the option of rejecting the additur and electing a new trial. Appellant, instead, determined to challenge the order in this appeal.

Appellant concedes that, as a general proposition in eminent domain proceedings, the conclusion of the jury on value must be within the range of opinion testimony adduced at trial. This is because the jury is prohibited from making an "independent determination of the value of the property." *Behm v. Div. of Admin., State Dep't of Transp.*, 336 So. 2d 579, 582 (Fla. 1976). Here, however, Appellant contends that the jury's bottom line was within that range, and it urges that the trial judge erred by scrutinizing the manner by which the jury reached that figure. We disagree. The purpose of an interrogatory verdict is to verify the accuracy of the jury's work. *Dyes v. Spick*, 606 So. 2d 700, 703 (Fla. 1st DCA 1992). Appellant has advanced no rationale for why the trial judge should turn a blind eye to an erroneous finding on a critical

was \$1.9 million, as he expressly stated. This is also the figure used by Appellant's counsel in closing argument.

component of a damage calculation, and we cannot envision one. Just as the trial judge has a duty to correct a mathematical miscalculation in a verdict form, so too must the trial judge grant relief when the whole or any material part of a verdict is not supported by substantial, competent evidence.

In reaching this conclusion, we have not overlooked *State, Department of Transportation v. Denmark,* 366 So. 2d 476 (Fla. 4th DCA 1979). There, our sister court reversed an additur to a severance award for two reasons. First, it concluded that the verdict was legally "inconsistent," requiring a pre-discharge challenge to preserve the issue. Second, it speculated that the jury could have performed the correct calculation "off the verdict form" but simply filled in the blanks on the form incorrectly. We reject both of these conclusions and express conflict with *Denmark*.

This verdict was not internally inconsistent; it was contrary to the evidence. Accordingly, the challenge to the verdict was properly presented in a timely post-trial motion. *Cocca v. Smith*, 821 So. 2d 328, 330 (Fla. 2d DCA 2002). As to the second point of *Denmark*, we think it erroneous to speculate beyond what is apparent in a strained effort to sustain an obviously flawed verdict. The trial judge instructed the jury as to the proper use of the verdict form and we must assume that the jury used the form as instructed. One of the purposes for using an interrogatory verdict form is to provide a mechanism for verifying that the jury followed the evidence. *Edward M. Chadbourne, Inc. v. Van Dyke*, 590 So. 2d 1023, 1025 (Fla. 1st DCA 1991). In this case, it is clear that the jury failed to follow the evidence. The trial judge was in the best position to make this determination and exercised his discretion accordingly. No abuse of that discretion has been shown.

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Appellant also challenges the use of additur to correct the verdict. It urges that additur is not permitted in eminent domain proceedings, citing *Bennett v. Jacksonville Expressway Authority*, 131 So. 2d 740 (Fla. 1961). As Appellees argue, *Bennett* was decided prior to the enactment of section 768.74(1), Florida Statutes (2014), which authorizes the use of additur in "any action to which this part applies." Section 768.71(1), provides that sections 768.71 through 768.81, Florida Statutes, are applicable to "any action for damages, whether in tort or in contract." We interpret this language to include an action for severance damages. Certainly, use of the phrase "any action for damages," manifests an intent that the statutory scheme be broadly applied. We think the qualifying phrase, "whether in tort or in contract," is intended to expand rather than limit the generality of the first phrase.

We also reject Appellant's argument that the additur infringes upon its constitutional right to a jury determination of damages. The offer of a new trial in lieu of additur sufficiently preserves the right to trial by jury.

We affirm as to all other points raised in the appeal and cross-appeal without discussion.

AFFIRMED.

TORPY, EVANDER and BERGER, JJ., concur.

# M A N D A T E

from

# DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY APPEAL OR BY PETITION, AND AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS OPINION OR DECISION;

YOU ARE HEREBY COMMANDED THAT FURTHER PROCEEDINGS AS MAY BE REQUIRED BE HAD IN SAID CAUSE IN ACCORDANCE WITH THE RULING OF THIS COURT AND WITH THE RULES OF PROCEDURE AND LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE C. Alan Lawson, CHIEF JUDGE OF THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FIFTH DISTRICT, AND THE SEAL OF THE SAID COURT AT DAYTONA BEACH, FLORIDA ON THIS DAY.

DATE: February 19, 2016

FIFTH DCA CASE NO.: 5D 14-3544

CASE STYLE: ORANGE COUNTY, FLORIDA, ETC. v.

BERYLE S. BUCHMAN; KENNETH W. BUCHMAN, ET AL

COUNTY OF ORIGIN: Orange

TRIAL COURT CASE NO.: 2008-CA-026977

I hereby certify that the foregoing is (a true copy of) the original Court mandate.

sanne P. Simmons

JOANNE P. SIMMONS, CLERK

cc:

Charles T. Wells Tracy A. Marshall V. Nicholas Dancaescu Scott Robert McHenry Edward Martin Chew

Henry M. Brown Rachael M. Crews Orange Co. Circuit Ct. Clerk



a 32802-1393

February 29, 2016

- TO: Mayor Teresa Jacobs -AND-Board of County Commissioners
- THRU Cheryl J. Gillespie, Supervisor Agenda Development Office
- FROM: Pamela Mann-Jackson, Advisory Board Coordinator

SUBJECT: Membership and Mission Review Board Recommendations CONSENT AGENDA ITEM MARCH 15, 2016.

- 1. At its February 19, 2016 meeting, the Membership and Mission Review Board approved recommending the following advisory board appointments/reappointments:
- A. Agricultural Advisory Board: Consideration of the reappointment of Larry B. Bean in the citrus industry representative category with a term expiring December 31, 2017 and Alexander H. Smith in the at large representative category with a term expiring December 31, 2016; the appointment of Caitlyn Glatting to succeed Joseph Chambers in the at large representative category with a term expiring December 31, 2016; and the appointment of Zachary Marimon to succeed David Dymond in the at large representative category with a term expiring December 31, 2017. Note: This would be a fourth term for Larry B. Bean and will require a supermajority vote of the Board of County Commissioners.
- B. Animal Services Advisory Board: Consideration of the appointment of Paul L. Wean to succeed Elizabeth Bertrand in the attorney representative category with a term expiring December 31, 2016 and Lisa A. Franchina to succeed Sue N. Carpenter in the at large representative category with a term expiring December 31, 2017.
- C. Animal Services Classification Committee: Consideration of the reappointment of Deputy Sheriff Gustavo Marinoni in the K-9 Handler representative category, Crockett Bohannon in the at large representative category, and Vanessa Bouffard in the alternate representative category with terms expiring December 31, 2017.
- D. **Community Development Advisory Board:** Consideration of the reappointment of Mary M. Hurley in the District 5 representative category with a term expiring June 30, 2017.

Subject: Membership and Mission Review Board Recommendations February 29, 2016 Page 2

- E. **Environmental Protection Commission:** Reappointment of Sally Atwell in the Regulated Business or Municipal Representative category with a term expiring December 31, 2017.
- F. **Nuisance Abatement Board:** Reappointment of Donald L. Pittman, Steven Alexander, and Rosalind B. Johnson in the at large representative category with terms expiring January 1, 2018 and the appointment of Lindsay D. Kiley to succeed Jason G. Toll in the at large representative category with a term expiring January 1, 2018.

#### **ACTION REQUESTED:**

Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments.

Attachments

#### I. CONSENT AGENDA COUNTY ADMINISTRATOR 1-A

### AGRICULTURAL ADVISORY BOARD

#### MMRB Liaison: Brian K. Fenn, (407) 571-3078

#### MISSION

Reviews, analyzes and provides recommendations and comments about rules, regulations and ordinances affecting the agricultural industry.

#### STATUS OF VACANCIES

There are three vacancies on this 11-member board from among the following categories: the lawn spraymen/pest control representative, citrus industry representative, flowering plant industry representative, flowering trees and woody ornamentals industry representative, or green house builder. The terms of Larry B. Bean, Hugh Dietrich, III, Brenda A. Hagemeister, Jennifer Parrish, David Dymond, and

Alexander H. Smith have expired.

#### THE MMRB RECOMMENDS:

Consideration of the reappointment of Larry B. Bean in the citrus industry representative category with a term expiring December 31, 2017 and Alexander H. Smith in the at large representative category with a term expiring December 31, 2016; the appointment of Caitlyn Glatting to succeed Joseph Chambers in the at large representative category with a term expiring December 31, 2016; and the appointment of Zachary Marimon to succeed David Dymond in the at large representative category with a term expiring December 31, 2017. **Note:** This would be a fourth term for Larry B. Bean and will require a supermajority vote of the Board of County Commissioners.

APPLICANT	OCCUPATION	RACE	<u>ETHN</u>	<u>GEN</u>	DIST
Caitlyn Glatting	University of Florida IFAS Extension Orange County/Farm to School, Farm to Community Coordinator	W	NH	F	5
Zachary Marimon	Agrarian Land and Pond/ President	0	Н	Μ	5

#### **SUMMARY OF QUALIFICATIONS:**

**Caitlyn Glatting**: Ms. Glatting graduated from Rollins College with a degree in Environmental Studies. She has worked to grow the Orlando local food movement for almost four years. She has interned with a municipality, a non-profit conservation council, a private urban planning firm, and a local food distribution company. She serves on the Central Florida Food Policy Council, Orange County Sustainability IDEAS Group, and the Food Security Task Force Orange County. Ms. Glatting's current position with the Family Nutrition Program is a regional position that allows her to work with the central Florida farmers to aid in the procurement of Florida fresh produce in cafeterias.

**Zachary Marimon:** Mr. Marimon graduated from the University of Central Florida with an interdisciplinary master's degree combining Environmental Engineering and Conservation Biology and a bachelor's degree in Business Administration. Mr. Marimon is a licensed Florida Stormwater Control Inspector.

# CURRENT BOARD

	ORIGINAL APPOINTMENT	TERM <u>EXPIRES</u>	RACE	<u>ETHN</u>	<u>GEN</u>	DIST
<u>Citrus Industry</u> Larry B. Bean	9/15/09	12/31/15	W	NH	М	5
Joseph Chambers [RESIGNED]	12/11/12	12/31/14	*	Н	М	2
<u>Cattle Industry</u> David R. Ward	5/8/12	12/31/16	W	*	М	5
Equine Industry Hugh "Fred" Dietrich III	3/6/12	12/31/15	W	NH	М	5
Brenda A. Hagemeister	12/11/12	12/31/15	W	*	F	5
<u>Lawn Maintenance/Landscapir</u> Russell L. Woodall	<u>ומ</u> 7/16/13	12/31/16	W	NH	М	3
Foliage Industry Jennifer Parrish	6/18/13	12/31/15	W	*	F	1
<u>At Large</u> David Dymond	11/11/08	12/31/15	 O	*	M	5
Alexander H. Smith	12/11/12	12/31/14	В	*	М	2

# <u>Vacancies (2)</u>

#### I. CONSENT AGENDA COUNTY ADMINISTRATOR 1-B

#### ANIMAL SERVICES ADVISORY BOARD

#### MMRB Liaison: Yog Melwani, (407) 948-0701

#### MISSION

Assist and advise the Board of County Commissioners in carrying out an effective and comprehensive Animal Services program.

#### **STATUS OF VACANCIES**

There are two vacancies on this seven-member board in the attorney representative category due to the resignation of Elizabeth Bertrand and the veterinarian representative category due to the removal of Dr. John Wight for non-attendance. The term of Sue N. Carpenter has expired.

#### THE MMRB RECOMMENDS:

Consideration of the appointment of Paul L. Wean to succeed Elizabeth Bertrand in the attorney representative category with a term expiring December 31, 2016 and Lisa A. Franchina to succeed Sue N. Carpenter in the at large representative category with a term expiring December 31, 2017.

APPLICANT	OCCUPATION	RACE	<u>ETHN</u>	<u>GEN</u>	DIST
Paul L. Wean	Wean & Malchow, P.A./Attorney	*	*	M	. 1
Lisa A. Franchina	Law Office of Lisa A. Franchina/ Attorney/Owner	W	NH	F	4

#### **SUMMARY OF QUALIFICATIONS:**

**Paul L. Wean:** Mr. Wean is a graduate of the Western New England School of Law with a juris doctorate and Boston University with a bachelor of arts degree. Mr. Wean is a certified circuit court mediator. He is a member of the Florida Bar, the Community Associations Institute-Florida Legislative Alliance CAI-FLA, and the Florida Bar Animal Law Committee. Mr. Wean has previously served on this board and currently serves on the Planning and Zoning Commission. He is an animal services volunteer and co-founder of Pawsitive Shelter Photography.

**Lisa A. Franchina:** Ms. Franchina is a graduate of Hofstra University and the Shepard Broad College of Law with a juris doctorate. She is a member of the League of Women Voters and the Florida Bar. Ms. Franchina is currently president of the Library Board of Trustees. She has served on the Board of Directors for the Back to Nature Wildlife Refuge.

## **CURRENT BOARD**

	ORIGINAL APPOINTMENT	TERM EXPIRES	RACE	ETHN	<u>GEN</u>	<u>DIST</u>
Attorney Elizabeth Bertrand [RESIGNED]	5/5/15	12/31/16	W	NH	F	3
<u>At Large</u> Jeff Loeffert	5/5/15	12/31/16	W	*	М	1
Frayda Morris	12/15/15	12/31/16	W	NH	F	1
William F. Gouveia	9/15/15	12/31/17	W	NH	М	3
Sue N. Carpenter	4/5/11	12/31/15	W	NH	F	1
Orange County Sheriff's Office Deputy Sheriff Michael Holt	5/5/15	12/31/16	*	*	М	*
<u>Veterinarian</u> John Wight, DVM [REMOVED]	12/3/13	12/31/15	W	NH	Μ	1

#### I. CONSENT AGENDA COUNTY ADMINISTRATOR 1-C

#### ANIMAL SERVICES CLASSIFICATION COMMITTEE

#### MMRB Liaison: Yog Melwani, (407) 948-0701

#### MISSION

Review investigations of incidents involving animals to determine whether an animal should be classified as "dangerous" or "potentially dangerous.

#### STATUS OF VACANCIES

There is one vacancy in the obedience trainer/handler representative category due to the resignation of Ronald A. Breeding. The terms of Deputy Sheriff Gustavo Marinoni, Crockett Bohannon, and Vanessa Bouffard have expired.

#### THE MMRB RECOMMENDS:

Consideration of the reappointment of Deputy Sheriff Gustavo Marinoni in the K-9 Handler representative category, Crockett Bohannon in the at large representative category, and Vanessa Bouffard in the alternate representative category with terms expiring December 31, 2017.

# CURRENT BOARD

	ORIGINAL APPOINTMENT	TERM <u>EXPIRES</u>	RACE	<u>ETHN</u>	GEN	DIST
<u>K-9 Handler</u> Deputy Sheriff Gustavo Marinoni	12/3/13	12/31/15	*	*	М	5
<u>Obedience Trainer/Hander</u> Ronald A. Breeding [RESIGNED]	7/16/12	12/31/15	W	NH	М	4
<u>At Large</u> Crockett Bohannon	12/3/13	12/31/15	W	NH	М	4
Robert L. Clark	5/5/15	12/31/16	W	NH	Μ	2
Justin T. Duff	7/14/15	12/31/16	W	NH	Μ	5
Pet Alliance of Greater Orlando Diane Anderson	8/4/15	12/31/16	*	*	F	4
<u>Veterinarian</u> Nanette Parratto-Wagner, DVM	7/26/11	12/31/16	W	н	F	4
Alternates						
Susan Collins	2/7/12	12/31/16	W	*	F	3
Vanessa Bouffard	5/5/15	12/31/15	А	Н	F	4

#### I. CONSENT AGENDA COUNTY ADMINISTRATOR 1-D

#### COMMUNITY DEVELOPMENT ADVISORY BOARD

#### MMRB Liaison: Brian K. Fenn, (407) 571-3038

#### MISSION

To conduct studies, hold hearings, and make recommendations to the Board of County Commissioners regarding the Federal Housing Community Development Act of 1974 and subsequent federal regulation.

#### **STATUS OF VACANCIES**

There are no vacancies on this seven-member board. The term of Mary M. Hurley has expired.

#### THE MMRB RECOMMENDS:

Consideration of the reappointment of Mary M. Hurley in the District 5 representative category with a term expiring June 30, 2017.

#### **CURRENT BOARD**

	ORIGINAL <u>APPOINTMENT</u>	TERM EXPIRES	RACE	<u>ETHN</u>	GEN	DIST
<u>District 1</u> Esther M. Whitehead	11/15/11	6/30/17	В	*	F	1
<u>District 2</u> Nathaniel Jenkins	7/14/15	6/30/16	В	*	М	2
District 3						
Edwin Martinez	7/16/13	6/30/17	*	Н	M	3
<u>District 4</u> Pablo Marquez	7/16/12	6/30/16	*	H	М	4
<u>District 5</u> Mary M. Hurley	7/16/13	6/30/15	W	NH	F	5
<u>District 6</u> Roberta Walton	4/8/14	6/30/16	В	NH	F	6
<u>Mayor</u> Tricia Dennis *Unknown	11/5/13	6/30/17	W	*	F	6

#### I, CONSENT AGENDA COUNTY ADMINISTRATOR 1-E

#### ENVIRONMENTAL PROTECTION COMMISSION

#### MMRB Liaison: Picton Warlow, (407) 467-1311

#### MISSION

Recommends revisions to regulations affecting the continuing protection of the environmental quality of the air, water, and land in Orange County.

#### **STATUS OF VACANCIES**

There are no vacancies on this seven-member board. The terms of John Miklos and Sally Atwell have expired.

#### THE MMRB RECOMMENDS:

Consideration of the reappointment of Sally Atwell in the Regulated Business or Municipal Representative category with a term expiring December 31, 2017.

## **CURRENT BOARD**

	ORIGINAL APPOINTMENT	TERM <u>EXPIRES</u>	RACE	<u>ETHN</u>	<u>SEX</u>	DIST	
Professional Engineer Glenn W. Dunkelberger	12/11/12	12/31/16	W	NH	М	3	
Agricultural Interest David R. Ward	4/10/12	12/31/17	W	*	Μ	5	
<u>Conservation Organizati</u> John Miklos	on Representative 4/6/10	2 12/31/15	W	*	М	3	
<b>Regulated Business or N</b>	Aunicipal Represe	ntative					
Sally Atwell	6/18/13	12/31/15	А	NH	F	2	
Mark N. Corbett	12/15/15	12/31/16	W	NH	M	5	
<u>Environmental Specialis</u> Jonathan Huels	<u>t</u> 6/10/14	12/31/17	W	NH	Μ	5	
<u>At Large Citizen Represe</u> Alexis M. Preisser	entative 1/15/13	12/31/16	W	NH	F	5	

### NUISANCE ABATEMENT BOARD

#### MMRB Liaison: Genean McKinnon, (407) 341-0341

#### MISSION

Hears and decides complaints alleging that a place or premises constitutes a public nuisance.

#### **STATUS OF VACANCIES**

There is one vacancy on this nine-member board in the at large representative category due to resignation of Jason G. Toll. The terms of Steven Alexander, Donald L. Pittman, Jesse A. Hill, Richard-Paul Danner, Rosalind B. Johnson, and Re'chard D. McCoy have expired.

#### THE MMRB RECOMMENDS:

Consideration of the reappointment of Donald L. Pittman, Steven Alexander, and Rosalind B. Johnson in the at large representative category with terms expiring January 1, 2018 and the appointment of Lindsay D. Kiley to succeed Jason G. Toll in the at large representative category with a term expiring January 1, 2018.

APPLICANT	OCCUPATION	RACE	<u>ETHN</u>	<u>GEN</u>	<u>DIST</u>
Lindsay D. Kiley	Burr & Forman LLP/Attorney	W	NH	F	5

#### SUMMARY OF QUALIFICATIONS:

**Lindsay D. Kiley:** Ms. Kiley is a graduate of the University of Florida with a juris doctorate and a bachelor of science degree. Ms. Kiley is a current member of the Florida Bar, the Orange County Bar Association, and Big Brothers Big Sisters. She has experience in various types of litigation, including real estate transactions.

## CURRENT BOARD

	ORIGINAL APPOINTMENT	TERM EXPIRES	RACE	ETHN	<u>GEN</u>	DIST
<u>At Large</u> Steven Alexander	11/11/14	1/1/16	W	NH	 M	3
	1 1/ 1 1/ 1-4	1/1/10	vv		111	0
Jason G. Toll [RESIGNED]	10/5/10	1/1/16	W	*	Μ	5
Donald L. Pittman	7/14/15	1/1/16	W	NH	Μ	5
Jesse A. Hill	4/6/10	1/1/16	В	* *	М	6
Richard-Paul Danner	11/17/09	1/1/15	В	*	М	6
Rosalind B. Johnson	10/14/16	1/1/16	В	NH	F	1
Re'chard D. McCoy	4/6/10	1/1/16	0	*	Μ	3
Jeffrey R. DeFelice	10/14/14	1/1/17	W	NH	Μ	1
Don S. Mitchell	3/12/13	1/1/17	0	*	Μ	2
*Unknown						



AGENDA DEVELOP 201 South Rosalind Avenue . I 407-836-5426 . Fax: 407-836-2;

32802-1393

February 29, 2016

Mayor Teresa Jacobs -AND-Board of County Commissioners

FROM:

TO:

Chervl J. Gillespie, Supervisor Agenda Development Office

Filing of Minutes for the Official County Record SUBJECT: **CONSENT AGENDA ITEM MARCH 15, 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:

Code Enforcement Board on January 20, 2016

Development Review Committee on January 27, 2016

Emergency Medical Services CPR AED Committee on January 11, 2016 Emergency Medical Services Medical Control Committee January 6, 2016 Emergency Medical Services Operations Committee on January 6, 2016 Intergovernmental Risk Management Committee on January 28, 2016 and February 11, 2016

Membership and Mission Review Board on January 29, 2016 Orange County Housing Finance Authority on January 6, 2016

Orange County Library Board of Trustees on January 14, 2016

Roadway Agreement Committee on January 6, 2016 and January 20, 2016

School Impact Fee Advisory Group on November 5, 2015 and January 7, 2016

Special Magistrate on January 4, 2016

Student/Pedestrian Safety Committee on January 21, 2016

Utilities Capital Charge Appeal Board on December 21, 2015

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.

I. CONSENT AGENDA COUNTY ADMINISTRATOR



AGENDA ITEM

February 16, 2016

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

K.n.P.

- FROM: Kurt N. Petersen, Manager, Office of Management and Budget
- SUBJECT: Consent Agenda Item for March 15, 2016 Law Enforcement Impact Fee Funds

The Orange County Sheriff's Office is requesting an expenditure of Law Enforcement Impact Fee funds to outfit and equip the one new School Resource Officer position and the seven new Tourist Oriented Policing Deputy positions approved for the FY 2016 budget year.

### ACTION REQUESTED: Approval to spend \$401,341.28 from the Law Enforcement Impact Fee fund to purchase equipment.

#### Attachment

KP/RW/vh

c: Eric Gassman, Deputy County Administrator Randy Singh, Assistant County Administrator Andy DiLoreto, Comptroller, Orange County Sheriff's Office Sheriff Jerry L. Demings ORANGE COUNTY SHERIFF'S OFFICE

#### LAW ENFORCEMENT IMPACT FEE EXPENDITURE REQUEST FORM

FY

#### DATE: February 12, 2016

FIELD DEPUTY/GROWTH

NUMBER OF REQUESTED ITEMS APPROVED DURING LITIGATION

NUMBER OF REQUESTED ITEMS APPROVED AFTER LITIGATION

CURRENT NUMBER OF REQUESTED ITEMS

TOTAL NUMBER OF ITEMS

12	13	14	15	16	TOTAL
		4	2	8	14
-					- - - - - -
		4	2	8	14
		4	2	8	14

DESCRIPTION OF ITEMS REQUESTED: The Orange County Sheriff's Office is requesting an expenditure of \$401,341,28 from the Law Enforcement Impact Fees to outfit and equip the one new School Resource Officer position and the seven new Tourist Orinted Policing Deputy positions approved for the FY2016 budget year.

SECTOR TO WHICH ITEMS WILL BE ASSIGNED:

Youth Services/Sector V - I-Drive

EXISTING INVENTORY OF REQUESTED ITEMS:

ADDITIONAL COMMENTS:

ANDREW C. DILORETO, COMPTROLLER

ORANGE COUNTY SHERIFF'S OFFICE





I. CONSENT AGENDA COUNTY ADMINISTRATOR



February 18, 2016

- TO: Mayor Teresa Jacobs -AND-Board of County Commissioners
- FROM: Kurt N. Petersen, Manager, Office of Management & Budget
- SUBJECT: Consent Agenda Item for March 15, 2016 Payment of Property Appraiser's Third Quarter Billing for FY 2015-16

Florida Statutes Section 192.091(1)(b) provides for quarterly payments to the Property Appraiser for services rendered.

Board approval is requested to pay the Property Appraiser's third quarter billing in the amount of \$2,932,035.61.

**ACTION REQUESTED:** Approval to pay the third quarter billing for the Orange County Property Appraiser in the amount of \$2,932,035.61.

KP/JW/vh

c: Eric Gassman, Chief Accountability Officer Randy Singh, Assistant County Administrator AGENDA ITEM

Third Quarter Billing for the Orange County Property Appraiser's Service October 1, 2015 through September 30, 2016 Summary Sheet

Taxing Authority	Accounting Line	Amount Billed
County, School, and Municipalities	0001-023-0452-3143 ECD	\$ 2,701,352.57
County Fire and EMS	1009-034-0603-3143 FAP	224,122.96
Lake Jessamine	1061-068-2430-3143-HDA	175.37
Lake Holden	1062-068-2438-3143 HDF	253.35
Lake Pickett	1078-068-2430-3143 HEF	54.87
Big Sand Lake	1079-068-2437-3143 HEN	336.78
Lake Price	1080-068-2430-3143 HFQ	35.37
Lake Conway & Navigable Canal	1095-068-2430-3143 HHI	702.34
Windermere Navigable Canal	1096-068-2435-3143 HHU	2,300.13
Orange Blossom Trail Corridor	1169-001-0040-3143 SDL	620.08
Orange Blossom Trail Neighborhood	1170-001-0041-3143 SDM	601.90
Orlando Central Park MSTU	1172-001-0038-3143 SDP	1,479.89

Total

\$ 2,932,035.61

Interoffice Memorandu

# ORANGE COUNTY GOVERNMENT

# AGENDA ITEM

February 25, 2016

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

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

SUBJECT: Consent Agenda Item for March 15, 2016 Budget Transfer #16C-110

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 #16C-110.

#### KP/NM/vh

Attachment

BUDGET TRANSFER REQU	JEST
----------------------	------

CONTROL NO	16C-110	BCC
(To be assigned b	y OMB)	vh

FUND	NO 1023	3/1034	DEPARTMENT(S)	Public W	/orks	DATE:	03	3/15/1	6
Reque	st the followi	ing transfer be	made for the reason(s) st	ated:			pg 1	of	1
	AGENCY	OR	GANIZATION	OBJECT	APPR	AMOUNT FROM	AM	OUNT T	го
NO.	072		0475	9550	TDA	\$1,220,000			
TITLE		Reserve	- Public Works	Reserve - Future Capital Outlay					
NO.	072		5006	6110	ENV		(	\$1,220	0,000
TITLE		CR545	Village H Row	Land and Perm Easements					
NO.	072		5006	6110	ENT	\$1,220,000			
TITLE		CR545	Village H Row	Land and Perm Easements				*******	
NO.	023		0475	9550	KQA		;	\$1,220	0,000
TITLE		R	leserves	Reserve - Future Capital Outlay					
					TOTAL	\$2,440,000		\$2,440	0,000

TOTAL:

 JUSTIFICATION (to be completed by OMB):
 This budget transfer is necessary to change the project

 funding source from Fund 1023 to Fund 1034 (Transportation Impact Fee Area 4) due to availability

 of funds in Zone 4. This change will not increase total project cost.

				- A D
REQUESTED BY:	Original on file		RECOMMENDED BY:	Aunt M. Feturston Office of Management & Budget
	nty Comptroller)			* * * * * * * * * * * * * * * * * * * *
APPROVED / DISAPPR				* * * * * * * * * * * * * * * * * * *
DIST	REQUESTING DEPARTMENT: RIBUTION AFTER APPROVAL:	WHITE - FISCAL	IRE SET TO THE OFFIC ; GREEN - FINANCE; G PINK - REQUESTING I	



**RISK MANAGEMENT DIVI** JOHN PETRELLI, MANAGI 109 E. Church Street, Suite 200, Orlan (407) 836-9640 • FAX (407) 836-9630

#### **MEMORANDUM**

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

patiel John Petrelli, CPCU, AIC, ARM FROM:

DATE: February 19, 2016

SUBJECT: Ratification of Intergovernmental Claims

> The Intergovernmental Risk Management Committee at its meeting on January 28, 2016 ratified payment of claims as follows for Fiscal Years 1977/1978 through 2015/2016:

WORKERS' COMPENSATION \$ 267,102.29 PROPERTY DAMAGE/LOSS **GENERAL, & AUTO LIABILITY** <u>33,671.45</u> TOTAL 300,773.74

The Intergovernmental Risk Management Committee at its meeting on February 11, 2016 ratified payment of claims as follows for Fiscal Years 1977/1978 through 2015/2015:

WORKERS' COMPENSATION	<b>\$ 143</b> ,190.74
PROPERTY DAMAGE/LOSS	
GENERAL, & AUTO LIABILITY	<u>\$ 75,508.58</u>
TOTAL	\$ 218,699.32

Action Requested:

Approval of Ratification of payment of Intergovernmental claims of January 28, 2016 and February 11, 2016 totaling \$ \$519,473.06.

Interoffice Memorandun

March 15, 2016

TO

Mayor Teresa Jacobs and the Board of County Commissioners

FROM: LorJohnny Richardson, Manager, Procurement Division

- CONTACT: Taneya Simpson, Senior Contract Administrator Facilities Management Division 407-836-7482
- SUBJECT: Award of Invitation for Bids Y16-157-MA Recycling and Waste Disposal Services

### ACTION REQUESTED.

Approval to award Invitation for Bids Y16-157-MA, Recycling and Waste Disposal Services, to the low responsive and responsible bidder, Disposall, Inc., for an estimated contract amount of \$2,134,872.90 for a 3-year contract. Further request authorization for the Procurement Division to renew the contract for two additional 1-year terms.

#### PROCUREMENT:

The contract will provide Waste Disposal and Recycling Services for Orange County facilities and properties owned or leased by Orange County.

#### FUNDING:

Delivery Orders for services will be issued on an as-needed basis.

#### APPROVALS:

The Facilities Management Division and the Business Development Division concur with this recommendation.

#### **REMARKS**:

Five bids were received in response to the Invitation for Bids. The bids were evaluated for price, responsiveness and responsibility. The low bid of Disposall, Inc. meets all of the requirements of the solicitation. Therefore, Disposall, Inc. is recommended for award.

Page 2 Award of Invitation for Bids, Y16-157-MA Recycling and Waste Disposal Services

The bid tabulation is as follows:

**Bid Tabulation** 

Disposall, Inc.	\$2,134,872.90
Progressive Waste Solutions of Florida, Inc.	\$2,412,532.80
Waste Management Inc. of Florida	\$2,700,867.00
Republic Services of Florida, Limited Partnership	\$3,160,749.54
Waste Pro of Florida, Inc.	\$8,743,285.08



**Interoffice Memorandum** 

#### **BUSINESS DEVELOPMENT DIVISION**

January 28, 2016

TO: Maria Alvarez, Senior Purchasing Agent Procurement Division

FROM: Kesi Warren, Senior Contract Administrator Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: IFB #Y16-157-MA, Recycling and Waste Disposal Services

The Business Development Division evaluated the **5 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

Aheena Jerguson

Interoffice Memorandum

#### I. CONSENT AGENDA ADMINISTRATIVE SERVICES DEPARTMENT 2

February 22, 2016

To:

Mayor Teresa Jacobs and the Board of County Commissioners

From: tor - Johnny Richardson, Manager, Procurement Division

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

Subject: Award of Invitation for Bids Y16-179-JS, Limerock Road Base

#### ACTION REQUESTED:

Approval to award Invitation for Bids Y16-179-JS, Limerock Road Base, to the low responsive and responsible bidder, Dixie Lime and Stone Company, in the estimated contract award amount of \$350,000. Further request authorization of the Procurement Division to renew the contract for two additional 1-year terms.

#### PROCUREMENT:

Limerock road base is used by the Solid Waste and Water Reclamation Divisions to repair roadways and related areas disturbed by their operations.

#### FUNDING:

Funding is available in account number 4420 038 1347 4160.

#### APPROVALS:

The Solid Waste and Business Development Divisions concur with this recommendation.

#### REMARKS:

Two bids were received in response to Invitation for Bids Y16-179-JS and were evaluated for responsiveness, responsibility and price. The low bidder, Dixie Lime and Stone Company, has a satisfactory record of past performance with Orange County. Therefore, Dixie Lime and Stone Company is recommended for award.

The bid tabulation is attached.

## BID TABULATION Y16-179-JS LIMEROCK ROAD BASE

			Dixie Lime and Stone				
			Com	bany	Cemex, Inc.		
	Estimated	Unit					
	Annual	of	Unit	Extended	Unit	Extended	
Description	Quantity	Measure	Price	Price	Price	Price	
Limerock Road Base	20,000	Ton	\$17.50	\$350 <u>,</u> 000	\$17.56	\$351,200	





### **BUSINESS DEVELOPMENT DIVISION**

February 9, 2016

TO:	Jim Schell, Senior Purchasing Agent
	Procurement Division

FROM: Kesi Warren, Senior Contract Administrator Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: IFB #Y16-179-JS, Limerock Road Base

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

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Interoffice Memorandu

#### I. CONSENT AGENDA ADMINISTRATIVE SERVICES DEPARTMENT 3

February 22, 2016

TO:

Mayor Teresa Jacobs and the Board of County Commissioners

FROM: 5 tor-Johnny Richardson, Manager, Procurement Division

- CONTACT: Mike Saldutti, Site Supervisor II, Parks and Recreation Division 407-254-9321
- SUBJECT: Award of Invitation for Bids Y16-180-JS, Tree Trimming and Related Services for Parks and Recreation Division

### ACTION REQUESTED:

Approval to award Invitation for Bids Y16-180-JS, Tree Trimming and Related Services for Parks and Recreation Division, to the low responsive and responsible bidder, Blades of Green, Inc., in the estimated annual contract amount of \$224,300. Further request authority for the Procurement Division to exercise two 1-year renewals.

### PROCUREMENT:

Tree trimming and the removal of dead or diseased trees is necessary to alleviate dangerous situations in County parks. Also, tree canopies are elevated and overgrown areas cleared to allow for safer recreational activities.

### FUNDING:

Funding is available in account number 1050 068 1805 3197.

### APPROVALS:

The Parks and Recreation and Business Development Divisions concur with this recommendation.

### **REMARKS**:

Five bids were received in response to Invitation for Bids Y16-180-JS and were evaluated for responsiveness, responsibility and price. The bid of Core Services, LLC was determined to be non-responsible as a previous County contract was terminated for default. The low bidder, Blades of Green, Inc. has the necessary manpower and equipment to perform this contract. Blades of Green, Inc. has a record of satisfactory contract performance with the County. Therefore, recommendation is made for award to Blades of Green, Inc.

The bid tabulation is attached.

#### BID TABULATION - IFB Y16-180-JS TREE TRIMMING AND RELATED SERVICES FOR PARKS AND RECREATION DIVISION

				Blades	of Green, Inc.		ng Landscape mance, Inc.		ey Tree Expert	A Budget	Tree Service, Inc.
		Estimated	Unit Of	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
Item #	Description	Quantity	Measure	Price	Price	Price	Price	Price	Prive	Price	Price
	Personnel Straight Time	1									
1	Foreman	1,400	Hours	\$30	\$42,000	\$30	\$42,000	\$27.02	\$37,828.00	\$65.78	\$92,092.00
2	Bucket Operator	1,400	Hours	\$25	\$35,000	\$25	\$35,000	\$23.16	\$32,424.00	\$58.00	\$81,200.00
3	Climber	800	Hours	\$20	\$16,000	\$15	\$12,000	\$23.16	\$18,528.00	\$58.00	\$46,400.00
4	Grounds-Man	2,000	Hours	\$15	\$30,000	\$18	\$35,000	\$16.41	\$32,820.00	\$48.50	\$97,000.00
	Equipment Straight Time										
5	Bucket Truck	1,400	Hours	\$35	\$49,000	\$35	\$49,000	\$20.26	\$28,364.00	\$37.50	\$52,500.00
6	Crane Truck/Chipper	1,000	Hours	\$15	\$15,000		\$15,000		\$48,560.00		\$37,500.00
7	Chipper Truck/Chipper or Dump Truck	600	Hours	\$10	\$6,000		\$15,000		\$9,336.00		\$11,904.00
8	Stump Grinder	800	Hours	\$10	\$8,000		\$12,000		\$11,600.00		\$15,496.00
9	Crane (necessary tonnage with Operator)	500	Hours	\$25	\$12,500			\$125.00	\$62,500.00		\$67,500.00
	Personnel - Overtime/Holidays							4.20.00	+,		
10	Foreman	16	Hours	\$30	\$480	\$30	\$480	\$40.53	\$648.48	\$65.78	\$1,052.48
11	Bucket Operator	16	Hours	\$25	\$400		\$400		\$555.84		\$928.00
12	Climber	16	Hours	\$20	\$320				\$555.84		\$928.00
1	Grounds-Man	48	Hours	\$20	\$960		\$840		\$1,181.28	the second s	\$2,328.00
	Equipment - Overtime/Holidays							Ψ= 1.0 1			42,020.00
14	Bucket Truck	16	Hours	\$40	\$640	\$35	\$560	\$20.26	\$324.16	\$37.50	\$600.00
	Crane Truck/Chipper	1	Hours	\$20	\$20		\$15		\$48.56		\$37.50
	Chipper Truck/Chipper or Dump Truck	12	Hours	\$15	\$180		\$300		\$186.72	\$19.84	\$238.08
17	Stump Grinder	20	Hours	\$10	\$200		\$300		\$290.00		\$387.40
18	Crane (necessary tonnage with Operator)	16	Hours	\$25	\$400			\$125.00	\$2,000.00		\$2,160.00
	Personnel - Emergency Call Out	t'°		Ψ23	φ <del>+00</del>	<del>φυ</del>	<del>\</del>	φ120.00	φ2,000.00	\$100.00	φ2,100.00
19	Foreman	30	Hours	\$35	\$1,050	\$38	\$1,140	\$40.53	\$1,215.90	\$65.78	\$1,973.40
20	Bucket Operator	30	Hours	\$25	\$750		\$960		\$1,042.20	\$58.00	\$1,740.00
	Climber	30	Hours	\$20	the second s		\$630		\$1,042.20		\$1,740.00
	Grounds-Man	90	Hours	\$20					\$2,214.90		\$4,365.00
<u> </u>	Equipment - Emergency Call Out	† <u>-</u>			\$1,000		<u> </u>		ψΞ,Ξ 1 1.00	<u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u></u>	
23	Bucket Truck	30	Hours	\$45	\$1,350	\$35	\$1,050	\$20.26	\$607.80	\$37.50	\$1,125.00
24	Crane Truck/Chipper	24	Hours	\$25		terrer and the second		the second second second second	\$1,165.44	\$37.50	\$900.00
25	Chipper Truck/Chipper or Dump Truck	20	Hours	\$20					\$311.20		\$396.80
26	Stump Grinder	5	Hours	\$10					\$72.50		\$96.85
27	Crane (necessary tonnage with Operator)	24	Hours	\$25	the second s			\$125.00	\$3,000.00	and the second second	\$3,240.00
<u> </u>	Total Estimated Bid	<u> </u>	I nouis	<u>μ</u> ψευ	\$224,300		\$224,945		\$298,423.02		\$525,828.51
				·····	μ	1	φζζ4,940	1	¥230,423.02	1	ψυζυ,υζυ.υτ

The bid of Core Services, LLC is non-responsible

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Interoffice Memorandum

#### **BUSINESS DEVELOPMENT DIVISION**

February 9, 2016

TO:	Jim Schell, Senior Purchasing Agent
	Procurement Division

FROM: Kesi Warren, Senior Contract Administrator Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: IFB #Y16-180-JS, Tree Trimming and Related Services for Parks and Recreation Division

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



Interoffice Memorandur

February 24, 2016

To:

Mayor Teresa Jacobs and the Board of County Commissioners

From Johnny Richardson, Manager Procurement Division

Contact: Jackie Torbert, Manager Water Division 407-294-9850

Subject: Award of Invitation for Bids Y16-199-JS, Liquid Carbon Dioxide

### ACTION REQUESTED:

Approval to award Invitation for Bids Y16-199-JS, Liquid Carbon Dioxide, to the single responsive and responsible bidder, Air Liquide Industrial U.S. LP, in the estimated annual contract award amount of \$757,000 for a 1-year term contract. Further request authorization for the Procurement Division to renew the contract for two additional 1-year terms.

### **PROCUREMENT:**

Liquid carbon dioxide is used to adjust the pH of raw water at Orange County water treatment facilities.

FUNDING:

Funds are available in account number 4420 038 1324 4156.

### APPROVALS:

The Water and Business Development Divisions concur with this recommendation.

### REMARKS:

Two bids were received in response to Invitation for Bids Y16-199-JS and were evaluated for price, responsiveness and responsibility. The bid of, Airgas Carbonic, Inc. was determined to be non-responsive due to exceptions taken with the terms and conditions of the bid. Air Liquide Industrial U.S. LP has confirmed their bid price and it is considered reasonable based on the following contract price comparison with other entities:

	<u>Per Ton Cost</u>
Orange County	\$189.25
City of Melbourne	\$195.00
City of Tarpon Springs	\$193.00
Sarasota County	\$193.00
Bonita Springs Utilities	\$202.20

Therefore, recommendation is made for award to Air Liquide Industrial U.S. LP. The bid tabulation is attached.

# BID TABULATION IFB Y16-199-JS LIQUID CARBON DIOXIDE

,

			{ ·	e Industrial 5. LP				
	Est.							
	Annual	Unit of	Unit	Extended				
Description	Quantity	Measure	Price	Price				
Liquid Carbon Dioxide	4,000	Tons	\$189.25	\$757,000				
The bid of Airgas Carbo	The bid of Airgas Carbonic, Inc. is non-responsive.							



Interoffice Memorandum

#### BUSINESS DEVELOPMENT DIVISION

February 17, 2016

TO: Jim Schell, Senior Purchasing Agent Procurement Division

FROM: Kesi Warren, Senior Contract Administrator Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: IFB #Y16-199-JS, Liquid Carbon Dioxide

The Business Development Division evaluated the **1 bid** submitted for this project and found that the **bidder is not an** 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

Sheena He

Interoffice Memorandu

February 18, 2016

To: Mayor Teresa Jacobs and the Board of County Commissioners

Regno LorJohnny M. Richardson, Manager, Procurement Division

Contact: Robin L. Hammel, P.E., Manager, Public Works Engineering Division 407-836-7909

Subject: Award of Invitation for Bids Y16-714-CH, Wildwood Area Road Network Pond C Underdrain and Slurry Trench Improvements Project

### ACTION REQUESTED:

Approval to award Invitation for Bids Y16-714-CH, Wildwood Area Road Network Pond C Underdrain and Slurry Trench Improvements Project, to the low responsive and responsible bidder, Cathcart Construction Company - Florida, in the estimated contract award amount of \$359,143.

### PROCUREMENT:

The Wildwood Area Road Network Pond C Underdrain and Slurry Trench Project consists of approximately 510 linear feet of drainage/underdrain construction and approximately 400 linear feet of slurry trench (clay core) construction. Pond C is permitted under the South Florida Water Management District. The project area is located along Pond C which is just west of Lake Willis Drive and south of Interstate 4. This project is located in District 1.

### FUNDING:

Funding is available in account numbers: 1033-072-5091-6311 and 1034-072-5091-6311.

### REMARKS:

Five bids were received. The bid submitted from Cathcart Construction Company – Florida is approximately 26% lower than the second low bidder, Schuller Contractors Incorporated. Staff attributed the price differences to the contractor's previous experience and compared their pricing to other similar projects and found the prices were comparable. Y16-714-CH; Agenda Memo Page 2 of 2

References provided were satisfactory for this type of work and Cathcart Construction Company – Florida has been determined to be responsible.

### **Bids Received**

# Base Bid

Cathcart Construction Company – Florida	\$359,143.00
Schuller Contractors Incorporated	\$451,947.00
Jordan Brothers Construction, LLC	\$466,629.72
Uribe Site Development, Inc.	\$500,000.00
AP Construction Contractor, LLC	\$616,360.80

Interoffice Memorandum



#### BUSINESS DEVELOPMENT DIVISION

January 14, 2016

TO:	Carol Hewitt, Senior Contract Administrator Procurement Division
FROM:	Dexter Watts, Senior Contract Administrator Business Development Division
SUBJECT:	Business Development Division Bid Evaluation
PROJECT:	Y16-714-CH / Wildwood Area Road Network - Pond C - Underdrain and

**Slurry Trench Improvements Project** 

The Business Development Division evaluated the 3 lowest bids of the 5 bids submitted for this project and found that the apparent low bidder Cathcart Construction Company-Florida did not achieve good faith effort documentation and reported 9.64% MWBE participation in their bid. Please note the following certified MWBE participation:

Mbe-hm	Diversified Supply Co.	\$5,430
Wbe-wf	Winter Garden Grassing	\$14,811
Wbe-wf	Kathy's Video	\$700
Wbe-wf	KMG Fence	\$8,107
Mbe-hm	PES, LLC	\$5,589
Total MWB	E Participation	\$34,637.00 (9.64%) -

The second low bid submitted by Schuller Contractors Incorporated achieved good faith effort documentation and reported 5.42% MWBE participation in their bid.

The third low bid submitted by Jordan Brothers Construction, LLC did not achieve good faith effort documentation and reported 0% 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.

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#### IFB-Y16-714-CH / Wildwood Area Road Network - Pond C - Underdrain and Slurry Trench Improvements Project % % Difference Difference M/WBE % M/WBE \$ Over Low From Low From 2nd EEO % \$ Over 2nd \$'s in Bid (Goal 25%) GFE Bidder Bid (7%) Low Bid M / W Rank **Bid Amount** Bid Low Bid Low Bid Cathcart Construction Company-Florida \$359,143.00 \$34,637 9.64% 76/2 no 2nd Low Schuller Contractors Incorporated \$451,947.00 \$24,500 5.42% \$92,804.00 25.84% 72/11 yes | 3rd Low Jordan Brothers Construction, LLC \$466,629.72 \$0 0.00% \$107,486.72 29.93% \$14,682.72 3.25% 13/13 no 4th Low Uribe Site Development, Inc. [mbe-hm] \$500,000.00 \$300,000 60.00% \$140,857.00 39.22% \$48,053.00 10.63% 80/20 na 5th Low AP Construction Contractor, LLC \$616,360.80 \$15,000 2.43% \$257,217.80 71.62% \$164,413.80 36.38% 86/14 no

## **BID COMPARISON**

714 AL-Wildwood Area Road Network - Pond C - Underdrain and Slurry Trench Improvements Project

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February 16, 2016

Interoffice Memoranc

To:

Mayor Teresa Jacobs and the Board of County Commissioners

F(one Johnny Richardson, Manager, Procurement Division

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

Subject: Award of Invitation for Bids Y16-716-CC, Orange County Courthouse Generator Fuel Delivery System Retrofit & Master Controller Upgrade

### ACTION REQUESTED:

Approval to award Invitation for Bids Y16-716-CC, Orange County Courthouse Generator Fuel Delivery System Retrofit & Master Controller Upgrade, to the low responsive and responsible bidder, Eau Gallie Electric, Inc., in the total contract award amount of \$390,452.

### PROCUREMENT:

The project consists of replacing three fuel pumps, one backup pump, the fuel oil control panel and four starters, as well as modifications to three existing packaged engine generator sets and paralleling controls and conversion from analog to digital control. This project is located in District 3.

### FUNDING:

Funding is available in account number 1023 043 0263 6210.

### APPROVALS:

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

### REMARKS:

Two bids were received. Eau Gallie Electric, Inc. has a satisfactory record of performance and has been determined responsible. Therefore, award is recommended to Eau Gallie Electric, Inc.

# Page 2 Award of Invitation for Bids Y16-716-CC

<u>Bids Received:</u> Eau Gallie Electric, Inc. Close Construction, LLC Bid Amount \$390,452 \$419,239

Interoffice Memorandum



#### BUSINESS DEVELOPMENT DIVISION

January 21, 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: Y16-716-CC / Orange County Courthouse Generator Fuel Delivery System Retrofit and Master Controller Upgrade

The Business Development Division evaluated the 2 bids submitted for this project and found that the apparent low bidder Eau Gallie Electric, Inc. did not achieve good faith effort documentation and reported 0% MWBE participation in their bid.

The second low bid submitted by Close Construction, LLC achieved good faith effort documentation and reported 3.79% 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

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# **BID COMPARISON**

IFB-	IFB-Y16-716-CC / Orange County Courthouse Generator Fuel Delivery System Retrofit and Master Controller										
		M/WBE	% M/WBE		\$ Over Low		2nd Low		1		
Rank	Bidder	Bid Amount	\$'s in Bid	(Goal 25%)	GFE	Bid	Bid (7%)	Bid	Low Bid	M/W	
Low Bid	Eau Gallie Electric, Inc.	\$390,452	\$0.00	0.00%	no					8/12	
2nd Low	Close Construction, LLC	\$419,239	\$15,882.00	3.79%	yes	\$28,787	7.37%			0/21	



Interoffice Memorand February 22, 2016

To: Mayor Teresa Jacobs and the Board of County Commissioners

From: Johnny Richardson, Manager, Procurement Division

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

Subject: Award of Invitation for Bids Y16-733-CC, Regional Computing Center Roof Replacement

### ACTION REQUESTED:

Approval to award Invitation for Bids Y16-733-CC, Regional Computing Center Roof Replacement, to the low responsive and responsible bidder, R. F. Lusa & Sons Sheetmetal, Inc. in the total contract award amount of \$294,490.

### PROCUREMENT:

The project consists of construction and installation of a new metal roof system at the Orange County Regional Computing Center. This project is located in District 6.

FUNDING:

Funding is available in account number 1023 043 2025 6210.

### <u>APPROVALS:</u>

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

## REMARKS:

Three bids were received. The bid submitted by Property Renovation & Construction, LLC was determined to be non-responsive because they qualified their bid. Although the bid from R. F. Lusa & Sons Sheetmetal, Inc. is approximately 32% lower than the second low bidder, staff and the County's roofing consultant evaluated the bids and determined that the low bid was reasonable. The difference in bid prices is attributable to contractor means and methods. R. F. Lusa & Sons Sheetmetal, Inc. has a satisfactory record of performance and has been determined responsible. Therefore, award is recommended to R. F. Lusa & Sons Sheetmetal, Inc.

Page 2 Award of Invitation for Bids Y16-733-CC

**Bids Received:** 

Bid Amount

R.F. Lusa & Sons Sheetmetal, Inc. Atlas Apex Roof, LLC \$294,490 \$391,000

Property Renovation & Construction, LLC

Non-responsive

Interoffice Memorandum



#### BUSINESS DEVELOPMENT DIVISION

February 4, 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: Y16-733-CC / Regional Computing Center Roof Replacement

The Business Development Division evaluated the 2 bids submitted for this project and found that the apparent low bidder R.F. Lusa & Sons Sheetmetal, Inc. did not achieve good faith effort documentation and reported 0% MWBE participation in their bid.

The second low bid submitted by Atlas Apex Roofing, LLC did not achieve good faith effort documentation and reported 0% 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

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·····										
	IFB-Y16-733-CC / Regional Computing Center Roof Replacement									
	M/WBE % M/WBE \$ Over Low From Low 2nd Low From 2nd EEO %									
Rank	Bidder	<b>Bid Amount</b>	\$'s in Bid	(Goal 25%)	GFE	Bid	Bid (7%)	Bid	Low Bid	M / W
Low Bid	R.F. Lusa & Sons Sheetmetal, Inc.	\$294,490	\$0	0%	no					66/2
2nd Low	Atlas Apex Roofing, LLC	\$391,000	\$0	0%	no	\$96,510	32.77%			93/2

# **BID COMPARISON**

733 AL-Regional Computing Center Roof Replacement

Interoffice Memorandu

February 16, 2016

TO:

Mayor Teresa Jacobs and the Board of County Commissioners

### FROMS Graduate Johnny M. Richardson, Manager, Procurement Division

- CONTACT: John Petrelli, Director, Risk Management & Professional Standards (407) 836-9640
- SUBJECT: Approval to Purchase the renewals of All Lines of Commercial Insurance Coverage Contract Y15-192-ZM

#### ACTION REQUESTED:

Approval to purchase the renewals of all lines of coverage (as outlined below) for the County's Commercial Insurance Program under Contract Y15-192-ZM, Insurance Broker and Consultant Services, for premiums not-to-exceed \$4,900,300.

#### **PROCUREMENT:**

To purchase renewal policies of all-lines of commercial insurance for the Board of County Commissioners, Clerk of the Circuit and County Courts, Property Appraiser, Tax Collector, Comptroller, Supervisor of Elections, and the Orange Blossom Trail Development Board (workers' compensation only).

Includes S	al Property Program tand-alone Terrorism, Boiler & Machinery e and Mobile Equipment Policies	\$ 4	4,000,000	
Excess Pu	blic Entity Liability	\$	510,000	
Cyber Liab	ility & Extortion	\$	100,000	
Commercia	al Crime & Public Officials Bonds	\$	15,000	
Tenant Use	er's/Vendor Liability Programs**	\$	34,500	
Neighborh	ood Services Grants- Liability***	\$	13,000	
Corporate	Counsel	\$	10,000	
Corrections	s AD&D and Med Pay Policies*	\$	12,800	

Broker's Fee

FUNDING:

\*The premium for the Corrections AD&D polices are paid from the General Fund

\*\* The premium for the TULIP/Vendor policies is paid by the tenant user and is collected annually from Parks and Recreation Division.

205,000

\$

\*\*\* The premium for the Neighborhood Services grant is paid from the General Fund.

Page 2

Approval to Purchase All Lines of Commercial Insurance Coverage

Arthur J. Gallagher will serve as agent with insurers as yet to be determined for policies with effective dates of April 1, 2016 through March 31, 2017. Funds are available in account 5510-025-0328-3350.

#### APPROVAL:

The Risk Management Committee and the Risk Management Division concur with this recommendation.

#### **REMARKS**:

The Board selected Arthur J. Gallagher & Co. on June 30, 2015 to provide insurance broker and consultant services to the County through September 16, 2020. This particular request for Board approval will allow Risk Management and Arthur J. Gallagher & Co. to participate in ongoing negotiations with insurance carriers up to March 31, 2016, to achieve optimum coverage and pricing. The Risk Management Committee has given their approval of the not-to-exceed amount of \$4,900,300 of premium (in accordance with the intergovernmental self-insurance agreement adopted by the Board on August 6, 1997).

The requested not-to-exceed amount represents a decrease of 10.9% in the authority requested for the previous policy year.

Interoffice Memorandu

#### I. CONSENT AGENDA ADMINISTRATIVE SERVICES DEPARTMENT 9

February 23, 2016

TO

Mayor Teresa Jacobs and the Board of County Commissioners

FROM (C)Johnny Richardson, Manager, Procurement Division

CONTACT: Hazem El-Assar, PE, Chief Engineer Traffic Engineering Division 407-836-8766

SUBJECT: Approval of Purchase Order M77480, Purchase of Siemens Signal Controller Assemblies and Clary UPS Assemblies

### ACTION REQUESTED:

Approval of Purchase Order M77480 – Purchase of Siemens Signal Controller Assemblies and Clary UPS Assemblies, with Temple, Inc., for the total amount of \$809,094.

### PROCUREMENT:

The Siemens Signal Controller Assemblies and Clary UPS Assemblies are necessary for the satisfactory operation of the existing equipment. The existing Controller Assemblies have a life expectancy of 15 to 20 years with an end of life on or about January 2016 through January 2020. This equipment is located along portions of Alafaya Trail, Lake Underhill Rd., University Blvd. and Aloma Avenue.

### FUNDING:

Funding is available in account number 7514-072-7361-6320.

### APPROVALS:

The Traffic Engineering Division concurs with this recommendation.

### REMARKS:

Siemens Signal Controller Assemblies and Clary UPS Assemblies are on the Florida Department of Transportation's (FDOT) Approved Product List. Siemens Signal Controller Assemblies and Clary UPS Assemblies were approved as the proprietary product by FDOT for agreement #439552-1-54-01. County funds will be used, then reimbursed by Federal Highway Administration funds as managed by FDOT per Joint Participation Agreement FM #435529-1-54-01. Price reasonableness has been determined by a price comparison with the FDOT state contract for this equipment.

Interoffice Memorandu

#### I. CONSENT AGENDA ADMINISTRATIVE SERVICES DEPARTMENT 10

February 23, 2016

- TO: Mayor Teresa Jacobs and the Board of County Commissioners
- FRQM3 Construction Johnny Richardson, Manager, Procurement Division
- CONTACT: Hazem El-Assar, PE, Chief Engineer Traffic Engineering Division 407-836-8766
- SUBJECT: Approval of Purchase Order M77482 Purchase of Adaptive Signal System (InSync)

### ACTION REQUESTED:

Approval of Purchase Order M77482 – Purchase of Adaptive Signal System (InSync), with Rhythm Engineering, LLC, for the total amount of \$1,489,100.

#### PROCUREMENT:

InSync is the name brand of the Adaptive Signal System manufactured by Rhythm Engineering, LLC. The implementation of InSync will provide critical synchronization within the County's Adaptive Traffic Control System (ATCS). InSync is compatible with various brands of signal system controller(s) and cabinet(s) equipment.

#### FUNDING:

Funding is available in account number 7514-072-7361-6320.

### APPROVALS:

The Traffic Engineering Division concurs with this recommendation.

#### **REMARKS**:

InSync is the only Adaptive Product approved on the Florida Department of Transportation's (FDOT) Approved Product List. County funds will be initially used, then reimbursed by Federal Highway Administration funds as managed by FDOT per Joint Participation Agreement FM #439552-1-54-01. InSync was approved as the proprietary product by FDOT for agreement #439552-1-54-01. Rhythm Engineering, LLC is the manufacturer of the InSync system and their products are distributed directly from the manufacturer without third party involvement. Price reasonableness has been determined by a price comparison with the FDOT state contract for this equipment.



February 23, 2016

Interoffice Memorandur

- To: Mayor Teresa Jacobs and the Board of County Commissioners
- From: Carrie Woodell, Acting Manager, and Procurement Division
- Contact: Kevin V. Begy, Utilities Supervisor, Field Services Division 407-254-6749
- Subject: Approval of Purchase Order M77643 Purchase of Siemens PLC's (Programmable Logic Controllers), Memory Cards and Power Supply Units

### ACTION REQUESTED:

Approval of Purchase Order M77643 – Purchase of Siemens PLC's (Programmable Logic Controllers), Memory Cards and Power Supply Units with AWC, Inc, in the amount of \$215,798.93.

### PROCUREMENT:

To purchase Siemens PLC's (programmable logic controllers), memory cards and power supply units required to upgrade the Utilities Department Supervisory Control and Data Acquisition (SCADA) system.

#### FUNDING:

Funding is available in account number 4420 038 1416 05 6310.

### APPROVALS:

The Field Services Division concurs with this recommendation.

#### **REMARKS**:

The SCADA system is required in order to monitor and control the County's wastewater pump stations remotely. The current system upgrades have been designed with Siemens programmable logic controllers and components that allow the County's infrastructure to communicate with other County Utilities sites. This upgrade requires Siemens manufactured automation products to ensure compatibility between all of the automation equipment in the SCADA system. Failure to provide compatible equipment for the SCADA upgrade project would result in a system failure. AWC, Inc. is the sole distributor for the full line of Siemens automation products in the state of Florida.

Page 2

Approval of Purchase Order M77643 – Purchase of Siemens PLC's (Programmable Logic Controllers), Memory Cards and Power Supply Units

The cost was determined to be fair and reasonable by staff when compared to prior purchases of like parts by the County. These costs are a 12% discount off the published list prices.

Interoffice Memorandui

March 15, 2016

- TO: Mayor Teresa Jacobs and the Board of County Commissioners
- FROM for Johnny Richardson, Manager, Procurement Division
- CONTACT: Rafael Mena, Chief Information Officer, Information Systems and Services Division 407-836-5260
- SUBJECT: Approval of Contract Y16-1026-TA, Inmate Management System (IMS) Maintenance and Support

### ACTION REQUESTED:

Approval of Contract Y16-1026-TA, Inmate Management System (IMS) Maintenance and Support for the period of April 1, 2016 through March 31, 2021 with DSI-ITI, LLC, in the amount of \$2,010,670.

### **PROCUREMENT:**

This contract will provide critical, 24/7 software and maintenance support for the jail's Inmate Management System (IMS). The IMS is a comprehensive system that was implemented in 2005 as a result of the Jail Oversight Committee recommendation and subsequent CIP funding. The IMS software tracks inmate data from time of booking until release from custody and includes a wide range of incarceration functions such as classification, inmate accounting, sentence, housing, medication dispensation, and incident reporting. IMS data is shared electronically with all local, criminal justice partners (e.g., OCSO, police municipalities, Clerk of Court, State Attorney, Public Defender) as well as state agencies (e.g., Florida Department of Law Enforcement, FHP). The IMS is a key component within the Integrated Criminal Justice Information System (ICJIS). Annual maintenance and support services enables ongoing 24/7 technical support, version updates based on hardware, database, and operating system requirements, and new releases with added functionality.

### FUNDING:

A delivery order will be issued on an annual basis.

### <u>APPROVALS:</u>

The Information Systems and Services Division concur with this recommendation.

### REMARKS:

The maintenance and support for the system was provided under the initial contract, Y1-619-SI, with DSI-ITI, LLC to implement the system. The initial contract included a five year maintenance period which expired on March 31, 2011. The County entered into another contract, Y11-1037-GC, for annual maintenance and support services which expires on March 31, 2016. The system is proprietary to DSI-ITI, LLC.

Page 2

Approval of Contract, Y16-1026-TA, Inmate Management System (IMS) Maintenance and Support

The contract amount is considered reasonable based on past history and market research performed on similar Orange County ISS large-system maintenance and support contracts, whereas the average annual increase for similar services ranged from 2% to 5%. Since the time of inception, the vendor has not increased his prices more than 3% annually.

Interoffice Memorandur

March 15, 2016

TO:

Mayor Teresa Jacobs and the Board of County Commissioners

- FROM + Johnny Richardson, Manager, Procurement Division
- CONTACT: Robin Hammel, Manager, Public Works Engineering Division 407-836-7909
- SUBJECT: Approval of Contracts, Request for Proposals Y16-132-ZM Civil Engineering, Planning, Vertical Construction Management and Real Estate Acquisition Staff Augmentation

### RECOMMENDATION:

Approval to award contracts under Request for Proposals Y16-132-ZM, Civil Engineering, Planning, Vertical Construction Management and Real Estate Acquisition Staff Augmentation for Roadway Design and Right-of-way Acquisition Engineering (Lot A) to Hill International, Inc. in the amount of \$3,965,936 and Visium Resources, Inc. in the amount of \$2,541,760; Traffic Control Engineering (Lot B) to Hill International, Inc. in the amount of \$812,344; Roadway Construction Inspection (Lot C) to Moten Tate, Inc. in the amount of \$787,446.40; Transportation Planning (Lot D) to Moten Tate, Inc. in the amount of \$517,504; Real Estate Management (Lot E) to Hill International, Inc. in the amount of \$4,013,776 and Visium Resources, Inc. in the amount of \$4,013,776 and Visium Resources, Inc. in the amount of \$1,735,427.20.

Request authority for the Procurement Division to execute a 5-year contract with two additional one year periods.

This item was evaluated by the Procurement Committee on February 10, 2016. Commissioner Ted Edwards was assigned to the Procurement Committee.

### PURPOSE:

Mayor Teresa Jacobs initiated a \$300 Million program entitled "Invest in Our Homes for Life" which addresses many infrastructure improvements needed by the County. This contract will supplement County staff in performing the duties needed to design and construct these infrastructure improvements. Funding for the contract will come primarily from the program.

### FUNDING:

Delivery Orders will be issued on an as needed basis.

### Page 2

Approval of Contracts, Request for Proposals Y16-132-ZM Civil Engineering, Planning, Vertical Construction Management and Real Estate Acquisition Staff Augmentation

### REMARKS:

Six proposals were received in response to RFP Y16-132-ZM. The Procurement Committee evaluated the proposals against the stated criteria. Attached are the consensus scores.

	Qualifi of S	taff	of	fication Firm	Арр	hnical roach		ation	Lot A Fee Proposal	Lot B Fee Proposal	Lot C Fee Proposal	Lot D Fee Proposal	Lot E Fee Proposal	Lot F Fee Proposal	M/W Go		Welfare Hires	Disabled Vet. Hires	LOT A TOTAL	LOT B TOTAL	LOT C TOTAL	LOT D TOTAL	LOT E TOTAL	LOT F TOTAL
EIGHT:	2	0		20	ļ	10	1	0	30	30	30	30	30	30	1	0	5	15						
RM:	RAW SCORE	WEIGHTED SCORE	RAW SCORE	WEIGHTED SCORE	RAW SCORE	WEIGHTED SCORE	RAW SCORE	WEIGHTED SCORE	WEIGHTED SCORE	WEIGHTED SCORE	WEIGHTED SCORE	WEIGHTED SCORE	WEIGHTED SCORE	WEIGHTED SCORE	RAW SCORE	WEIGHTED SCORE	BONUS POINTS	BONUS POINTS	ROADWAY & ROW ENG.	TRAFFIC CONTROL ENG.	ROADWAY CONST. INSPECT	TRANSP. PLANNING	REAL ESTATE MGMT	VERTICAL CONSTRUCT MGMT
AI CONSULTANTS, INC	3.1	62.0	3.5	70.0	2.6	26.0	5.0	50.0	61.0	51.0	47.0	23.0	56.0		4.0	40.0	0.0	0.0	309.0	299.0	295.0	271.0	304.0	
ILL INTERNATIONAL, INC	4.0	80.0	3.1	62.0	4.0	40.0	5.0	50.0	81.0	117.0	75.0	31.0	100.0	135.0	4.0	40.0	0.0	2.0	355.0	391.0	349.0	305.0	374.0	409.0
ONTGOMERY CONSULTING ROUP, INC.	3.1	62.0	3.0	60.0	3.3	33.0	5.0	50.0	88.0	79.0	80.0	46.0 ,	70.0	129.0	4.0	40.0	0.0	0.0	333.0	324.0	325.0	291.0	315.0	374.0
OTEN TATE, INC.	2.0	40.0	2.0	40.0	3.0	30.0	5.0	50.0	150.0	150.0	150.0	150.0	150.0	138.0	4.0	40.0	0.0	0.0	350.0	350.0	350.0	350.0	350.0	338.0
HE TRIECE COMPANY	1.0	20.0	1.0	20.0	1.0	10.0	5.0	50.0			1		51.0		1.0	10.0	0.0	0.0					161.0	
SIUM RESOURCES, INC.	2.6	52.0	3.0	60.0	3.3	33.0	5.0	50.0	126.0	128.0	105.0	56.0	126.0	150.0	4.0	40.0	0.0	0.0	361.0	363.0	340.0	291.0	361.0	385.0

#### CIVIL ENGINEERING, PLANNING, VERTICAL CONSTRUCTION MANAGEMENT AND REAL ESTATE ACQUISITION STAFF AUGMENTATION SERVICES RFP #Y16-132-ZM - EVALUATION COMMITTEE MEETING

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Interoffice Memorandum

December 29, 2015

- To: Zulay Millan, Senior Purchasing Agent Procurement Division
- FROM: Kesi Warren, Senior Contract Administrator Business Development Division
- SUBJ: RFP #Y16-132-ZM, Civil Engineering, Planning, Vertical Construction Management and Real Estate Acquisition Staff Augmentation Services

Below are the respondents to the subject RFP with their firm's certified sub-consultants and M/WBE participation score on a 1 - 5 rating:

1. WF	Montgomery Consulting Group, Inc.		4 Points
	None	0%	
<u> </u>	Total MWBE Participation:	0%	
	EEO Staff	67%	
Bonus Points	· ·		
	Service-Disabled Veterans (SDV)	0	
	Welfare Recipients:	0	

2.	GAI Consultants, Inc.		4 Points
WF	Montgomery Consulting Group, Inc.	25%	
	Total MWBE Participation:	25%	
	EEO Staff	40%	
Bonus Points			
	Service-Disabled Veterans (SDV)	0	
	Welfare Recipients:	0	

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3.	Hill International, Inc.		4 Points
AFAF	Votum Construction, LLC	12%	
WF	Forte Young, Inc.	12%	
	Total MWBE Participation:	24%	
	EEO Staff	36%	
Bonus			
Points			
	Service-Disabled Veterans (SDV)	1	
	Welfare Recipients:	0	

4. AFAM	Moten Tate, Inc.		4 Points
	None	0%	
<u></u>	Total MWBE Participation:	0%	
	EEO Staff	61%	
Bonus Points			
*	Service-Disabled Veterans (SDV)	0	
*	Welfare Recipients:	0	

\*The Schedule of Sub-Contracting – Service- Disabled Veterans and Welfare Recipient forms were not submitted with the proposal.

5.	Visium Resources, Inc.		4 Points
AF(IS)	Ace Staffing, Inc.	24%	
	Total MWBE Participation:	24%	
	EEO Staff	53%	
Bonus Points			
*	Service-Disabled Veterans (SDV)		
*	Welfare Recipients:		

\*The Schedule of Sub-Contracting – Service- Disabled Veterans and Welfare Recipient forms were not submitted with the proposal.

6.	The Triece Company		1 Points
	None	0%	
	Total MWBE Participation:	0%	
	EEO Staff	0%	
Bonus Points			
	Service-Disabled Veterans (SDV)	0	
	Welfare Recipients:	0	

#### I. CONSENT AGENDA ADMINISTRATIVE SERVICES DEPARTMENT . 14

Interoffice Mem



TO:

#### **REAL ESTATE MANAGEMENT ITEM 1**

DATE:	February 25,	2016
	Toordary 20,	4010

Mayor Teresa Jacobs and the Board of County Commissioners

**THROUGH:** Ann Caswell, Manager

FROM:Robin Giove, Lease Program ManagerReal Estate Management Division

- PERSON: Ann Caswell, Manager
- DIVISION: Real Estate Management Phone: 836-7082

ACTION

CONTACT

**REQUESTED:**APPROVAL AND EXECUTION OF LEASE AGREEMENT BETWEEN<br/>ORANGE COUNTY AND HARBOR HOUSE OF CENTRAL<br/>FLORIDA, INC. AND DELEGATION OF AUTHORITY TO THE<br/>REAL ESTATE MANAGEMENT DIVISION TO EXERCISE<br/>RENEWAL OPTION, IF NECESSARY, FOR OFFICE SPACE

**PROJECT:**Harbor House @ OC CourthouseLease File #5090425 N. Orange Avenue, 4th FloorOrlando, Florida

District 5

**PURPOSE:** To provide office space at the Orange County Courthouse for Harbor House of Central Florida.

ITEM: Lease Agreement Revenue: None Size: 932 square feet Term: 5 years Option: One, 5 year renewal Real Estate Management Division Agenda Item 1 February 25, 2016 Page 2

APPROVALS: Real Estate Management Division County Attorney's Office Facilities Management Division Risk Management Division

**REMARKS:** Harbor House of Central Florida, Inc. is a non-profit organization that provides shelter and legal support to domestic violence victims.

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.

#### I. CONSENT AGENDA ADMINISTRATIVE SERVICES DEPARTMENT 15

Interoffice Memc



#### **REAL ESTATE MANAGEMENT ITEM 2**

	<b>m 4</b>	~ -	001
DATE:	February	25,	2016

TO: Mayor Teresa Jacobs and the Board of County Commissioners

- **THROUGH:**Ann Caswell, ManagerReal Estate Management Division
- FROM: Robin Giove, Lease Program Manager A. M. RC Real Estate Management Division
- PERSON: Ann Caswell, Manager
- DIVISION: Real Estate Management Phone: 836-7082

ACTION

CONTACT

**REQUESTED:** APPROVAL AND EXECUTION OF SECOND AMENDMENT TO STANDARD SHOPPING CENTER LEASE BETWEEN EQUITY ONE, INC. AND ORANGE COUNTY FOR CLINIC SPACE

**PROJECT:**Alafaya Commons #203711881 East Colonial Drive, Space No. 4AOrlando, Florida

District 5

**PURPOSE:** To continue to provide space for the operation of a neighborhood health clinic.

**ITEM:** 

clinic. Second Amendment to Standard Shopping Center Lease Cost: Year 1 - \$8,315 per month Year 2 - \$8,565 per month Year 3 - \$8,820 per month

- Year 4 \$9,085 per month
- Year 5 \$9,360 per month
- Size: 6,000 square feet Term: 5 years

Real Estate Management Division Agenda Item 2 February 25, 2016 Page 2

BUDGET: Accounting No.: 001-062-2502-3620

APPROVALS: Real Estate Management Division County Attorney's Office Health Services Department Risk Management Division

**REMARKS:** 

This action amends the Lease Agreement approved by the Board of County Commissioners on February 13, 2001, as amended by the First Lease Amendment Agreement dated April 18, 2006 and by the Agreement to Exercise Renewal Option dated February 16, 2011. Orange County Health Services has a service contract with True Health, a private, nonprofit 501 (c)(3) community health center, to operate a neighborhood health clinic in this space at Alafaya Commons Shopping Center.

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.

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#### REAL ESTATE MANAGEMENT ITEM 3

5, 2016

TO: Mayor Teresa Jacobs and the Board of County Commissioners

THROUGH: Ann Caswell, Manager Real Estate Management Division

**FROM:** Virginia G. Williams, Senior Title Examiner Real Estate Management Division

- PERSON: Ann Caswell, Manager
- DIVISION: Real Estate Management Phone: 836-7082

ACTION

CONTACT

**REQUESTED:** APPROVAL AND EXECUTION OF NOTICE TO TAX COLLECTOR OF APPLICATION FOR TAX DEED, AUTHORIZATION FOR COMPTROLLER TO PAY ALL FEES AND COSTS AND PERFORM ALL ACTIONS NECESSARY AND INCIDENTAL TO TAX DEED SALES

**PROJECT:** Tax Certificates Held by Orange County (properties valued over \$5,000 for Tax Year 2009)

Districts 1, 2, 4, 5 and 6

- **PURPOSE:** To comply with statutory requirements.
- **ITEM:** Notice to Tax Collector of Application for Tax Deed
- **BUDGET:** Account No.: 0001-043-0201-3167
- FUNDS:\$32,000Orange County Tax Collector and County Comptroller<br/>(Tax Deed application fees, sale fees and costs)

Real Estate Management Division Agenda Item 3 February 25, 2016 Page 2

APPROVALS: Real Estate Management Division County Attorney's Office Orange County Tax Collector Orange County Comptroller

**REMARKS:** 

The Tax Collector has requested the County proceed with the Tax Deed application process on approximately 42 parcels having delinquent taxes and an assessed value over \$5,000 for 2009.

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.





TO:

#### REAL ESTATE MANAGEMENT ITEM 4

<b>DATE:</b> February 25, 2016
--------------------------------

Mayor Teresa Jacobs and the Board of County Commissioners

THROUGH: Ann Caswell, Manager Real Estate Management Division

**FROM:** Virginia G. Williams, Senior Title Examiner Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management Phone: 836-7082

ACTION

**REQUESTED:**APPROVAL AND EXECUTION OF NOTICE TO TAX COLLECTOR<br/>OF APPLICATION FOR TAX DEED, AUTHORIZATION FOR<br/>COMPTROLLER TO PAY ALL FEES AND COSTS AND PERFORM<br/>ALL ACTIONS NECESSARY AND INCIDENTAL TO TAX DEED<br/>SALES

**PROJECT:** Tax Certificates Held by Orange County (properties valued over \$5,000 for Tax Year 2010)

Districts 1, 2, 3, 4, 5 and 6

ITEM: Notice to Tax Collector of Application for Tax Deed

**PURPOSE:** To comply with statutory requirements.

BUDGET: Account No.: 0001-043-0201-3167

# FUNDS:\$39,775 Orange County Tax Collector and County Comptroller<br/>(Tax Deed application fees and Tax Deed sale fees and costs)

Real Estate Management Division Agenda Item 4 February 25, 2016 Page 2

APPROVALS: Real Estate Management Division County Attorney's Office Orange County Tax Collector Orange County Comptroller

**REMARKS:** The Tax Collector has requested the County proceed with the Tax Deed application process on approximately 57 parcels having delinquent taxes and an assessed value over \$5,000 for 2010.

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.



TO:

#### REAL ESTATE MANAGEMENT ITEM 5

Mayor Teresa Jacobs and the Board of County Commissioners

**THROUGH:**Ann Caswell, ManagerReal Estate Management Division

**FROM:** Monica L. Hand, Senior Title Examiner Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management Phone: 836-7082

ACTION

**REQUESTED:**APPROVAL AND EXECUTION OF ACCESS AND DRAINAGE<br/>EASEMENT AGREEMENT BETWEEN ORANGE COUNTY AND<br/>THE SCHOOL BOARD OF ORANGE COUNTY AND<br/>AUTHORIZATION TO RECORD INSTRUMENT

**PROJECT:** Avalon Middle School Access (Patrick Dean Park)

District 4

**PURPOSE:** To provide for access, construction, operation, and maintenance of drainage facilities and secondary access to a middle school site over County owned property as requested by the School Board.

- ITEM: Access and Drainage Easement Agreement Revenue: None Size: 37,980 square feet
- APPROVALS: Real Estate Management Division County Attorney's Office Public Works Department Parks and Recreation Division Risk Management Division

Real Estate Management Division Agenda Item 5 February 25, 2016 Page 2

#### **REMARKS**:

On December 7, 2004, the Board of County Commissioners approved the plat of Tudor Grove at Timber Springs and Tract T was dedicated in fee simple to the County for a public park site, which is now known as Patrick Dean Park (Park Property). In order for the School Board to develop their adjacent property as a middle school, it is necessary for the School Board to obtain secondary access over the Park Property. This action will grant the School Board a non-exclusive Access and Drainage Easement for pedestrian and vehicular traffic to the school property. Prior to any construction activities within the easement area, the School Board shall submit detailed construction plans to the County for review and approval. The School Board, at its sole cost and expense, shall maintain and replace, to the extent necessary, any improvements that it constructs within the easement area.

In the event the School Board shall remove the improvements, convey the school property, or the school property ceases to be used as a school, the easements shall terminate and the School Board shall execute and record at their expense, a Termination of Easement in the public records of Orange County, Florida.

School Board to pay 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. February 25, 2016



DATE:

## REAL ESTATE MANAGEMENT ITEM 6

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
<b>DIVISION:</b>	Real Estate Management Phone: 836-7082
ACTION	
<b>REQUESTED:</b>	APPROVAL AND EXECUTION OF SIDEWALK EASEMENT AGREEMENT BETWEEN LOUIS L. HUNTLEY ENTERPRISES, INC. AND ORANGE COUNTY, APPROVAL OF SUBORDINATION OF
	ENCUMBRANCES TO PROPERTY RIGHTS TO ORANGE COUNTY FROM FIRSTATLANTIC BANK AND AUTHORIZATION TO RECORD INSTRUMENTS
PROJECT:	Thermo King Bachman (Permit # B14902480)
	District 4
PURPOSE:	To provide for access, construction, operation, and maintenance of sidewalk facilities as a requirement of development.
ITEMS:	Sidewalk Easement Agreement Cost: Donation Size: 1,747.5 square feet

Subordination of Encumbrances to Property Rights to Orange County

Real Estate Management Division Agenda Item 6 February 25, 2016 Page 2

APPROVALS: Real Estate Management Division County Attorney's Office Public Works Department Risk Management Division

**REMARKS:** The County is executing this document to show acceptance of its terms and conditions.

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.



TO:

#### REAL ESTATE MANAGEMENT ITEM 7

DATE:	February 25,	2016

Mayor Teresa Jacobs and the Board of County Commissioners

THROUGH: Ann Caswell, Manager Real Estate Management Division

**FROM:** Virginia G. Williams, Senior Title Examiner

- PERSON: Ann Caswell, Manager
- DIVISION: Real Estate Management Phone: 836-7082

ACTION

CONTACT

**REQUESTED:** APPROVAL OF WARRANTY DEED AND NON-EXCLUSIVE DRAINAGE EASEMENT FROM CORE REAL ESTATE LIMITED LLC TO ORANGE COUNTY AND AUTHORIZATION TO PERFORM ALL ACTIONS NECESSARY AND INCIDENTAL TO CLOSING

**PROJECT:** Core Academy PD/UNP/LUP

District 1

**PURPOSE:** To provide for access, construction, operation, and maintenance of road widening improvements as a requirement of adequate public facilities agreement.

ITEMS: Warranty Deed Cost: \$36,450 (Impact Fee Credits) Size: 1.62 acres

> Non-Exclusive Drainage Easement Cost: \$28,980 (Impact Fee Credits) Size: 1.61 acres

Real Estate Management Division Agenda Item 7 February 25, 2016 Page 2

APPROVALS: Real Estate Management Division County Attorney's Office Public Works Department Risk Management Division Transportation Planning Division

**REMARKS:** Grantor has reserved the right to expand, relocate, and/or reconfigure the drainage easement area at its sole cost and expense and the right to use the drainage easement area until such time as the County commences construction. Additionally, any fill dirt removed to construct the drainage improvements that is not needed can be relocated on Grantor's remaining property.

Grantor to pay all closing costs 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.



## **REAL ESTATE MANAGEMENT ITEM 8**

DATE:	February 25, 2016
TO:	Mayor Teresa Jacobs and the Board of County Commissioners
THROUGH:	Ann Caswell, Manager Real Estate Management Division
FROM:	Monica L. Hand, Senior Title Examiner (1997) Real Estate Management Division
CONTACT PERSON:	Ann Caswell, Manager
<b>DIVISION:</b>	Real Estate Management Phone: 836-7082
ACTION REQUESTED:	APPROVAL OF GENERAL WARRANTY DEED FROM ASBURY THEOLOGICAL SEMINARY, INCORPORATED TO ORANGE COUNTY AND AUTHORIZATION TO PERFORM ALL ACTIONS NECESSARY AND INCIDENTAL TO CLOSING
PROJECT:	Valencia College Lane (RAC) (Asbury Theological Seminary)
PURPOSE:	District 3 To provide for access, construction, operation, and maintenance of road widening improvements as a requirement of a transportation impact fee agreement.
ITEM:	General Warranty Deed Cost: \$37,254.69 (Impact Fee Credits) Size: 13,563 square feet
APPROVALS:	Real Estate Management Division County Attorney's Office Public Works Department Risk Management Division Transportation Planning Division

Real Estate Management Division Agenda Item 8 February 25, 2016 Page 2

**REMARKS:** The Board of County Commissioners approved the Transportation Impact Fee Agreement on November 17, 2015. This transaction is in accordance with the requirements contained in said agreement.

Grantor to pay all closing costs 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.

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## REAL ESTATE MANAGEMENT ITEM 9

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DATE:	February 25, 2016
ТО:	Mayor Teresa Jacobs and the Board of County Commissioners
THROUGH:	Ann Caswell, Manager Real Estate Management Division
FROM:	Kim Heim, Title Examiner AL Real Estate Management Division
CONTACT PERSON:	Ann Caswell, Manager
<b>DIVISION:</b>	Real Estate Management Phone: 836-7082
ACTION REQUESTED:	APPROVAL OF UTILITY EASEMENT BETWEEN TPG SMOOTHIE, INC., SUNNYSPRING ENTERPRISES, LLC AND ORANGE COUNTY AND AUTHORIZATION TO RECORD INSTRUMENT
PROJECT:	Pep Boys - Site Work Only OCU Permit: B14901655 OCU File #: 77766
	District 4
PURPOSE:	To provide for access, construction, operation, and maintenance of utility facilities as a requirement of development.
ITEM:	Utility Easement Cost: Donation Size: 940.26 square feet
APPROVALS:	Real Estate Management Division Utilities 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.

#### I. CONSENT AGENDA COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT 1



Interoffice Memoranuum

AGENDA ITEM

February 10, 2016

Mayor Teresa Jacobs – AND– Board of County Commissioners

FROM:

TO:

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:

March 15, 2016 – Consent Item 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 15-1493	1	MOHAMMED LAWAL	\$ 356.40
LC 15-1544	1	RICHARDSON MARIA N; SCHUTZ BRADLEY E	\$ 995.90
LC 15-1675	1	CLARKE ENID J TR	\$ 479.40
LC 15-1160	2	KILGORE THOMAS R II	\$ 223.12
LC 15-1177	2	SNIIIC THREE LLC	\$ 86.85
LC 15-1179	2	SNIIIC THREE LLC	\$ 87.90
LC 15-1209	2	ROSADO JULIO JR	\$4,856.43
LC 15-1251	2	FURER NANCY LOU ESTATE 40% INT; BROWN	\$1,755.60
		DEBORAH MAE; WALLACE ROBERT N 60% INT;	
		NORMAN HOWARD J	
LC 15-1458	2	MEZA DAVIS	\$2,150.43
LC 15-1561	2	ROYAL BLISS LINENS LLC	\$2,134.40
LC 15-1609	2	LINDBERG CARL E ESTATE	\$ 660.90
LC 15-1624	2	WILLIAMS JACQUNETTIA L	\$ 289.05
LC 15-1666	2	TRAN THANG VAN	\$ 940.05
LC 15-1667	2	CONFIDENTIAL	<sup>\$2,766</sup> 194
194			104

Page Two

March 15, 2016 - Consent Item

Resolutions for Special Assessment Lien(s) Lot Cleaning (40)

<u>Case No.</u>	<u>Dist.</u>	<u># Property Owner</u>	A	<u>\mount*</u>
LC 15-1677	2	SARJOO SALIMA CHINTAMANI; CHINTAMANI CHITRA	\$	938.90
		O; SARJOO KEVIN		
LC 15-1679	2	KING VIRGIL R SR; KING VIRGIL JR	\$ ^	1,312.10
LC 15-1272	3	RAINSBERGER CHERYL A	\$	89.35
LC 15-1523	3	HOYOS OFELIA	\$	268.65
LC 15-1582	3	MONROY FRANCIS; MONROY GENOVEVA ESTATE	\$	563.90
LC 15-1608	3	ELIE GINA C	\$	216.81
LC 16-0178	4	ALBA GILBERT; ALBA BRANDY	\$	383.78
LC 16-0180	4	RIVERA EDWIN; RIVERA SABRINA E	\$	231.53
LC 16-0229	4	TORRES EFRAIN; TORRES MIGDALIA	\$	144.90
LC 15-1573	5	STILL JOSEPH CHARLES JR; WEAVER KONSTANCE L	\$	174.33
LC 15-1352	6	MCCOON MANUJ GLEN	\$	334.60
LC 15-1387	6	ANTONIO OF ITALY INC	\$	671.78
LC 15-1412	6	S W I S USA COMPANIES LLC	\$	198.36
LC 15-1419	6	SINGH FALIZA SALIM; SINGH DAVID	\$	189.33
LC 15-1433	6	CODLING DAVE A ; DAVIS DOREEN E	\$	96.72
LC 15-1475	6	ALARCON MARILYN ESTATE	\$	246.28
LC 15-1476	6	LANE MICHAEL D	\$	475.53
LC 15-1480	6	SWINBURNE IDA MAY LIFE ESTATE; REM: IDA MAY	\$	168.75
LC 15-1487	6	SWINBURNE; REM: DAPHNE WHITE LANE MICHAEL D	\$	366.20
LC 15-1487 LC 15-1510	6	SANDRONI JOHN J TR	э \$	
LC 15-1510	6	ANDERSON SHARON; ANDERSON WILLIE E		,210.70
LC 15-1511 LC 15-1557	6	SUGARLOAF VII LLC	ֆլ \$	,210.70 470.57
LC 15-1586	6	PLOWDEN THEODORE C; PLOWDEN SUE A	Գ \$	337.30
		·	•	
LC 15-1633	6		\$	147.96
LC 15-1649	6	ROBERTSON JOANN	\$	282.89
LC 15-1662	6	ARMSTRONG MATTHEW C	\$	181.76

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:kr

#### I. CONSENT AGENDA COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT 2



Interoffice Memorandum

AGENDA ITEM

February 18, 2016

TO:	Mayor Teresa Jacobs —AND—
FROM:	Board of County Commissioners 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:	March 15, 2016 – Consent Item Petroleum Restoration Program Delegation from the Florida Department of Environmental Protection

The Florida Department of Environmental Protection (FDEP) has requested that Orange County expand its oversight of the Petroleum Restoration Program (PRP) to Lake County. This program is currently administered by the Environmental Protection Division (EPD) in Orange, Osceola and Seminole counties based on a delegation from FDEP. The program is fully funded by the State through an annual task assignment (TA) to EPD in accordance with a grant agreement.

The main purpose of this program is to prevent petroleum contamination of valuable groundwater resources that supply the vast majority of Florida's drinking water. Relatively small amounts of petroleum can contaminate a large amount of groundwater, which can be very expensive and difficult to clean up.

The PRP in Lake County is currently overseen by FDEP, which has recently decided that Orange County can more effectively oversee petroleum restoration sites in Lake County. Orange County has effectively and efficiently managed the PRP within Orange County since 1989, Seminole County since July 2012 and Osceola County since 2014. Being selected to provide services in another adjoining county is a strong vote of confidence in Orange County's program.

Page Two March 15, 2016 – Consent Item Petroleum Restoration Program Delegation from the Florida Department of Environmental Protection

The existing grant agreement with FDEP expires on June 30, 2016. The grant agreement and current TA will need to be amended if the BCC approves the expansion of services to Lake County. The expansion to an adjacent county will increase EPD's workload. However, by filling one vacant position that is currently on the manning table, EPD has determined that it would have the capacity to handle the additional responsibilities.

FDEP is offering to supplement Orange County's program with an additional \$22,206.86 per month (equivalent of \$266,482.32 per year) to cover any additional costs for managing 70 Lake County sites. Based on a financial analysis conducted by CEDS, Fiscal and Operational Support Division in collaboration with EPD, we believe that the current TA funding plus the additional proposed amount is sufficient to cover the cost of site management duties for Lake County that FDEP has proposed as part of an amended TA for state FY 2015/16.

This amendment has been reviewed by the County Attorney's Office. The amended grant agreement and associated task assignments will cover the full cost of the program and will not require County general revenue funds.

ACTION REQUESTED: Approval and execution of DEP Agreement No. S0484 Amendment No. 4 between the State of Florida Department of Environmental Protection (FDEP) and Orange County, Florida for the Petroleum Restoration Program to expand Orange County's area of responsibility under the program to include Lake County. Program to be fully funded by FDEP. All Districts

JVW/LC: mg

Attachments

#### DEP AGREEMENT NO. S0484 AMENDMENT NO. 4

THE AGREEMENT as entered into on the 23<sup>rd</sup> day of December, 2009, amended on the 29<sup>th</sup> day of June, 2012, on the 4<sup>th</sup> day of August, 2014, and on the 30<sup>th</sup> of June 2015, between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department" or "DEP") and ORANGE COUNTY FLORIDA, a charter county and political subdivision of the State of Florida (hereinafter referred to as the "Grantee" or "Recipient") is hereby amended.

WHEREAS, the Department is in need of petroleum contamination site cleanup related services in Lake County and the Grantee has agreed to provide the services; and,

WHEREAS, other changes to the Agreement are necessary.

NOW, THEREFORE, the parties hereto agree as follows:

- -- Effective July 1, 2015, the Grantee shall perform petroleum contamination site cleanup related services in Orange, Seminole, Osceola and Lake Counties.
- -- The first sentence of Paragraph I.1. is hereby revised to add Lake County to the list of counties the Grantee has been retained to perform local government petroleum contamination site cleanup program services in.
- -- Paragraph I.5. is revised to add Lake County to the list of counties in which all petroleum contamination site cleanup work must follow all rules and procedures established by the Department's Petroleum Restoration Program.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

#### REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed the day and year last written below.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By:

Teresa Jacobs Orange County Mayor

Date:\_\_\_\_\_

ATTEST: Martha O. Haynie, County Comptroller As Clerk of the Board of County Commissioners

By:

Deputy Clerk

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: \_\_\_\_\_\_ Secretary or Designee

Date:

Susan Fields, DEP Grant Manager

DEP Grants Administrator

Approved as to form and legality: DEP Attorney

For Agreements with governmental boards/commissions: If someone other than the Chairman signs this Amendment, a resolution, statement or other document authorizing that person to sign the Amendment on behalf of the Grantee must accompany the Amendment.



February 22, 2016

## AGENDA ITFM

Mavor Teresa Jacobs -AND-Board of County Commissioners

FROM:

TO:

Jon V. Weiss, P.E., Directo Community, Environmental and Development Services Department CONTACT PERSON: Mitchell Glasser, Manager

Housing and Community Development Division 407-836-5190

SUBJECT:

March 15, 2016 - Consent Item Multi-Family Affordable Housing Developer's Agreement

During the State of Florida 2014 Tax Credit Application Cycle, Orange County committed to provide a local government contribution of up to \$75,000 to the Brixton Landing affordable housing development. The local government contribution was used to secure tax credits that will provide an equity contribution to the project and will subsidize the impact fees and infrastructure fees associated with the affordable units. The proposed development will be located at 442 E. 13th Street, Apopka, FL 32703, and will consist of 80 units, which will be rented to individuals that are age 55 or older. The units will be rented to low-income households whose incomes do not exceed 60 percent of the Area Median Income, and shall remain affordable for a period of 15 years.

In December 2015, the Florida Housing Finance Corporation approved the Brixton Landing development and issued a preliminary allocation certificate for tax credits to Brixton Landing Ltd., general partner of Brixton Landing, LLC, a Florida Limited Liability Company. The developer has met all of the conditions and requirements of the Impact Fee Subsidy Program and is eligible for the local government contribution. Local government contribution funds are currently budgeted under our State Housing Initiative Partnership Program (SHIP).

The agreement has been reviewed as to form by the County Attorney's Office.

ACTION REQUESTED: Approval and execution of Multi-Family Affordable Housing Developer's Agreement for Impact Fee Subsidy by and between Orange County, Florida and Brixton Landing, Ltd., in the amount of \$75,000. District 2

JVW/MG/er

Attachments

#### MULTI-FAMILY AFFORDABLE HOUSING DEVELOPER'S AGREEMENT FOR IMPACT FEE SUBSIDY

THIS AGREEMENT is entered into by and between ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida, (hereinafter referred to as "the County") and Brixton Landing, Ltd., a Florida limited partnership, whose general partner is Brixton Landing GP, LLC, a Florida Limited Liability Company (hereinafter the "Developer").

#### RECITALS

WHEREAS, The Developer owns and intends to develop a senior citizen multi-family rental affordable housing project to be known as Brixton Landing, (hereinafter referred to as "the Project"), on that certain tract of real property, as described in Exhibit "A", attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the County executed a Local Government Verification of Contribution – Grant Form as support for the Project during the 2014 Universal Tax Credit Cycle; and

**WHEREAS**, the Developer has received a carryover allocation housing tax credit from Florida Housing Finance Corporation for the Project; and

WHEREAS, the County finds that creating affordable housing opportunities for low and extremely low income residents of Orange County, Florida to be a valid public purpose under the laws of Florida; and

WHEREAS, the County adopted Resolution 2015-M-10 for the implementation and administration of the Local Housing Assistance Plan under Florida's State Housing Initiatives Partnership (SHIP) Program; and

WHEREAS, the Board of County Commissioners supports the utilization of SHIP funds for rental activities for the purpose of providing affordable rental units for lower income Orange County residents.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

<u>Section 1.</u> <u>Recitals.</u> The above recitals are true and correct and are incorporated herein as a material part of this Agreement.

<u>Section 2.</u> <u>Definitions.</u> In construing this Agreement the following words, phrases and terms shall have the following meanings, unless the context requires otherwise:

A. Affordable shall be defined as a rental development in which a minimum forty percent (40%) of the units must be rented to a household whose annual income does not exceed sixty percent (60%) of the area median income.

B. Orlando Metropolitan Statistical Area ("MSA") shall include the areas of Orange, Lake, Seminole, and Osceola counties.

## Section 3. Scope of Project.

A. The Project shall consist of Eighty (80) units in total. Of the total units, eight (8) units shall be set aside and rented only to those households with one member age fifty-five (55) years or older whose household income does not exceed forty percent (40%) of the MSA median income. Of the total units, seventy-two (72) units shall be set aside and rented only to those households with one member age fifty-five (55) years or older whose income does not exceed sixty percent (60%) of the MSA median income, subject to any exceptions/exemptions allowed by the Housing for Older Persons Act of 1995.

# Section 4. Payment of Law Enforcement, Fire/Rescue, Road, and Parks/Recreation Impact Fees

A. The Developer shall make payment of all law enforcement, fire/rescue, road, parks/recreation impact fees, and sewer and water connection fees upon submittal of their building permit application with the City of Apopka.

B. The County has designated SHIP funds to partially offset project impact fees and necessary infrastructure fees paid by the Developer. Such funds shall not exceed Seventy Five Thousand Dollars (\$75,000) and shall be disbursed to the Developer in accordance with applicable federal, state and county laws, rules and regulations. The Developer shall request, in writing, reimbursement for the payment of impact fees and infrastructure fees paid to City of Apopka. Requests for reimbursement shall be supported by source documentation, e.g. Building Department Impact Fee receipts/invoices for all fees paid. The County, through its Housing and Community Development Division, shall review all source documentation and remit payment to Developer for all authorized expenditures.

#### Section 5. Exemption of Payment of School Impact Fees - Senior Housing.

A. Section 23-161(6) Chapter 23, Article V, Orange County Code, provides for exemption of payment of School Impact Fees for senior housing that prohibits permanent residence by persons under the age of eighteen (18). Such prohibition shall be formalized by recorded deed restriction, recorded declaration of covenants and restrictions, or recorded plat restrictions and shall qualify as one of the three (3) types of communities designed for older persons in the Housing for Older Person Act, 42 U.S.C. § 3607(b) in order to receive the exemption from payment of school impact fees.

#### Section 6. Restrictive Covenant.

A. The Developer acknowledges that this Agreement creates a restrictive covenant and that such covenant shall run with the Property.

Β. The Developer, its successors, and assigns shall utilize the Property for the rental of eighty (80) multi-family housing units. Such units will be rented to individuals and families whose income does not exceed those identified in Section 3.A of this Agreement. Rent levels shall be in accordance with Section 42 of the Internal Revenue Code of 1986, as amended, and Section 8 of this Agreement, for a period of fifteen (15) years from the date of issuance of the first certificate of occupancy for the Project. Provided further, however, that Developer's construction loan lender, permanent loan lender or any subsequent mortgagee shall, at its option, have the right to foreclose on the Property with this restrictive covenant in place or, in the alternative, to pay to the County, the principal amount of Seventy Five Thousand Dollars (\$75,000) in order to obtain from the County a release of the restrictive covenant provisions as set Developer's construction loan lender, permanent loan lender or any forth herein. subsequent mortgagee shall pay for the cost of recording any such release and any other expenses incident thereto.

## Section 7. Income Verification.

A. The Developer shall verify the household income of the occupants of the set-aside affordable units prior to the initial occupancy of such units. Income verifications shall be performed for such units on an annual basis thereafter.

B. The Developer shall maintain complete and accurate records of the income for each of the qualifying occupants and the rents charged for the set-aside units. All records shall be maintained in accordance with Chapter 67-37, Florida Administrative Code, or the HUD income limits, whichever is more restrictive. The Developer shall permit any duly authorized representative of Orange County to inspect the books and records upon reasonable notice.

C. The Developer shall furnish to the County's Housing and Community Development Division a copy of the Annual Owner's Certificate of Housing Credit Program Compliance Form AOC-1, Program Report Summary Form PR-1 and Recap of Tenant Income Certification Form AR-1 submitted to the Florida Housing Finance Corporation. Copies shall be submitted on annual basis subsequent to the issuance of the first certificate of occupancy for the Project.

#### Section 8. Rents, Lease Provisions and Administration.

A. The Developer agrees that the initial gross rents charged for the set-aside affordable units shall comply with the gross rent restrictions established by the Florida Housing Finance Corporation, or the HUD income limits, whichever is more restrictive, and shall not exceed thirty percent (30%) of the imputed income limitation applicable to each set-aside affordable unit adjusted for family size and number of bedrooms in

accordance with Section 42(g)(2)(c) of the Internal Revenue Code of 1986, as amended. For purposes of this Agreement, gross rent shall include a utility allowance in accordance with Section 42(g)(2)(B) (ii) of the Internal Revenue Code of 1986, as amended.

B. The Developer may, for good cause, refuse to rent the housing units to individuals or families who otherwise meet the income and eligibility guidelines set forth herein. Good cause may include, but shall not be limited to, the failure of the applicant to comply with the terms and conditions of past rental agreements.

C. For purposes of complying with the requirements of this Agreement, if the income of an individual or family renting a set-aside affordable unit initially meets the applicable income limitation at the commencement of occupancy of the unit, the income of such individual or family shall be treated as continuing to not exceed the applicable income limits so long as the rent charged for such set-aside affordable unit remains in accordance with the gross rent restrictions established by the Florida Housing Finance Corporation and Section 8 of this Agreement. The preceding sentence shall cease to apply to any individual or family whose income, as of the most recent determination, exceeds one hundred- forty percent (140%) of the applicable income limit, if after such determination, but before the next income determination, any set-aside affordable unit of comparable or smaller size in the building is occupied by a new resident whose income exceeds the applicable income limit for very low or low income tenants as defined in Orange County Administrative Regulation No. 4.08, or the HUD Regulations, whichever is more restrictive.

D. Developer shall not be deemed to have breached this Agreement if, in verifying the household income of the occupants of the set-aside affordable units, Developer (i) has relied in good faith upon information supplied to Developer by the occupant; (ii) has no reason to believe such information is false; and (iii) shall have complied with all requirements of this Agreement with respect to verification of household income.

E. Notwithstanding anything contained herein to the contrary, in the event that the requirements set forth in this Section 8 shall in any manner conflict with the provisions of Section 42 of the Internal Revenue Code of 1986, as may be amended from time to time, the provisions of the Internal Revenue Code shall control.

<u>Section 9.</u> Enforcement. If the Developer breaches any provision set forth in this Agreement, other than the affordability levels contained in Section 6 and the rental requirements contained in Section 8, the Developer shall cure the breach within thirty (30) days of receiving notice of such breach. In the event that the Developer is unable to cure the breach within the allotted thirty (30) days, the Developer shall request an extension of time not to exceed ninety (90) days. Any such request for extension shall be made in writing and shall be submitted to the County within the first thirty (30) days time period. In such instances where the Developer is unable to correct the breach within the allotted thirty (30) day time period, the Developer shall commence such correction(s) within the ninety (90) days, and thereafter diligently pursue the same to

completion within such period. In the event that the Developer fails to comply with the requirements of this Section, the Developer shall pay to the County the principal amount of Seventy Five Thousand Dollars (\$75,000).

Section 10. Disqualified Units. If the Developer rents any of the set-aside affordable units to individuals or families whose income is not in accordance with the affordability level provided for in Section 6 of this Agreement or rents any such unit above the applicable rental rate required herein, the Developer shall be deemed to be in default of this Agreement resulting in the disqualification of the set-aside units. Upon the disqualification of any set-aside affordable unit(s), Developer shall pay to the County the principal amount equal to the pro-rata total sum of discounts of impact fees received by the Developer for such unit(s).

#### Section 11. Foreclosure.

A. If Developer's construction loan lender, permanent loan lender or any subsequent mortgagee (other than HUD) forecloses on the Property, such lender or subsequent mortgagee shall, at its option, have the right to foreclose with the restrictive covenant contained in Section 6 in place or, in the alternative, pay to the County the principal amount of Seventy Five Thousand Dollars (\$75,000) in order to obtain from the County a release of the restrictive covenant provision contained herein.

B. Developer's construction loan lender, permanent loan lender or any subsequent first mortgagee (other than HUD), shall pay for the cost of recording any such Release and any other expenses incident thereto. All other rights, duties, and obligations in this Agreement shall be subordinate to the provisions of the first mortgage.

<u>Section 12.</u> <u>Sale or Transfer of the Project or any Building.</u> The Developer shall not sell, exchange, assign, convey, transfer or otherwise dispose of the Property, the Project or any building in the Project without prior written notice to the County.

<u>Section 13.</u> <u>Nondiscrimination</u>. The Developer shall not discriminate in the performance of this Agreement in regard to race, color, creed, age, national origin, sex, sexual orientation, religion, ancestry, physical handicap or marital status.

<u>Section 14.</u> <u>Waiver of Breach.</u> Waiver of breach of one covenant or condition of this Agreement is not a waiver of breach of other covenants and conditions of this Agreement, or of a subsequent breach of the waived covenants or conditions.

<u>Section 15.</u> <u>Applicable Law.</u> This Agreement and the provisions contained herein shall be construed, controlled and interpreted according to the laws of the State of Florida.

<u>Section 16.</u> <u>Notices.</u> Any notices required or allowed hereunder shall be in writing and given by certified mail, return receipt requested, or in person with proof of delivery, to the addresses below, or such other address as either party shall have specified by written notice to the other party delivered in accordance herewith: DEVELOPER: Brixton Landing, Ltd. 1105 Kensington Park Dr., Suite 200 Altamonte Springs, FL 32714 Attn: Jonathan L. Wolf, Manager of General Partner

COUNTY: Orange County Housing and Community Development Division 525 East South Street Orlando, FL 32801 Attn: Manager

PERMANENT

LOAN LENDER: Florida Community Loan Fund, Inc. 501 N. Magnolia Avenue, Suite 100 Orlando, Florida 32801 Attention: Susan Holtrey

**COPY:** County Administrator Orange County Administration 201 S. Rosalind Ave, 5<sup>th</sup> floor Orlando, Florida 32802

Wells Fargo Bank, National Association	Wells Fargo Bank, National Association
Community Lending & Investment	Community Lending & Investment
1 East Broward Blvd., 4th Floor	171 17 <sup>th</sup> Street N.W., 3 <sup>rd</sup> Floor
MAC: Z6066-040	MAC: G0128-036
Ft. Lauderdale, FL 33301	Atlanta, Georgia 30363
Attention: Michael J. Marra, VP	Attention: Loan Administration Manager
	-

Wells Fargo Bank, National Association Winston-Salem Loan Center 1 West 4th Street, 3rd Floor Winston-Salem, NC 27101-3818 Attention: Disbursement Administrator Latham, Shuker, Eden & Beaudine, LLP 111 North Magnolia Ave., Suite 1400 Orlando, FL 32801 Attention: Jan Albanese Carpenter, Esq.

Wells Fargo Affordable Housing Community Development Corporation MAC D1053-170 301 South College Street, 17<sup>th</sup> Floor Charlotte, NC 28288 Attn: Director of Tax Credit Asset Management Section 17. Incorporation of County Policies. This Agreement shall be read in conjunction with and be subject to all County regulations, policies, resolutions and ordinances.

<u>Section 18.</u> <u>Termination, Additional Remedies.</u> The County shall, in its sole discretion, have the right to terminate all approvals and acceptances granted by this Agreement in the event Developer fails to comply with any of the terms and conditions of this Agreement. All approvals granted by the Agreement are conditioned upon the payment of the applicable impact fees at the appropriate time. In addition to any other remedies contained herein, in the event of a breach of a covenant or a condition of this Agreement, the County may avail itself of any remedy available at law or equity.

<u>Section 19.</u> <u>Disclaimer of Third Party Beneficiaries.</u> This Agreement is solely for the benefit of the County and the Developer and no right or cause of action shall accrue to or for the benefit of any third party.

<u>Section 20.</u> <u>Assignment.</u> The County shall have the right to assign or transfer this Agreement in whole or in part to any properly authorized commission, authority, or other public agency empowered by law to serve the unincorporated area of Orange County. The Developer shall not assign, sell, bargain, convey or transfer its interest in this Agreement without the prior written consent of the County.

Section 21. Recordation of the Agreement. The parties hereto agree that an executed original of this Agreement shall be recorded, at Developer's expense, in the Public Records of Orange County, Florida. The obligations imposed in this Agreement shall be deemed a restrictive covenant which shall run with Developer's property and shall be binding upon Developer's successors and assigns. The County or any successor agency or entity will, from time to time and upon the request of the Developer, execute and deliver estoppel letters affirming the status of this Agreement.

<u>Section 22.</u> <u>Severability.</u> If any sentence, phrase, paragraph, provision, or portion of this Agreement is found invalid or unenforceable by a court of competent jurisdiction, such portion shall be considered an independent provisions and the finding shall have no effect on the validity or the balance of this Agreement.

<u>Section 23.</u> Entire Agreement and Modification. This instrument constitutes the entire agreement between the parties and supersedes all previous discussions, understandings and agreements relating to the matters set forth herein. Any changes to this Agreement shall be made in writing and approved and executed by the authorized representatives of the respective parties.

<u>Section 24.</u> <u>No Partnership or Agency.</u> Nothing in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relations of master/servant, principal/agent, employer/employee or joint venture partnership between the parties.

Section 25. Land Use Approvals. This Agreement shall not be construed as

granting, assuring, or in any way indicating any future grant of any land use, zoning, subdivision density, development approvals, permissions or rights with respect to Developer's property.

<u>Section 26.</u> <u>Effective Date; Term.</u> This Agreement shall become effective upon the date of full execution by the authorized representatives of both the Developer and the County, and shall terminate fifteen (15) years from the date of issuance of the first certificate of occupancy for the Project.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the dates set forth below.

#### **ORANGE COUNTY, FLORIDA**

By: Orange County Board of County Commissioners

BY: \_\_\_\_

Teresa Jacobs Orange County Mayor

Date:\_\_\_\_\_

ATTEST: Martha O. Haynie, County Comptroller As Clerk of the Board of County Commissioners

BY:

Deputy Clerk

#### BRIXTON LANDING, LTD., a Florida Limited Partnership

By: Brixton Landing GP, LLC., a Florida Limited Liability Company, its general partner BY: Jonathan L. Wolf, Mahager

.<u>///</u>h 1<u>1</u>e/ WITNESS: Mar BY: TITLE:

STATE OF FORIDA ) COUNTY OF SPININGE

The foregoing instrument was acknowledged before me this  $\underline{19^{\text{fm}}}$  day of  $\underline{19^{\text{fm}}}$ , 2016 by Jonathan L. Wolf, Manager of Brixton Landing GP, LLC, the general partner of Brixton Landing, Ltd. He is personally known to me and did/ did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_\_\_\_, and fight day of \_\_\_\_\_\_\_, 2016.

Om d - frNotary PublicMy Commission Expires:Mr. 04-18Printed Name:JEHNIE p. LAGMAY

Commission # FF 174011 Expires November 4, 2018 Bonded Thru Troy Fain Insurance 800-385-7019

JENNIE D. LAGMAY

## EXHIBIT A

## **LEGAL DESCRIPTION**

Begin at the NE corner of the SW ¼, run West 411.75 feet, South 1133 feet, East 411.75 feet, North 1133 feet in Section 15, Township 21 South, Range 28 East, Orange County, Florida; less an except the road right of way thereof.



## AGENDA ITEM

#### February 22, 2016

TO: Mayor Teresa Jacobs -AND-# Board of County Commissioners FROM: lanes E. Harrison, Esq., P.E., Chairman Roadway Agreement Committee 407/836.5610 March 15, 2016 - Consent Item SUBJEC Right-of-Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD

The Roadway Agreement Committee has reviewed a Right-of-Way Conveyance and Adequate Public Facilities Agreement ("Agreement") between Mattamy Orlando LLC ("Owner") and Orange County for the dedication of right-of-way for Reams Road. Owner shall convey to Orange County a total of 1.75 acres of APF Land. The dedication of right-of-way shall serve to partially satisfy the Adequate Public Facilities requirement under the APF/TDR Ordinance which requires approximately 3.68 acres of public facilities land to be provided from this property. An APF deficit of 1.93 acres at a fee of \$41,388.51 per acre will be satisfied through the payment of \$79,879.82 as an APF Deficit Fee to Orange County or through the purchase of surplus APF credits from other property owners in Lakeside Village. The Owner will receive \$22,500 per acre for the conveyance of 1.75 acres of right-of-way for Reams Road for a total of \$39,375 in transportation impact fee credits.

The Roadway Agreement Committee approved the Right-of-Way Agreement on January 6, 2016. The Specific Project Expenditure Report and Relationship Disclosure Forms are on file with the Transportation Planning Division.

ACTION REQUESTED: Approval and execution of Right of Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD by and between Mattamy Orlando LLC and Orange County for the conveyance of 1.75 acres of APF Land providing \$39,375 in Transportation Impact Fee Credits and for the satisfaction of an APF Deficit fee in the amount of \$79,879.82. District 1

JEH|HEGB:rep Attachments Prepared by and after recording return to:

Juli Simas James, Esquire SHUTTS & BOWEN LLP 300 S. ORANGE AVE., SUITE 1000 ORLANDO, FL 32801

Tax Parcel I.D. Nos.:

35-23-27-0000-00-013 35-23-27-0000-00-015 34-23-27-0000-00-035 02-24-27-0000-00-005

#### RIGHT OF WAY CONVEYANCE AND ADEQUATE PUBLIC FACILITIES AGREEMENT

#### REAMS ROAD PROPERTY PD

This Right-of-Way Conveyance and Adequate Public Facilities Agreement (this "Agreement"), effective as of the latest date of execution (the "Effective Date"), is made and entered into by and between MATTAMY ORLANDO LLC, a Delaware limited liability company ("Owner"), whose mailing address is 1900 Summit Tower Boulevard, Suite 500, Orlando, Florida 32810, and ORANGE COUNTY, a charter county and political subdivision of the State of Florida ("County"), whose mailing address is c/o Orange County Administrator, Post Office Box 1393, Orlando, Florida 32802-1393.

#### WITNESSETH:

WHEREAS, Owner is the owner of fee simple title to certain real property, as shown in the project location map identified as <u>Exhibit "A"</u>, and as more particularly described on <u>Exhibit "B"</u> (legal description and sketch of description), both of which are attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property is identified on the Orange County Comprehensive Plan 2010 - 2030 (the "Comprehensive Plan") Future Land Use map with the "Village" land use designation and constitutes a portion of Lakeside Village in Horizon West, as same is described and depicted in the Lakeside Village Specific Area Plan approved by the Board of County Commissioners of Orange County, Florida (the "BCC") on May 20, 1997 (the "Lakeside Village SAP"); and

WHEREAS, Owner is developing the Property for detached single family residential uses (the "Project") as contemplated by the Lakeside Village SAP; and

WHEREAS, the Property is included in the Horizon West Village Land Use Classification Area. The BCC adopted the Horizon West Village Land Use Classification Comprehensive Policy Plan ("CPP") amendment on June 5, 1995. The Horizon West Village Land Use Classification was the result of a public-private partnership between the BCC and Horizon West, Inc. The partnership conducted an extensive visioning and community consensus building process that was summarized in the Horizon West Study Report issued February 7, 1995. Subsequently, the BCC funded and adopted the Lakeside Village Specific Area Plan as a model for development of Specific Area Plans. The Reams Road Property PD has relied on the prior approvals of the Horizon West Study and the Lakeside Village SAP, and on the Lakeside Village SAP approvals and studies included in the SAP; and

WHEREAS, Owner desires to develop the Property in accordance with the Reams Road Property Land Use Plan ("PD Land Use Plan"), submitted by Owner to County, and with the PD zoning application on file with County; and

WHEREAS, the Lakeside Village Goals, Objectives, and Policies contained in the Future Land Use Element of the Comprehensive Plan have been implemented through Chapter 30, Article XIV of the Orange County Code (the "APF/TDR Ordinance") adopted by the BCC on May 20, 1997, as amended; and

WHEREAS, Division 2 of the APF/TDR Ordinance requires, in Section 30-712(b), that Owner enter into a developer's agreement addressing the conveyance to County of adequate public facilities lands prior to or in conjunction with PD approval, unless otherwise addressed in such agreement, pursuant to Section 30-714(c); and

WHEREAS, the parties have agreed that this Agreement constitutes the aforementioned developer's agreement referenced in Division 2 of the APF/TDR Ordinance; and

WHEREAS, if Owner is unable to convey sufficient adequate public facilities lands to County, the APF/TDR Ordinance, at Sections 30-712(b) and 30-714(d), states that Owner may make payment of an adequate public facility lands fee to County; and

WHEREAS, the County has advised Owner that pursuant to that certain Developer's Agreement Regarding Lakeside Village Among GS Properties, LLC ("GS"), North of Albert's, LLP ("NOA"), Lakeside Village Center, LLC ("LVC"), and the County recorded in Official Records Book 9775, Page 8922, Public Records of Orange County, Florida, as amended by that certain First Amendment to Developer's Agreement Regarding Lakeside Village Among GS Properties, LLC, North of Albert's, LLP, Lakeside Village Center, LLC, and Orange County recorded in Official Records Book 10076, Page 2420, Public Records of Orange County, Florida (collectively, the "NOA Agreement"), County agreed to (i) assist NOA, GS and LVC in selling and transferring excess APF credits owned by NOA, GS and LVC to other property owners and/or developers who may have an APF deficit or otherwise be in a position to utilize such excess APF Credits, (ii) direct any projects with an APF deficit to NOA, GS or LVC and (iii) to the extent NOA, GS or LVC have excess APF Credits and are willing to sell and transfer such

credits, the County shall not enter into an agreement to accept an APF Fee from any property owners and/or developers who have an APF deficit; and

WHEREAS, the County has directed Owner to purchase APF credits to satisfy Owner's APF deficit from NOA and Owner has agreed to contact NOA and purchase APF credits from NOA sufficient to satisfy Owner's APF deficit subject to and in accordance with the terms and conditions of this Agreement; and

WHEREAS, it is the intent of the parties that County will consider approval of the Reams Road Property PD with its consideration of this Agreement; and

WHEREAS, the Owner's Concurrency Encumbrance Letter ("CEL") application #15-05-034 for the Project was denied (as evidenced by that certain Capacity Encumbrance Letter No. 15-05-034 denial letter dated July 14, 2015) and as a condition to the County issuing a CEL for the Project, Owner will be required to enter into a Proportionate Share Agreement with the County pursuant to which the Owner will make proportionate share payments to the County in order to mitigate the Project's impact on deficient segments of Reams Road (the "Proportionate Share Agreement"); and

WHEREAS, the Property contains approximately 23.95 acres of net developable land, and both the Lakeside Village SAP and Section 30-714 of the APF/TDR Ordinance require 1 acre of adequate public facilities acreage for every 6.5 acres of net developable land (the "APF Ratio"); and

WHEREAS, when applied to the Property, the APF Ratio requires approximately 3.68 acres of public facilities lands; and

WHEREAS, as shown on the PD Land Use Plan for the Reams Road Property PD and as described in this Agreement, Owner is providing 1.75 acres of adequate public facilities land (the

"Conveyed Lands") to County, thereby creating an APF deficit of 1.93 acres; and

WHEREAS, Owner is willing to convey to County the Conveyed Lands in return for credit against proportionate share payments to be paid in the future in connection with the Project in order to mitigate the Project's impact on deficient segments of Reams Road; and

WHEREAS, the Orange County Engineer has declared Reams Road to be impact fee eligible; and

WHEREAS, County and Owner desire to set forth certain terms, conditions, and agreements between the parties as to the conveyance of such Conveyed Lands to County.

NOW, THEREFORE, Owner and County (the "Parties") agree as follows:

*Section 1. Recitals.* The above recitals are true and correct and are incorporated herein by this reference.

#### Section 2. APF Requirements.

(a) *Dedication of Adequate Public Facilities Land by Owner*. Owner shall convey the Conveyed Lands to County for adequate public facilities requirements as follows:

- (i) Right-of-way for the following transportation improvements/roads (depicted as APF Road ROW on the PD Land Use Plan):
- Reams Road 1.75 acres (as described in the legal descriptions and sketches of description attached hereto as Exhibit "C-1", Exhibit "C-2", Exhibit "C-3" and Exhibit "C-4" and incorporated by this reference)

(b) *APF Deficiency.* The Lakeside Village APF Ratio requires that Owner convey to County approximately 3.68 acres of adequate public facilities land. This Agreement provides for conveyance of approximately 1.75 acres of adequate public facilities land, thereby creating a 1.93 acre APF deficit.

(c)APF Deficit Fee. Owner may pay to County an APF Deficit Fee of Forty-One Thousand Three Hundred Eighty-Eight and 51/100 U.S. Dollars (\$41,388.51) per deficit acre, for a total of Seventy-Nine Thousand Eight Hundred Seventy-Nine and 82/100 U.S. Dollars (\$79,879.82), to account for the APF deficit, representing Owner's full and final APF contribution for the Property. Owner has agreed that payment of the APF Deficit Fee shall occur prior to County's approval of the first platting of the Property. Pursuant to the NOA Agreement, the County has directed Owner to purchase APF credits sufficient to satisfy Owner's APF deficit from NOA. Owner agrees to contact NOA and purchase APF credits from NOA sufficient to satisfy Owner's APF deficit so long as (i) the purchase price of such APF credits from NOA does not exceed the per deficit acre price of Forty-One Thousand Three Hundred Eighty-Eight and 51/100 U.S. Dollars (\$41,388.51), (ii) NOA demonstrates to the reasonable satisfaction of Owner that NOA owns such APF credits free and clear of any liens and encumbrances, and (iii) the purchase of such APF credits is consummated (including Owner receiving County approval that Owner's purchase of such APF credits may be applied to satisfy Owner's APF deficit obligation hereunder) on or before one hundred twenty (120) days from the Effective Date. In the event NOA is unable or unwilling to sell Owner APF credits sufficient to satisfy Owner's APF deficit pursuant to the foregoing terms, Owner shall be entitled to pay to County the APF Deficit Fee set forth in this Section 2(c) in order to satisfy Owner's APF deficit.

(d) *Option on Conveyance*. As an option on conveyance within the time frames identified in Section 3, below, Owner may provide written notice to County of its intent to opt for continued use of the Conveyed Lands until demand by County. Owner acknowledges and agrees that the initial plat shall not be approved by County prior to the conveyance of the Conveyed Lands to County and payment in full by Owner of the APF Deficit Fee. The parties

agree that, prior to conveyance to County for its intended purpose, Owner shall have the reasonable right to grade and to import or export fill material upon the Conveyed Lands, subject to and in accordance with an approved grading permit and/or excavation/fill permit. Further, Owner agrees to relinquish control of the Conveyed Lands and convey such land to County, upon demand by County, within one hundred twenty (120) days of such demand. Until such demand, Owner may continue to use the Conveyed Lands in a manner not inconsistent with County's intended use.

With respect to the Conveyed Lands, Owner shall continue to be responsible for any and all risk of injury and property damage attributable to the acts or omissions of its officers and employees and agrees to defend, indemnify, and hold harmless County and its officers, employees, and agents from and against all claims, actions, losses, judgments, fines, liabilities, costs, and expenses in connection therewith. More specifically, to the extent permitted by law, Owner shall indemnify and hold harmless County, its officers, agents, and employees from and against any all claims, liability, demands, damages, surcharges, expenses, fees, fines, penalties, suits, proceedings, and actions (including, without limitation, reasonable paralegal and attorney fees and expenses, whether in court, out of court, in administrative proceedings, or on appeal), including damage to property or property rights that may arise and which are proximately caused by the acts, errors, or omissions of Owner, its agents, and/or representatives, arising out of its activities related to the Conveyed Lands. In addition, without limiting the foregoing, in the event that any act or omission of Owner, its agents, and/or representatives, arising from or related to this Agreement, results in any spill or release of hazardous materials or other pollutants, as those terms are defined in federal and state environmental laws and regulations, including, without limitation, any petroleum-based substances, then, to the extent permitted by law, Owner shall

indemnify and hold harmless County, its officers, agents, and employees from and against any and all claims, liability, demands, damages, surcharges, expenses, fees, fines, penalties, suits, proceedings, and actions, including, without limitation, all reasonable, actual cleanup and/or remediation costs and expenses expended by County at the direction of any federal or state agency having jurisdiction, and further including, without limitation, reasonable paralegal and attorney fees and expenses, whether in court, out of court, in administrative proceedings, or on appeal. Owner shall be responsible for the immediate notification to County of any environmental condition, spill, or release, or any other condition or occurrence of which it becomes aware that may result in a claim for damages, or that occurs as a result of Owner's activities related to the Conveyed Lands.

In the event that any of the above occurs, County may refuse to accept conveyance of the Conveyed Lands, and Owner may be required to pay an additional APF Fee in lieu of conveyance or to convey alternative adequate public facilities lands acceptable to County.

### Section 3. Conveyance of Land to County by Owner.

(a) *Conveyed Lands.* Within one hundred twenty (120) days from the Effective Date, Owner shall convey to County marketable fee title to those lands described in the legal description and sketch of description attached hereto as <u>Exhibit "C"</u> and incorporated by this reference (the "Conveyed Lands").

In the event conveyance of the Conveyed Lands does not occur within the aforesaid 120 days, the Manager of the Real Estate Management Division, or a designee, may grant an extension of up to 120 days for the conveyance to take place.

(b) *Procedure*. The conveyance of the Conveyed Lands shall be by plat dedication or general warranty deed, free and clear of all liens and encumbrances, except for easements of

record acceptable to County, if any. If conveyed by plat dedication, the rest of this paragraph and the following paragraphs (c), (e) and (f) will not apply. Owner shall pay all costs associated with the conveyance of the Conveyed Lands, including all recording fees and documentary stamps related to such conveyance. Ad valorem taxes in connection with the conveyance of the Conveyed Lands shall be prorated as of the date of transfer of title and said prorated amount shall be paid by Owner to the Orange County Tax Collector, in escrow, pursuant to Section 196.295, Florida Statutes, unless the conveyance occurs between November 1 and December 31 of the year of conveyance, in which case ad valorem taxes shall be paid in full by Owner for the year of conveyance.

(c) *Title Policy.* No less than thirty (30) days prior to conveyance of the Conveyed Lands, Owner shall deliver to County, at Owner's sole cost and expense, a commitment to issue an Owner's Policy of Title Insurance naming County as the insured (the "Title Commitment"). The original Owner's Policy of Title Insurance (the "Title Policy") shall be delivered to County within thirty (30) days of the conveyance of the Conveyed Lands.

(d) *Value of Conveyed Lands*. The value of the land to be conveyed by Owner to County has been determined in accordance with Section 23-95, Orange County Code, as may be amended from time to time.

The parties hereto hereby agree that the value of the Conveyed Lands to be conveyed by Owner to County, in return for credit against proportionate share payments to be paid in the future under the Proportionate Share Agreement is Thirty Nine Thousand Three Hundred Seventy-Five and No/100 Dollars (\$39,375.00). This total results from an agreed-upon fair market value of \$22,500.00 per acre, or fraction thereof, and a total acreage of 1.75 acres.

(e) Environmental Audit. No less than thirty (30) days prior to conveyance, Owner

shall submit to County a current (within 6 months of conveyance to County) Phase I environmental audit of the areas encompassed by the Conveyed Lands. The Phase I environmental audit shall be conducted in accordance with the requirements of the All Appropriate Inquiries Final Rule, or with the standards set forth in the American Society for Testing and Materials (ASTM) E-1527-13. In the event the Phase I environmental audit presents a matter of concern, as determined by County, then prior to the conveyance, Owner shall submit to County a Phase II environmental audit. If the Phase II environmental audit is performed and reveals the need for remediation to the Conveyed Lands, one of the following events shall occur: (i) Owner shall remediate the Conveyed Lands to County's satisfaction prior to the conveyance; or (ii) Owner and County shall negotiate and enter into a separate agreement whereby Owner shall pay the full cost of remediation; or (iii) County may terminate this Agreement at its option.

(f) *Compliance with Section 286.23, Florida Statutes.* Owner shall execute and deliver to County the "Disclosure of Beneficial Interests" required pursuant to section 286.23, Florida Statutes.

Section 4. Proportionate Share Payment Credit. Owner shall receive credit against proportionate share payments to be paid in the future under the Proportionate Share Agreement in the amount of the value of the Conveyed Lands. The County's agreement to provide such credit shall also be included in the Proportionate Share Agreement.

*Section 5. Utilities.* This Agreement does not address utility requirements. Owner shall coordinate with the Orange County Utilities Director, or a designee, with respect to any utility easements necessary to accommodate appropriately-sized wastewater sewer mains or lines, potable water mains or lines, and/or reclaimed water mains or lines.

Section 6. Notice. Any notice delivered with respect to this Agreement shall be in

writing and shall be deemed to be delivered (whether or not actually received) (i) when hand delivered to the person(s) hereinafter designated, or (ii) upon deposit of such notice in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the person at the address set forth opposite the party's name below, or to such other address or to such other person as the party shall have specified by written notice to the other party delivered in accordance herewith.

As to OWNER:	Mattamy Orlando LLC 1900 Summit Tower Blvd., Suite 500 Orlando, Florida 32810 Attn: Jim Leiferman, Division President
With a copy to:	Leslie C. Candes, Esquire Chief Legal Counsel - US 1900 Summit Tower Blvd., Suite 500 Orlando, Florida 32810
With a copy to:	Juli Simas James, Esquire Shutts & Bowen LLP 300 S. Orange Avenue, Suite 1000 Orlando, Florida 32801
As to COUNTY:	Orange County Administrator P.O. Box 1393 201 S. Rosalind Ave Orlando, Florida 32802
With copies to:	Orange County Community, Environmental, and Development Services Department Manager, Transportation Planning Division Orange County Public Works Complex 4200 S. John Young Parkway Orlando, Florida 32839-9205
	and

Orange County Community, Environmental, and Development Services Department Manager, Planning Division P.O. Box 1393 Orlando, Florida 32802-1393

Section 7. Covenants Running with the Land. This Agreement shall run with the Property and shall be binding upon and shall inure to the benefit and burden of the heirs, legal representatives, successors, and assigns of Owner and any person, firm, corporation, or other entity that may become a successor in interest to the Property. Notwithstanding the foregoing, however, the authority under Section 4 to instruct County to make deductions from Owner's transportation impact fee account shall remain with Owner unless expressly assigned in writing to another by Owner.

Section 8. Recordation of Agreement. An executed original of this Agreement shall be recorded, at Owner's expense, in the Public Records of Orange County, Florida within thirty (30) days of the Effective Date.

*Section 9. Applicable Law.* This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida.

*Section 10. Time is of the Essence.* Time is hereby declared of the essence to the lawful performance of the duties and obligations contained in this Agreement.

*Section 11. Further Documentation.* The Parties agree that at any time following a request therefor by the other party, each shall execute and deliver to the other party such further documents and instruments reasonably necessary to confirm and/or effectuate the obligations of either party hereunder and the consummation of the transactions contemplated hereby.

Section 12. Limitation of Remedies. County and Owner 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 all actions arising out of or in connection with this Agreement.

(a) *Limitations on County's remedies.* Upon any failure by Owner to perform its obligations under this Agreement, County shall be limited strictly to only the following remedies:

(i) action for specific performance or injunction; or

(ii) the right to set off, against the amounts of impact fees to be credited in favor of Owner under this Agreement, (A) any amounts due to County from Owner under this Agreement but remaining unpaid and (B) the cost to County of performing any action or actions required to be done under this Agreement by Owner, but which Owner has failed or refused to do when required; or

(iii) the withholding of development permits and other approvals or permits in connection with the Project and/or the Property; or

(iv) any combination of the foregoing.

In addition to the foregoing, nothing in this Agreement prohibits or estops County from exercising its power of eminent domain with respect to the Conveyed Lands or any other portion of the Property as County may lawfully elect.

(b) *Limitations on Owner's remedies.* Upon any failure by 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.

Both parties expressly waive their respective rights to sue for damages of any type for breach of, or default under, this Agreement by the other. Both parties expressly agree that each party shall bear the cost of its own attorney fees for any action arising out of or in connection with this Agreement. Venue for any actions initiated under or in connection with this Agreement shall be in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida.

*Section 13. Amendment.* This Agreement may be amended only in writing, formally executed in the same manner as this Agreement.

*Section 14. Counterparts.* This Agreement and any amendment(s) may be executed in up to three (3) counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument.

Section 15. Severability. If any provision of this Agreement, the deletion of which would not adversely affect the receipt of any material benefits by any party hereunder nor substantially increase the burden of any party hereunder, shall be held to be invalid or unenforceable to any extent by a court of competent jurisdiction, the same shall not affect in any respect whatsoever the validity or enforceability of the remainder of this Agreement. To the extent that any severed provision is deemed material by any party hereunder or deemed to substantially increase the burden of any party hereunder, the parties shall negotiate in good faith to modify such terms to preserve the intent of this Agreement.

*Section 16. Disclaimer of Third Party Beneficiaries.* This Agreement is solely for the benefit of the formal parties hereto and no right or cause of action shall accrue by reason hereof to or for the benefit of any third party not a formal party hereto. Nothing in this Agreement,

expressed or implied, is intended or shall be construed to confer upon or give any person or entity any right, remedy, or claim under or by reason of this Agreement or any provisions or conditions hereof, other than the parties hereto and their respective representatives, heirs, successors, and assigns.

Section 17. Interpretation. This Agreement shall not be construed more strictly against one party than against the other merely by virtue of the fact that it may have been prepared by counsel for one of the parties, it being recognized that all parties have contributed substantially and materially to the preparation hereof. Captions and section headings in this Agreement are provided for convenience only and shall not be deemed to explain, modify, amplify, or aid in the interpretation, construction, or meaning of this Agreement.

*Section 18. Survival.* The obligations of this Agreement shall survive the conveyance of the Conveyed Lands to County.

*Section 19. Entire Agreement.* This Agreement embodies and constitutes the entire understanding of the parties with respect to the subject matter addressed herein, and all prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement.

### [SIGNATURES APPEAR ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Parties 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

Date:

ATTEST: Martha O. Haynie, County Comptroller As Clerk of the Board of County Commissioners

By:\_\_\_

Deputy Clerk

Print Name:\_\_\_\_\_

Right-of-Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD, Mattamy Orlando LLC, 2016 Page 17 of 33

MATTAMY ORLANDO LLC, a Delaware limited liability-company By: Jamès Leiferman, President JAN4AR4 29 Date: ,2016

Print Name: Incima

Print Name: KETTH TRACE

STATE OF FLORIDA COUNTY OF OLANGE

The foregoing instrument was acknowledged before me by James Leiferman, as President of MATTAMY ORLANDO LLC, a Delaware limited liability company, on behalf of the company, and who executed the foregoing, this 29 day of **IANUALT**, 2016. He is personally known to me or has produced \_\_\_\_\_\_\_as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this  $\frac{29}{3}$  day of <u>JANUAR</u>, 2016.

Notary Public

Print Name: HEATHER

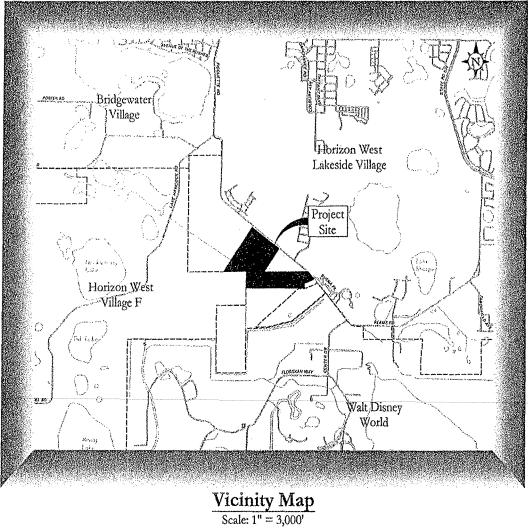
My Commission Expires:



ORLDOCS 14055140 10 28830.0041

# Exhibit "A"

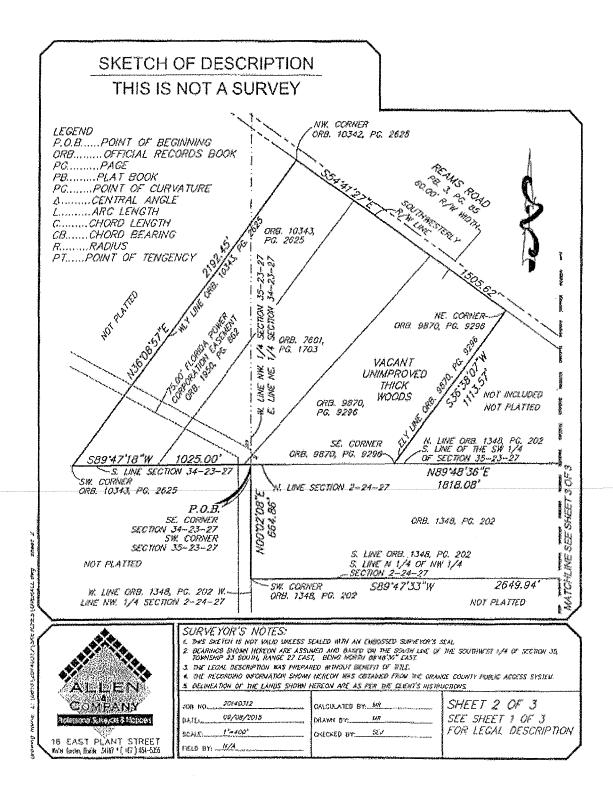
# **Project Location Map**

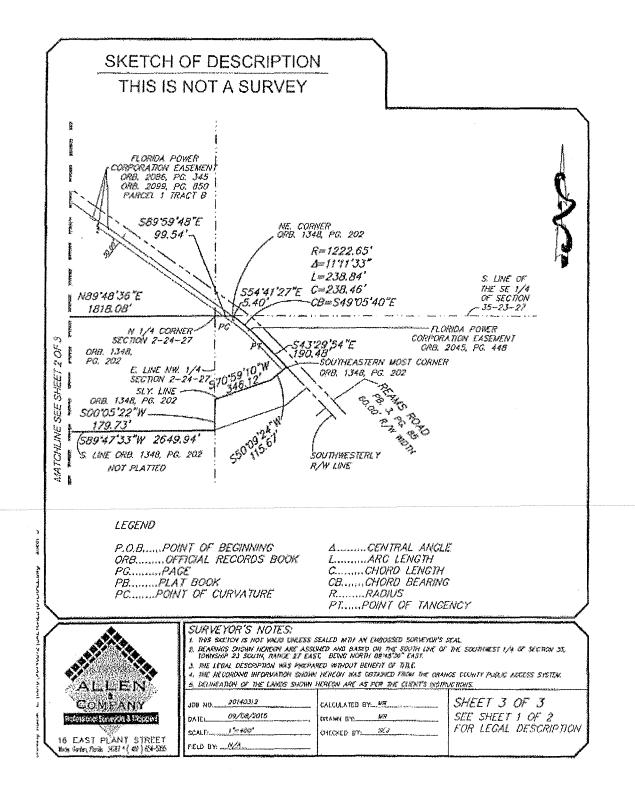


## Exhibit "B"

## Legal Description and Sketch of Description for Property

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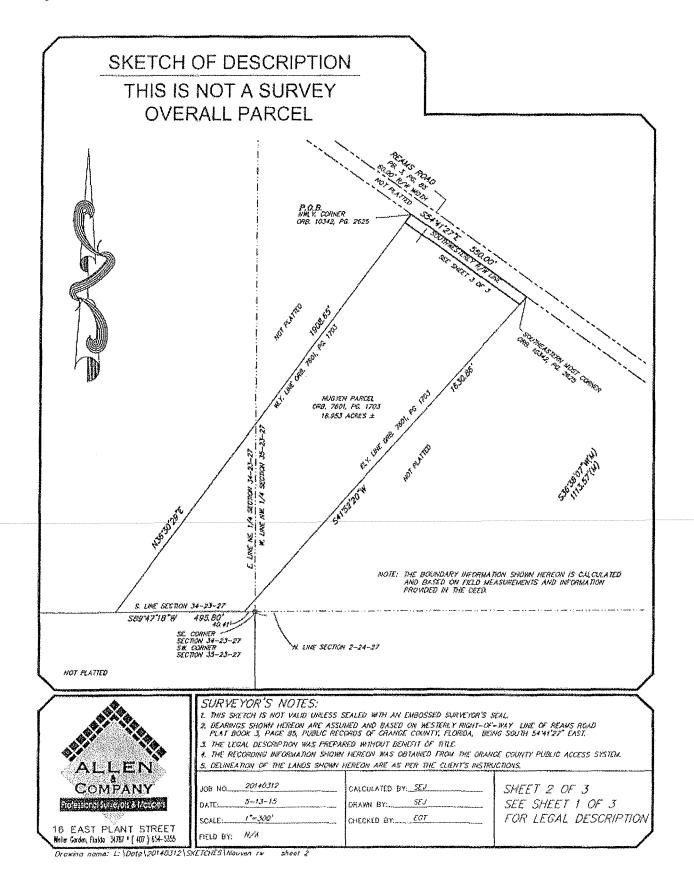


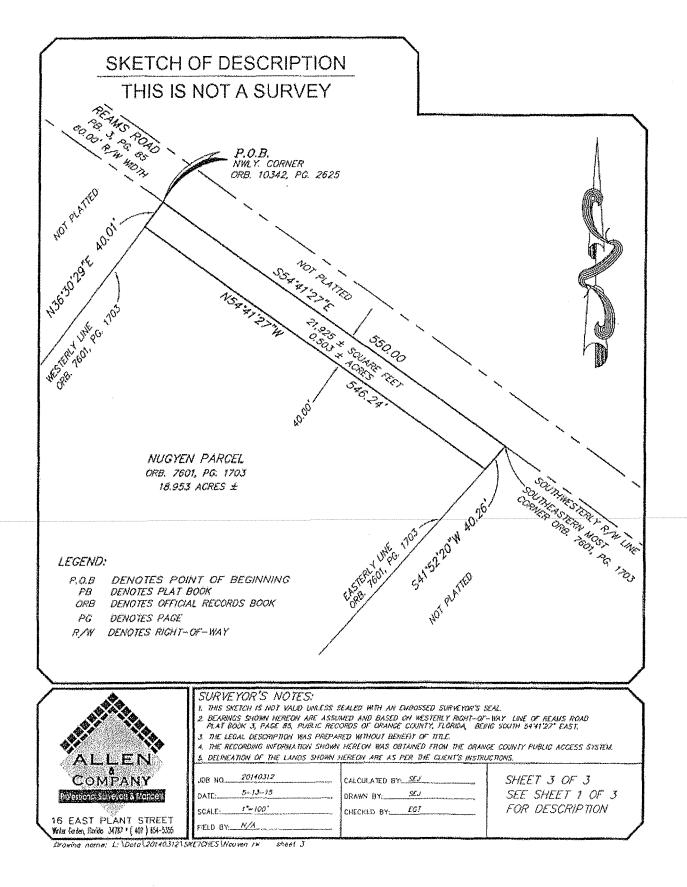
Right-of-Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD, Mattamy Orlando LLC, 2016 Page 22 of 33

## Exhibit "C" Legal Description and Sketch of Description for the Conveyed Lands

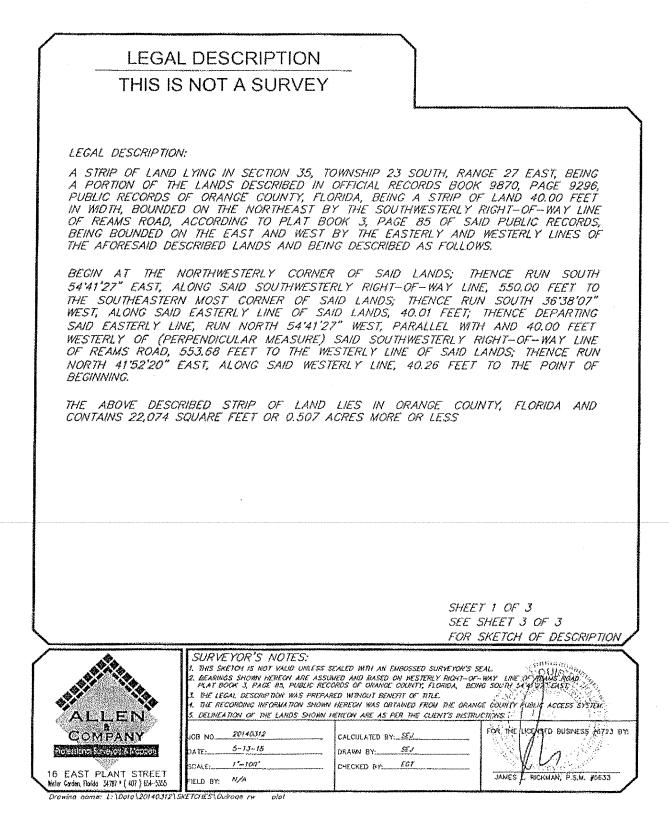
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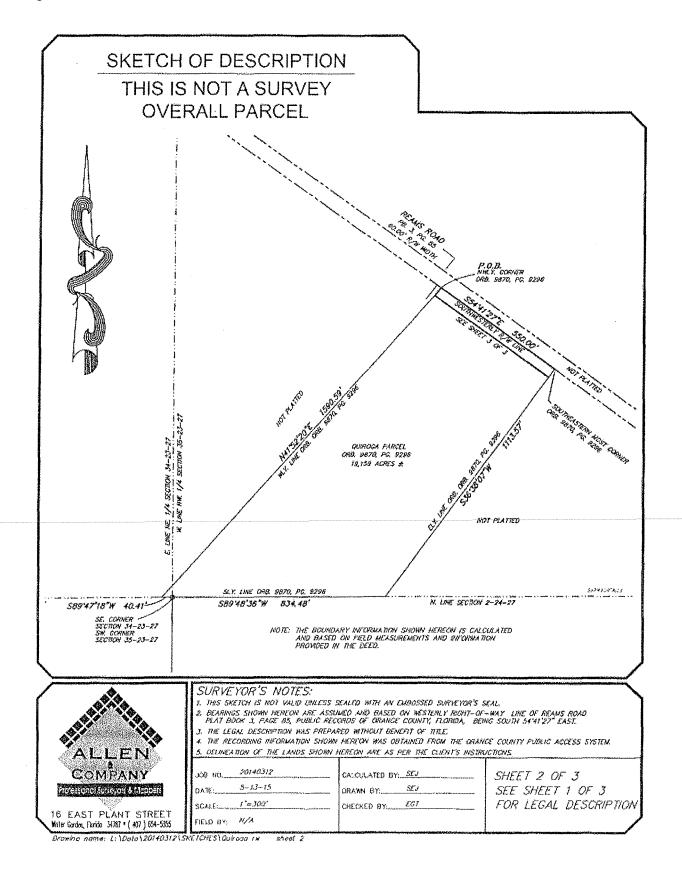
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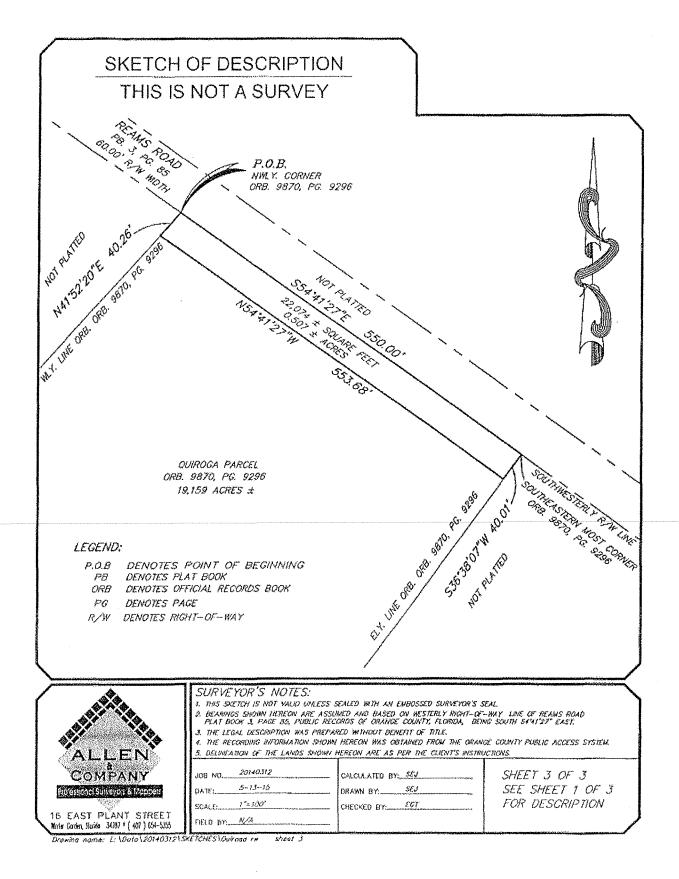


Right-of-Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD, Mattamy Orlando LLC, 2016 Page 25 of 33

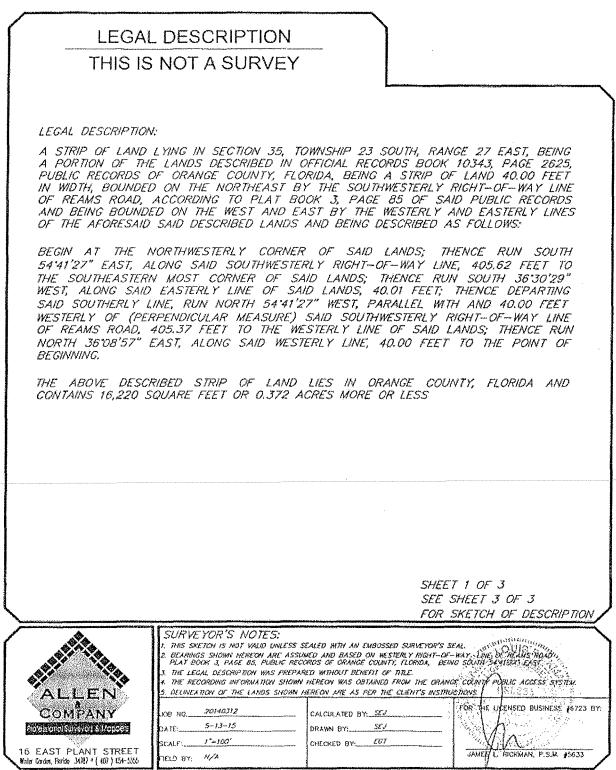




Right-of-Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD, Mattamy Orlando LLC, 2016 Page 27 of 33

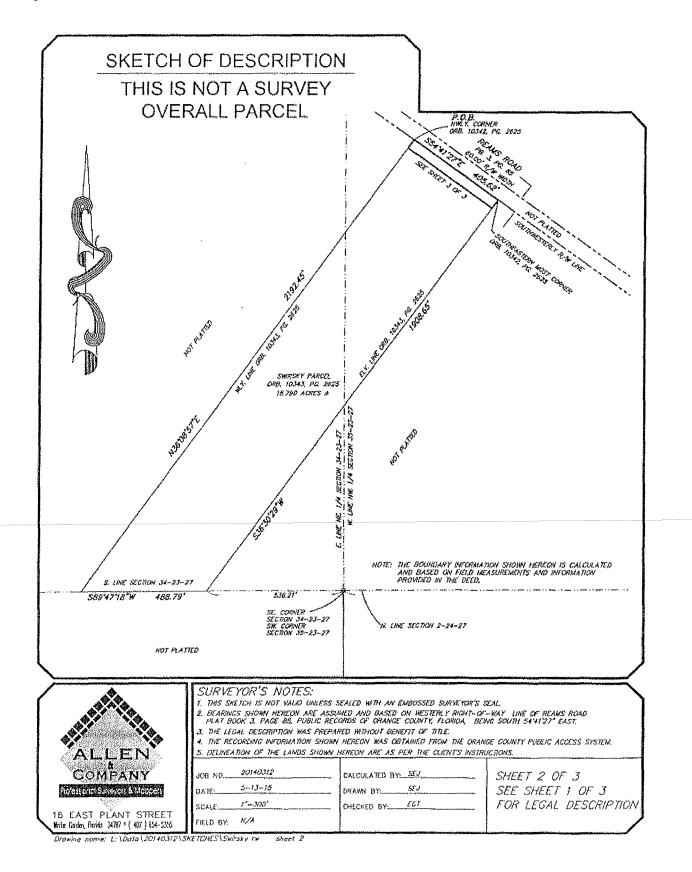


Right-of-Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD, Mattamy Orlando LLC, 2016 Page 28 of 33

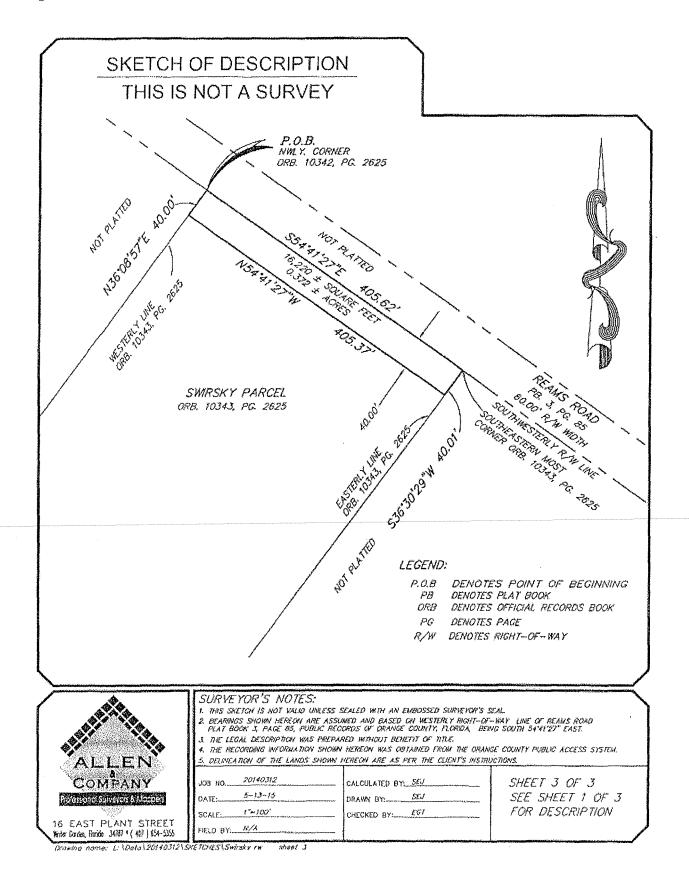


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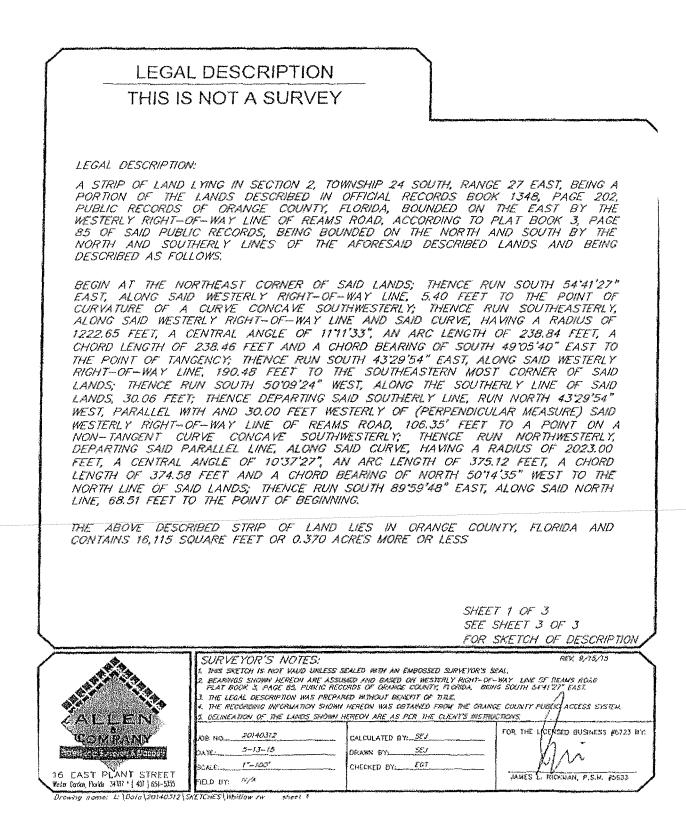
Right-of-Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD, Mattamy Orlando LLC, 2016 Page 29 of 33



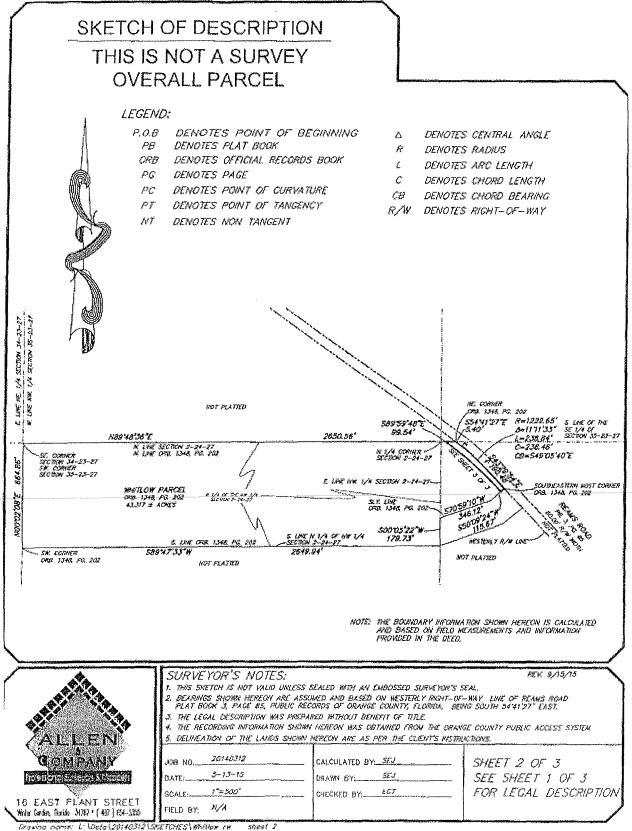
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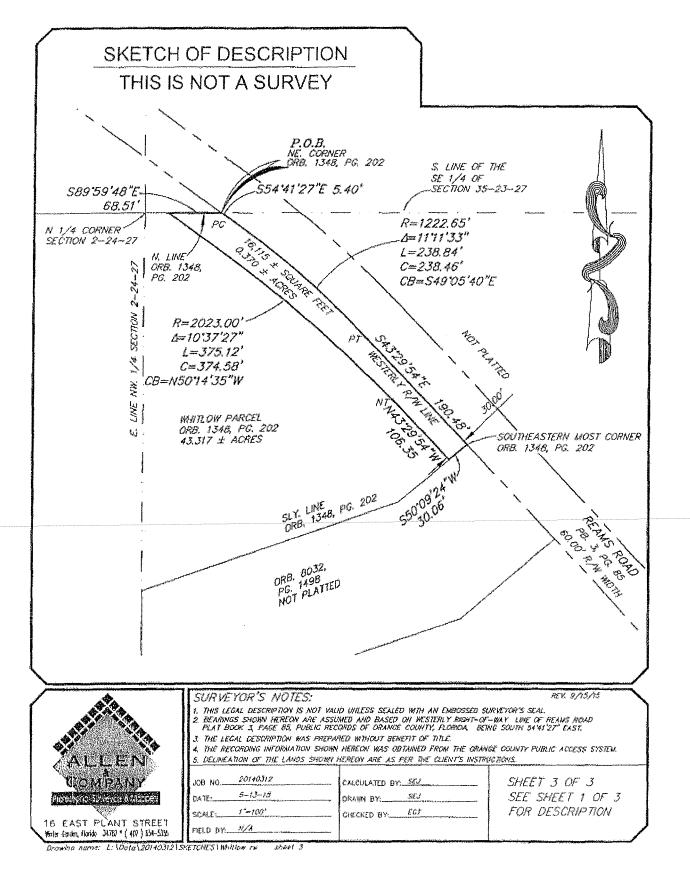
Right-of-Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD, Mattamy Orlando LLC, 2016 Page 31 of 33



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Right-of-Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD, Mattamy Orlando LLC, 2016 Page 33 of 33





Interoffice Memo

# AGENDA ITEM

February 22, 2016

TO: Mayor Teresa Jacobs -AND4 Board/of/County Commissioners FROM: Harrison, Esq., P.E., Chairman ₿⁄ø#d₩aý Agreement Committee 407.\$26.5610 SUBJECT: March 15, 2016 – Consent Item

Second Amendment to Town Center East Road Network Agreement Hamlin Groves Trail (formerly Town Center East Boulevard); Porter Road

The Roadway Agreement Committee has reviewed a Second Amendment to Town Center East Road Network Agreement ("Second Amendment") between Orange County and SLF IV/Boyd Horizon West JV, LLC ("Developer") and Orlando Health Central, Inc. ("Orlando Health"). The Town Center East Road Network Agreement ("Agreement") for the conveyance of the right-of-way for and construction of a road network in Town Center was approved by the Board of County Commissioners (BCC) on December 6, 2011, and recorded at OR Book/Page 10306/1364. The First Amendment was approved by the BCC on July 10, 2012, and recorded at OR Book/Page 10411/0542. The Second Amendment to Town Center East Road Network Agreement adjusts the performance thresholds needed for vested trips to be allocated under the terms of the agreement and for the timing of award of transportation impact fee credits.

The Roadway Agreement Committee approved the Second Amendment to Town Center East Road Network Agreement on January 6, 2016. The Specific Project Expenditure Report and Relationship Disclosure Forms are attached and on file with the Transportation Planning Division.

ACTION REQUESTED: Approval and execution of Second Amendment to Town Center East Road Network Agreement Hamlin Groves Trail; Porter Road by and among SLF IV/Boyd Horizon West JV, LLC, Orange County, Florida, and Orlando Health Central, Inc. to adjust the performance thresholds needed for vested trips to be allocated and the timing of award of transportation impact fee credits. District 1

JEH|HEGB:rep Attachments PREPARED BY AND RETURN TO: JAMES G. WILLARD, ESQUIRE SHUTTS & BOWEN LLP 300 S. ORANGE AVENUE, SUITE 1000 ORLANDO, FLORIDA 32801

Tax Parcel I.D. No.: 20-23-27-0000-00005 29-23-27-0000-00001 29-23-27-0000-00002 29-23-27-0000-000036 29-23-27-0000-00015 21-23-27-0000-00005

# SECOND AMENDMENT TO TOWN CENTER EAST ROAD NETWORK AGREEMENT HAMLIN GROVES TRAIL; PORTER ROAD

THIS SECOND AMENDMENT TO TOWN CENTER EAST ROAD NETWORK AGREEMENT (the "Second Amendment"), is effective as of the latest date of execution by the parties hereto (the "Effective Date"), and is made and entered into by and among SLF IV/BOYD HORIZON WEST JV, LLC, a Delaware limited liability company ("Boyd"), whose address is c/o Boyd Development Corporation, Attn: Scott T. Boyd, 7586 West Sand Lake Road, Orlando, Florida 32819, ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida, whose mailing address is 201 S. Rosalind Avenue, Orlando, Florida 32801 ("County"), and ORLANDO HEALTH CENTRAL, INC., a Florida not for profit corporation, whose address is 1414 Kuhl Ave #MP2, Orlando, Florida 32806 ("Orlando Health").

#### WITNESSETH:

WHEREAS, Boyd, as "Owner" and County entered into that certain Road Network Agreement for Town Center East on December 7, 2011, which Agreement was recorded December 13, 2011, at Official Record Book 10306, Page 1364, Public Records of Orange County, Florida (the "Original Agreement"); and

WHEREAS, Boyd, Orlando Health, and County entered into that certain First Amendment to Town Center East Road Network Agreement dated July 10, 2012 and recorded July 17, 2012 at Official Record Book 10411, Page 542, Public Records of Orange County, Florida (the "First Amendment"); and

WHEREAS, the Original Agreement and the First Amendment are hereinafter collectively referred to as the "Agreement"; and

**WHEREAS**, Boyd, Orlando Health, and County desire to further amend the Agreement as more specifically set forth hereafter.

Second Amendment to Road Network Agreement/SLF IV/Boyd Horizon West JV, LLC Horizon West, Hamlin Groves Trail and Porter Road, 2016 Page 2 of 10

**NOW, THEREFORE**, in consideration of the premises, County, Boyd, and Orlando Health hereby agree to amend the Agreement as follows:

1. <u>Recitals; Definitions</u>. The above recitals are true and correct and are herein incorporated by reference. Capitalized terms used herein that are not otherwise defined in this Second Amendment shall have the meanings ascribed to them in the Agreement.

2. <u>Revised Trip Allocations and Performance Thresholds</u>. County acknowledges that the Phase 1 Improvements, Phase 2 Improvements, and Phase 3 Improvements, all as defined in paragraph 3 of the Original Agreement, have been completed and the cumulative trip allocation for such Phase 1, Phase 2, and Phase 3 Improvements has been awarded in the amount of 4,748 Vested Trips.

Notwithstanding the terms of paragraph 4 of the Original Agreement, it is agreed that, provided the Phase 4 Improvements and the Phase 5 Improvements are performed simultaneously (such Improvements hereinafter referred to collectively as the "**Porter Road Improvements**"), Vested Trips shall be allocated by County for the Porter Road Improvements as follows:

### Table 1A

Performance Needed Prior to Receiving Designated Trip Allocation	Cumulative Trip Allocation For Porter Road Improvements
<ul> <li>Completion of Design of Porter Road Improvements - 15% threshold.</li> </ul>	237
<ul> <li>Execution of Porter Road Improvements Construction Contract and Delivery of Satisfactory Payment and Performance Bond to County – 75% threshold.</li> </ul>	1,187
<ul> <li>Completion of Porter Road Improvements         <ul> <li>100% threshold.</li> </ul> </li> </ul>	<u>    158</u> TOTAL    1,582

3. <u>Timing and Amount of Impact Fee Credits for Porter Road</u> <u>Improvements</u>. Notwithstanding the terms of paragraph 8.2 of the Original Agreement, within thirty (30) days after completion of each phase of the Porter Road Improvements as set forth below, County shall award Credits to Owner based upon Owner's certification to County and County approval of the total eligible costs incurred by Owner in each of the following Porter Road Improvement phases: Second Amendment to Road Network Agreement/SLF IV/Boyd Horizon West JV, LLC Horizon West, Hamlin Groves Trail and Porter Road, 2016 Page 3 of 10

- Completion of design, engineering, and permitting.
- Completion of 30% construction.
- Completion of 60% construction.
- Completion of 100% construction.

4. Construction of Porter Road Turn Lanes and Pedestrian Trail. In the event the construction of the Porter Road Improvements has not commenced within eighteen (18) months after the Effective Date of this Second Amendment, Boyd shall nevertheless, on or before eighteen (18) months from the Effective Date of this Second Amendment, commence construction of required turn lanes from Porter Road north into the Hamlin Reserve subdivision and complete construction of the pedestrian trail along the north side of Porter Road between Hamlin Groves Trail and C.R. 545/Avalon Road, which improvements are being temporarily deferred by County pending construction of the full Porter Road Improvements. Boyd shall complete the turn lanes and pedestrian trail described in the preceding sentence within two (2) years of the Effective Date of this Second Amendment. Such temporarily deferred Porter Road turn lanes and pedestrian trail are more particularly identified in the plan sheet prepared by Madden, Moorhead and Glunt, Inc., dated 7/28/14, Job #13059, a reduced copy of which is attached hereto as Exhibit "A". Completion of only the temporarily deferred Porter Road turn lanes and pedestrian trail will not be the basis for issuance by County of any Vested Trips or Credits.

5. <u>Notice</u>. Any notice delivered with respect to this Second Amendment or the Agreement shall be in writing and shall be deemed to be delivered (whether or not actually received) (i) when hand delivered to the person(s) hereinafter designated, or (ii) upon deposit of such notice in the United States mail, postage prepaid, certified mail, return-receipt requested, addressed to the person at the address set forth opposite the party's name below, or to such other address or to such other person as the party shall have specified by written notice to the other party delivered in accordance herewith.

As to Boyd:	Boyd Development Corporation 7586 West Sand Lake Road Orlando, Florida 32819 Attention: Scott T. Boyd
With copy to:	Shutts & Bowen, LLP 300 South Orange Avenue, Suite 1000 Orlando, Florida 32801 Attention: James G. Willard, Esq.

Second Amendment to Road Network Agreement/SLF IV/Boyd Horizon West JV, LLC Horizon West, Hamlin Groves Trail and Porter Road, 2016 Page 4 of 10

As to Orlando Health:	Orlando Heath Central, Inc. 1414 Kuhl Ave #MP2 Orlando, Florida 32806 Attention: Greg Ohe
With copy to:	Lowndes, Drosdick, Doster, Kantor & Reed 215 North Eola Drive Orlando, Florida 32801 Attention: Aaron J. Gorovitz, Esq.
As to County:	Orange County Administrator P.O. Box 1393 201 S. Rosalind Avenue Orlando, Florida 32802-1393
With copy to:	Orange County Community, Environmental, and Development Services Department Manager, Transportation Planning Division Orange County Public Works Complex 4200 S. John Young Parkway

6. <u>Covenants Running with the Land</u>. This Second Amendment shall run with the Property and the Orlando Health Parcel and shall be binding upon and shall inure to the benefit and detriment of the heirs, legal representatives, successors, and assigns of Boyd and Orlando Health and any person, firm, corporation or other entity that may become the successor in interest to the Property or the Orlando Health Parcel.

Orlando, Florida 32839-9205

7. **Recordation of Second Amendment**. An executed original of this Second Amendment shall be recorded at Boyd's expense in the Public Records of Orange County, Florida within thirty (30) days of the Effective Date.

8. <u>Applicable Law</u>. This Second Amendment and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida.

9. <u>Time is of the Essence</u>. Time is hereby declared of the essence to the lawful performance of the duties and obligations contained in this Second Amendment and in the Agreement.

10. <u>Further Documentation</u>. The parties agree that at any time following a request therefor by the other party, each shall execute and deliver to the other party such further documents and instruments reasonably necessary to

Second Amendment to Road Network Agreement/SLF IV/Boyd Horizon West JV, LLC Horizon West, Hamlin Groves Trail and Porter Road, 2016 Page 5 of 10

confirm and/or effectuate the obligations of either party hereunder and the consummation of the transactions contemplated hereby.

11. <u>Limitation of Remedies</u>. County, Boyd and Orlando Health expressly agree that the consideration, in part, for each of them entering into this Second Amendment is the willingness of the others to limit the remedies for all actions arising out of or in connection with this Second Amendment.

(a) Limitations on County's remedies. Upon any failure by Boyd or Orlando Health to perform its obligations under this Second Amendment, County shall be limited strictly to only the following remedies (available as to Boyd only in the event of a Boyd default or to Orlando Health only in the event of an Orlando Health default):

(i) action for specific performance or injunction; or

(ii) the right to set off, against the amounts of impact fees to be credited in favor of Boyd or Orlando Health under the Agreement, (A) any amounts due to County from Boyd or Orlando Health under the Agreement but remaining unpaid and (B) the cost to County of performing any action or actions required to be done under the Agreement by Boyd or Orlando Health, but which Boyd or Orlando Health has failed or refused to do when required; or

(iii) the withholding of development permits and other approvals or permits in connection with the Project, the Orlando Health Parcel, and/or the Property; or

(iv) any combination of the foregoing.

In addition to the foregoing, nothing in this Second Amendment prohibits or estops County from exercising its power of eminent domain with respect to the Conveyed Lands or any other portion of the Property as County may lawfully elect.

(b) Limitations on Boyd or Orlando Health's remedies. Upon any failure by County to perform its obligations under this Second Amendment, Boyd or Orlando Health shall be limited strictly to only the following remedies:

- (i) action for specific performance; or
- (ii) action for injunction; or

Second Amendment to Road Network Agreement/SLF IV/Boyd Horizon West JV, LLC Horizon West, Hamlin Groves Trail and Porter Road, 2016 Page 6 of 10

- (iii) action for declaratory judgment regarding the rights and obligations of Boyd or Orlando Health; or
- (iv) any combination of the foregoing.

The parties expressly waive their respective rights to sue for damages of any type for breach of, or default under, this Second Amendment by the other. The parties expressly agree that each party shall bear the cost of its own attorney fees for any action arising out of or in connection with this Amendment. Venue for any actions initiated under or in connection with this Second Amendment shall be in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida.

12. <u>**Counterparts**</u>. This Second Amendment may be executed in up to three (3) counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument.

13. <u>Utilities</u>. This Second Amendment does not address utility requirements. Boyd and/or Orlando Health shall coordinate with the Orange County Utilities Director, or a designee, with respect to any utility easements necessary to accommodate appropriately-sized wastewater sewer mains or lines, potable water mains or lines, and/or reclaimed water mains or lines.

14. <u>**Ratification of Original Agreement**</u>. Other than as set forth in this Second Amendment, the terms and provisions of the Original Agreement and the First Amendment shall remain unchanged and are still in full force and effect.

# [SIGNATURES FOLLOW]

Second Amendment to Road Network Agreement/SLF IV/Boyd Horizon West JV, LLC Horizon West, Hamlin Groves Trail and Porter Road, 2016 Page 7 of 10

IN WITNESS WHEREOF, the parties have caused this Second Amendment 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** 

Date:

ATTEST: Martha O. Haynie, County Comptroller As Clerk of the Board of County Commissioners

By: \_\_\_\_\_ Deputy Clerk

Print: \_\_\_\_\_

Second Amendment to Road Network Agreement/SLF IV/Boyd Horizon West JV, LLC Horizon West, Hamlin Groves Trail and Porter Road, 2016 Page 8 of 10

WITNESSES:

Print Name Print Name:

BOYD

SLF IV/BOYD HORIZON WEST JV, LLC, a Delaware limited liability company

By: Boyd Horizon West, LLC, Managing Member

By:

Scott T. Boyd/ Manager

Date:

# STATE OF FLORIDA COUNTY OF ORANGE

WITNESS my hand and official seal in the County and State last aforesaid this  $18^{10}$  day of <u>Velocuary</u>, 2016.



Notary Public () / Print Name: \_\_\_\_\_\_ My Commission Expires: \_\_\_\_\_\_ Second Amendment to Road Network Agreement/SLF IV/Boyd Horizon West JV, LLC Horizon West, Hamlin Groves Trail and Porter Road, 2016 Page 9 of 10

### WITNESSES:

### ORLANDO HEALTH

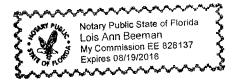
ORLANDO HEALTH CENTRAL, INC., a Florida not for profit corporation

Dranne Corig	By: Griscon P. Cha
Print Name: Dranne Essig	Namer RETARY P. CHE
	Title: PRES MENT
Print Name: Ileana Dolgat-Lo.	Date: Foto 1(0, 2 MI

# STATE OF FLORIDA COUNTY OF ORANGE

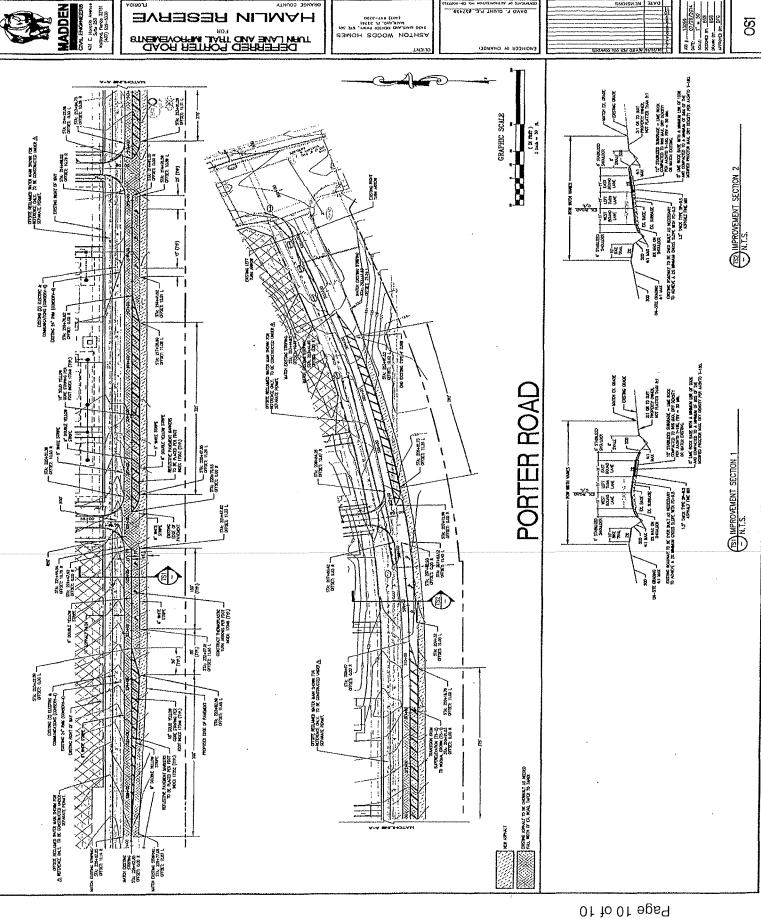
The foregoing instrument was acknowledged before me by  $G_{RegOFYF}Ohe$ , as  $P_{Resident}$  of ORLANDO HEALTH CENTRAL, INC., a Florida not for profit corporation, on behalf of the corporation, and who is known by me to be the person described herein and who executed the foregoing, this  $\frac{16}{2000}$  day of  $\frac{3000}{2000}$ , 2016. He/she is personally known to me or has produced as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this <u>16</u> day of <u>February</u>, 2016.



Notary Public Print Name: Lois Ann Seemen Notary Public My Commission Expires: 08/19

Horizon West, Hamlin Groves Trail and Porter Road, 2016 Second Amendment to Road Network Agreement/SLF IV/Boyd Horizon West JV, LLC



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February 23, 2016

TO:

I. CONSENT AGENDA FAMILY SERVICES DEPARTMENT

# GENDA ITEM

Mayor Teresa Jacobs And Board of County Commissioners

THRU: Lonnie C. Bell, Jr., Director Family Services Department

AC for LCB

- FROM: Sherry Paramore, Manager Community Action Division
- CONTACT: Eddie Brown, Program Manager (407) 836-6568
- SUBJECT: License agreement with the City of Winter Garden for the Maxey Community Center March 15, 2016 Consent Agenda

Orange County's Family Services Department, through its Community Action Division, operates and manages the Maxey Community Center. The City of Winter Garden is a government organization that requests use of designated space at the Maxey Community Center to provide services beneficial to the citizens and general public of Orange County. This license agreement sets out conditions of the use of space and of the community partnership with Community Action Division. The term of the license agreement is one year with two additional one year automatic renewals.

# ACTION REQUESTED: Approval and execution of License Agreement between Orange County, Florida and City of Winter Garden regarding the use of Orange County's Community Centers for the Maxey Community Center.

/kj

## Attachment

C: George A. Ralls, M.D., Deputy County Administrator Lonnie C. Bell, Jr., Director, Family Services Department Wanzo Galloway, County Attorney's Office John Petrelli, Risk Management Jamille Clemens, Finance Patria Morales, Management & Budget Advisor Yolanda Brown, Fiscal Manager

# LICENSE AGREEMENT Between ORANGE COUNTY, FLORIDA And CITY OF WINTER GARDEN Regarding the USE OF ORANGE COUNTY'S COMMUNITY CENTERS

THIS AGREEMENT is made and entered into this <u>15<sup>th</sup></u> day of <u>March</u>, 2016, by and between Orange County, Florida, a political subdivision of the State of Florida, (hereinafter referred to as "County") and **City of Winter Garden**, an entity properly organized under the laws of the State of Florida (hereinafter referred to as "Agency").

## RECITALS

WHEREAS, County is the owner of that certain real property located in Orange County, Florida, called the Maxey Community Center located at 830 Klondike Avenue, Winter Garden, FL 34787-3225 listed on Attachment A (herein referred to as "Premises"); and

WHEREAS, Agency seeks a license to enter the Premises to provide its services outlined hereinafter for the use and benefit of the citizens and general public of Orange County; and

WHEREAS, the County agrees to permit Agency on the Premises under the terms and conditions set forth in this Agreement; which may include a referenced attachment and exhibit, and thereby made a part of this Agreement; and

WHEREAS, the Agency's services herein serves a valid public purpose; and

WHEREAS, County and Agency agree that their mutual understanding and cooperation are necessary for the parties to conduct their respective programs, projects, activities and services on the Premises.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions hereinafter set forth, the parties agree as follows:

Section 1. Recitals. The above recitals are true and correct and form a material part of this Agreement.

Section 2. Purpose of License. The purpose of the license is for the use of the Premises. The Premises shall be utilized by the Agency under the administrative management and approval of the County's Community Action Division (herein after referred to as "CAD") in accordance with its divisional policies and procedures and only for the lawful purposes outlined herein. The consumption or use of alcoholic beverages is expressly prohibited on the Premises at all times.

Agency shall use a portion of the Premises during the following periods: *Kids Café*-Weekly Monday through Thursdays from 12:00 p.m. to 5:30 p.m.; *Sewing Classes*-Mondays from 2:30 p.m. to 6:00 p.m. and Tuesdays from 2:30 p.m. to 8:00 p.m.; *Crealde School of Art*-Weekly Wednesdays from 3:00 a.m. to 5:00 p.m. Agency may also use common areas such as meetings/conference rooms, etc. with the consent of the Center Manager or his/her designee.

Section 3. Services to be Provided. Agency shall provide the following services during the dates and times herein specified within Attachment A.

Section 4. Value of Services. The value of the services provided by this Agreement shall be on an in-kind basis and there shall be no monetary payment made for services rendered.

Section 5. Indemnity, Safety and Insurance

- a. Indemnity: If there are any claims for damages attributed to the negligence, errors or omissions of the AGENCY, their agents or employees while providing the services called for herein, it is understood and agreed the AGENCY shall defend, indemnify and hold harmless the COUNTY from any and all losses, costs, liabilities, damages, and expenses arising out of such claims or litigation asserted as a result hereof. However, the AGENCY shall not be responsible for acts or omissions of the COUNTY, its agents, or employees, or of third parties, which result in bodily injury to persons or property. In the event the AGENCY is a state department or division or a political subdivision of the State of Florida indemnification shall follow the provisions of Section 768.28, Florida Statutes.
- b. Protection of Persons and Property:
  - i. The AGENCY shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the performance of this License. The AGENCY shall take all reasonable precautions for the safety and protection of:
    - All employees and all persons whom the AGENCY suffers to be on the premises and other persons who may be affected thereby;
    - All property, materials and equipment on the premises under the care, custody or control of the AGENCY; and
    - Other property at or surrounding the premises including trees, shrubs, lawn, walk, pavement, and roadways.
  - ii. AGENCY agrees that the COUNTY does not guarantee the security of any equipment or personal property brought by the AGENCY, its agents or employees onto the COUNTY property and that the COUNTY shall in no way be liable for damage, destruction, theft or loss of any equipment and appurtenances regardless of the reason for such damage, destruction, theft or loss.
  - iii. The AGENCY shall comply with and shall ensure that its contractors comply with , all applicable safety laws or ordinances, rules, regulations, standards and lawful orders from authority bearing on the safety of persons or property for their protection from damage, injury or loss. This includes but is not limited to the following:
    - Occupational Safety & Health Act (OSHA)National
    - Institute for Occupational Safety & Health

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• (NIOSH)National Fire Protection Association (NFPA)

The AGENCY must also comply with the guidelines set forth in the Orange County Safety & Health Manual. The manual can be accessed online at the address below:

http://www.ocfl.net/YourLocalGovernment/CountyDepartments/Officeof Accountability/RiskManagement.aspx

- iv. In any emergency affecting the safety of persons or property, the AGENCY will act with reasonable care and discretion to prevent any threatened damage, injury or loss.
- v. The Agency agrees to ensure confidentiality of client information related to any client of the Agency or the County related to this agreement and to limit access to the premises to duly authorized staff or clients receiving specified services. Agency shall maintain space in appropriate condition as to customary wear and cleanliness and return furnishings and equipment to its original order upon vacating premises after each use.
- vi. The Agency will comply with and shall ensure that its contractors comply with County's insurance requirements as set forth in paragraph 6, all applicable safety laws, ordinances, rules, regulations, standards, and lawful orders from authority bearing on the safety of persons or property for their protection from damage, injury, or loss. In any emergency affecting the safety of persons or property, the Agency will act with reasonable care and discretion to prevent any threatened damage, injury, or loss.
- c. Insurance
- i. The AGENCY agrees to maintain on a primary basis and at its sole expense, at all times throughout the duration of this contract the following types of insurance coverage with limits and on forms (including endorsements) as described herein. These requirements, as well as the COUNTY's review or acceptance of insurance maintained by AGENCY is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by the AGENCY under this Contract.
- ii. The AGENCY shall require and ensure that each of its subcontractors/consultants providing services hereunder (If any) procures and maintains until the completion of their respective services, insurance of the types and to the limits specified herein.
- iii. The AGENCY shall have in force the following insurance coverage, and will provide Certificates of Insurance to the COUNTY prior to commencing operations under this Contract to verify such coverage:
  - 1. Workers' Compensation The AGENCY shall maintain coverage for its employees with statutory workers' compensation limits, and no less than \$100,000 each incident

of bodily injury or disease for Employers' Liability. Said coverage shall include a waiver of subrogation in favor of the COUNTY if services are being provided at COUNTY facilities. Elective exemptions as defined in Florida Statute 440 will be considered on a case-by-case basis. Any AGENCY using an employee leasing arrangement shall complete the Leased Employee Affidavit attached herein as Exhibit XX.

- 2. Commercial General Liability The AGENCY shall maintain coverage issued on the most recent version of the ISO form as filed for use in Florida or its equivalent, with a limit of liability of not less than \$500,000 per occurrence. AGENCY further agrees coverage shall not contain any endorsement(s) Product/Completed excluding or limiting Operations, Contractual Liability, or Separation of Insureds. Sexual abuse and molestation coverage with limits of not less than \$100,000 per occurrence shall also be included for those programs that provide services directly to minors. The General Aggregate limit shall either apply separately to this contract or shall be at least twice the required occurrence limit.
- 3. Business Automobile Liability The AGENCY shall maintain coverage for all owned; non-owned and hired vehicles issued on the most recent version of the ISO form as filed for use in Florida or its equivalent, with limits of not less than \$500,000 per accident. In the event the AGENCY does not own automobiles the AGENCY shall maintain coverage for hired and non-owned auto liability, which may be satisfied by way of endorsement to the Commercial General Liability policy or separate Business Auto Liability policy.
- 4. Commercial Crime or Third Party Fidelity Bond- The commercial crime policy or fidelity bond shall include coverage for employee dishonesty on a blanket basis with limits of not less than the full amount of this agreement as specified in Article II, Section 1 or as amended from time to time. The bond shall be endorsed to cover third-party liability and shall include a third-party beneficiary clause in favor of the COUNTY. The bond shall include a minimum twelve (12) month discovery period when written on a claims-made basis.
- 5. Professional Liability Any Organization providing Professional services (i.e., medical, counseling, etc.) shall provide Professional liability coverage with limits of not less than \$1,000,000 per occurrence.

- iv. If the AGENCY is an agency or political subdivision of the State of Florida then without waiving its right to sovereign immunity as provided in Section 768.28, Florida Statutes, the AGENCY may self-insure its liability with coverage limits of \$100,000 per person and \$200,000 per occurrence or such other limited sovereign immunity as set forth by the Florida legislature. A statement of self-insurance shall be provided to the COUNTY.
- v. When a self-insured retention or deductible exceeds \$100,000 the COUNTY reserves the right to request a copy of AGENCY'S most recent annual report or financial statement. For polices written on a "Claims-Made" basis the AGENCY agrees to maintain a retroactive date prior to or equal to the effective date of this Contract. In the event the policy is cancelled, non-renewed, switched to occurrence form, or any other event which triggers the right to purchase a Supplemental Extended Reporting Period (SERP) during the life of this Contract the AGENCY agrees to purchase the SERP with a minimum reporting period of not less than two (2) years. Purchase of the SERP shall not relieve the AGENCY of the obligation to provide replacement coverage.
- vi. The AGENCY agrees to endorse the COUNTY as an Additional Insured with a CG 20 26 Additional Insured – Designated Person or Organization endorsement, or its equivalent to all commercial general liability policies. The additional insured shall be listed in the name of Orange County Board of County Commissioners.
- vii. Insurance carriers providing coverage required herein must be licensed to conduct business in the State of Florida and must possess a current A.M. Best's Financial Strength Rating of A- Class VIII or better.
- viii. Any request for an exception to these insurance requirements must be submitted in writing to the COUNTY for approval.
- ix. The AGENCY shall provide to the COUNTY current certificates of insurance evidencing all required coverage prior to execution and commencement of any operations/services provided under this Contract. In addition to the certificate(s) of insurance the AGENCY shall also provide copies of the additional insured and the waiver of subrogation endorsements as required above (Exhibit XX). For continuing service contracts renewal certificates shall be submitted upon request by either the COUNTY or its certificate management representative. The certificates shall clearly indicate that the AGENCY has obtained insurance of the type, amount and classification as required for strict compliance with this insurance section. No material change or cancellation of the insurance shall be effective without thirty (30) days prior written notice to the COUNTY. Certificates shall specifically reference the respective Contract number. The certificate holder shall read:

Orange County Board of County Commissioners Attention: Linda Carson Purchasing and Contracts Division 400 East South Street Orlando, Florida 32801

Section 6. Term and Termination. The initial term of this License shall be for one (1) year commencing from the date of full execution of this Agreement with two (2) additional one (1) year automatic renewals. The maximum term of this Agreement shall be for no more than three consecutive (3) years from the date of full execution of this Agreement. The parties understand and agree that this Agreement is a license to enter upon Premise and confers no rights to occupancy of the Premises by the Agency. The County, in its sole discretion, may terminate this license at any time.

Section 7. Evaluation. Each year during the term of this Agreement, the Organization shall submit monthly reports, twelve (12) in total, documenting the services it has provided on the Premises. Said reports must be provided to CAD's Division Manager or his/her designee, at the Community Center where services are provided. The report must be provided on or before the  $5^{\text{th}}$  business day of the month that follows each month. SEE ATTACHMENT "B" for the report format.

Section 8. Assignment. This Agreement is intended for the exclusive privilege and benefit of the undersigned; any assignment to another agency, department, entity, or person, is strictly prohibited and shall vest in the non-assigning party the immediate right to terminate, unless provided, in advance, by written instrument executed by both parties.

Section 9. No Third-Party Beneficiary. It is specifically agreed between the County and the Organization that this Agreement is not intended, by any of the provisions of any part of this Agreement, to create or establish in any third party, the public or any member thereof, the rights of a third-party beneficiary hereunder, or to create or authorize any private right of action by any person or entity not a signatory to this Agreement. The duties, obligations and responsibility of the County and the Organization with respect to third parties shall remain as imposed by law.

Section 10. Sovereign Immunity. Each party hereto agrees that it shall be solely responsible for the wrongful acts of its employees, contractors and agents. However, nothing contained herein shall constitute a waiver by any party of its sovereign immunity under Section 768.28, Florida Statutes.

Section 11. Breach of Agreement. The failure of Agency, its employees or contractor(s) to comply with any covenant or condition of this Agreement shall constitute a breach of the Agreement. If the breach of this Agreement is not material and can be readily cured, the County may, in its sole and absolute discretion, give Agency ten (10) calendar days written notice and an opportunity to cure the breach within thirty (30) days before terminating this Agreement. Nothing herein shall be construed to interfere with the County's absolute right to terminate this License Agreement without cause.

Section 12. Compliance with Applicable Laws. The Agency shall observe and comply with all applicable federal, state and local rules, orders, laws and regulations pertaining to the use of the Premises. Nothing in this Agreement shall be construed to relieve Agency of its obligation to comply with all applicable provisions of the Orange County Code, or its obligation to obtain federal, state, county, or other permits, as applicable.

Section 13. Effective Date. The effective date of this Agreement shall be the date it is executed by the County.

Section 14. Notices. All notices to either party shall be given by certified mail, return receipt requested, or in person with proof of delivery.

Notices to the County shall be submitted to:

Orange County Administrator Orange County Administration Building 201 S. Rosalind Avenue, 5th Floor Orlando, Florida 32801

And

Sherry Paramore, Manager Orange County Family Services Department Community Action Division 2100 East Michigan Street Orlando, Florida 32806

Notices to the Agency shall be submitted to: Jackie Mathis, Recreation Manager City of Winter Garden 300 W. Plant Street Winter Garden, FL 34787

Section 14. Entire Agreement. The entire agreement between parties with respect to the subject matter herein is contained in this Agreement. No other agreement, oral or written, regarding the subject matter herein shall be deemed to exist or to bind the parties hereto.

IN WITNESS WHEREOF, the parties hereto have signed and executed this Agreement on the dates indicated below.

# ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: \_

Teresa Jacobs Orange County Mayor

Date: \_\_\_\_\_

ATTEST: Martha O. Haynie, County Comptroller As Clerk of the Board of County Commissioners

By: Deputy Clerk

Date:\_\_\_\_\_

CITY OF WINTER GARDEN By:

Laura Coar Printed Name

Parks & Recreation Director Title

Date: 2/23/16

Kauthen Rottere

KATHLEEN RATHEL NOTARY NOTARY PUBLIC STATE OF FLORIDA Comm# FF079118 Expires 12/25/2017

#### EXHIBIT XX

#### LEASED EMPLOYEE AFFIDAVIT

#### TERM CONTRACT #Y

I affirm that an employee leasing company provides my workers' compensation coverage. I further understand that my contract with the employee leasing company limits my workers' compensation coverage to enrolled worksite employees only. My leasing arrangement does not cover un-enrolled worksite employees, independent contractors, uninsured sub-contractors or casual labor exposure.

I hereby certify that 100% of my workers are covered as worksite employees with the employee leasing company. I certify that I do not hire any casual or uninsured labor outside the employee leasing arrangement. I agree to notify the County in the event that I have any workers not covered by the employee leasing workers' compensation policy. In the event that I have any workers not subject to the employee leasing arrangement, I agree to obtain a separate workers' compensation policy to cover these workers. I further agree to provide the County with a certificate of insurance providing proof of workers' compensation coverage prior to these workers entering any County jobsite.

I further agree to notify the County if my employee leasing arrangement terminates with the employee leasing company and I understand that I am required to furnish proof of replacement workers' compensation coverage prior to the termination of the employee leasing arrangement.

I certify that I have workers' compensation coverage for all of my workers through the employee leasing arrangement specified below:

Name of Employee Leasing Company:

Workers' Compensation Carrier:

A.M. Best Rating of Carrier:

Inception Date of Leasing Arrangement:

I further agree to notify the County in the event that I switch employee-leasing companies. I recognize that I have an obligation to supply an updated workers' compensation certificate to the County that documents the change of carrier.

Name of Contractor: Signature of Owner/Officer: Title:

Date: \_\_\_\_\_

# ATTACHMENT "A"

# **PROGRAM LOCATION**

Maxey Community Center 830 Klondike Road Orlando, Florida 34787-3225

### **PROGRAM DESCRIPTION**

*Kid's Café* is a free dinner program designed for children of low-income families and is a joint program offered by the City of Winter Garden, the Second Harvest Food Bank of Central Florida and the Orange County Community Action Division. *Sewing Classes* is to teach the community how to sew. *Crealde* has taught the Hands-On after school Visual Art Classes at the Maxey Community Center since 1998, funded through a variety of private resources. The free one hour classes are taught by professional working artist, and teach fundamental concepts and techniques in art making.

### Days the services will be provided:

The services will be provided *Kids Café*-Weekly Monday through Thursdays from 12:00 p.m. to 5:30 p.m.; *Sewing Classes*-Mondays from 2:30 p.m. to 6:00 p.m. and Tuesdays from 2:30 p.m. to 8:00 p.m.; *Crealde*-Weekly Wednesdays from 3:00 p.m. to 5:00 p.m. as scheduled with the Community Center Manager.

### Services provided:

Kid's Café provides a free dinner program designed for children of low-income families. Sewing Classes is to teach the community how to sew.

**Crealde** provides a safe alternative after school activity for children ages 5-12, from low income families who cannot afford after school art classes.

### **Outcomes and Measureable Objectives:**

- To help children understand proper nutrition.
- To provide a cooked meal and a safe place to participate in educational, recreational and social activities.
- To teach the community how to sew.
- To provide a safe alternative after school activity for children ages 5-12, from low income families who cannot afford after school art classes.

The Agency will provide data to the County as specified to demonstrate that provision of county space at no cost is justified.

# ATTACHMENT "B"

# PARTNER REPORT FORM

Name of Organization:	City of Winter Garden	
U		

Community Center:

Submitted for the month of:

Description of services provided	Number of clients served	National Performance Indicator(s) <b>(NPI)</b>	Number of clients achieving outcome (Provide supporting documentation)

Supporting documentation for outcome completion included with the report. Yes\_\_\_\_ No\_\_\_\_

Name of staff submitting report

Date

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		CLAIMS-MADE X OCC	CUR		[	PRM 015-002		10/1/2015	10/1/2016	MED EXP (Any one person)	\$	Excluded
	X	Sexual Misconduct								PERSONAL & ADV INJURY	\$	2,000,000
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I. CONSENT AGENDA

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**AGENDA ITEM** 

February 22, 2016

TO:	Mayor Teresa Jacobs and
	Board of County Commissioners
THRU:	Lonnie C. Bell, Jr., Director
FROM:	WSonya L. Hill, Manager Head Start Division Contact: Khadija Pirzadeh, (407) 836-8912 Sonya Hill, (407) 836-7409

SUBJECT: Filing of Head Start Policy Council Program Information and Updates for the Official County Record **CONSENT AGENDA ITEM March 15, 2016** 

The Head Start Division requests filing of the program information and updates and meeting minutes for the official county record:

Head Start Policy Council Program Information and Updates February 2016 Head Start Policy Council Meeting Minutes January 21, 2016

**ACTION REQUESTED:** Receipt and filing of Head Start Policy Council Program Information and Updates February 2016 and Head Start Policy Council Meeting Minutes January 21, 2016 for the official county record.

### SH/kp

C: George A. Ralls, M.D., Deputy County Administrator Wanzo Galloway, Assistant County Attorney, County Attorney's Office John Petrelli, Director, Risk Management and Professional Standards Yolanda Brown, Manager, Fiscal Division, Family Services Department Jamille Clemens, Grants Supervisor, Finance Division Patria Morales, Grant Coordinator, Office of Management and Budget



Lonnie C. Bell, Jr. Director, Family Services Orange County Government

# HEAD START POLICY COUNCIL PROGRAM INFORMATION & UPDATES



Sonya L. Hill Head Start Division Manager



# FEBRUARY 2016



Orange County Family Services Department Head Start Division



# POLICY COUNCIL MONTHLY MEETING

Who:	<b>Policy Council Members</b>
Date:	THURSDAY- FEBRUARY 18, 2016
Time:	6:30 PM
Location:	Great Oaks Village Dining Hall 1768 E. Michigan Street Orlando, FL 32806

# Child Care Provided

(snacks provided for the children)

Sandra Moore: 407-836-8913 (8am-5pm) Email Sandra.moore2@ocfl.net

SEE YOU THERE!!!!!



# Orange County Government Head Start Policy Council 1768 East Michigan Street GOV Dining Hall Orlando, Florida 32806

# <u>February 18, 2016</u>

# MEETING STARTS AT 6:30 p.m.

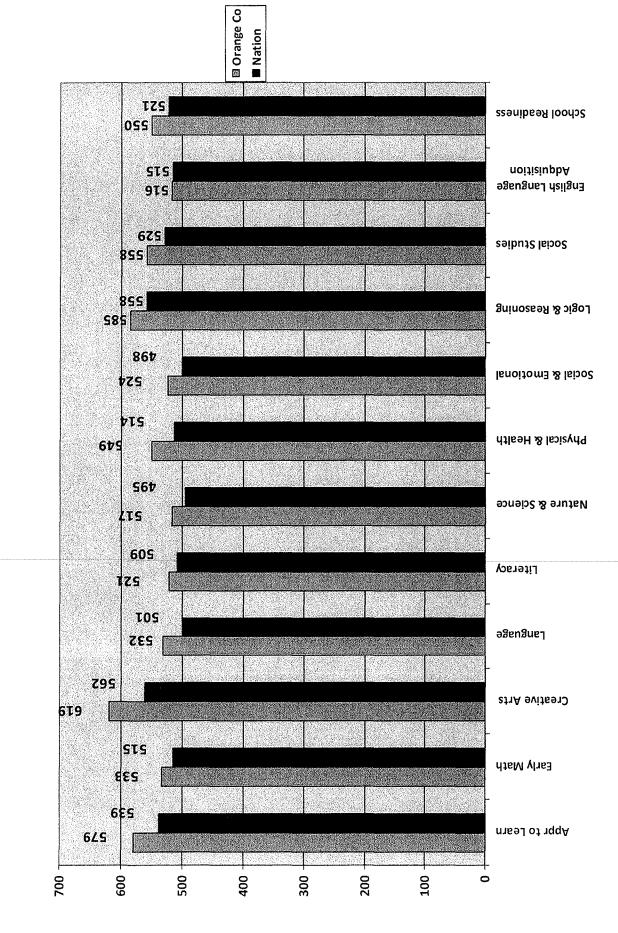
- 1. Call to Order Chairperson
- 2. Roll Call Secretary
- 3. Adoption of Agenda
- 4. Secretary Report
  - a. Review of Minutes
- 5. Presenters
  - a. Nemours
  - b. Early Head Start / 4C
- 6. Human Resources Report
- 7. Budget Report
- 8. Head Start Division Manager's Report Sonya Hill, Head Start Division Manager
- 9. Commissioner/Commissioner's Liaison Report- Commissioner V. Siplin
- 10. Status of Board of County Commissioners Vote- Helen Hill

Approval of Head Start requests for filing of the monthly packets, program information update and meeting minutes for the official county record:

- a. Head Start Policy Council Program Information and Updates December 2015
- b. Head Start Policy Council Meeting Minutes November 19, 2015
- **11. Service Area Reports**
- 12. Old Business
  - a. Parent Training Institute
  - b. Father Daughter Dance Update
- 13. New Business
  - a. Election of Officers
  - b. Committee Meeting Updates
  - c. Committee Vacancies
  - d. Region IV Update
  - e. Self-Assessment
  - f. Average Daily Attendance
- **14. Public Comment**
- 15. Adjourn

Orange County Head Start Education Service Area

Child Outcomes 8/1/15 -12/31/15 4 year olds



# Head Start Policy Council Human Resources Committee January Actions

Job Title	<b>Employee's Name</b> (Documented after Policy Council Vote)	Date of Hire		
Teacher Assistant	Cassandra McRae	01/04/16		
Teacher Assistant	Porshea Dennis	01/04/16		
Casual CSW	Yanetsy Garay	01/08/16		
Casual CSW	Latasha Douglas	12/08/16		
Teachers Assistant	Cristal Liriano	01/19/16		
Community Service Worker	Syreeta Brown	01/19/16		

# **II.** Pending Approval

Job Title	Employee's Name			
Teacher Assistant	Jocelyn Walker			
Teacher Assistant	Amy Brandenburg			
Teacher Assistant	Arthur Ugalde			
Teacher Assistant	Mariee Tarrats			
Teacher Assistant	Jordan Gamble			
Teacher Aide	Victoria Jenkins			
Teacher Aide	AnnMarie Graham			
Teacher Aide	Janisse Madina			
Teacher Aide	Audreyola Burke			
Teacher Aide	Brenda Rivera			
Teacher	Victoria Bodden			
Teacher	Jasmine Hall			
Teacher	Dawn Sweet			
Teacher	Latoya James			
Teacher	Kenyetta Alexander			
Teacher	Evanna Johnson			

# III. Separation from employment -

Job Title	Reason	Employee's Name (Documented after Policy Council Vote)
Teacher	Other Personal Reasons	Celia Sanchez Farias
Teacher	Other Personal Reasons	Marie Joseph
Teacher	Other Personal Reasons	Katherine Clemente
Teacher Assistant	Other Personal Reasons	Phyllis Jordan

# IV. Promotions/Internal Transfers -

Transfer From:	Transfer To:	Employee's Name (Documented after Policy Council Vote)
Teacher Assistant	Teacher	Danielle Dixion Brown
Teacher Assistant	Teacher	Milagros Hoyos

# V. Current Head Start Openings – As of 02/04/16

Job Title	Number of Positions
Teacher Assistant	16
Teacher	5
Center Supervisor	2
Sr. Community Services Worker	1
Licensed Practical Nurse	1
Maintenance Technician	1
Registered Nurse Supervisor	1

# Orange County Family Services Department Budget Summary: Month of January's 2016 for Head Start

Budget Summary: Month of January's 2016 for Head Start									
	CURRENT BUDGET	ост	NOV	DEC	JAN	ENCUMBERED AMOUNT	TOTAL YTD	BALANCE	% BUDGET USED YTD
Head Start Administration	1,283,804	67,211	87,652	86,509	78,896	-	320,268	963,536	25%
Head Start Services	10,802,396	721,005	867,316	852,437	744,780	287,759	3,185,539	7,318,348	29%
Head Start Training	122,891	715	3,957	11,119	10,002	11,000	25,793	72,032	21%
Head Start Disabilities	449,242	17,775	21,218	21,337	21,302	159,381	81,632	208,229	18%
USDA Administration	176,659	3,871	7,612	9,175	10,639	-	31,297	145,362	18%
USDA Services	1,379,241	17,609	21,065	134,026	128,753	563,291	301,453	514,497	22%
Voluntary Pre-Kindergarten	1,082,330	18,652	(18,230)	2,430	148,943	6,564	151,794	923,972	14%
Grand Total	15,296,563	846,837	990,590	1,117,032	1,143,317	1,027,995	4,097,777	10,145,974	27%
MONTHS October November December January	PERCENT 8% 17% 25% 33%								
February	42%								
March	50%								
April	58%								
May	67%								
June	75%								
July	83%								
August	92%								
September	100%								
* All Encumbered Amount will be	reflected in the B	alance colun	nn and not in	the Expende	d Year To Dat	e column until expe	nded.		

# ORANGE COUNTY FAMILY SERVICES DEPARTMENT Fund: 7006 ,Dept: 062 , HEAD START , Unit: 7521 , ADMIN/HEAD START FY 2015-2016 MONTHLY JANUARY'S EXPENDITURE REPORT

	1		T	T			Ī			1	1
N			CURRENT					ENCUMBERED	TOTAL		% BUDGET
OBJECT	APPR	OBJECT NAME	BUDGET	ОСТ	NOV	DEC	JAN	AMOUNT	YTD	BALANCE	USED YTD
1 1120		REGULAR SALARIES and WAGES	783,943.00	51,010.96	60,860.80	60,892.47	61,484.80	.00	234,249.03	549,693.97	30%
1140		OVERTIME	7,000.00	279.96	226.15	736.94	.00	.00	1,243.05	5,756.95	18%
2110		FICA TAXES	60,507.00	3,710.56	4,432.81	4,477.21	4,454.67	.00	17,075.25	43,431.75	28%
2120	7FA	RETIREMENT CONTRIBUTION	57,422.00	3,832.94	4,594.93	4,604.58	4,594.08	.00	17,626.53	39,795.47	31%
2130	7FA	LIFE and HEALTH INSURANCE	168,800.00	8,376.49	9,857.04	9,857.04	10,086.32	.00	38,176.89	130,623.11	23%
2131	7FA	HSA/FSA CONTRIBUTION	.00	.00	.00	.00	.00	.00	.00	.00	#DIV/0!
2200	7FA	PAYMENTS TO OPEB TRUST	7,383.00	.00	.00	.00	.00	.00	.00	7,383.00	0%
OBJECT C	ATEGOF	RY 1	1,085,055.00	67,210.91	79,971.73	80,568.24	80,619.87	.00	308,370.75	776,684.25	28%
2 3125	7FB	INDIRECT COSTS	106,329.00	.00	.00	.00	.00	.00	.00	106,329.00	0%
3410	7FC	LOCAL TRAVEL	1,000.00	.00	.00	602.09	.00	.00	602.09	397.91	60%
		POSTAGE and MESSENGER									
3510	7FC	SVCS	2,000.00	.00	.00	.00	.00	.00	.00	2,000.00	0%
3530	7FC	TOLL CHARGES	150.00	.00	.00	27.68	.00	.00	27.68	122.32	18%
3610	7FC	RENTAL OF EQUIPMENT	520.00	.00	.00	331.00	.00	.00	331.00	189.00	64%
3720	7FC	COMMUNICATIONS	3,000.00	.00	.00	388.33	776.61	.00	1,164.94	1,835.06	39%
3820	7FC	MAINTENANCE OF EQUIPMENT	2,567.00	.00	.00	.00	.00	.00	.00	2,567.00	0%
3910	7FC	GRAPHIC REPROD SVCS	8,800.00	.00	.00	.00	.00		.00	8,800.00	0%
4010	7FC	DUES and MEMBERSHIPS	20,875.00	.00	7,680.00	450.00	.00	.00	8,130.00	12,745.00	39%
		OFFICE SUPPLIES (NOT									
4110	7FC	INCLUDING PRINTING)	14,500.00	.00	.00	337.38	.00	.00	337.38	14,162.62	2%
		MISCELLANEOUS OPERATING									
4115	7FC	SUPPLIES	3,000.00	.00	.00	.00	.00	.00	.00	3,000.00	
4120	7FC	SOFTWARE < \$1000	6,336.00	.00	.00	604.86	.00	.00	604.86	5,731.14	10%
		COMPUTER EQUIPMENT LESS									
4121	7FC	THAN \$500	5,080.00	.00	.00	152.99	.00	.00	152.99	4,927.01	3%
4123	7FC	EQUIPMENT LESS THAN \$1000	5,000.00	.00	.00	504.22	.00	.00	504.22	4,495.78	10%
4412	7FC	PROMOTIONAL EXPENSES	5,000.00	.00	.00	.00	.00	.00	.00	5,000.00	0%
	1	EDUCATIONAL ASSISTANCE									
4418	7FC	PROGRAM	1,000.00	.00	.00	2,500.00	-2,500.00	.00	.00	1,000.00	0%
		SCHOLARSHIPS, AWARDS, BENE									
4422	7FC	F	559.00	.00	.00	42.50	.00	.00	42.50	516.50	
4482	7FN	SELF INS-PROP CASUALTY	13,033.00	.00	.00	.00	.00	.00	.00	13,033.00	0%
OBJECT C	ATEGOR		198,749.00	.00	7,680.00	5,941.05	-1,723.39		11,897.66	186,851.34	6%
<b>*TOTAL UN</b>			1,283,804.00	67,210.91	87,651.73	86,509.29	78,896.48		320,268.41	963,535.59	

# ORANGE COUNTY FAMILY SERVICES DEPARTMENT Fund: 7006 ,Dept: 062 , HEAD START , Unit: 7522 , SERVICES/HEAD START FY 2015-2016 MONTHLY JANUARY'S EXPENDITURE REPORT

	1		CURRENT		Ι			ENCUMBERED	TOTAL		% BUDGET
OBJECT	APPR	OBJECT NAME	BUDGET	ост	NOV	DEC	JAN	AMOUNT	YTD	BALANCE	USED YTD
								,		DITERITOR	
1 1120	7FE	REGULAR SALARIES and WAGES	6,454,605.00	498.600.42	602,021.74	582,965,88	466,984.61	.00	2,150,572.65	4,304,032.35	33%
1130		OTHER SALARIES and WAGES	80,000.00	9,148.75		8,268.91	7,134.99	.00	32,483.36	47,516.64	41%
1140		OVERTIME	10,000.00	3,321.14		1,733.77	208.37	.00	6,171.39	3.828.61	62%
2110		FICA TAXES	496,707.00	37,222.24		43,171,45	34,379.36	.00	159,235.61	337,471.39	32%
2120		RETIREMENT CONTRIBUTION	469,330.00	36,971.73		42,851.41	33,063.91	.00	156,164.67	313,165.33	33%
2130	7FE	LIFE and HEALTH INSURANCE	2,006,000.00		134,766.16	133,747.13		.00	499,867.82		25%
2131	7FE	HSA/FSA CONTRIBUTION	.00	.00	.00	.00	.00	.00	.00	.00	#DIV/0!
		UNEMPLOYMENT			.00	.00	.00	.00		.00	#010/0:
2150	7FE	COMPENSATION	7,000.00	.00	.00	.00	.00	.00	.00	7,000.00	0%
2200		PAYMENTS TO OPEB TRUST	122,804.00	.00	.00	.00	.00	.00	.00	122,804.00	0%
OBJECT CA			9,646,446.00			812,738.55		.00	3,004,495.50		31%
ODJLOT OF		PAYMENTS TO OTHER	5,040,440.00	101,110.01	000,000.00	012,7 00.00	001,219.00	.00	3,004,433.30	0,041,950.50	5170
2 2467	7FF	GOVERNMENTAL AGENCIES	0 000 00	100.00	00	00	2 550 50	00	2 650 50	1 240 50	400/
2 3167			8,000.00 9.500.00	100.00	.00 .00	.00	3,559.50	.00	3,659.50		46%
3170	7FF	JANITORIAL SVC and SUPPLY	9,000.00	.00	.00	357.97	3,596.62	.00	3,954.59	5,545.41	42%
		SOFTWARE LICENSING	10.005.00		00	20		10.001.00		00.040.47	00/
3192	7FF	SUPPORT FEE	42,225.00	.00	.00	.00	.00	18,381.83	.00	23,843.17	· 0%
			(0.000.00					(0.077.77			
3195	7FF	CONTRACT SERVICES MEDICAL	10,000.00	.00	.00	.00	.00	10,000.00	.00	.00	0%
		CONTRACTUAL SERVICES NOT									
3197	7FF	OTHERWISE SPECIFIED	43,000.00	.00		150.00	770.00			-12,567.90	6%
3350	7FF	OTHER INSURANCE and BONDS	13,000.00	.00		.00	.00			66.88	99%
3410	7FF	LOCAL TRAVEL	25,000.00	.00		1,991.24				23,008.76	8%
3420	7FF	OUT OF COUNTY TRAVEL	1,000.00	.00		.00				1,000.00	0%
3520	7FF	MOVING EXPENSE-CO ASSETS	2,000.00	.00	.00	988.00		.00	988.00	1,012.00	49%
3530	7FF	TOLL CHARGES	500.00	.00	101.55	135.41	43.34	.00	280.30	219.70	56%
3610	7FF	RENTAL OF EQUIPMENT	49,926.00	.00	1,580.53	2,456.39	3,009.28	47,740.17	7,046.20	-4,860.37	14%
		LEASES-									
3620	7FF	BUILDINGS/STRUCTURES	78,172.00	11,257.84	5,628.92	6,122.92	45,176.07	12,398.00	68,185.75	-2,411.75	87%
3710	7FF	UTILITIES	26,000.00	3,200.00	2,821.74	2,238.72			15,805.42		61%
3720	7FF	COMMUNICATIONS	38,060.00	93.00	2,940.70	1,244.30					32%
	1	MAINTENANCE OF BUILDINGS,		**************************************							
	1	IMPROVEMENTS, AND									
3810	7FF	GROUNDS	80.000.00	3,100.00	1,550.00	2,777,74	3,243.75	1,700.00	10,671,49	67.628.51	13%
3820	7FF	MAINTENANCE OF EQUIPMENT	26,906.00	.00	1,005.90	512.30		23,694.31	2,602.01	609.68	10%
	1	MAINTENANCE OF COMPUTER	20,000.00	.00	1,000.00	012.00	1,000.01	20,004.07	2,002.01	000.00	
3823	7FF	EQUIPMENT	7,500.00	.00	.00	.00	.00	.00	.00	7,500.00	0%
		INTERNAL FLEET MANAGEMENT	1,000.00	.00	.00	.00	.00	.00	.00	7,000.00	0.10
3825	7FN	CHARGES	30,373.00	.00	.00	2,090.23	425.25	.00	2,515.48	27.857.52	8%
3910	7FF	GRAPHIC REPROD SVCS	5,000.00	.00		.00			.00		
10010	111	BOOKS, COMPACT DISKS,	3,000.00	.00	.00	.00	.00	.00	.00	5,000.00	0.70
4020	7FF	VIDEOS, AND SUBSCRIPTIONS	3,000.00	.00	.00	.00	.00	.00	.00	3.000.00	0%
4020		OFFICE SUPPLIES (NOT	3,000.00	.00	.00	.00	.00	.00	.00	3,000.00	0
4110	7FF	INCLUDING PRINTING)	25 000 00		00	510.00		00	510.00	24 407 24	
4110		MISCELLANEOUS OPERATING	25,000.00	.00	.00	512.66	.00	.00	512.66	24,487.34	2%
4115	7FF	SUPPLIES	9,280.00	.00	.00	045 40		0.040.40	045 40	4 000 00	4000
4115	1150	EVENT/MEAL	9,200.00	.00	.00	915.40	.00	6,610.10	915.40	-4,022.50	10%
4116	7FF	REIMBURSEMENTS	2 000 00			~~~				047.05	
4110	7FF	SOFTWARE < \$1000	3,000.00			.00				1	
	1/17	COMPUTER EQUIPMENT LESS	34,560.00	.00	.00	476.56	.00	.00	476.56	34,083.44	1%
1001	755		10.000.00			747 00			747.00	44 450 70	
	7FF	THAN \$500	12,200.00	.00	.00	747.28	.00	.00	747.28	11,452.72	6%

4123	7FF	EQUIPMENT LESS THAN \$1000	3,500.00	.00	.00	543.97	.00	.00	543.97	2,956.03	16%
4135	7FF	FOODandDIETARY	246,569.00	.00	.00	15,924.03	13,899.45	115,517.01	29,823.48	101,228.51	12%
4143	7FF	MEDandSURG SUPPLIES	4,000.00	.00	.00	.00	.00	.00	.00	4,000.00	0%
		CLOTHING AND WEARING									
4175	7FF	APPAREL	100.00	.00	.00	.00	.00	.00	.00	100.00	0%
4195	7FF	MISC SUPPLIES OR EXPENSES	10,000.00	.00	.00	.00	.00	.00	.00	10,000.00	0%
4412	7FF	PROMOTIONAL EXPENSES	2,500.00	.00	.00	.00	.00	.00	.00	2,500.00	0%
79		EDUCATIONAL ASSISTANCE									
4418	7FF	PROGRAM	2,012.00	2,083.85	3,613.15	-1,036.96	-4,660.04	.00	.00	2,012.00	0%
		IMPROVEMTS TO NON-COUNTY									
4440	7FF	ASSETS	5,000.00	.00	.00	.00	.00	.00	.00	5,000.00	0%
4450	7FF	PARENT ACTIVITY FUND	9,216.00	.00	.00	.00	.00	.00	.00	9,216.00	0%
4452	7FF	FIELD TRIPS-HEAD START	15,360.00	.00	.00	550.00	.00	.00	550.00	14,810.00	4%
4482	7FN	SELF INS-PROP CASUALTY	272,491.00	.00	.00	.00	.00	.00	.00	272,491.00	0%
6410	7FD	EQUIPMENT	2,000.00	.00	.00	.00	1,859.95	.00	1,859.95	140.05	93%
OBJECT C	CATEGO	RY 2	1,155,950.00	19,834.69	33,949.36	39,698.16	87,560.92	287,759.47	181,043.13	676,397.05	16%
*TOTAL U	NIT_CD	7522	10,802,396.00	721,005.36	867,316.26	852,436.71	744,780.30	287,759.47	3,185,538.63	7,318,347.55	29%

# ORANGE COUNTY FAMILY SERVICES DEPARTMENT Fund: 7006 ,Dept: 062 , HEAD START , Unit: 7525 , TRAINING/HEAD START FY 2015-2016 MONTHLY JANUARY'S EXPENDITURE REPORT

		r		CURRENT					ENCUMBERED	TOTAL		% BUDGET
¢	BJECT	APPR	OBJECT NAME	BUDGET	ост	NOV	DEC	JAN	AMOUNT	YTD	BALANCE	USED YTD
23	185	7FH	CONTRACT SVC-TRAINING	51,974.00	.00	2,500.00	.00	.00	11,000.00	2,500.00	25,320.00	5%
		7FH	OUT OF COUNTY TRAVEL	13,700.00	715.40	1,456.86	1,466.96	664.13	.00	4,303.35	9,396.65	31%
3	610	7FH	RENTAL OF EQUIPMENT	1,000.00	.00	.00	.00	.00	.00	.00	1,000.00	0%
			LEASES-									
	<u>620 ·</u>	7FH	BUILDINGS/STRUCTURES	2,000.00	.00	.00	.00	.00	.00	.00	1,087.75	0%
3	910	7FH	GRAPHIC REPROD SVCS	1,000.00	.00	.00	.00	.00	.00	.00	1,000.00	0%
			BOOKS, COMPACT DISKS,									
4	020	7FH	VIDEOS, AND SUBSCRIPTIONS	1,000.00	.00	.00	.00	.00	.00	.00	1,000.00	0%
			TRAINING AND EDUCATIONAL				1					
4	030	7FH	COST	31,646.00	.00	.00	3,955.00	.00	.00	3,955.00	27,691.00	12%
			LICENSE AND CERTIFICATION									
4	040	7FH	FEES	1,000.00	.00	.00	.00	.00	.00	.00	1,000.00	0%
			OFFICE SUPPLIES (NOT									
4	110	7FH	INCLUDING PRINTING)	2,771.00	.00	.00	.00	.00	.00	.00	2,771.00	0%
$\square$		1	MISCELLANEOUS OPERATING									
4	115	7FH	SUPPLIES	2,000.00	.00	.00	.00	.00	.00	.00	2,000.00	0%
		1	EVENT/MEAL									
4	116	7FH	REIMBURSEMENTS	4,500.00	.00	.00	.00	.00	.00	.00	4,500.00	0%
			EDUCATIONAL ASSISTANCE									
4	418	7FH	PROGRAM	10,300.00	.00	.00	5,697.00			15,034.58	-4,734.58	146%
	IECT CA			122,891.00	715.40	3,956.86	11,118.96	10,001.71		25,792.93		21%
*TO	TAL UNI	IT_CD 7	7525	122,891.00	715.40	3,956.86	11,118.96	10,001.71	11,000.00	25,792.93	72,031.82	21%

# ORANGE COUNTY FAMILY SERVICES DEPARTMENT Fund: 7006 ,Dept: 062 , HEAD START , Unit: 7526 , DISABILTY/HEAD START FY 2015-2016 MONTHLY JANUARY'S EXPENDITURE REPORT

	BJECT	APPR	OBJECT NAME	BUDGET	ост	NOV	DEC	JAN	AMOUNT	YTD	BALANCE	USED YTD
	<u> </u>	1										
1	1120	7FI	REGULAR SALARIES and WAGES	195,599.00	13,390.32	15,976.00	15,976.00	15,976.00	.00	61,318.32	134,280.68	31%
	1140	7FI	OVERTIME	100.00	.00	43.94	.00	.00	.00	43.94	56.06	44%
	2110	7FI	FICA TAXES	14,971.00	951.90	1,140.29	1,136.95	1,128.92	.00	4,358.06	10,612.94	29%
			RETIREMENT CONTRIBUTION	14,207.00	972.15	1,163.07	1,159.88	1,159.88	.00	4,454.98	9,752.02	31%
	2130	7FI	LIFE and HEALTH INSURANCE	37,600.00	2,460.20	2,894.96	2,894.96	3,037.52	.00	11,287.64	26,312.36	30%
	2131	7FI	HSA/FSA CONTRIBUTION	.00	.00	.00	.00	.00	.00	.00	.00	#DIV/0!
	2200	7FI	PAYMENTS TO OPEB TRUST	1,969.00	.00	.00	.00	.00	.00	.00	1,969.00	0%
0	BJECT CA	TEGOR	RY 1	264,446.00	17,774.57	21,218.26	21,167.79	21,302.32	.00	81,462.94	182,983.06	31%
	,									,		
2	3195	7FK	CONTRACT SERVICES MEDICAL	5,000.00	.00	.00	.00	.00	.00	.00	5,000.00	0%
			CONTRACTUAL SERVICES NOT									
	3197	7FK	OTHERWISE SPECIFIED	165,000.00	.00	.00	169.00	.00	159,381.00	169.00	5,450.00	0%
	3235 7FK INDIGENT PSYCH SVCS		INDIGENT PSYCH SVCS	.00	.00	.00	.00	.00	.00	.00	.00	#DIV/0!
	3275	7FK	MEDICAL SVCS	10,000.00	.00	.00	.00	.00	.00	.00	10,000.00	0%
		1	OFFICE SUPPLIES (NOT									
Ì	4110	7FK	INCLUDING PRINTING)	1,500.00	.00	.00	.00	.00	.00	.00	1,500.00	0%
		1	MISCELLANEOUS OPERATING									
	4115	7FK	SUPPLIES	500.00	.00	.00	.00	.00	.00	.00	500.00	0%
	4120	7FK	SOFTWARE < \$1000	500.00	.00	.00	.00	.00	.00	.00	500.00	0%
	4482 7FN SELF INS-PROP CASUALTY		2,296.00	.00	.00	.00	.00	.00	.00	2,296.00	0%	
0	BJECT CA	TEGOF	XY 2	184,796.00	.00	.00	169.00	.00	159,381.00	169.00	25,246.00	0%
*1	*TOTAL UNIT_CD 7526			449,242.00	17,774.57	21,218.26	21,336.79	21,302.32	159,381.00	81,631.94	208,229.06	18%

# ORANGE COUNTY FAMILY SERVICES DEPARTMENT Fund: 7406 ,Dept: 062 , HEAD START , Unit: 7523 , USDA ADMIN FY 2015-2016 MONTHLY JANUARY'S EXPENDITURE REPORT

	0	[		CURRENT	T	T			ENCUMBERED	TOTAL		% BUDGET
	DBJECT	APPR	OBJECT NAME	BUDGET	ост	NOV	DEC	JAN	AMOUNT	YTD	BALANCE	USED YTD
	1120		REGULAR SALARIES and WAGES	118,562.00	2,779.04	5,900.48	7,225.60	8,518.40	.00	24,423.52	94,138.48	21%
Ŀ	1140	7FQ	OVERTIME	100.00	.00	24.24	.00	.00	.00	24.24	75.76	24%
	2110	7FQ	FICA TAXES	9,078.00	194.85	432.36	531.89	630.01	.00	1,789.11	7,288.89	20%
	2120	7FQ	RETIREMENT CONTRIBUTION	8,615.00	201.76	430.13	524.58	618.44	.00	1,774.91	6,840.09	21%
	2130	7FQ	LIFE and HEALTH INSURANCE	28,200.00	694.89	824.90	828.49	872.50	.00	3,220.78	24,979.22	11%
	2131	7FQ	HSA/FSA CONTRIBUTION	.00	.00	.00	.00	.00	.00	.00	.00	#DIV/0!
	2200	7FQ	PAYMENTS TO OPEB TRUST	1,146.00	.00	.00	.00	.00	.00	.00	1,146.00	0%
OB	JECT CA	TEGOF	XY 1	165,701.00	3,870.54	7,612.11	9,110.56	10,639.35	.00	31,232.56	134,468.44	19%
2	3125	7FP	INDIRECT COSTS	6,543.00	.00	.00	.00	.00	.00	.00	6,543.00	0%
	3410	7FR	LOCAL TRAVEL	1,000.00	.00	.00	64.66	.00	.00	64.66	935.34	6%
	3530	7FR	TOLL CHARGES	30.00	.00	.00	.00	.00	.00	.00	30.00	0%
	3820	7FR	MAINTENANCE OF EQUIPMENT	500.00	.00	.00	.00	.00	.00	.00	500.00	0%
			OFFICE SUPPLIES (NOT									
	4110	7FR	INCLUDING PRINTING)	700.00	.00	.00	.00	.00	.00	.00	700.00	0%
		1	EDUCATIONAL ASSISTANCE	1								
	1418	7FR	PROGRAM	500.00	.00	.00	.00	.00	.00	.00	500.00	0%
	1482	7FS	SELF INS-PROP CASUALTY	1,685.00	.00	.00	.00	.00	.00	.00	1,685.00	0%
OB	JECT CA	TEGOR	Y 2	10,958.00	.00	.00	64.66	.00	.00	64.66	10,893.34	1%
*TC	TAL UNI	T_CD 7	523	176,659.00	3,870.54	7,612.11	9,175.22	10,639.35	.00	31,297.22	145,361.78	18%

# ORANGE COUNTY FAMILY SERVICES DEPARTMENT Fund: 7406 ,Dept: 062 , HEAD START , Unit: 7524 , USDA SERVICE FY 2015-2016 MONTHLY JANUARY'S EXPENDITURE REPORT

П				CURRENT		T	1		ENCUMBERED	TOTAL		% BUDGET
	BJECT	APPR	OBJECT NAME	BUDGET	ост	NOV	DEC	JAN	AMOUNT	YTD	BALANCE	USED YTD
	ω											
1	1120	7FT	REGULAR SALARIES and WAGES	147,300.00	11,577.18	13,923.89	13,924.64	13,731.01	.00	53,156.72	94,143.28	36%
	1140	7FT	OVERTIME	.00	.00	.00	51.17	.00	.00	51.17	-51.17	#DIV/0!
	2110	7FT	FICA TAXES	11,268.00	814.48	981.49	985.42	982.13	.00	3,763.52	7,504.48	33%
	2120	7FT	RETIREMENT CONTRIBUTION	10,694.00	840.49	1,010.86	1,014.62	996.84	.00	3,862.81	6,831.19	36%
	2130	7FT	LIFE and HEALTH INSURANCE	75,200.00	4,376.38	5,149.14	5,149.14	, 4,987.32	.00	19,661.98	55,538.02	26%
	2131	7FT	HSA/FSA CONTRIBUTION	.00	.00	.00	.00	.00	.00	.00	.00	#DIV/0!
	2200	7FT	PAYMENTS TO OPEB TRUST	4,586.00	.00	.00	.00	.00	.00	.00	4,586.00	0%
OE	<b>JECT CA</b>	TEGOF	XY 1	249,048.00	17,608.53	21,065.38	21,124.99	20,697.30	.00	80,496.20	168,551.80	32%
2	3170	7FU	JANITORIAL SVC and SUPPLY	1,000.00	.00	.00	130.80	.00	163.50	130.80	705.70	13%
			MISCELLANEOUS OPERATING									
	4115	7FU	SUPPLIES	10,000.00	.00	.00	1,670.20	.00	5,958.65	1,670.20	2,371.15	17%
			HOUSEHOLD AND KITCHEN									
	4130	7FU	SUPPLIES	1,973.00	.00	.00	.00	.00	.00	.00	1,973.00	
	4135	7FU	FOODandDIETARY	1,109,000.00	.00	.00	111,100.00	108,056.16	557,168.71	219,156.16	332,675.13	20%
	4482	7FS	SELF INS-PROP CASUALTY	8,220.00	.00	.00	.00	.00	.00	.00	8,220.00	0%
O	OBJECT CATEGORY 2		1,130,193.00	.00	.00	112,901.00	108,056.16	563,290.86	220,957.16	345,944.98	20%	
*T	*TOTAL UNIT_CD 7524			1,379,241.00	17,608.53	21,065.38	134,025.99	128,753.46	563,290.86	301,453.36	514,496.78	22%

# ORANGE COUNTY FAMILY SERVICES DEPARTMENT Fund: 8299 ,Dept: 062 , HEAD START , Unit: 7537 , VOLUNTARY PRE-KINDERGARTEN FY 2015-2016 MONTHLY JANUARY'S EXPENDITURE REPORT

	28			CURRENT		·			ENCUMBERED	TOTAL	····	% BUDGET
	овјест	APPR	OBJECT NAME	BUDGET	ост	NOV	DEC	JAN	AMOUNT	YTD	BALANCE	USED YTD
1	1120	6EA	REGULAR SALARIES and WAGES	768,433.00	13,800.32	-10,187.60	1,727.09	107,775.32	.00	113,115,13	655.317.87	15%
	2110	6EA	FICA TAXES	59,218.00	993.51	-753.53	112.46	7,811.29	.00	8,163.73	51,054.27	14%
	2120	6EA	RETIREMENT CONTRIBUTION	55,722.00	1,001.91	-739.62	125.39	7,925.30	.00	8,312.98	47,409.02	15%
	2130	6EA	LIFE and HEALTH INSURANCE	61,745.00	2,856.17	-1,996.74	464.58	25,431.03	.00	26,755.04	34,989.96	43%
	2131	6EA	HSA/FSA CONTRIBUTION	2,500.00	.00		.00	.00	.00	.00	2,500.00	0%
0	BJECT CA	TEGOR	XY 1	947,618.00	18,651.91	-13,677.49	2,429.52	148,942.94	.00	156,346.88	791,271.12	16%
2	3125	6EB	INDIRECT COSTS	42,498.00	.00	.00	.00	.00	.00	.00	42,498.00	0%
			BOOKS, COMPACT DISKS,									
	4020	6EC	VIDEOS, AND SUBSCRIPTIONS	1,500.00	.00	.00	.00	.00	.00	.00	1,500.00	0%
			OFFICE SUPPLIES (NOT									
	4110	6EC	INCLUDING PRINTING)	25,000.00	.00	.00	.00	.00	.00	.00	25,000.00	0%
			MISCELLANEOUS OPERATING									
	4115	6EC	SUPPLIES	31,255.00	.00	.00	.00	.00	.00	.00	31,255.00	0%
	4123	6EC	EQUIPMENT LESS THAN \$1000	24,459.00	.00	-4,552.71	.00	.00	6,564.15	-4,552.71	22,447.56	-19%
	4195	6EC	MISC SUPPLIES OR EXPENSES	10,000.00	.00	.00	.00	.00	.00	.00	10,000.00	0%
0	OBJECT CATEGORY 2		134,712.00	.00	-4,552.71	.00	.00	6,564.15	-4,552.71	132,700.56	-3%	
<b>*</b> T	*TOTAL UNIT_CD 7537			1,082,330.00	18,651.91	-18,230.20	2,429.52	148,942.94	6,564.15	151,794.17	923,971.68	14%

# ORANGE COUNTY HEAD START DIVISION Monthly Purchasing Card Purchase Report

Gardholder ( Cardholder S	(Print Name): Signature:	Limarys Rivera		Statement for the Month of: Jan 2016 Extension:66596						
Date	Receipt/ Invoice #	Purchase Description/ Justification	Vendor Name	Dollar Amount	Dispute/ Credit	Accounting Line(s) To Be Charged	1			
120/9	~	MAINTENACE ITEMS	LOWES	\$541.92		7006-062- 7522-4115				
12/11		LUMBER	HOME DEPOT	\$1372.77	1.5	7006-062-7522-3810				
12/11		MENDING PLATES	HOME DEPOT	\$55.00		7006-062-7522-3810				
12/17		ILUMINATING EXIT SIGNS	ULINE	\$1,061.66		7006-062-7522-4115				
12/16	~	SOD PALLETS	ORLANDO OUTDOORS LANDSCAPE ORLANDO	\$255.50		7006-062-7522-3810				
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# ORANGE COUNTY HEAD START DIVISION Monthly Purchasing Card Purchase Report Bank of America

	rint Name): _			Statement for the I	/onth of: <u>De</u>	ecember, 2015	
ardholder Si	gnature:	hegele M. Ere		Extension		68901	-
Date	Receipt/ Invoice #	Purchase Description/ Justification	Vendor Name	Dollar Amount of Purchase	Dispute/ Credit	Accounting Line(s) To Be Charged	. /
12/1/15	-	Hotel accommodations for Teresa Williams in San Diego, CA	Town & Country Resorts	453.45		7006-062-7525-3420	
12/1/15		Hotel accommodations for Jeneka Lloyd in San Diego, CA	Town & Country Resorts	453.45		7006-062-7525-3420	
12/1/15		Hotel accommodations for Jazzmil Torres in San Diego, CA	Town & Country Resorts	453.45		7006-062-7525-3420	
12/3/15	-	Hotel accommodations for Maria Macias in Atlanta, GA	Sheraton Atlanta	318.56		7006-062-7525-3420	
12/3/15		Hotel accommodations for Dena Kelnhofer in Atlanta, GA	Sheraton Atlanta	318.56		7006-062-7525-3420	
12/3/15		Hotel accommodations for Xeix Colon in Atlanta, GA	Sheraton Atlanta	318.56		7006-062-7525-3420	
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### FAMILY SERVICES DEPARTMENT PURCHASE REPORT LOG

287 \*Cardholder (Print Name): DAISY FLORES \*Cardholder Signature: Dairy

\*Statement for the Month: DECEMBER 2015 \*Division: <u>HEAD START</u>

\* Ph. Ext. 67407

Date of Purchase	Receipt & Invoice #	Description of Purchase	Vendor's Name	Dollar Amount of Purchase	Accounting Line/s
11/30/2015	571015	SPECIAL MEATS FOR CHILDREN AT TAFT.	MERA BAZAR	37.92	7406-062-7522-4135
12/2/2015	840319	PAPER GOOD TO SERVE MEALS.	DADE PAPER	//1,319.20	7406-062-7524-4115
12/3/2015	ļ	FOOD FORABRIENDO PUERTAS- OPEN DOORS, GRANDUATION FOR PARENTS.	ONE PARTY 2 REMEMBER	440.00	7006-062-7522-4116
12/3/2015		FOOD FOR FATHERHOOD, MEETING BREAKFAST.	ONE PARTY 2 REMEMBER	660.00	7006-062-7522-4116
12/15//2015	0557970	HEALTH/NURSE SUPPLIES	SCHOOL NURSE SUPPLY, INC.	974.35	7006-062-7522-4143
12/4/2015	50606	FOOD FOR CHILDREN AT ANNUAL PROGRAM GOVERNANCE TRAINING.	WINN DIXIE	√√√ 82.26	7006-062-7522-4116 (1) form Sæjs Publix
12/11/2015	51372	FOOD FOR CHILDREN AT FATHERHOOD TRAINING, BREAKFAST.	WINN DIXIE	30.70	7006-062-7522-4116 det dates
12/14/2015		FOOD FOR PROGRAM GOVERNANCE TRAINING, PARENTS, BREAKFAST.	JASON'S DELI	152.97	7006-062-7522-4116
12/14/2015		FOOD FOR PARENTS AT PROGRAM GOVERNANCE TRAINING, LUNCH.	JASON'S DELI	V 220.33	7006-062-7522-4116

## HEALTH & FAMILY SERVICES DEPARTMENT WEEKLY PURCHASING CARD PURCHASE REPORT LOG

242

\*Cardholder (Print Name): DAISY FLORES

\*Cardholder Signature:

288

\*Statement for the Month:

\*Division: <u>HEAD START</u>

\* Ph. Ext. 67407

Date of Purchase	Receipt & Invoice #	Description of Purchase	Vendor's Name	Dollar Amount of Purchase	Accounting Line/s
12/14/2015		FOOD FOR CHILDREN AT PROGRAM GOVERNANCE TRAINING, LUNCH.	LITTLE CEASARS	25.00	7006-062-7522-4116
11/18/2015	800405	SPECIAL SERVICE FOR PARENT AT TAFT.	INTERPRETEK	110.00	7006-062-7526-3197 アイロレ
12/14/2015	038571	SPECIAL DIETS FOR CHILDREN AT SOUTHWOOD.	PUBLIX	8.00	7406-062-7524-4135
12/14/2015	348001	SPECIAL DIETS FOR CHILDREN AT TAFT.	ABU MAHER INTERNATIONAL	95.84	7406-062-7524-4135
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# MONTHLY PURCHASING CARD PURCHASE REPORT

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Lardh	10lder (Print N	Name): June Johnson		1010	Statement for	Month of:	December-15	
Lardh	10lder Signatu	ire: <u>June Johnson</u>	n MCX		Division	Head Start	Extension: <u>69524</u>	
#	Date	Receipt or Invoice #	Description of Purchase	Vendors Name	\$\$\$ Amount of Purchase.	Dispute (d)/ Credit (c)	Accounting Lines	Remarks
1	11/25/2015	808874225-001	Office Supplies	Office Depot	142.93		7006 062 7522 4110	
2	11/30/2015	809449776-001	Copy Paper	Office Depot	1,477.52	and a set of	······································	Program
3	12/1/2015	442657	Boxex & Tape	U-Haul	126.40			Move Clsrm i
4	12/2/2015	810225111-001	Cyan & Magenta Printhead	Office Depot	101.99		7006 062 7521 4110	Admin Specia
5	12/2/2015	810224443-001	Toner Cartridges	Office Depot	415.11	[	7006 062 7521 4110	Div Manager
6	12/2/2015	810225110-001		Office Depot	28.99	11/1	7006 062 7521 4110	Admin Specia
7	12/4/2015	8741944	Cooler Rental	ReadyRefresh	9.98			Denton Johns
	i	-	Cooler Rent		20.97		7006 062 7522 3610	
8	12/4/2015	7234172	Water	ReadyRefresh	6.16			SOYMCA H
	ļ	1			27.13	-		
		[	Water	· · ·	42.96		7006 062 7522 3710	
9	12/4/2015	7234115	Cooler Rental	ReadyRefresh	34.93		1	WShores Hop
	.	1		-	77.89			1
			Water		32.22		7006 062 7522 3710	
10		7234057	Cooler Rental	ReadyRefresh	14.97		7006 062 7522 3610	
10		1234037	Cups	ReauyNellesii	11.37		7006 062 7522 4115	Maxey Head
					58.56	· .		
11	12/2/2015	810225109-001		Office Depot	99.95	11 N.	7006.062 7522 4110	Edu Coordina
12	12/7/2015			ULINE	26.36		7006 62 7522 4115	Q/A
13	12/8/2015	8741969		ReadyRefresh	14.97		7006 062 7522 3610	Tangelo Park
		· · · · · · · · · · · · · · · · · · ·	Office Supplies	-	572.26	1	7406 062 7524 4110	
14	12/7/2015	811072366-001	Lids	Office Depot	119.90	4	7006 062 7522 4115	Nutrition Svo
]		<u> </u> '	,		692.16			
15		81073180-001		Office Depot	227.80		7006 062 7522 4115	Nutrition Svo
16	12/8/2015	6261749	Storage unit	1800Pack-Rat	199.39		7006 062 7522 3610	Clsrm furnita
		<u>[</u> '			·'			
			,	Total this page	3,727.13			

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# MONTHLY PURCHASING CARD PURCHASE REPORT

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(	Cardl	nolder (Print N	Name): June Johnson	· · · · · · · · · · · · · · · · · · ·	1.110	Statement for	Month of:	December-15	
(	Cardl	nolder Signatu	re: June Johnson	n Aci I	10110	Division	Head Start	Extension: <u>69524</u>	
	#	Date	Receipt or Invoice #	Description of Purchase	Vendors Name	\$\$\$ Amount of Purchase	Dispute (d)/ Credit (c)	Accounting Lines	Remarks
F	17	12/10/2015		Rules of Order (books)	Barnes & Noble	109.90	× .	7006 062 7525 4020	Policy Council
	18	12/11/2015		DCF Fire Inspection	OCFRD	454.76		7006 062 7522 3167	Pine Hills
ſ	19	12/11/2015	812089628-001	Various Office Supplies	Office Depot	685.08	and a second	7006 062 7521 4110	Office
ľ	20	12/11/2015	812089474-001	Tables	Office Depot	149.97		7006 062 7522 4123	Policy Council
ſ	21	12/11/2015	812089630-001	Planner	Office Depot	12.99		7006 062 7521 4110	Admin Asst
ſ	22	12/15/2015	133021	Plaque	United Trophy	135.00		7006 062 7521 4422	Sr. Prog. Mgr.
ſ	23	12/16/2015	812089627-001	Envelopes	Office Depot	195.57		7006 062 7521 4110	Admin Asst
ſ	24	12/17/2015	813126708-001	Tape/Calendar	Office Depot	17.83		7006 062 7521 4110	Admin Specialist
\$	25	12/17/2016	813127316-001	First Aid Kit	Office Depot	14.99		7006 062 7522 4115	Nutrition Coord
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L			<u> </u>	<u> </u>	Total page 2	- Zanan and a state of the second	······································		
					Grand Total	\$5,503.22	1		

290

#### Interoffice Memorandum



APPROVED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

BCC Mtg. Date: Jan. 26, 2016

## AGENDA ITEM

December 22, 2015

TO: Mayor Teresa Jacobs and Board of County Commissioners Aminis C BULL

- Lonnie C. Bell, Jr., Director THRU: Family Services Department
- FROM: µቢ Sonya L. Hill, Manager Head Start Division Contact: Khadija Pirzadeh, (407) 836-8912 Sonya Hill, (407) 836-7409
- Filing of Head Start Policy Council Program Information and Updates SUBJECT: for the Official County Record **CONSENT AGENDA ITEM January 26, 2016**

The Head Start Division requests filing of the program information and updates and meeting minutes for the official county record:

Head Start Policy Council Program Information and Updates December 2015 Head Start Policy Council Meeting Minutes November 19, 2015

**ACTION REQUESTED:** Receipt and filing of Head Start Policy Council Program Information and Updates December 2015 and Head Start Policy Council Meeting Minutes November 19, 2015 for the official county record.

#### SH/kp

C: George A. Ralls, M.D., Deputy County Administrator Wanzo Galloway, Assistant County Attorney, County Attorney's Office John Petrelli, Director, Risk Management and Professional Standards Yolanda Brown, Manager, Fiscal Division, Family Services Department Jamille Clemens, Grants Supervisor, Finance Division Patria Morales, Grant Coordinator, Office of Management and Budget

# Orange County Head Start Policy Council Meeting: February 18, 2016

# **Director's Program Information Update**

## Local Head Start Information:

Orange County Head Start (OCHS) in partnership with the Policy Council & BCC applied for the Health Care Institute Training, from the National Center of Early Childhood Health & Wellness. The training program is based on The University of California, Los Angeles (UCLA) Health Care Institute research model that utilizes a comprehensive approach to promote health literacy among staff, improve class attendance and school readiness of children and strengthen family engagement and community partnerships. Currently the program is awaiting response from the Office of Head Start.

Orange County Quality Assurance team held the Self-Assessment Journey training for the leadership team. The team was introduced to the new process which utilizes the on-going monitoring results to determine focus areas for the self-assessment. The program is in phase 1 of self-assessment. In the near future the stakeholders will all be invited to be part of the process.

On January 14, 2016 Ms. Winona Fabre, Early Childhood Specialist with the Regional Training/Technical Assistant center met with the Early Childhood team to discuss the Head Start Early Learning Outcomes Framework (HSELOF) and Practice Based Coaching. The Education team will align the curriculum, assessment and standards with the new HSELOF system this spring for implementation in August 2016.

Over the last couple of months OCHS worked toward completing a data inventory in order to create a data plan. The data planning process will guide the program in looking at the data the program collects, how the program uses the data, and determine what data should be shared with stakeholders.

## **Region IV Office of Head Start:**

OCHS attended the Regional IV Head Start Association Conference February 1-4, 2016 in Atlanta, GA. The following attended the training; Executive Director Lonnie Bell, Head Start Manager Sonya L. Hill, Teacher Terri Rucker, Policy Council Chair Dexter Nelson, and County Commissioner Victoria Siplin. The Conference provided educational workshops, networking opportunities, and plenary sessions. Office of Head Start Director Blanca Enriquez was on site for comments. Orange County Head Start received two regional awards; Edward Ziegler for Asthma Initiative and Helen Hollingshead for a teacher continuing education, Terri Rucker. The program also received two state nominations for the Teacher of the Year and Parent of the year award.

# National Updates from the Office of Head Start:

#### NAACP and NHSA Announce Historic Joint Initiative

The National Association for the Advancement of Colored People (NAACP) and NHSA have announced an historic joint initiative outlining a new effort to promote the two organizations' partnership in pursuing voter registration, healthcare enrollment, and fair housing advocacy at the nation's numerous Head Start centers. The NHSA Executive Director Yasmina Vinci issued the following statement: "We are proud to partner with the NAACP to open up the democratic process for Head Start families, and ensure access to critical health and housing opportunities."

#### Announcing a New Partnership and Grant Opportunity for Parent Engagement

NHSA is excited to be launching a partnership with National Center for Families Learning (NCFL) that will provide grants of over \$160,000 over three years to five Head Start programs to enhance their family engagement work by incorporating NCFL's Family Learning program. Orange County Head Start will send a letter of intent to participate in the grant process.

Monthly Report to Head Start Policy	Council
Nutrition: JANUARY 2016	
Number of breakfasts served	25,052
Number of lunches served	25,531
Number of snacks served	19,838
Number of meals reimbursed by USDA	67,525
Number of meals disallowed for reimbursement	0
Number of children evaluated for nutritional concerns	15
Number of children receiving nutritional education and further care	28
Number of monitoring visits to ensure compliance with USDA Regulations	15
Number of monitoring visits requiring a corrective action plan	0
Number of nutritional activities conducted (ALL CLASSROOMS)	85
Types of nutritional activities conducted "Happy Face Crackers"	

# **Medical /Dental Unit Monthly Report**

# Month: January Year: 2016

Activity / Accomplishment	Monthly Total Events 465
Health Status Evaluations (Returning Files)	
Health Status Evaluations (New Files)	9
Health Update Evaluations (Physicals)	115
Immunization Update Evaluations	92
Lead Screenings Evaluations	43
Dental Examinations	56
Dental Examinations Failed	32
Dental Treatments Complete	17
Contacts for Dental Treatment Follow-Up	1
Face to Face = Tel = 1 Home Visits = Letters=	
Parent conferences for Health Action Plans	5
Parent contact for other health concerns	8
Blood Pressure screenings completed	17
Vision screenings completed	4
COS	24
Review of Health Action Plans with staff	5
Health Provider Consultations	4
Staff trainings completed	6
Parent trainings completed	2
Health Technical Assistance given to staff	2
Medication Order and Administration reviews	2
Child evaluations for health concerns	3
Classroom visits for health issues observations	1
Comprehensive File Monitor	19
Onsite Classroom Monitor	
Health Supply Distribution	

## DISABILITIES/MENTAL HEALTH REPORT

#### JANUARY 2016

Eight (8) children diagnosed with a disability by OCPS for the month of January. A total of one hundred seventy-one (171) children have been diagnosed with a disability by LEA, for an eleven percent (11%) mandated compliance since school started last August 2015.

A total of one hundred forty-four (144) children have been diagnosed with a disability by contracted providers since school started last August 2015.

Eleven (11) children were referred in the month of January 2016 for mental health services. A total of one hundred thirty-eight (138) children have been referred since school started last August 2015.

Six (6) children started receiving mental health services for behavior issues for the month of January 2016. A total of ninety-eight (98) children are receiving mental health services for behavior issues since school started last August 2015.

Forty-three (43) visits to centers were completed for the month of January 2016. A total of two hundred forty-eight (248) visits to centers to: provide technical assistance to staff, conduct observations, conduct health screenings, since school started last August 2015.

Sixteen (16) hearing screenings completed for the month of January 2016. A total of one thousand six hundred and three (1,603) Hearing screenings completed since school started last August 2015.

Seventeen (17) monitoring visits to classrooms were completed for the month of January 2016. A total of seventy-five (75) monitoring visits completed for the between October 2015 to January 2016.

# Orange County Head Start

# Parent Family and Community Engagement 2015-2016

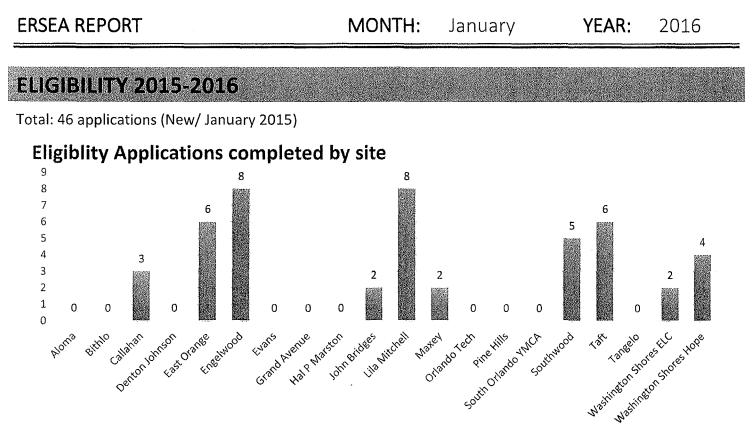
#### Monthly Report: January 2016

- One thousand five hundred thirty Six (1536) children were enrolled in the Head Start Program for the month of January 2016.
- Five hundred forty (540) children are on the Waiting List 2015-2016.
- Eight (8) home visits were made to Head Start Parents.
- Thirty four (34) families received Crisis/Emergency Assistance.
- Twenty seven (27) parents received Educational Services.
- Four hundred seventy four (474) Health Services Follow ups were done by Community Service Worker.
- Twenty eight (28) families were referred for family services.
- Nine hundred nine (909) were provided families services
- Twenty (20) Parent Meetings were held this month. Three hundred forty four (344) parents attended parents meetings. Thirty six (36) males attended.
- Five (5) Fatherhood Activities was held this month. Fourteen (14) fathers attended fatherhood initiatives.
- Twenty one (21) Parents Trainings were held this month. Three hundred forty three (343) parents attended Parents Trainings.

#### **Trainings:**

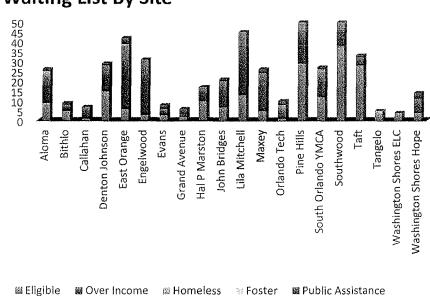
- How to help children in school
- School Readiness
- Effective Discipline
- Early Head Start Workshop
- Parenting in today's world
- Housing Discrimination
- The importance of health records
- Budgeting and Credit Counseling
- Positive/Child Relationships
- Fitness and Wellness
- Food Banks
- Health Insurance Florida Blue

# ORANGE COUNTY HEAD START 2015-2016 FAMILY AND COMMUNITY ENGAGEMENT



# WAITING LIST 2015-2016

Total: 540 Children (Waiting List 2015-2016 – January 31, 2015)

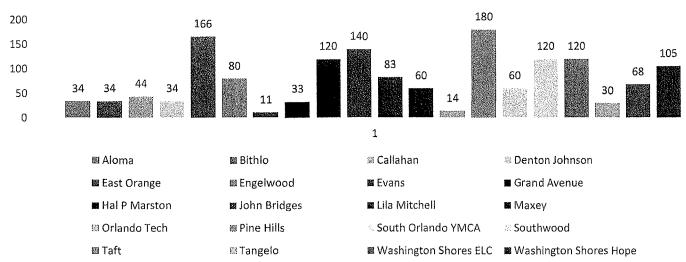


Income Status	# Children
Public Assistance	22
Foster	0
Homeless	6
Over Income	306
Eligible	206

# Waiting List By Site

# ENROLLMENT 2015-2016

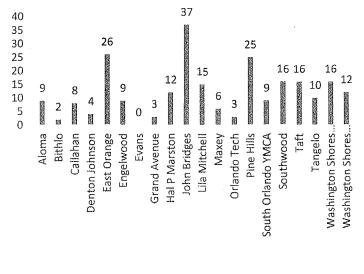
# Total: 1535/1536 Children (January 31, 2015)



# Enrollment (End of the Month)

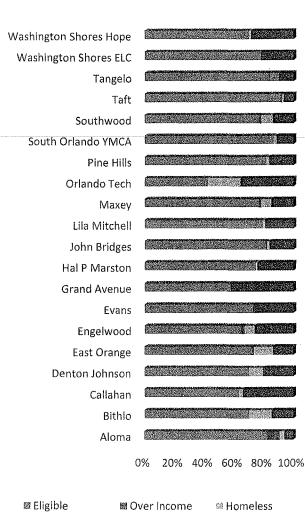
Income Status	# Children
Public Assistance	278
Foster	2
Homeless	61
Over Income	14
Eligible	1175

Enrollment Turnover by January 31st (238)



# **Enrollment Report**

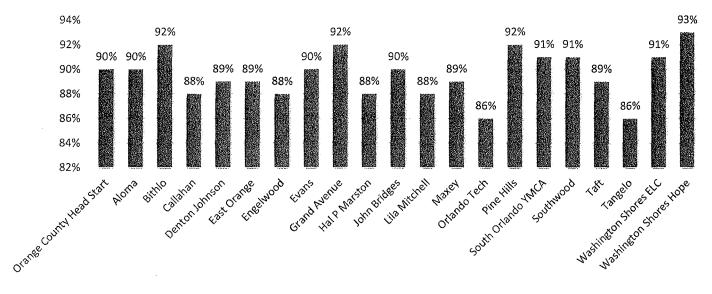
ା Foster



■ Public Assistance

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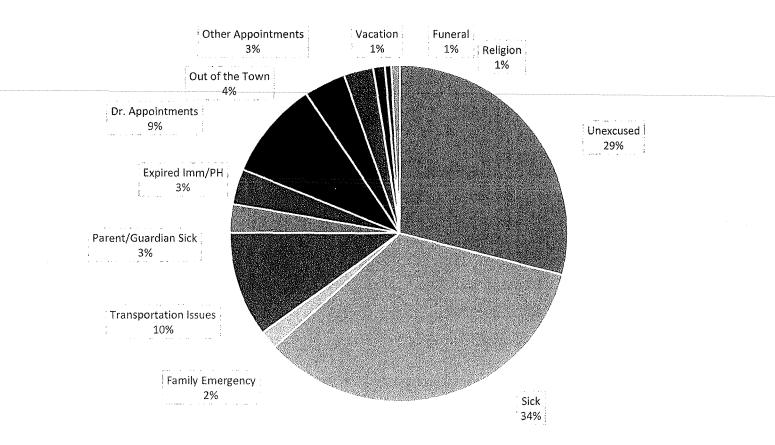
(January 31<sup>st</sup>, 2015) – 90% (18 Operating Days)



# **Average Daily Attendance**

# ATTENDANCE REASONS

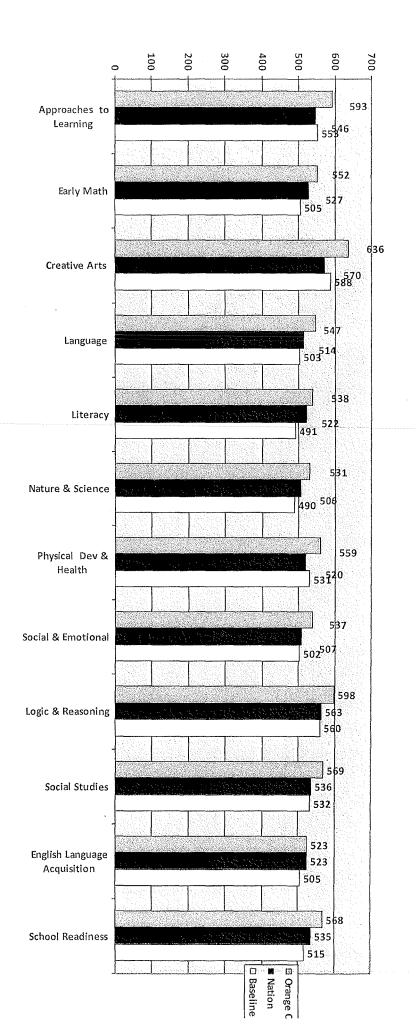




# RECRUITMENT EFFORTS PER SITE

Site	# Recruitment Efforts	Summary
Aloma	0	
Bithlo	0	· · · · · · · · · · · · · · · · · · ·
Callahan	13	First Baptist Orlando. Dr. James Smith, Family Dollar, Save a Lot, Charity of Love Inc., Your Place Medical, Ecclestone Elementary School, Quest Inc., Mc Donald's, Orlando Beauty Salon, PeDo Tax, Pine Crest States, Richmond Heights (Canvasing Community)
Denton Johnson	1	Community Health Care Center
East Orange	3	Downey Park, OC Library, Career Sources
Engelwood	5	Hill Orthopedic Center LLC., Keiser University, EL Sureño Lating Grill, Thy Crown Glory Salon, Saigon Noodle and Grill
Evans		
Grand Avenue	1	Crossroad Coffeehouse
Hal P Marston		
John Bridges	3	Community Health Center, Goodwill Center, Panaderia La Mexicana
Lila Mitchell	13	First Baptist Orlando. Dr. James Smith, Family Dollar, Save a Lot, Charity of Love Inc., Your Place Medical, Ecclestone Elementary School, Quest Inc., Mc Donald's, Orlando Beauty Salon, PeDo Tax, Pine Crest States, Richmond Heights (Canvasing Community)
Maxey	0	
Orlando Tech	13	First Baptist Orlando. Dr. James Smith, Family Dollar, Save a Lot, Charity of Love Inc., Your Place Medical, Ecclestone Elementary School, Quest Inc., Mc Donald's, Orlando Beauty Salon, PeDo Tax, Pine Crest States, Richmond Heights
Pine Hills	3	Pine Hills Child Care, PedoTax, Cristina Service Center
South Orlando YMCA	3	Ashley WIC Food Store, Laundry Rio Grande, Tax Pam Financial Services
Southwood	2	Oak Harbor Apartments, Summerset Apartments
Taft	0	
Tangelo	0	
Washington Shores ELC	13	First Baptist Orlando. Dr. James Smith, Family Dollar, Save a Lot, Charity of Love Inc., Your Place Medical, Ecclestone Elementary School, Quest Inc., Mc Donald's, Orlando Beauty Salon, PeDo Tax, Pine Crest States, Richmond Heights (Canvasing Community)
Washington Shores Hope	18	First Baptist Orlando. Dr. James Smith, Family Dollar, Save a Lot, Charity of Love Inc., Your Place Medical, Ecclestone Elementary School, Quest Inc., Mc Donald's, Orlando Beauty Salon, PeDo Tax, Pine Crest States, Richmond Heights (Canvasing Community), Bells Details Carwash, Hankins Park, New York China, Legacy Hair Salon, Wireless for all

302



Orange County Head Start Child Outcomes 4 year olds 7/27/15-1/31/16

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# POLICY COUNCIL OFFICER & COMMITTEE CHAIR VACANCIES

# EXECUTIVE BOARD OFFICER VACANCIES

- 1. Secretary See the By-laws tab 4, page 10, section B3
- 2. Treasurer See the By-laws tab 4, page 11, section B4

## COMMITTEE CHAIRS VACANCIES

- 1. Planning & Budget Committee See the By-laws, tab 4, pg. 14, section E
- 2. Advisory See the By-laws, tab 4, pg. 14, section F



ORANGE COUNTY GOVERNMENT HEAD START POLICY COUNCIL MEETING MINUTES 1768 East Michigan Street ORLANDO, FL 32806 January 21, 2016



**Call to Order:** Dexter Nelson, Chairperson 6:42 pm. **Roll Call:** Kimberly Melton – Parliamentarian, Denton Johnson

Center

Chairperson Nelson established a quorum

Name Kayla Brady Akia Williamson Kimberly Melton Charmaine Jobson Crystal Ortiz Shamika Sears Regina Brown Manouchecka Green Kumarie Deossarran Luz Martinez Sominins Colas Marcia Powers Dexter Nelson Jeneka Lloyd Victoria Siplin Katie Lynn Schwartz Percy Snyder

#### **Guests**

Audrey Alexander

#### Excused

Ely Ann Ortiz Gail Pressley Kassandra Vega

#### Staff

Helen Hill Pedro Berrios Colette Johnson- Thomas Sandra Moore Milagros Font Avis McWhite Joyce Thomas Simmie Golub

Callahan Callahan Denton Johnson East Orange Engelwood John Bridges Maxey Pine Hills South Orlando YMCA Taft Tangelo Washington Shores ELC Community Rep Community Rep BCC OCPS 4C

Washington Shores

### <u>Center</u>

Past Parent Career Source Bithlo

Main Office Warehouse Main Office Main Office Main Office Washington Shores/Hope Southwood

## Parent

Classification Community Rep

Classification

Representative

Parliamentarian

Representative

Representative

Representative

Representative

Representative

Representative Representative

Representative

Commissioner

Community Rep

Non-Voting Rep

Past Parent/Chairman

Past Parent/Vice Chair

Secretary

Alternate

Community Rep Representative

Sr. Program Manager Warehouse Specialist Sr. CSW Administrative Assistant Sr. Program Manager Sr. Program Manager CSW CSW

Regina Melecio
Parie Register
Tonya Hale
Vidya Deonarine
Teresa Williams
Jessica Campbell

#### Child Care Staff

Polly Bouler Felecia Williams Lila Mitchell WS @ the Hope

WS (a) the Hope

Main Office

Main Office

Main Office

Tangelo

Washington Shores/Hope

CSW LPN Center Supervisor Curriculum Specialist Field Ops Supervisor CSW

Teacher Assistant Teacher Assistant

#### Chairperson Nelson requested a motion to adopt the agenda

Motion:	inaudible
Seconded:	Kumarie Deosaran, So. Orlando YMCA, Representative
Status:	The motion was carried with no objections

Secretary Report – review on your own.

#### Chairperson Nelson requested a motion to approve the minutes from December 2015

Motion:	Charmaine Jobson, East Orange, Representative
Seconded:	Kimberly Melton, Denton Johnson, Parliamentarian
Status:	The motion was carried with no objections

Education Report by Vidya Deonarine – This report was not in the packet. It was added Vidya went over the child outcomes for December. We have made the most gains in Creative Arts, #2nd in Approach to Learning, and #3<sup>rd</sup> in Physical Development and Health

Commissioner Siplin encouraged parents to not wait to register children in Magnet programs because the deadline is in February. Don't wait do it now. Go on the OCPS website for more information.

Dexter Nelson asked how heavily does Region IV look at these outcomes. Avis McWhite pointed out that they do look at these numbers and they do see that our scores are higher than the National average.

Human Resources Report for December delivered by Avis McWhite.

Seeking approval to fill the following positions with approved applicants; Teacher – Danielle Dixon Brown Teacher – Milagros Hoyos Teacher – Kevin Lang Teacher Aide – Contessa Harrell Teacher Assistant – Elizabeth Mendez Teacher Assistant – Tonya Phillips

# Chairperson Nelson requested a motion to approve the HR report and hire the staff reported by Avis McWhite

Motion:Jeneka Lloyd, Past ParentSeconded:inaudibleStatus:The motion was carried with no objections

**Budget Report** delivered by Helen Hill, Sr. Program Manager in the absence of Ray Carmichael, Fiscal Program Manager

We are at 19% of our YTD Budget. Ms. Hill read off the totals on the budget and informed the Council if they had any questions they could send them to Mr. Carmichael. There were no questions

Charmaine Jobson reported that there has been a broken door at East Orange for about a month. Helen Hill said it will be taken care of.

### Head Start Division Manager Report:

Some highlights were:

\*\* The Maintenance Technician position applications have been reviewed and interviews will be held January 28, 2016

\*\* Twenty four parent graduated from the "Abriendo Puertas" / Opening Doors Program on December 8, 2015.

\*\* The Region IV Office of Head Start will be holding a conference on February 1 - 4, 2016 in Atlanta, GA.

### **Commissioner Siplin Update:**

Commissioner expressed appreciation for seeing many new faces supporting the Policy Council. She has been busy with Thanksgiving and Christmas events in the communities. Restoration of rights and expungement of records session will be held on January 30, 2015 at Hal P. Marston Community Center. Legal Aid will be there with free attorneys to help people through the process.

# Status of Board of County Commissioners Vote reported by Helen Hill. The following were approved:

Head Start Policy Council Program Information and Updates November 2015 Head Start Policy Council Meeting Minutes October 24, 2015

#### **Old Business:**

\*\* Parent Training Institute is scheduled for February 25, 2016. Policy Council members have been asked to sign up as room monitors. They will also be able to attend the sessions. Representatives will be there from; Hands on America, BBT Bank setting up checking accounts, UCF Nurses checking blood pressures, Wells Fargo, Orange County Library, Goodwill, Second Harvest Food Bank, Community Action, Job Partnerships, and more. \*\*Mothers event pushed backed to May 7<sup>th</sup>.

#### New Business:

\*\* ADA Report by Dexter Nelson, Chairperson. Pine Hills had 95% and received the trophy.

\*\* Father daughter dance will be February 12<sup>th</sup>.

Percy Snyder, Program Manager from 4C was introduced. He will be attending the meetings as a non-voting member. This will strengthen our partnership. He is glad to be a part of this process since the children they serve in Early Head Start will most likely be the children we will serve as they turn three.

A Parent asked about the process to move from Early Head Start to Head Start. A new transition plan is in the works to streamline the move from Early Head Start to Head Start. More information will be presented at the February meeting. Early Head Start parents will receive additional points per the new Selection Criteria.

Helen Hill encouraged the parents to talk to their CSWs with any questions about their children.

#### **Additional Information:**

Dexter Nelson reported that Duke Energy will start an energy saver program on February 1<sup>st</sup> to replace weatherproofing in homes. They will be going door to door to make the offer. They will be starting in Bithlo. Parents can take advantage of this offer.

#### Chairperson Nelson requested a motion to adjourn the meeting

Motion: Kimberly Melton, Denton Johnson, Parliamentarian Second: Charmaine Jobson, East Orange, Representative Meeting Adjourned at 7:23 p.m.

Signature

NEXT POLICY COUNCIL MEETING **THURSDAY, FEBRUARY 18, 2016 GOV-** Great Oaks Village Dining Hall **1768 E. MICHIGAN STREET** ORLANDO, FL 32806 6:30 pm

ORANGE COUNTY GOVERNMENT **Interoffice Memorandun** 

I. CONSENT AGENDA FAMILY SERVICES DEPARTMENT 3

# AGENDA ITEM

February 15, 2016

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

THRU: Lonnie C. Bell, Jr., Director Family Services Department DC for LCB

FROM: Lavon B. Williams, Manager, Esq., AICP Neighborhood Preservation and Revitalization Division

SUBJECT: Consent Agenda Item – March 15, 2016 February 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 Aloma Kids Academy and Pine Hills Preschool and Childcare Center grant applications dated February 2016 (see Attachments A and B). The applicant must adhere to the BANC Program Design Guidelines.

Action Requested: Approval of the February 2016 Business Assistance for Neighborhood Corridors Program Grants for Aloma Kids Academy (\$1,200) and Pine Hills Preschool and Childcare Center (\$1,866). Districts 5 and 6.

c: Jason Reynolds, AICP, Neighborhood Preservation and Revitalization Division

# Business Assistance for Neighborhood Corridors Program Profile

Business Name: Aloma Kids Academy 3416 Aloma Ave. Winter Park, FL

Commission District 5: Ted B. Edwards

Municipality Jurisdiction: Unincorporated Orange County

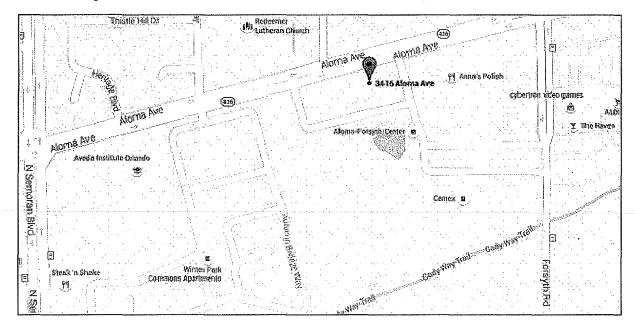
Owner/Renter: Owner

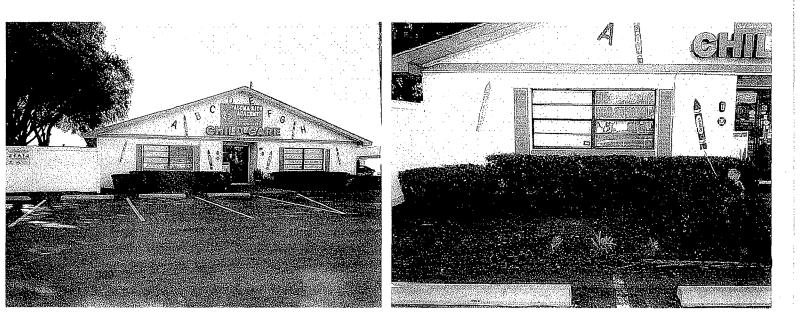
Summary: The business would like to refurbish the landscaping.

Request Amount: \$1,200

Total Project Cost: \$1,200

Project Type: Refurbish landscaping

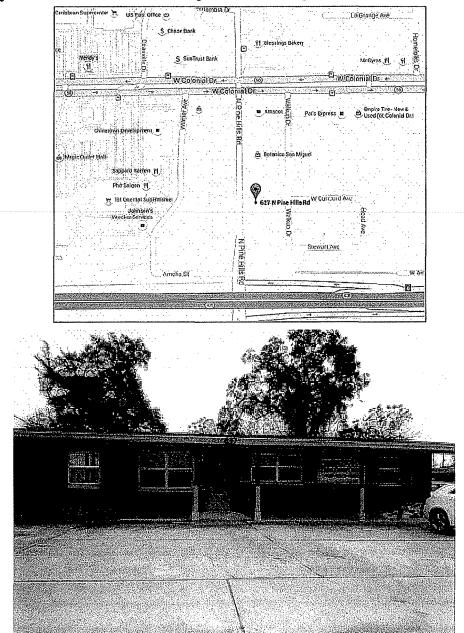




# Business Assistance for Neighborhood Corridors Program Profile

Business Name: Pine Hills Preschool and Childcare Center 627 N. Pine Hills Rd. Orlando, FL	Request Amount: \$1,866
Commission District 6: Victoria P. Siplin	Total Project Cost: \$1,866
Municipality Jurisdiction: Unincorporated Orange County	Project Type: Paint building
Owner/Renter: Owner	

Summary: The business would like to paint the building.



Interoffice Memo





March 3, 2016

- TO: Mayor Teresa Jacobs -AND-Board of County Commissioners
- FROM: Christopher Hunter, M.D., Ph.D., Director Health Services Department Contact: (407) 836-7611

SUBJECT: Paratransit Services License Reliable Non-Emergency Medical Transportation Consent Agenda – March 15, 2016

The EMS Office of the Medical Director requests approval and execution of the Paratransit Services License for Reliable Non-Emergency Medical Transportation. Reliable Non-Emergency Medical Transportation has submitted the attached application requesting approval of a Paratransit Services License to provide wheelchair/stretcher service within Orange County.

The EMS Office of the Medical Director has determined that all requirements have been met by Reliable Non-Emergency Medical Transportation as contained in Orange County Ordinance 2001-09. The public notice has been posted for this request and no objection has been received.

ACTION REQUESTED: Approval and execution of the Paratransit Services License for Reliable Non-Emergency Medical Transportation to provide wheelchair/stretcher service. The term of this license is from March 31, 2016 through March 31, 2018. There is no cost to the County. (EMS Office of the Medical Director)

CH/cf

Attachments

Cc: George Ralls, M.D., Deputy County Administrator



# **PARATRANSIT SERVICES:**

# **APPLICATION FOR LICENSE**

## APPLICATION DATE: 10/22/2015

## PROPOSED DATE OPERATIONS WILL BEGIN: AS SOON AS PERMIT IS APPROVED

## **SECTION I: GENERAL INFORMATION**

- 1. NAME OF SERVICE: Reliable Non-Emergency Medical Transportation
- 2. BUSINESS ADDRESS (INCLUDE COUNTY):

1125 Shallcross Avenue, Orlando, Florida 32828

3. CONTACT INFORMATION: Business Phone: 407-613-6368

Mobile Phone: 407-234-5419

Email: reliablemedtransport@gmail.com

- 4. OWNERSHIP TYPE: PRIVATE CORPORATION
- 5. CORPORATE OFFICERS AND DIRECTORS:

NAMEADDRESSPOSITIONRICHARD KAIRA1125 SHALLCROSS AVE, ORLANDO, FL 32828OWNER

- 6. LEVEL OF SERVICE: BOTH
- 7. COMMUNICATIONS EQUIPMENT: ■TELEPHONE TWO-WAY RADIO □OTHER
  - a. If other, please describe: \_\_\_\_\_

# SECTION II: REQUISITES TO OBTAINING LICENSE

1. PAYMENT OF ALL APPLICABLE FEES:

1 YES, DATE: 18 26 15

2. VEHICLE INSPECTION COMPLETED BY EMS OFFICE:

🗖 YES, DATE: \_\_\_\_\_

If not completed at the time of application, payment of fees and vehicle inspection by the EMS Office must be completed prior to commencing operations. Failure to do so may result in revocation of license.

3. REFERENCES/LETTERS OF SUPPORT SUBMITTED TO EMS OFFICE (Attachment I):

Business or work references for 5 years, including one letter of reference

I Five personal references, including one letter of reference

Five credit references, including one letter of reference

4. FINANCIAL STATEMENT SUBMITTED TO EMS OFFICE:

YES, DATE: 1116/15

**E**NO

D NO

PYNO

Example: Current letter from bank verifying business account status (no account numbers please).

# SECTION III: VEHICLES AND STAFFING

1. NUMBER OF VEHICLES IN OPERATION: 1

2. EMPLOYEE ROSTER:

<u>NAME</u>

<u>FDL NUMBER</u>

RICHARD KAIRA

ATTACHED

If insurance coverage has not been obtained at the time of application the provider must obtain insurance coverage and provide certificates of insurance coverage to the county prior to commencing operations. Failure to do so may result in revocation of license.

CURRENT CPR CARD (Y/N)

YES

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# **ATTACHMENT I: REFERENCES**

1. List previous business experiences or work history for last five years. Submission of at least one letter of reference from list below is required.

HCR-MANORCARE OF WINTER PARK 11/01/2003 TO CURRENT

2. List five personal or business references. Submission of at least one letter of reference from list below is required.

NAME	ADDRESS	PHONE
DAWNA DAWSON	2610 WEMBLEYCROSS WAY, ORLANDO, FL 32828	708-220-6825
EHIMEN SEDENU	2075 LOCH LOMOND DR. WINTER PARK, FL 32792	321-418-4388
SARAH FALK	1619 BRIERCLIFF DR, ORLANDO, FLORIDA 32806	407-312-4360
JAZMIN LASALLE	452 KEHOE BLVD, ORLANDO, FLORIDA 32825	407-486-2997
DEBBIE NEWCOMBE	2075 LOCH LOMOND DR, WINTER PARK, FL 32792	407-497-9807

3. List five credit references. Submission of at least one letter of reference from list below is required.

NAME	ADDRESS	PHONE
MCCOY FEDERAL CREDIT	1900 MCCOY ROAD, ORLANDO, FLORIDA 32809	407-855-5452
MCCALEB-METZLER	35615 BELLE HAVEN RD, P.O. BOX 265	1-757-442-6187
INSURANCE	BELLE HAVEN, VA 23306	
WELLSFARGO BANK	420 Montgomery Street	1-800-869-3557
	San Francisco, CA 94104	
BBT BANK	200 West Second Street.	1-800-226-5228
	Winston-Salem, NC 27101.	
BANK OF AMERICA	100 North Tryon St	1-888-550-6433
	Charlotte, North Carolina 28202	

# PARATRANSIT SERVICES: APPLICATION FOR LICENSE

I, the undersigned representative of the service named in this application, do hereby attest the information provided in this application is truthful and honest to the best of my knowledge, and that my service meets all of the requirements for operation of a paratransit services in Orange County and the State of Florida. I acknowledge that as provided in Orange County Code of Ordinances Chapter 20, Division 3, Section 20-137, licenses obtained by an application in which any material fact was intentionally omitted or falsely stated are subject to revocation.

SIGNATURE OF APPLICANT OR REPRESENTATIVE

115

DATE

NOTARY SEAL

NOTARY SIGNATURE

# License Paratransit Services

Orange County Board of County Commissioners Emergency Medical Services

This is to certify that <u>**RELIABLE NON-EMERGENCY MEDICAL TRANSPORTA</u>TION** has complied with the Orange County Code <u>2001-9</u> and Rules and Regulations established by the Board of County Commissioners and is authorized to operate a Paratransit Service in Orange County.</u>

Date of Issue: March 31, 2016

Date of Expiration: March 31, 2018

40-18(7/14)

Mayor, Board of County Commissioners



February 19, 2016

TO: Mayor Teresa Jacobs and Board of County Commissioners

FROM: Mark V. Massaro, P.E., Director, Public Works Department

CONTACT PERSON: Renzo Nastasi, AICP, Manager RN Transportation Planning Division Community, Environmental and Development Services Department PHONE NUMBER: (407) 836-8072

SUBJECT: Resolution for Adoption of FDOT Title VI Nondiscrimination Policy and Plan

The Orange County Public Works Department and the Transportation Planning Division of the Community, Environmental and Development Services Department are undertaking the recertification of Orange County as a Florida Department of Transportation (FDOT) Local Agency Program (LAP) Agency to ensure continued eligibility to receive state and federal funding for transportation projects within the County. Hence, adoption of this Resolution for Title VI Nondiscrimination Policy and Plan reaffirms Orange County's continued commitment to be in full compliance with all applicable federal and state laws and guidelines. Per Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and other nondiscrimination regulations, no person shall, on the basis of race, color, national origin, sex, age, disability, family or religious status, be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination or retaliation under any Federally-funded program or activity of state and local governments.

**ACTION REQUESTED:** Approval and execution of Resolution of the Orange County Board of County Commissioners regarding the Adoption of the Orange County Title VI Nondiscrimination Policy and Plan for compliance with the Title VI Requirements of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Other Nondiscrimination Authorities and approval of Title VI Nondiscrimination Policy and Plan. All **Districts.** 

Attachments

MVM/RN/aw/am

# RESOLUTION

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS regarding THE ADOPTION OF THE ORANGE COUNTY TITLE VI NONDISCRIMINATION POLICY AND PLAN FOR COMPLIANCE WITH THE TITLE VI REQUIREMENTS OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, AND OTHER NONDISCRIMINATION AUTHORITIES

#### RESOLUTION NO.

WHEREAS, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other nondiscrimination authorities (Authorities) require that "no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any federally-funded program, policy, or activity on the basis of race, color, national origin, disability, religion, income, sex, age, or familial status"; and

WHEREAS, Orange County is a recipient of federal-aid highway and other program funds and is in the process of recertifying as a Florida Department of Transportation (FDOT) Local Agency Program (LAP) Certified County; and

WHEREAS, LAP Recertification requires the submittal of a Sub-Recipient Compliance Assessment Tool (SCAT) to the FDOT; and

WHEREAS, the LAP SCAT requires that the County adopt by resolution a written Title VI Nondiscrimination Policy and Plan which establishes the County's nondiscrimination policy statement, complaint filing procedures, and other assurances to certify to the FDOT and Federal Highway Administration (FHWA) that the County's programs, services, and activities are being conducted in a nondiscriminatory manner; and

WHEREAS, the Title VI Nondiscrimination Policy and Plan must be noticed and made available to the general public following adoption and be recertified to the FDOT and FHWA every three (3) years.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY (the "BCC"):

**Section 1.** The foregoing premises are incorporated herein and are found to be fair and accurate statements.

**Section 2.** Orange County shall adopt a Resolution to effectuate the nondiscrimination policy statement, protocols, processes, and procedures as outlined in the Title VI Nondiscrimination Policy and Plan.

**Section 3.** A copy of this Resolution shall be attached to such aforementioned Title VI Nondiscrimination Policy and Plan.

ADOPTED THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_, \_\_\_\_\_,

ORANGE COUNTY, FLORIDA By: Board of County Commissioners

By:\_\_\_

Teresa Jacobs County Mayor

ATTEST: Martha O. Haynie, County Comptroller As Clerk of the Board of County Commissioners

By:

Deputy Clerk

S:\RAlfonso\Public Works\Resolution for Adoption of Title VI Policy and Plan - non discrimination FEB 2016.doc

#### **Title VI Nondiscrimination Policy and Plan**

#### **Policy Statement:**

Orange County values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the County believes that the best public policy and governmental services result from careful consideration of the needs of all of its communities and when those communities are involved in the public policy and governmental services decision-making process. Thus, the County does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (Title VI), and related laws and regulations, the County will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, income or family status.<sup>1</sup>

#### **Complaint Procedures:**

The County has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, age, disability, religion, income or family status in any of the County's programs, services or activities may file a complaint with the County Title VI/Nondiscrimination Coordinator:

Ricardo Daye Title VI Coordinator/Human Resources Director Mailing/Physical Address: Internal Operations (IOC1) Building, 450 East South Street, Orlando, FL 32801 Email: <u>ricardo.daye@ocfl.net</u> Phone: (407) 836-5825 Fax: (407) 836-5369 Hearing Impaired: Florida Relay 7-1-1

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<sup>&</sup>lt;sup>1</sup> Orange County regulations and policies contain even broader protections against discrimination than those set forth in Title VI, including protections against discrimination based on pregnancy, sexual orientation, and gender identity or expression.

If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (i.e., race, color, national origin, sex, age, disability, religion, income or family status); and a description of the alleged discrimination with the date of occurrence. If the complaint cannot be submitted in writing, the complainant should contact the Title VI/Nondiscrimination Coordinator for assistance.

The Title VI/Nondiscrimination Coordinator will respond to the complaint within thirty (60) days and will take reasonable steps to resolve the matter. Should the County be unable to satisfactorily resolve the complaint, the Title VI/Nondiscrimination Coordinator will forward the complaint, along with a record of its disposition, to the appropriate Federal and/or State agency for further processing.

The County's Title VI/Nondiscrimination Coordinator has easy access to the County Administrator and is not required to obtain management or other approval to discuss discrimination issues with the County Administrator. However, should the complainant be unable or unwilling to complain to the County, or if the complainant is dissatisfied with the County's handling of a complaint, the written complaint may be submitted directly to the U.S. Department of Justice (DOJ). DOJ will ensure that the matter is assigned to the correct Federal or State authority for processing.

U.S. Department of Justice
Civil Rights Division
Federal Coordination and Compliance Section, NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Title VI Hotline: 1-888-TITLE-06
(1-888-848-5306) (Voice / TTY)
http://www.justice.gov/crt/about/cor/coord/titlevi.php

#### ADA/504 Statement:

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. Furthermore, these laws require federal aid recipients and other

government entities to take affirmative steps to reasonably accommodate the disabled and ensure that their needs are equitably represented in County programs, services and activities.

The County will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities.

The County encourages the public to report any facility, program, service or activity that appears inaccessible to the disabled. Furthermore, the County will provide reasonable accommodation to disabled individuals who wish to participate in public involvement events or who require special assistance to access facilities, programs, services or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, the County asks that requests be made at least seven (7) calendar days prior to the need for accommodation.

Questions, concerns, comments or requests for accommodation should be made to the County's

#### ADA Officer:

Dianne Arnold, HFS Administrator Interim ADA Nondiscrimination Coordinator Mailing/Physical Address: Mable Butler Building, 2100 E. Michigan St., Orlando, FL 32806 Email: <u>dianne.arnold@ocfl.net</u> Phone: (407) 836-7588 Fax: (407) 245-3191 Hearing Impaired: Florida Relay 7-1-1

#### Limited English Proficiency (LEP) Guidance:

Title VI, Executive Order 13166, and various directives from federal agencies require federal aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English proficiently. To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the County's programs, services or activities;
- The frequency with which LEP individuals come in contact with these programs, services or activities;

- The nature and importance of the program, service, or activity to people's lives; and
- The resources available to the County and the likely costs of the LEP services.
- Using the 2014 America Community Survey data, the County has determined that LEP individuals speaking English "less than very well" represent approximately 12.6% of the community (approximately 141,265 persons). The County's findings are also consistent with those of MetroPlan Orlando, the metropolitan planning organization for Orange, Osceola, and Seminole Counties. Of this percentage of LEP persons, 98,300 persons (approximately 8.7%) are Spanish/Spanish Creole speakers, followed by French Creole speakers (13,666 persons or approximately 1.2%).
- Though only a relatively small portion of its service population (12.6%) is LEP speakers of Spanish/Spanish Creole, Orange County values the rights and abilities of all its citizens to access its programs, services, activities, and facilities.
- 3. The County believes that housing assistance, transportation, emergency management, emergency medical services, fire rescue, and solid waste collection are of critical importance to its public. In that spirit, the County has developed a Spanish version of its County website whereby all general information about the various services and resources for its residents, visitors, and businesses can be accessed online. Orange County also operates its 311 Customer Service in English and in Spanish, and the 311 Customer Service can be via phone, webchat and online resources. Additionally, the County has a multitude of bilingual staff who can assist in the interpretation of twelve (12) languages, including Spanish and French Creole. Thus, for general information, LEP persons needing assistance or information can call 311, and the dispatcher can contact a bilingual staff who can speak in that language to assist the caller. In terms of emergency services, the County has partnered with AT&T to provide a Language Line for those needing emergency assistance in another language. When 911 is called and language assistance is needed, the dispatcher will patch in a translator as needed.

The analysis of these factors suggests that the following LEP services are called for:

- Update the County homepage to provide direct access to the County's ADA, LEP, and Title VI information and resources.
  - Develop a separate "ADA/Title VI Nondiscrimination Policy" landing homepage.
  - Add a link to this new "ADA/Title VI Nondiscrimination Policy" homepage under the "Residents", "Visitors", "Businesses", and "Employees" tabs in the County's main homepage. This will provide the general public with direct and easy-to-find access to the County's ADA and Title VI policies and programs.
  - Remove the ADA website from the Families, Health & Social Services homepage.
- Post this Title VI Nondiscrimination Policy and Plan in English and Spanish on the new "ADA/Title VI Nondiscrimination Policy" website so every member of the public is aware of the County's nondiscrimination and public involvement policies
- Conduct a survey of County Departments to identify vital communication that should be provided in Spanish and begin development of such vital communication in Spanish. The U.S. Department of Justice indicates that a document may be considered vital if it contains information that is critical for obtaining federal services and/or benefits or is required by law, e.g. applications, consent and complaint forms, notices of rights and disciplinary action, notices advising LEP persons of the availability of free language assistance, prison rule books, written tests that do not assess English language competency, letters or notices that require a response from the beneficiary or client.
- Train staff on the County's LEP Plan and Title VI Nondiscrimination Policy Plan and publish both Plans on the County website.
- Make available I SPEAK cards at public hearings, meetings, and workshops.

- Continue to provide notification (e.g. a news release) in English and Spanish of the availability of LEP assistance in public meeting notices and ads, public events newsletters and other flyers, and on public involvement event signage and outreach materials.
- Continue to maintain and update the list of employees who competently speak Spanish and/or other languages and who are willing to provide translation and/or interpretation services.
- Continue to make this list available via the County intranet to staff that regularly has contact with the public.
- Continue to maintain and update, as needed, the Spanish version of the County website.
- Continue to maintain the partnership with AT&T to provide oral LEP services as needed in the County's Language Line for 911 calls.

The County understands that its community profile changes over time and that the four factor analysis may reveal the need for more LEP services in the future. As such, the County will evaluate its LEP population and update the LEP plan every three (3) years to ensure compliance with federal and state law, provide a Plan that is reflective of the community's diverse needs, and reaffirm the County's commitment to providing services for persons with limited English proficiency.

Persons requiring special language services should contact the County's Title VI/Nondiscrimination Coordinator:

Ricardo Daye Title VI Coordinator/Human Resources Director Mailing/Physical Address: Internal Operations (IOC1) Building, 450 East South Street, Orlando, FL 32801 Email: <u>ricardo.daye@ocfl.net</u> Phone: (407) 836-5825 Fax: (407) 836-5369 Hearing Impaired: Florida Relay 7-1-1

#### **Public Involvement:**

In order to plan for efficient, effective, safe, equitable and reliable government services, the County must have the input of its public. The County spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. Any person may attend any County Commission meeting and speak during the Hearing of the Public portion of the agenda concerning a matter of County business that is of concern to the person. County Commission meetings are generally held every Tuesday at 9:00 a.m. at the Orange County Administration Center, Board of County Commissioners Commission Chambers, 1<sup>st</sup> Floor, 201 South Rosalind Avenue, Orlando, FL. Persons should check the County's website, <u>www.ocfl.net</u> for any changes to meeting dates, times and location. Meeting locations are accessible to persons with disabilities.

Additionally, the County usually holds public meetings and workshops to both inform the general public and obtain public feedback on projects, events, programs, etc. Public outreach is conducted through newsletters, flyers, newspaper ads, and other public displays, and such outreach includes information on ADA compliance and how a person can request translation or other special accommodations when requested within a reasonable timeframe. The outreach materials also provide a County point of contact for any questions relative to the project, activity or event.

Persons wishing to request special presentations by the County; volunteer in any of its activities or offer suggestions for improvement of County public involvement may contact:

Ricardo Daye Title VI Coordinator/Human Resources Director Mailing/Physical Address: Internal Operations (IOC1) Building, 450 East South Street, Orlando, FL 32801 Email: <u>ricardo.daye@ocfl.net</u> Phone: (407) 836-5825 Fax: (407) 836-5369 Hearing Impaired: Florida Relay 7-1-1

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#### **Data Collection:**

FHWA regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by transportation programs, services and activities. The County accomplishes this through the use of census data and American Community Survey reports and other methods.

#### **Assurances:**

Every three years the County must certify to FHWA and FDOT that its programs, services and activities are being conducted in a nondiscriminatory manner. These certifications are termed 'assurances' and document the County's commitment to nondiscrimination and equitable service to its community. The public may view the assurances on the County's website or by visiting the County's offices.

February 19, 2016

RIDA

TO:	Mayor Teresa And the Boar	d of County Commissioners
FROM:	Mark V. Mass	saro, P.E., Director, Public Works Department
CONTACT I	PERSON:	Diana M. Almodovar, P.E., Manager DUB Development Engineering Division
PHONE NUI	MBER:	(407) 836-7974
SUBJ:	Authorizatio	n to record the plat of Curry Ford Market Square
Market Squar	e. This is a on	nent requests authorization to record the plat of Curry ne lot plat located at the northwest corner of the Curry tchee Trail intersection.
		the the manifest the requirements of the Deer

This plat is being recorded in order to comply with the requirements of the Deerwood Landings Planned Development/Wal-Mart Neighborhood Market Development Plan as approved by the Orange County Development Review Committee on March 11, 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 Curry Ford Market Square. District 3.

MVM/DMA/mk

Ford Ford



February 19, 2016

TO: Mayor Teresa Jacobs And the Board of County Commissioners

FROM: Mark V. Massaro, P.E., Director, Public Works Department

CONTACT PERSON: PHONE NUMBER: Diana M. Almodovar, P.E., Manager Development Engineering Division (407) 836-7974

(sr

# SUBJ:Approval and Execution of the Acknowledgement of JointMaintenance and Use Agreement (Curry Ford Market Square – Lot 1)

Wal-Mart acquired Commercial Property from ME, LLC on June 1, 2009. The deed conveyed the Commercial Property, known as Curry Ford Market Square – Lot 1, and all rights to a drainage easement. Subsequently, when the property was sold to Wal-Mart, an existing Joint Maintenance and Use Agreement dated January 28, 2003 was not conveyed.

Wal-Mart did not receive the assignment of the Use Agreement from ME, LLC at the time the title was acquired.

The Use Agreement and the Drainage Easement (together, the "Stormwater Agreements") provide for the rights, obligations, terms, conditions and easements for the use, operation and maintenance of a drainage treatment and conveyance system. The Commercial Property has the perpetual right and easement to use and convey stormwater to the system.

Wal-Mart hereby acknowledges, ratifies and agrees that the rights and obligations of the Stormwater Agreements are binding upon and assumed by Wal-Mart, the fee simple owner of the Commercial Property. The rights and obligations are and shall be the rights and obligations of the fee simple owner of the Commercial Property.

The terms and conditions of this Acknowledgment shall encumber the Commercial Property and shall be a covenant running with the land, and shall be binding upon all of Wal-Mart's heirs, successors and assigns.

This Acknowledgement of Joint Maintenance and Use Agreement has been reviewed by the County Attorney's Office and has been found acceptable.

Subject: Approval and Execution of the Acknowledgement of Joint Maintenance and Use Agreement (Curry Ford Market Square – Lot 1)

February 19, 2016 Page 2

Action Requested:

Approval and execution of Acknowledgement of Joint Maintenance and Use Agreement (Curry Ford Market Square – Lot 1) by and between Wal-Mart Stores East, LP and Orange County, Florida. District 3.

#### MVM/DMA/mk/wsv

Attachment(s)

#### THIS INSTRUMENT WAS PREPARED BY AND SHOULD BE RETURNED TO:

Thomas E. Francis, Esquire Lowndes, Drosdick, Doster, Kantor & Reed, P.A. 215 North Eola Drive Post Office Box 2809 Orlando, FL 32802-2809 (407) 843-4600 Project Name: Walmart No. 5741 NC OC File/Project Number: B15901281

#### ACKNOWLEDGMENT OF JOINT MAINTENANCE AND USE AGREEMENT

#### (Curry Ford Market Square – Lot 1)

THIS ACKNOWLEDGMENT OF JOINT MAINTENANCE AND USE AGREEMENT ("Acknowledgment") is made and executed this day of\_\_\_\_\_\_, 2016, by and between WAL-MART STORES EAST, LP, a Delaware limited partnership ("Wal-Mart"), whose mailing address is Attn: Realty Management, FL; 2001 S.E. 10th Street, Bentonville, AR 72716-5525, and ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida ("County"), whose mailing address is 201 South Rosalind Avenue, Orlando, Florida 32801. Wal-Mart and County are sometimes referred to herein as "Parties." WITNESSETH:

WHEREAS, Wal-Mart is the fee simple owner of certain real property located in Orange County, Florida more particularly described in **Exhibit "A"** attached hereto and by this reference made a part hereof (the "Wal-Mart Property"); and

WHEREAS, the Wal-Mart Property includes all of the "Commercial Property" as defined and referenced in the Joint Maintenance and Use Agreement dated January 28, 2003 and recorded in Official Records Book 6762, Page 1959 of the Public Records of Orange County, Florida (the "Use Agreement"); and

WHEREAS, the Wal-Mart Property also includes all of the "Trustee's Property" as defined and referenced in the Cross Easement Agreement for Drainage dated January 28, 2003 and recorded in Official Records Book 6762, Page 1951, as amended by the Amendment to Cross Easement Agreement for Drainage dated August 21, 2004 and recorded in Official Records Book 7724, Page 52, all of the Public Records of Orange County, Florida (together, the "Drainage Easement") (with the Commercial Property and the Trustee's Property being one and the same parcel of property); and

WHEREAS, Wal-Mart acquired title to the Wal-Mart Property from ME, LLC, a Florida limited liability company (which ME, LLC also was the successor by merger to WS, LLC, a Florida limited liability company) ("ME"), pursuant to the Special Warranty Deed dated June 1, 2009 and recorded in Official Records Book 9884, Page 1109 of the Public Records of Orange

County, Florida (the "Deed"), which Deed conveyed fee simple title to the Commercial Property from ME to Wal-Mart together with all of ME's appurtenant rights as owner of the Commercial Property in and to the Drainage Easement; and

WHEREAS, the Use Agreement and the Drainage Easement (together, the "Stormwater Agreements") provide for the rights, obligations, terms, conditions and easements for the use, operation and maintenance of a drainage treatment and conveyance system defined in the Use Agreement as the "System", pursuant to which the Commercial Property has the perpetual right and easement to use and convey stormwater to the System, all in accordance with the terms and conditions of the Stormwater Agreements; and

WHEREAS, the Use Agreement provides for, among other things: (i) the operation, repair and maintenance of the System by The Fountains at Rio Pinar Homeowners Association, Inc., a Florida corporation not for profit, as successor to Bay Pointe Homes Corp., a Florida corporation (the "HOA"); (ii) the HOA's assessment of the owner of the Commercial Property for its proportionate share of the costs of operating and maintaining the System; (iii) certain rights of the HOA in the event the owner of the Commercial Property fails to pay its share of such costs; (iv) certain rights of the owner of the Commercial Property in the event the HOA fails to properly maintain, operate or repair the System; and (v) certain requirements for stormwater drainage introduced into the System from the Commercial Property; and

WHEREAS, the Drainage Easement grants and establishes certain drainage easements benefitting and serving the Trustee's Property and provides for, among other things: (i) the terms and conditions for the use of the drainage easements granted therein, including without limitation (a) the right to inspect, maintain, repair, improve and replace improvements constructed within the drainage easement areas, and (b) the right to use the drainage easements in accordance with the requirements and grants of the Use Agreement; and (ii) the costs for the maintenance of the System to be allocated in accordance with the terms and conditions of the Use Agreement; and

WHEREAS, the use of the System in connection with the development, use and operation of the Commercial Property in accordance with the Stormwater Agreements is also contemplated pursuant to St. John's River Water Management District ("SJRWMD") Permit No. 4-095-85957-1, as modified, with both the County and SJRWMD being intended beneficiaries of the Stormwater Agreements with the rights to enforce the terms and conditions of the Stormwater Agreements; and

WHEREAS, by virtue of the foregoing, all of the rights and obligations of the Trustee (as defined in the Stormwater Agreements) and ME with respect to the Stormwater Agreements have been assigned to and assumed by Wal-Mart in its capacity as fee simple owner of the Commercial Property; and

WHEREAS, in connection with Wal-Mart's County permits and approvals for the development and use of the Wal-Mart Property, the County has requested that Wal-Mart acknowledge and ratify its assumption of all of the rights and obligations of the owner of the Commercial Property under and pursuant to the Stormwater Agreements.

NOW THEREFORE, Wal-Mart and the County hereby agree as follows:

1. <u>Acknowledgment and Ratification</u>. Wal-Mart hereby acknowledges, ratifies and agrees that the rights and obligations of the Trustee and ME under the Stormwater Agreements are binding upon and assumed by Wal-Mart in its capacity as the fee simple owner of the Commercial Property, and that such rights and obligations are and shall be the rights and obligations of the fee simple owner of the Commercial Property. Accordingly, Wal-Mart hereby acknowledges and agrees to perform all of the obligations of the owner of the Commercial Property under the Stormwater Agreements, in accordance with and subject to the terms and conditions of the Stormwater Agreements, for so long as Wal-Mart is the owner or lessee of the Commercial Property.

2. <u>Running with the Land; Binding on Successors</u>. The terms and conditions of this Acknowledgment shall encumber the Commercial Property and shall be a covenant running with the land, and shall be binding upon all of Wal-Mart's heirs, successors and assigns.

3. <u>Recording</u>. Upon execution by the Parties, this Acknowledgement shall be filed with the Clerk of Circuit Court of Orange County, Florida and recorded in the Official Records of Orange County, Florida. Wal-Mart shall pay for the cost of recording this Acknowledgement.

[Signature Pages Follow]

IN WITNESS WHEREOF, this Acknowledgment has been executed by Wal-Mart and the County in manner and form sufficient to bind them as of the day and year first above written.

#### **OWNER:**

Witnesses:

And brok

Print Name: Amber Graham

Print Name: Norma Massingl

WAL-MART STORES EAST, LP, а Delaware limited partnership

By: WSE MANAGEMENT, LLC, а Delaware limited liability company, **General** Partner

By: Muharthome

Name: Michael Thomas

Title: Director, Rojeet Management

Date: 2/8/16

STATE OF <u>Arkansas</u> COUNTY OF <u>Benton</u>

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of <u>February</u>, 2016, by <u>Michael Thomas</u>, as <u>project management</u> WSE Management, LLC, a Delaware limited liability company, as General Partner of Wal-Mart Stores East, LP, a Delaware limited partnership, on behalf of the partnership. He (She) is personally known to me or has produced \_\_\_\_\_\_as identification.

(NOTARY SEAL)

ale Undernoo

Notary Public Signature

Chelsea Underwood (Name typed, printed or stamped)

OFFICIAL SEAL CHELSEA UNDERWOOD BENTON COUNTY NOTARY PUBLIC - ARKANSAS COMMISSION EXP. OCT. 7, 2028 COMMISSION# 12695801

# **COUNTY:**

ORANGE COUNTY, FLORIDA By: Board of County Commissioners

By: \_\_\_\_\_\_ Teresa Jacobs

Orange County Mayor

Date: \_\_\_\_\_

ATTEST: Martha O. Haynie, County Comptroller As Clerk to the Board of County Commissioners

By: \_\_\_\_\_ Deputy Clerk

#### **EXHIBIT "A"**

#### Description of Wal-Mart Property

#### PARCEL 1

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 31 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 6, FOR A POINT OF REFERENCE; THENCE RUN S00°10'30"W ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, A DISTANCE OF 1349.01 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING A POINT IN THE CENTER OF AN EXISTING DRAINAGE CANAL; THENCE RUN ALONG THE CENTER OF SAID CANAL THE FOLLOWING COURSES AND DISTANCES: S31°40'27"E 365.81 FEET; THENCE S09°17'32"E 154.13 FEET; THENCE S15°44'08"E 166.55 FEET; THENCE S17°57'44"E 257.79 FEET; THENCE S31°38'26"E 278.30 FEET; THENCE S03°40'47"W 148.45 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CURRY FORD ROAD; THENCE RUN S89°54'50"W ALONG SAID NORTH RIGHT OF WAY LINE 481.94 FEET TO THE INTERSECTION OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6; THENCE RUN N00°10'30"E ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6, A DISTANCE OF 1254.77 FEET TO THE POINT OF BEGINNING, ALL LYING IN ORANGE COUNTY, FLORIDA.

#### PARCEL 2

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 31 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 6, FOR A POINT OF REFERENCE; THENCE RUN S00°10'30"W ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, A DISTANCE OF 1349.01 FEET TO A POINT IN THE CENTER OF AN EXISTING DRAINAGE CANAL; THENCE RUN ALONG THE CENTER OF SAID CANAL THE FOLLOWING COURSES AND DISTANCES: S31°40'27"E 365.81 FEET; THENCE S09°17'32"E 154.13 FEET; THENCE S15°44'08"E 166.55 FEET; THENCE S17°57'44"E 257.79 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID CENTER OF EXISTING DRAINAGE CANAL RUN N23°55'32"E 322.62 FEET; THENCE N75°14'54"E 231.10 FEET; THENCE N89°59'54"E 299.40 FEET; THENCE N76°51'47"E 118.67 FEET; THENCE N89°59'54"E 170.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ECONLOCKHATCHEE TRAIL; THENCE RUN S00°17'48"W 764.61 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF CURRY FORD ROAD; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE TO THE CENTER OF AN EXISTING DRAINAGE CANAL S89°54'50"W 798.86 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE RUN ALONG THE CENTER LINE OF SAID DRAINAGE CANAL N03°40'47"E 148.45 FEET; THENCE N31°38'26"W 278.30 FEET TO THE POINT OF BEGINNING ALL LYING IN ORANGE COUNTY, FLORIDA.

LESS THE FOLLOWING PARCEL

A STRIP OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 6, FOR A POINT OF REFERENCE; THENCE RUN N89°54'50"E ALONG THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 1280.91 FEET; THENCE DEPARTING SAID SOUTH LINE RUN N00°17'48"E A DISTANCE OF 55.00 FEET TO A POINT OF INTERSECTION OF THE RIGHT OF WAY LINE OF CURRY FORD ROAD AND THE WEST RIGHT OF WAY LINE OF ECONLOCKHATCHEE TRAIL; THENCE RUN N00°17'48"E, ALONG THE SAID WEST RIGHT OF WAY LINE OF ECONLOCKHATCHEE TRAIL, A DISTANCE OF 430.00 FEET TO THE POINT OF BEGINNING: THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN N02°39'54"W, A DISTANCE OF 290.31 FEET TO A POINT 15.00 FEET WEST OF, PERPENDICULAR MEASURE, SAID WEST RIGHT OF WAY LINE OF ECONLOCKHATCHEE TRAIL; THENCE RUN N00°17'48"E ALONG A LINE 15.00 FEET WEST OF AND PARALLEL WITH SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 44.61 FEET; THENCE N89°59'54"E A DISTANCE OF 15.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ECONLOCKHATCHEE TRAIL: THENCE RUN S00°17'48"W ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 334.61 FEET TO THE POINT OF BEGINNING.

SAID PROPERTY ALSO BEING DESCRIBED AS (DEMISED PROPERTY):

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 6, THENCE RUN S00°10'30"W ALONG THE WEST LINE OF SAID SOUTHWEST OUARTER OF SECTION 6, A DISTANCE OF 1349.01 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING A POINT IN THE CENTER OF AN EXISTING DRAINAGE CANAL; THENCE RUN ALONG THE CENTER OF SAID CANAL THE FOLLOWING COURSES AND DISTANCES: S31°40'27"E 365.81 FEET; THENCE S09°17'32"E 154.13 FEET; THENCE S15°44'08"E 166.55 FEET; THENCE S17°57'44"E 257.79 FEET; THENCE DEPARTING SAID CENTER OF EXISTING DRAINAGE CANAL RUN N23°55'32"E 322.62 FEET: THENCE N75°14'54"E 231.10 FEET; THENCE N89°59'54"E 299.40 FEET; THENCE N76°51'47"E 118.67 FEET; THENCE N89°59'54"E 155.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ECONLOCKHATCHEE TRAIL; THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY LINE OF ECONLOCKHATCHEE TRAIL THE FOLLOWING COURSES AND DISTANCES: S00°17'48"W 44.60 FEET; THENCE S02°39'54"E 290.32 FEET; THENCE S00°17'48"W 430.00 FEET TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF CURRY FORD ROAD; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE OF ECONLOCKHATCHEE TRAIL RUN ALONG SAID NORTH RIGHT OF WAY LINE OF CURRY FORD ROAD S89°54'50"W 1280.80 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE OF CURRY FORD ROAD RUN ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, N00°10'30"E 1254.77 TO THE POINT OF BEGINNING.



# 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.occcompt.com

## COUNTY COMMISSION AGENDA Tuesday, March 15, 2016

COUNTY COMPTROLLER

## Informational only - No Board action required

Receipt of the following items to file for the record:

- a. City of Apopka Annexation Ordinances and Vicinity Maps as follows:
  - Ordinance No. 2459 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by JTD Land At Rogers Rd., LLC, located at 2303 Rogers Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2460 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Huy Tran and Hai Anh Nguyen, located at 904 Schopke Lester Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2461 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Property Industrial Enterprises, LLC, located at 300 West 2<sup>nd</sup> Street; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2462 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Debra Evans Cargil, located at 202 South Hawthorne Avenue; providing for directions to the City Clerk, severability, conflicts, and an effective date.

- Ordinance No. 2463 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Apopka Clear Lake Investments, LLC, located south of Peterson Road and West of Binion Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- Ordinance No. 2465 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Jerry Kirkland and Lannette Kirkland, LLC, located 3707 Rock Springs Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- b. Minutes of the November 23, 2015, East Park Community Development District meeting.
- c. City of Orlando Ordinances 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 as follows:
  - Ordinance No. 2016-12 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. Harding St., east of S. Fern Creek Ave., south of E. Kaley St., and west of Kasper Ct., and comprised of 0.15 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as residential low intensity on the City's Official Future Land Use Maps; designating the property as the R-2A 1-2 family district along with the traditional city overlay district on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, and an effective date.
  - Ordinance No. 2016-3 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 St., east of Dickson Ave., south of E. Jersey Ave., and west of Ives Ave., addressed as 1730 E. Jersey Ave., and comprised of 0.324 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, in part, on the City's Official Future Land Use Maps; designating the property as the MU-1 Medium Intensity mixed use corridor district along with the traditional city overlay district, in part, and the R-2A 1-2 family 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, and an effective date.
- d. City of Orlando Voluntary Annexation Request Starwood Property ANX2015-00013, ANX2015-000119, ANX2015-00020. Notice of Proposed Enactment. On February 29,

2016, the Orlando City Council will consider proposed Ordinance #2016-26, 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 Wewahootee Rd., east of State Road 417, south of State Road 528, and west of International Corporate Park Blvd., and comprised of 2,559 acres of land, more or less; providing findings, amendment of the City's boundary description, and for amendment of the City's Official Maps; providing for severability, correction of scrivener's errors, and an effective date. A public hearing on this Ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2<sup>nd</sup> floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida.

e. Florida Public Service Commission Consummating Order. In re: Petition to approve revision to Tariff Sheets Nos. 6.2811, 6.282, and 6.284 rate schedule LS-1 – Lighting Service, by Duke Energy Florida, LLC.

Items filed for the record can be accessed at <u>www.occompt.com</u>. Then navigate to Clerk of the BCC.

III. DISCUSSION AGENDA COUNTY ADMINISTRATOR



February 29, 2016

Mayor Teresa Jacobs -AND-Board of County Commissioners

FROM:

TO:

Fred Winterkamp, Manager, Fiscal and Business Services

CONTACT PERSONS: Fred Winterkamp, Manager, Fiscal and Business Services PHONE NUMBER: (407) 836-2920

SUBJECT: Amended and Restated Water and Wastewater Utility Revenue Bond Resolution (the "Master Resolution") AND Resolution of the Orange County Board of County Commissioners (the

"2016 Bond Resolution") regarding authorization for Water and Wastewater Utility Revenue Bonds, Series 2016 (the "2016 Bonds").

#### Background

The Master Resolution governs the flow of funds and all aspects of the issuance of bonds for the Orange County Water and Wastewater Utility (OCU). The 2016 Bond Resolution supplements the Master Resolution to set forth the specific details and issuance parameters of up to \$95,000,000 of "series" 2016 Bonds (each financing requires a separate supplemental series resolution to authorize each series of bonds issued under the Master Resolution). Together, these resolutions provide for authorization of the 2016 Bonds to complete the process to finance the acquisition of previously approved water and wastewater projects.

The Master Resolution requires Board approval because there are currently no outstanding OCU Bonds after the last OCU Bonds were retired in October of 2014 (only loans to OCU from the State revolving fund program currently exist). So, Board approval is needed for both the updated and modernized Master Resolution and the 2016 Bond Resolution to authorize the first new OCU bonded debt under the Master Resolution.

#### Reimbursement for the 2016 OCU projects

The funding process began with OCU including various system improvement and expansion projects in the current and prior OCU budgets, and also including the proceeds from the 2016 Bonds as revenues in their current budget for FY 2015-2016. Also, on December 2, 2014, the Board approved a reimbursement resolution to retain the ability under the Tax Code to fund the OCU projects with the proceeds of a future tax-exempt financing which will now be authorized by this 2016 Bond Resolution.

OCU has been using system revenues to fund the projects during the construction and/or acquisition phase, but now that many of the projects are complete it is time to issue the 2016 Bonds to lock-in the long-term financing of the projects in the current favorable low interest rate environment. While system revenues have been funding work on the projects that continues today, more than \$70 million of work is now completed, and the system revenues are being drawn below minimum target levels. The proceeds of the 2016 Bonds will reimburse the County for funds already spent in order to restore the system fund balances, which will be needed for future budgeted OCU projects, and the proceeds will

#### Master Resolution and 2016 Bond Resolution

also fund the remaining projects contemplated to be financed with proceeds from the 2016 Bonds in the existing OCU budget. Using a reimbursement resolution to allow initial cash funding for projects, and then a bond issue to reimburse the cash outlays and finish the projects, is an optimal approach that avoids the expense of borrowing too soon and the uncertainty of estimating how much to borrow. The process is somewhat like a homeowner using cash or a short-term financing during construction of a home, and then locking-in the long term financing for the completed home as construction is being completed and the project costs are better known.

#### 2016 Bonds

The 2016 Bonds will pledge OCU water and wastewater revenues for repayment over the next 20 years. Orange County's previous OCU water and wastewater bonds had very strong AA-level credit ratings that sunset when the prior bonds were retired in 2014. The 2016 Bond Resolution provides the authorization to seek new credit ratings for the 2016 Bonds which will be a new credit evaluation of the OCU system and the amended and restated Master Resolution and 2016 Bond Resolution. OCU has utilized engineering and financial consultants to prepare an Engineer's Report of the OCU system and a Financial Feasibility Report and both reports are provided to the rating agencies and investors to help achieve the best credit ratings possible and the lowest interest cost for the 2016 Bonds.

Pursuant to Administrative Regulation 6.02.04 approved by the Board of County Commissioners on February 22, 1994, the 2016 Bond Resolution will authorize the 2016 Bonds to be sold via the competitive bid process. The County's co-financial advisors and the Orange County Comptroller recommend the competitive method of sale. Section Eight of the 2016 Bond Resolution delegates to the Mayor or County Administrator the authorization to award the 2016 Bonds to the lowest cost bidder (the "Successful Bidder", as defined in the Notice of Sale) after certain benchmarks have been achieved. For example, the 2016 Bond Resolution requires a true interest cost of 5% or less for up to \$95,000,000 of 2016 Bonds which are required to mature no later than October 1, 2037.

#### Resolution and Recommended Action

The Master Resolution and 2016 Bond Resolution were prepared by Nabors, Giblin & Nickerson as Sales and Utility. Tax Bond Counsel. The County's co-financial advisors, Public Financial Management and M2 Management, along with County staff recommend approval of the resolutions to provide the funds for the OCU projects. The following documents are provided for Board consideration:

*Master Resolution* – Sets forth the OCU water and wastewater flow of funds and related covenants with bondholders such as debt coverage and system reserve cash levels. This resolution contains rate covenants that can mandate water and wastewater rate actions to maintain certain financial benchmarks for the OCU system. As was the case when the previous OCU debt existed, this resolution will once again limit certain operational alternatives now that bonded debt will once again be outstanding. The Master Resolution generally provides for one or more future issues of bonded debt that are each authorized by a separate resolution for that series of bonds.

**2016 Bond Resolution** - Authorizes the issuance of the 2016 Bonds pursuant to the Master Resolution and the execution of all documents related to the 2016 Bonds. The 2016 Bond Resolution also authorizes the Mayor or County Administrator to award the sale to the bidder providing the lowest true interest cost within certain parameters required to award the sale. The 2016 Bond Resolution also includes the form of the 2016 Bonds to be provided to the winning bidder at the closing. The 2016 Bond Resolution authorizes the

Master Resolution and 2016 Bond Resolution

Mayor or County Administrator to finalize the related transaction documents, award the sale to the lowest cost responsive bidder, and execute the documents at closing. The 2016 Bond Resolution has exhibits with the 2016 Project Descriptions, and substantially completed "form of" versions of the Notice of Sale, Preliminary Official Statement and Continuing Disclosure Undertaking and these related documents are all further described as follows:

**Official Notice of Bond Sale** - Official document that provides information to bidders for the 2016 Bonds (i.e., date and time of the competitive sale, estimated par amount, bond counsel, financial advisors and bid requirements) and invites bids from prospective financial firms.

*Form of Preliminary Official Statement (POS)* - Preliminary version of the official statement which describes the proposed issue prior to final determination of the interest rates and offering prices. This document is used to disclose the details of the transaction and OCU and the pledged system revenues to investors. The document is used to market bonds and provide the required disclosure to allow an investor to make an informed decision about purchasing the 2016 Bonds. The Securities and Exchange Commission cautions all public officials to carefully review the POS to be sure that no misstatements or omissions are made that would be material to investors. To ensure a thorough and professional review, the working group includes a Disclosure Counsel firm that reviews the information and prepares the POS, and the POS is also reviewed by Bond Counsel, the County Attorney's Office, Comptroller staff, OCU staff, and County fiscal staff.

*Form of Continuing Disclosure Undertaking* - Preliminary version of the agreement governing the ongoing distribution by the County and OCU of subsequent financial and operating data about the pledged revenues to the marketplace. This document sets forth requirements to make special disclosures of extraordinary events such as rating changes, financial problems, and debt service payment problems.

The 2016 Bond documents are available for review in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office, and in the Fiscal and Business Services office. Individual briefings will be offered to each Commissioner to answer any questions they may have prior to this being presented on the discussion agenda for the March 15, 2016 Board meeting.

#### ACTION REQUESTED:

# Approval and execution of Orange County, Florida Amended and Restated Water and Wastewater Utility Revenue Bond Resolution, and

approval and execution of Resolution of the Orange County Board of County Commissioners regarding authorization for Water and Wastewater Utility Revenue Bonds, Series 2016.

CC: Eric Gassman, CPA, Deputy County Administrator Ray Hanson, P.E., Utilities Director Glenn Kramer, Manager, OCU Fiscal and Operational Support



Interoffice Memorane

February 22, 2016

- TO: Mayor Teresa Jacobs and the Board of County Commissioners
- FROM: To-Johnny M. Richardson, Manager, Procurement Division
- CONTACT: Sara Flynn-Kramer, Manager, Capital Projects Division (407) 836-0048
- SUBJECT: Selection of Consultant, RFP Y16-806-CC, Design Services for a Fire Station Prototype

# RECOMMENDATION

Selection of one firm and two alternates; Request for Proposals Y16-806-CC, Design Services for a Fire Station Prototype, from the following firms listed alphabetically. Further recommend the Board authorize execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$300,000.

Architects Design Group/ADG, Inc. Bentley Architects + Engineers, Inc. C.T. HSU + Associates, P.A.

This item was reviewed and approved by the Procurement Committee on February 17, 2016. Commissioner S. Scott Boyd was assigned to the Procurement Committee.

# PURPOSE

To select a firm for negotiation of a contract to provide design services for a fire station prototype.

# DISCUSSION

The project is for design services for a fire station prototype, consisting of a two-bay fire station with the flexibility to be a back-in or drive-through fire station with the ability to add a future bay. The prototype must have the flexibility to provide at least two different exterior elevation options depending on location.

The consultant will perform the following services:

- 1. Project Program Development
- 2. Schematic Design
- 3. Design Development
- 4. Site Adaptation

Y16-806-CC Page 2 of 2

Five proposals were received in response to the solicitation. The proposals of Strollo Architects, Inc. (262 points) and Forefront Architecture and Engineering, LLC (195 points) failed to achieve a sufficient score for Board consideration. Consensus scores of the Procurement Committee are attached.

RFP#: Y16-806-CC	PRO	JECT	PRO	JECT	M/V	VBE	LOC	ATION	VOI	UME	SC	OPE	S-D VE	TERAN	WAG	E RCP	TOTAL
DESIGN SERVICES FOR A ÈIRE STATION PROTOTYPE	MAN	AGER	TE	AM													
WEIGHT	25		15		15		10		15		20		2		1		
	RAW SCORE	WEIGHTED SCORE															
Architects Design Group/ADG, Inc.	5.0	125	4.0	60	4	60	5	50	4	60	4.2	84	1	2	0	0	441.0
C.T. HSU + Associates, P.A.	5.0	125	3.0	45	5	75	5	50	4	60	3.2	64	1	2	0	0	421.0
Bentley Architects + Engineers, Inc.	4.5	113	3.0	45	4	60	5	50	4	60	3.0	60	1	2	1	1	390.5

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# **Interoffice Memorandum**

# **BUSINESS DEVELOPMENT DIVISION**

DATE:	February 16, 2016
TO:	Corie Cummings, Senior Contract Administrator, Procurement Division
FROM:	A.B. Angela Brown, Senior Contract Administrator, Business Development Division
SUBJ:	Y16-806-GD / Design Services for a Fire Station Prototype
APPROVED:	Y16-806-92 / Design Services for a Fire station Prototype Allen Perguson, BDD Manager Sheena Ferguson, BDD Manager
	Sheena Ferguson, BDD Manager
	e respondents to the subject RFP with their sub-consultants and M/WBE participation score on a $1-5$

scale (RFP GOALS: M/WBE-27% & EEO-24%):

ARCHITECTS DESIGN GROUP/ADG, INC. Majority Prime

Projected %

Sub-Consultant Role

M/WBE Subconsultants:		
SGM Engineering, Inc. (Asian Pacific Male)	21.8%	Mechanical/Electrical/Plumbing/ Fire Protection
BASE Consultants, Inc. (Asian Islander Female)	9.6%	Structural Engineering
Total M/WBE Participation: EEO Staff:	31.4% 48%	· .
Points:	4	
BONUS POINTS:		
No Welfare Recipient(s) Proposed		
Registered Service Disabled Veteran(s) Proposed:		
Alliance Design and Construction, Inc.	1	Cost Estimating/Quality Control
Total Bonus Points:	2	

## BENTLEY ARCHITECTS + ENGINEERS, INC. Majority Prime

## M/WBE Subconsultants:

SGM Engineering, Inc. (Asian Pacific Male)	27%	Mechanical, Electrical, Fire Safety, and Plumbing
Ramski & Company, Inc. (White Female)	2%	Interior Design & Planning
Total M/WBE Participation: EEO Staff:	29% 50%	
Points:	4	
BONUS POINTS:		
Welfare Recipient(s) Proposed:	1	
Registered Service Disabled Veteran(s) Proposed:		
Alliance Design and Construction, Inc.	1	Cost Estimating
Total Bonus Points:	3	

# C.T. HSU + ASSOCIATES, INC. Minority Prime – Asian Pacific Male

M/WBE Subconsultants:		
JCR Consulting, Inc. (White Female)	1%	Landscape Architecture
SGM Engineering, Inc. (Asian Pacific Male)	22.5%	Mechanical, Electrical and Plumbing Engineering and Fire Protection Services
Advanced Structural Design, Inc. (Hispanic Male)	7%	Structural Engineering Services
Total M/WBE Participation: EEO Staff:	30.5% 50%	
Points:	5	
BONUS POINTS:		
No Welfare Recipient(s) Proposed		
Registered Service Disabled Veteran(s) Proposed:		
Blue Cord Design and Construction, Inc.	1	Cost Estimating Services
Total Bonus Points:	2	

# Y16-806-CC Page 3 of 3

FOREFRONT ARCHITECTURE AND
ENGINEERING, LLC
Majority Prime

#### **M/WBE Subconsultants:**

Proposer has not indicated the utilization of any Orange County certified M/WBEs on Form B nor Form M as required.

Total M/WBE Participation:	
EEO Staff:	

**Points:** 

47% 3

0%

#### **BONUS POINTS:**

No Welfare Recipient(s) Proposed

No Registered Service Disabled Veteran(s) Proposed

#### **Total Bonus Points:**

0

# STROLLO ARCHITECTS, INC. Majority Prime

#### **M/WBE** Subconsultants:

SGM Engineers, Inc. (Asian Pacific Male)	26%	MEP Engineering & Technology Design
Bowen Engineering Corporation (Hispanic Male)	10%	Structural Engineering
Total M/WBE Participation: EEO Staff:	36% 22%	
Points:	3	
BONUS POINTS:		
No Welfare Recipient(s) Proposed		
Registered Service Disabled Veteran(s) Proposed:	·	
Blue Cord Design & Construction, LLC	1	Construction Cost Estimating
Total Bonus Points:	2	

Interoffice Memorandu

March 15, 2016

- TO: Mayor Teresa Jacobs and the Board of County Commissioners
- FROM: J-Johnny Richardson, Manager, Procurement Division
- CONTACT: Blain Mustain, Senior Monitoring & Evaluation Coordinator Health Services Department 407-836-8994
- SUBJECT: Selection of Consultant for Request for Proposals Y15-143-ZM Centralized Community Resource/Case Management Software Application

## RECOMMENDATION:

Selection of one firm to provide Centralized Community Resource/Case Management Software Application, Request for Proposals Y15-143-ZM, from the following firms listed alphabetically:

Cocentrix, Inc. Social Solutions Spirit, Inc.

Request authority for the Procurement Division to negotiate and execute a 5-year contract within a budget of \$398,925.

This item was evaluated by the Procurement Committee on January 27, 2016. Commissioner Ted Edwards was assigned to the Procurement Committee.

# PURPOSE:

This centralized community resource/case management software application is tailored towards youth and families in Orange County. The system will be able to provide realtime detailed information about appropriate and available community resources in order to connect youth and families to community service providers. Participating service providers will have the ability to enter client information into the database and establish an individualized care plan based on client needs. The system will track client demographics, insurance information, and client scheduling.

# FUNDING:

Funding is available in account 0001-060-2504-3192.

Page 2

Selection of Consultant for Request for Proposal Y15-143-ZM Centralized Community Resource/Case Management Software Application

#### **REMARKS**:

This software system is a new implementation, the intent is to utilize a centralized Community Resource/Case Management Database software to increase the connectivity between community providers and youth and families in need, increasing the effectiveness and proper use of community resources.

A three-phase evaluation process was conducted. Proposers had to successfully complete Phase 1 and 2. Phase 1 of this RFP evaluated written proposals for qualification, technical compliance and methodology with Cocentrix, Inc., Netsmart Techniologies, Inc., Social Solutions, Spirit, Inc., and Zeomega, Inc. achieved the minimum score of 105 to advance to Phase 2. Phase 2 evaluated the firm's on-site presentations and technical demonstrations and Cocentrix, Inc., Social Solutions, Spirit, Inc., and Zeomega, Inc. advanced to Phase 3. Phase 3 culminated with an evaluation of the fee proposal and MWBE criteria with Spirit, Inc receiving the higest score followed by Social Solutions and Concentrix. The proposal from Zeomega, Inc was deemed non-responsive because the proposer submitted additional terms and exceptions to their fees. The Procurement Committee evaluated the proposals against the stated criteria. Attached are the consensus scores.

351-A

#### PHASE 3 EVALUATION SCORESHEET

# RFP#: #Y15-143-ZM

#### Centralized Community Resource/Case Management Software Application

			PHASE 3									
· · · · · · · · · · · · · · · · · · ·	PHA WRI		PHAS PRESEN		Fee Proposal	Loca	ition	M/WBE U	Jtilization	Welfare Hires	Disabled Vet. Hires	TOTAL
WEIGHT:	3	5	30		20	{	5	1	10	5	15	
FIRM:	RAW SCORE	WEIGHTED SCORE	RAW SCORE	WEIGHTED SCORE	WEIGHTED SCORE	RAW SCORE	WEIGHTED SCORE	RAW SCORE	WEIGHTED SCORE	BONUS POINTS	BONUS POINTS	
COCENTRIX, INC.	3.48	121.7	4.39	131.7	52.0	0.0	0.0	3.0	30.0	0.0	0.0	335.4
NETSMART TECHNOLOGIES, INC.	3.61	126.2	4.25	127.5			DECLINE	DINVITA	TION TO	PHASE 3	6	
SOCIAL SOLUTIONS	3.62	126.8	3.89	116.7	100.0	3.0	15.0	2.0	20.0	0.0	0.0	378.5
SPERIDIAN TECHNOLOGIES	2.07	72.5			DID NOT ADVANCE TO PHASE 2							
SPIRIT, INC.	4.21	147.2	5.00	150.0	95.0	5.0	25.0	3.0	30.0	0.0	0.0	447.2
ZEOMEGA, INC.	3.35	117.4	4.53	135.8	NON-RESPONSIVE IN PHASE 3							

\* Only Proposers whose Phase 1 responses scored 105 or above advanced to Phase 2.
 \*\* Only Proposers whose Phase 1 responses and Phase 2 Presentations cumulatively scored 195 or above advanced to Phase 3.

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**Interoffice Memorandum** 

December 18, 2015

To:	Zulay Millan,	Senior	Purchasing	Agent
	Procurement	Divisio	n	

FROM: Kesi Warren, Senior Contract Administrator Business Development Division

# SUBJ: RFP #Y15-143-ZM, Centralized Community Resource/Case Management Software Application

Below are the respondents to the subject RFP with their firm's certified sub-consultants and M/WBE participation score on a 1 - 5 rating:

1.	Spirit, Inc.		3 Points
*	None	0%	
	Total MWBE Participation:	0%	
	EEO Staff	75%	
Bonus Points			
*	Service-Disabled Veterans (SDV)	0	
*	Welfare Recipients:	0	

\*The Schedule of Sub-Contracting –MWBE & SDV Participation and Welfare Recipient forms were not submitted with this proposal.

2.	Social Solutions		2 Points
*AFAM	AceApplications, LLC	0%	
	Total MWBE Participation:	0%	
*	EEO Staff	0%	
Bonus Points			
*	Service-Disabled Veterans	0	
*	Welfare Recipients:	.0	

\*The Employment Data, Schedule of Minorities and Women and the Schedule of Sub-Contracting – MWBE & SDV Participation and Welfare

Recipient forms were not submitted with this proposal. There was not a percentage of contract amount to be subcontracted to the Minority sub listed in the proposal. Therefore, the evaluator could not assess points for that criteria.

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3.	CoCentrix, Inc.		3 Points
*	None	0%	
	Total MWBE Participation:	0%	
	EEO Staff	52%	
Bonus Points			
*	Service-Disabled Veterans	0	
*	Welfare Recipients:	0	

\*The Schedule of Sub-Contracting –MWBE & SDV Participation and Welfare Recipient forms were not submitted with this proposal.

#### III. DISCUSSION AGENDA COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT 1



# Interoffice Memorandum

# AGENDA ITEM

February 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: Alberto A. Vargas, MArch., Manager Planning Division 407 836-5354

SUBJECT: March 15, 2016 – Discussion Item Public Speaker Automation System

The Planning Division has been working closely with Information Systems and Services to develop a public speaker automation system to facilitate public participation during the Board's scheduled public comment period and public hearings. The sign in system will allow speakers to sign up for public comment or hearings from the kiosks located in the lobby, as well as remotely through the internet or a smart phone. Participants will also be able to assign their time to another speaker while signing in, making it easier to track during the hearings.

During the March 15, 2016 discussion, staff will provide an overview of the proposed public speaker automation system, including a timeline for implementation.

This presentation is for informational purposes only.

JVW/AV

#### IV. WORK SESSION AGENDA COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT 1

ORANGE COUNTY GOVERNMENT F L O R I D A

# Interoffice Memorandum

# AGENDA ITEM

February 22, 2016

TO:

Mayor Teresa Jacobs — AND — Board of County Commissioners Jon V. Weiss, P.E., Director

FROM:

# Jon V. Weiss, P.E., Director V. Community, Environmental and Development Services Department

#### CONTACT PERSON: Alberto A. Vargas, MArch., Manager Planning Division 407 836-5354

SUBJECT: March 15, 2016 – Work Session Item Sustainable Land Development Code Update

The Planning Division has begun the work to update the County's land development code. The focus of the update is to create a graphical, calibrated, and sustainable code that will produce more predictable development patterns than can be achieved through the County's current regulatory mechanisms. The new code will emphasize an integrated built form that addresses the relationship between buildings and the public realm, removing barriers, creating incentives, and providing mechanisms for countywide sustainable development and smart growth.

The preliminary work began late last year and we expect an assessment regarding the use of Market Areas as an organizing strategy later this month. We will launch the project with an all-staff kick-off in early April.

During the March 15, 2016 work session, staff will provide an overview of the project timeline and expected deliverables during the first year.

The presentation is for informational purposes only.

JVW/AV:rep



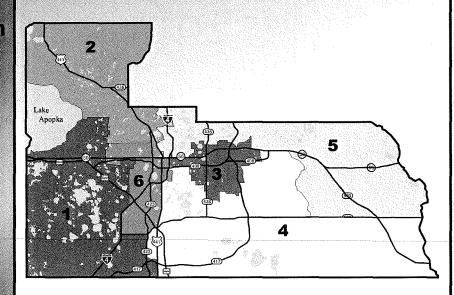
Orange County Community, Environmental & Development Services Department, Planning Division



Coordination Community Planning & Placemaking



Orange County, Florida Planning and Zoning Commission/ Local Planning Agency



# Recommendations

**FEBRUARY 18, 2016** 

Prepared by Orange County Community, Environmental & Development Services Department, Planning Division, Development Review Section

# Planning and Zoning Commission/ Local Planning Agency (PZC / LPA)

James DunnDistrict #1Marvin BarrettDistrict #2Tina DemosteneDistrict #3Pat DiVecchioDistrict #4Rick V. BaldocchiDistrict #5JaJa J. Wade Vice - ChairpersonDistrict #6Paul WeanAt LargeYogesh MelwaniAt LargeJose Cantero ChairpersonAt Large	Marvin BarrettDistrict #2Tina DemosteneDistrict #3Pat DiVecchioDistrict #4Rick V. BaldocchiDistrict #5JaJa J. Wade Vice - ChairpersonDistrict #6Paul WeanAt LargeYogesh MelwaniAt LargeJose CanteroAt Large		
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# CONVENTIONAL REZONING PUBLIC HEARINGS

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RZ-16-02-005 District 2	12
RZ-16-02-006 District 4	23

PZC Staff Report Book

## **TABLE OF HEARINGS**

#### **Planning and Zoning Commission**

February 18, 2016

Case # <u>Applicant</u>	<u>Request</u>	Commission <u>District</u>	Recomme <u>Staff</u>	endations <u>PZC</u>	BCC Hearing <u>Required</u>
I. CONVENTION	IAL REZONING	PUBLIC HEARI	NGS		
RZ-16-02-004 Randall D. Kirkwood	A-2 <b>to</b> C-1	3	Approval with two (2) restrictions	Approval with two (2) restrictions	No
RZ-16-02-005 Tony A. Ray	R-CE-2 <b>to</b> A-1	2	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-16-02-006 Manuel Barrio	A-2 <b>to</b> l-4	4	Approval with two (2) restrictions	Approval with two (2) restrictions	No

## SITE and BUILDING REQUIREMENTS

#### Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) +++	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building beight (ft.)	Lake setback (ft.)
A-1	21,780 (½ acre)	850	100	<b>35</b>	50	10	height (ft.) 35	1993 (1993) * *
A-2	21,780 (½ acre)	850	100	35	50	10	35	*
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	*
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	*
R-CE-2	2 acres	1,200	250	• <b>45</b>	50	30	35	*
R-CE-5	5 acres	1,200	185	50	50	45	35	*
R-1AAAA	21,780 (½ acre)	1,500	110	30	35	10	35	•
R-1AAA	14,520 (1/3 acre)	1,500	95	30	- 35	10	35	na a an an an an an a <b>∦</b> a
R-1AA	10,000	1,200	85	25‡	30‡	7.5	35	*
R-1A	7,500	1,200	- 75	20‡	25‡	7.5	35	*
R-1	5,000	1,000	50	20‡	20‡	5‡	35	*
R-2	One-family dwelling, 4,500	1,000	45****	20‡	20‡	5‡	35	*
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90*****	20‡	20‡	5‡	35	*
	Three DUs, 11,250	500 per DU	85†	20‡	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20‡	30	10****	35**, ***	*
R-3	One-family dwelling, 4,500	1,000	45****	20‡	20‡	5	35	***
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90*****	20‡	20‡	5‡	35	*
	Three dwelling units, 11,250	500 per DU	85†	20‡	30	10	35**, ***	*
	Four or more DUs, 15,000	500 per DU	85†	20‡	30	10****	35**, ***	
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35***	*
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	N/A	*
R-T-1								
SFR	4,500*****	45****	1,000	25/20 ++	25/20 ++	5	35	*
Mobile home	4,500*****	45****	Min. mobile home size 8 ft. x 35 ft.	25/20 ††	25/20 ++	5	35	*
R-T-2 (prior to 1/29/73)	6,000	60	SFR 500 Min. mobile home size 8 ft. x 35 ft.	25	25	6	N/A	*
(after 1/29/73)	21,780 ½ acre	100	SFR 600 Min. mobile home size 8 ft. x 35 ft.	35	50	10	N/A	*

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District	Min. lot area (sq. ft.) †††	Min. living area (sq. ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
	One-family dwelling, 4,500	1,000	45****	<sup>1</sup> 20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80/90*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories ††	*
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet ++	*
	One-family dwelling, 4,500	1,000	45****	20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail ††	*
	Townhouse, 1,800	750 per DU	· 20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ††	*
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet ††	*
	One-family dwelling, 4,500	1,000	45****	20	20	5	35/3 stories ††	*
	Two DUs, 8,000	500 per DU	80*****	20	20	5	35/3 stories ††	*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories ††	*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail ††	*
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories ++	*
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35** ***	*
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets#; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	*

District	Min. lot area Min. (sq. ft.) ††† (sq.	. living area ft.)	Min. lot width (ft.)	*Min. front yard (ft.)	*Min. rear yard (ft.)	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000 500	te endurinară în înder în	100 on major streets (see Art. XV); 80 for all other streets ##	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	
C-3	12,000 500		125 on major streets (see Art. XV); 100 for all other streets ###	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	*
District								
I-1A	35	25	25		50, or 35 within 100 ft. of all residential districts; 100, when 500 ft. or more from residential districts			
-1 /  -5	35	25	25		, or 35 within 100 ft. 0, when 500 ft. or me			
1-2 / 1-3	25	10	15		, or 35 within 100 ft. 0, when 500 ft. or me		•	
1-4	35	10	25		, or 35 within 100 ft. 0, when 500 ft. or m		•	
NOTE:	These requirements per If septic tanks and/or w							
FOOTNOT								
FOOTNOTI *		mum of 50 fee ch water body the minimun ision of such I structure or	et from the normal h y, for any building or n setbacks from the r water body, for an a accessory structure,	other principal structu normal high water elev ccessory building, a sw a parking lot, or any o	re. Subject to the lak ration contour on any imming pool, swimm ther accessory use, s	eshore protection adjacent natural ing pool deck, a co hall be the same d	ordinance and surface water b overed patio, a v	the ody, and any wood deck
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* ***	ES Setbacks shall be a minin artificial extension of suc conservation ordinance, natural or artificial exter attached to the principa are used per the respect Buildings in excess of 35 Buildings in excess of 1 s exception.	mum of 50 fee ch water body the minimun ision of such I structure or cive zoning dis feet in heigh story in heigh where adjacen in 4/27/93 and	et from the normal h y, for any building or n setbacks from the n water body, for an a accessory structure, strict requirements a t may be permitted a t within 100 feet of t t to single-family dis 1 3/3/97 that are less	other principal structu normal high water elev ccessory building, a sw a parking lot, or any o s measured from the r as a special exception. he property line of any trict.	are. Subject to the lak ration contour on any imming pool, swimm ther accessory use, s normal high water ele a single-family resider contain less than 4,50	xeshore protection y adjacent natural hing pool deck, a co hall be the same d evation contour. Intial district may b	ordinance and surface water b overed patio, a v istance as the s e permitted as a a, or contain les	the ody, and any wood deck etbacks which a special s than 1,000
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<b>†</b> †	Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum
	impervious surface ratio of 80%.
<b>†††</b>	Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

#### Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

#### (a) Buffer classifications:

- (1) Type A, opaque buffer: This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) Type B, opaque buffer: This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) Type C, opaque buffer. This buffer classification shall be used to separate neighborhood retail commercial (C-1), industrial-restricted (I-1A) and multi-family uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) Type D, opaque buffer: This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) **Type E, mobile home and RV park buffer:** This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) Type F, residential subdivision buffer: See subdivision regulations (Chapter 34, Orange County Code).

# These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

## CASE # RZ-16-02-004

Commission District: #3

#### **GENERAL INFORMATION**

APPLICANT	Randall D. Kirkwood, Kirkwood Design
OWNERS	Elizabeth A. and Edward W. Carpenter
HEARING TYPE	Planning and Zoning Commission
REQUEST	<ul><li>A-2 (Farmland Rural District) to</li><li>C-1 (Retail Commercial District)</li></ul>
LOCATION	4512 Old Goldenrod Road; or generally located between S. Goldenrod Road and Old Goldenrod Road, approximately 1,000 feet north of Hoffner Avenue.
PARCEL ID NUMBER	14-23-30-5240-19-032
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two-hundred nineteen (219) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	1.23 gross acres
PROPOSED USE	Car Wash Facility

#### **STAFF RECOMMENDATION**

#### PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-1 uses.

#### IMPACT ANALYSIS

#### Land Use Compatibility

The C-1 (Retail Commercial District) zoning would allow for development that is compatible with the character of the surrounding neighborhood and would not adversely impact adjacent properties.

#### Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The C-1 (Retail Commercial District) zoning is consistent with the C FLUM designation and the following applicable CP provisions:

**FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive policy plan.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

#### SPECIAL INFORMATION

#### Subject Property Analysis

The subject 1.23-acre parcel is generally located between S. Goldenrod Road and Old Goldenrod Road, approximately 1,000 feet north of Hoffner Avenue and is currently undeveloped. Through this request, the applicant is seeking to rezone the parcel from A-2 (Farmland Rural District) to C-1 (Retail Commercial District) with the intent to develop the parcel with a car wash facility.

Areas located south/southwest of the subject property are within both unincorporated Orange County and the City of Orlando, and are predominately developed with various levels of commercial activity. However, areas located to the north and east of Old Goldenrod Road are residential in nature. Staff finds that the requested C-1 zoning would provide for an appropriate transition in land use between the more intense C-2 zoning to the south and the residential zoning districts to the north and east of the subject parcel.

#### **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested C-1 zoning is consistent with the underlying Commercial (C) Future Land Use Map (FLUM) designation.

#### State of Florida Notice

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.

#### **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; however, City of Orlando Planning Division staff was notified of the request, and provided no comments or concerns about the request.

#### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

#### Airport Noise Zone

The subject property is located within Airport Noise Zone "D". However, commercial uses are not subject to the aircraft noise / land use regulations described in Orange County Code Section 9-604.

#### Environmental

Prior to demolition or construction activities associated with existing structures, provide the Orange County Environmental Protection Division (EPD) with a Notice of Asbestos Renovation or Demolition form.

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection (FDEP) by the developer.

The site discharges into the Little Econlockhatchee River, a water body that has been designated as impaired by the FDEP. Discharged stormwater runoff shall not degrade receiving surface water bodies below the minimum conditions established by state water quality standards (F.A.C. 17-302 and 17-40.420) per Orange County Code Section 30-520(5)e.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division, about the septic system permit application, modification or abandonment.

#### Transportation / Access

Based on the Concurrency Management System database dated January 15, 2016, capacity is available to be encumbered for this project. This information is dated and is subject to change. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal.

#### Code Enforcement

There are no active Code Enforcement violations on the subject property.

#### Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> Orange County Utilities	A 16-inch main is located in the S. Goldenrod Road right-of-way adjacent to this site.
Wastewater:	Orange County Utilities	An 8-inch main is located in the S. Goldenrod Road right-of-way adjacent to this site.
Reclaim Water:	Orange County Utilities	There are no reclaimed water mains in the vicinity of the site.

#### 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 did not comment on this case as it does not involve an increase in residential units or density.

#### Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

#### ACTION REQUESTED

PZC Recommendation – (February 18, 2016)

# Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-1 uses.

#### PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

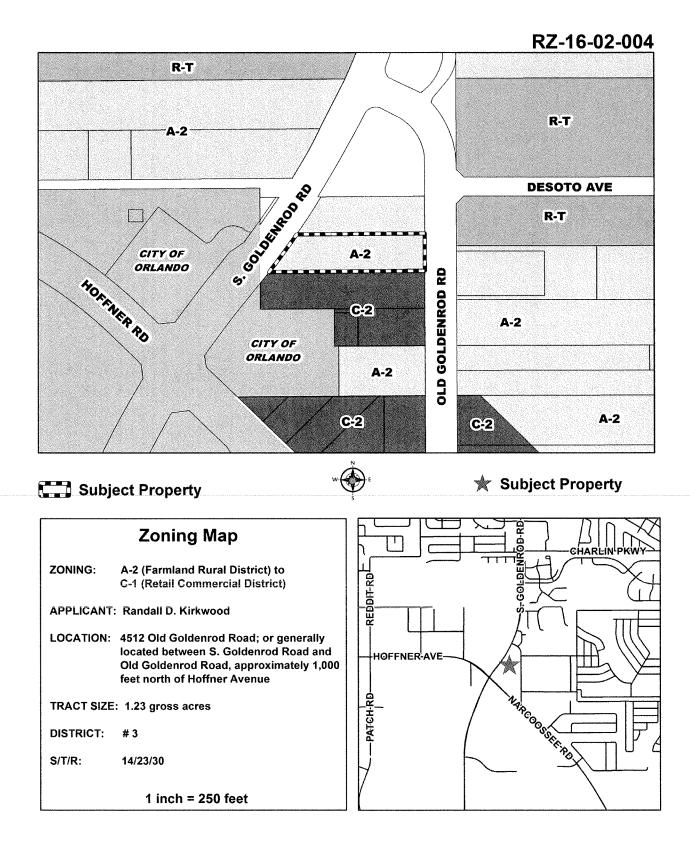
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested C-1 (Retail Commercial District) zoning, subject to two (2) restrictions.

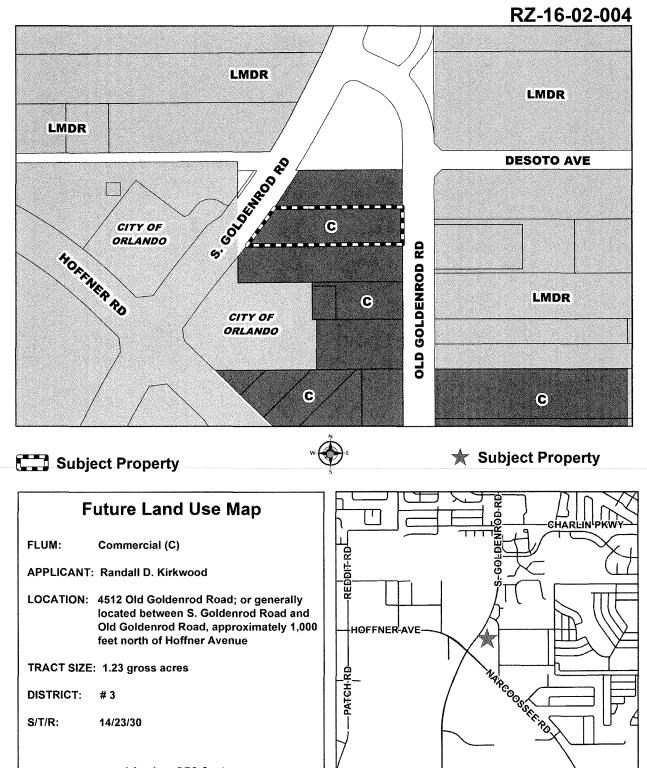
Staff indicated that two-hundred nineteen (219) notices were mailed to surrounding property owners within a buffer extending beyond 1,000 feet from the subject property, with two (2) responses in favor and one (1) in opposition to the request received. The applicant was present and agreed with the staff report, but no members of the public were present.

After limited discussion by the PZC, the public hearing was closed. Commissioner Demostene asked if there were any structures on the property, to which staff responded including only a residence that would be demolished. Commissioner Wean expressed that in his opinion a car wash facility would not be an appropriate transitional use from adjacent C-2 properties to the south and the nearby residential areas. Staff explained that while the applicant indicated their desired to construct a car wash facility, the request would allow for other C-1 uses. Furthermore, staff explained that this property was not directly adjacent to any residentially zoned properties, and reminded Commissioner Wean that the requested C-1 zoning district was the least intensive commercial district.

Commissioner Demostene made a motion to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the C-1 (Retail Commercial District) zoning, subject to the two (2) restrictions listed in the staff report. Commissioner DiVecchio seconded the motion, which was then carried unanimously.

Motion / Second	Tina Demostene, Pat DiVecchio	
Voting in Favor	Tina Demostene, Pat DiVecchio, Marvin Barrett, Jimmy Dunn, Paul Wean, Jose Cantero, Yogesh Melwani, and JaJa Wade	
Absent	Rick Baldocchi	

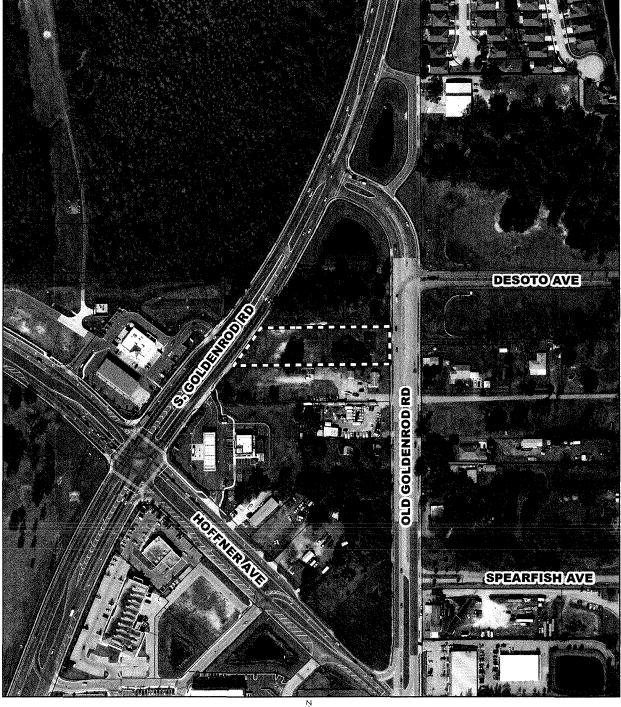




1 inch = 250 feet

February 18, 2016

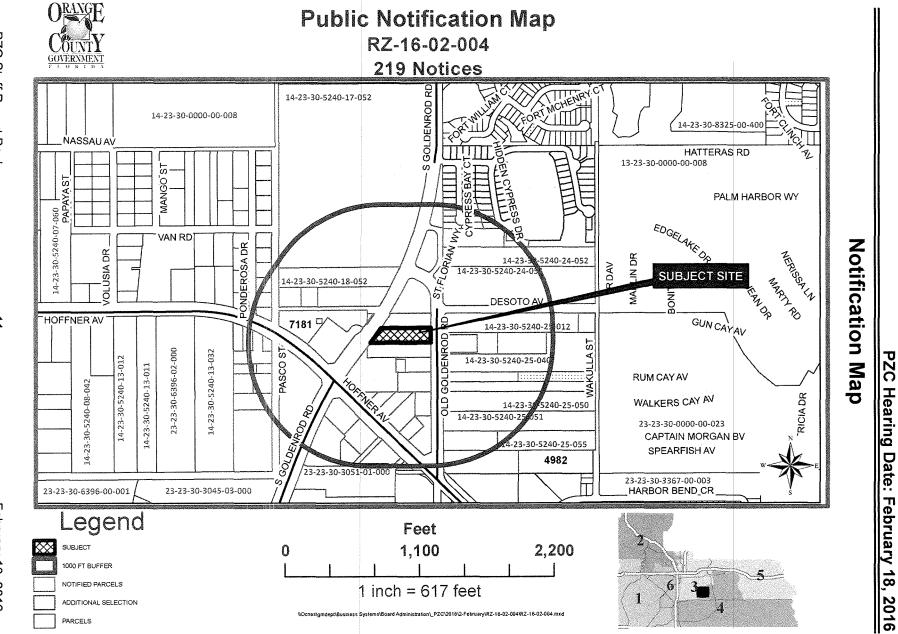
RZ-16-02-004



Subject Property



1 inch = 250 feet



**Orange County Planning Division** 

**Rezoning Staff Report** 

PZC Staff Report Book

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February 18, 2016

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## CASE # RZ-16-02-005

Commission District: #2

#### **GENERAL INFORMATION**

APPLICANT	Tony A. Ray
OWNERS	Tony A. and Mary I. Ray
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-CE-2 (Rural Residential District) <i>to</i> A-1 (Citrus Rural District)
LOCATION	3503 and 3703 N. Orange Blossom Trail; or generally located on the east side of Orange Blossom Trail, south of Holly Street, and west of Laughlin Road.
PARCEL ID NUMBER	15-20-27-9504-00-170 and 21-20-27-0000-00-012
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 900 feet [Chapter $30-40(c)(3a)$ of the Orange County Code requires 300 feet]. Two hundred seventy-four (274) notices were mailed to those property owners in the mailing area. A
	community meeting was not required for this application.
TRACT SIZE	community meeting was not required for this application. 61.67 gross acres

#### **STAFF RECOMMENDATION**

#### PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested A-1 (Citrus Rural District) zoning, subject to the following restriction:

1) Primary site access for non-residential uses shall be limited via N. Orange Blossom Trail only, with emergency access only provided via Laughlin Road and Holly Street.

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#### IMPACT ANALYSIS

#### Land Use Compatibility

The A-1 (Citrus Rural District) zoning would allow for uses or development that is compatible with the rural character of the surrounding area and would not adversely impact adjacent properties.

#### Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Rural / Agricultural (R). The A-1 (Citrus Rural District) zoning is consistent with the Rural / Agricultural FLUM designation and the following applicable CP provisions:

**FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**FLU6.1.6** Orange County shall promote agribusiness to accommodate uses such as vegetable and fruit packaging, ornamental horticulture operations, fish culture, and other new and innovative agribusiness and support functions.

**FLU6.1.11** Orange County shall continue to promote the long-term viability of agricultural uses, and agribusiness itself, as an economic asset.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning. Density shall be calculated by the total number of units divided by developable land. (Natural lakes and designated Conservation Areas are excluded from the gross land area.)

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

#### SPECIAL INFORMATION

#### **Subject Property Analysis**

The subject 61.67-acre property is generally located on the east side of Orange Blossom Trail, south of Holly Street, and west of Laughlin Road, and is currently undeveloped. Through this request, the applicant is seeking to rezone the parcel from R-CE-2 (Rural Residential District) to A-1 (Citrus Rural District) in order to allow for agricultural uses, including but not limited to cattle grazing and plant nurseries.

The surrounding area is characterized as primarily rural in nature with large single family residential parcels, nurseries, grazing land, and other agricultural uses. However, in both directions along N. Orange Blossom Trail, there are scattered commercial and industrial activities, with smaller residential properties located elsewhere within the Otter Lake, Zellwood and Tangerine Rural Settlements.

#### **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Rural / Agricultural (R) Future Land Use Map (FLUM) designation.

#### State of Florida Notice

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.

#### **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.

#### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

#### Airport Noise Zone

The subject property is not located in an Airport Noise Zone.

#### Environmental

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special

PZC Staff Report Book

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concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

This site is located within the geographical limits of the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations may apply.

#### **Transportation / Access**

Based on the Concurrency Management System database dated January 15, 2016, there is one (1) failing roadway segment within the project impact area. Orange Blossom Trail between Sadler Road and the Orange / Lake County Line is currently operating at level of service "F". If and when development is proposed, the applicant may be required to submit a traffic study prior to obtaining a Capacity Encumbrance Letter (CEL). This information is dated and subject to change. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a CEL prior to construction plan submittal.

#### Code Enforcement

There are no active Code Enforcement violations on the subject property.

#### Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> City of Apopka
Wastewater:	City of Apopka
Reclaim Water:	City of Apopka

#### 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 did not comment on this case as it does not involve an increase in residential units or density.

#### Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

#### ACTION REQUESTED

PZC Recommendation - (February 18, 2016)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested A-1 (Citrus Rural District) zoning, subject to the following restriction:

1) Primary site access for non-residential uses shall be limited via N. Orange Blossom Trail only, with emergency access only provided via Laughlin Road and Holly Street.

#### PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested A-1 (Citrus Rural District) zoning, subject to one (1) restriction.

Staff indicated that two hundred seventy-four (274) notices were mailed to surrounding property owners within a buffer extending beyond 900 feet from the subject property, with three (3) responses in favor and twelve (12) responses in opposition to the request received. Commentaries in opposition indicated a potential decrease in property values; an increase in air, noise, light, and groundwater pollution; a preference for residential development; and overall deterioration of the area. The applicant was present and agreed with the staff report. One member of the public spoke in favor of the request, indicating he would rather see agricultural uses on the property, which would be consistent with the rural character of the community.

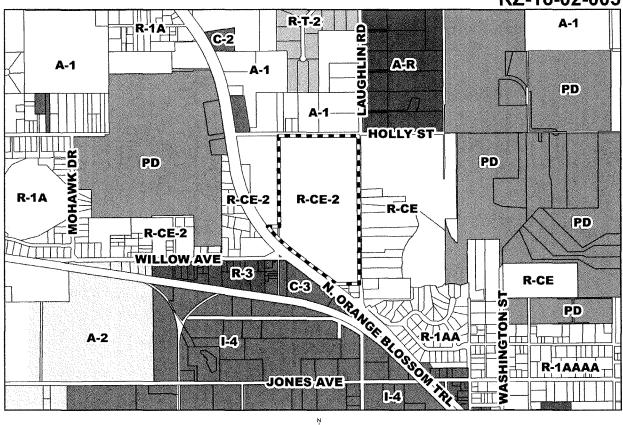
Commissioner Wean asked is the proposed zoning district would result in greater traffic impacts. Staff explained that traffic generation would vary depending on the specific type of agricultural use, but that agricultural activities generally resulted in less traffic than residential districts. Commissioner Demostene inquired about the specific type of agricultural uses sought by the applicant, and others allowed within the A-1 zoning district. She further expressed concern with certain agricultural uses that could be deemed to be more intense than residential uses. In response to Commissioner Demostene, the applicant expressed that no specific use was being sought at this time, but that cattle grazing and plant nurseries had been considered. Staff also explained that many of the more intense agricultural uses were dependent upon approval of Special Exception permits, which require Board of Zoning Adjustment (BZA) public hearings.

Following limited discussion, Commissioner Barrett indicated that he had spoken with the applicant and members of the community regarding the proposed rezoning, and was comfortable with the allowable agricultural uses.

Commissioner Barrett made a motion to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the A-1 (Citrus Rural District) zoning, subject to the one (1) restriction listed in the staff report. Commissioner Wean seconded the motion, which was then carried unanimously.

Voting in Favor Marvin Barrett, Paul Wean, Tina Demostene, Pat DiVecchio, Jimmy Dunn, Jose Cantero, Yogesh Melwani, and JaJa Wade

Absent Rick Baldocchi



RZ-16-02-005

Subject Property

★ Subject Property

### **Zoning Map**

ZONING: R-CE-2 (Rural Residential District) to A-1 (Citrus Rural District)

APPLICANT: Tony A. Ray

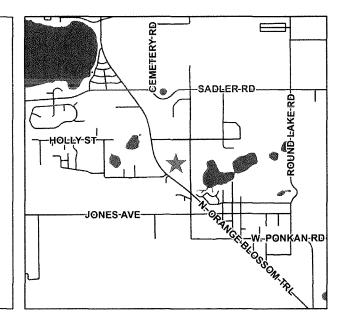
LOCATION: 3503 and 3703 N. Orange Blossom Trail; or generally located on the east side of Orange Blossom Trail, south of Holly Street, and west of Laughlin Road.

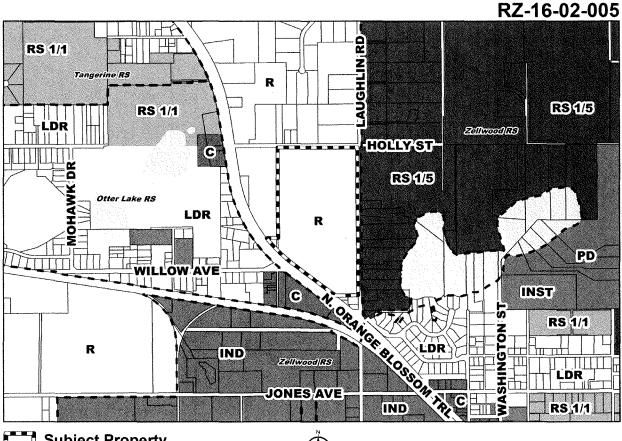
TRACT SIZE: 61.6 gross acres

DISTRICT: # 2

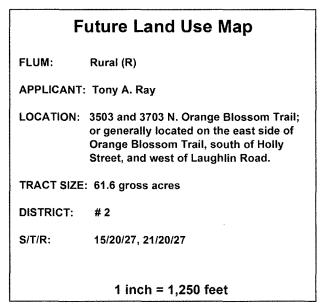
S/T/R: 15/20/27, 21/20/27

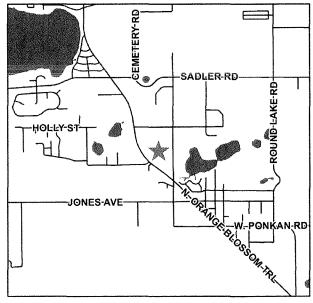
1 inch = 1,250 feet





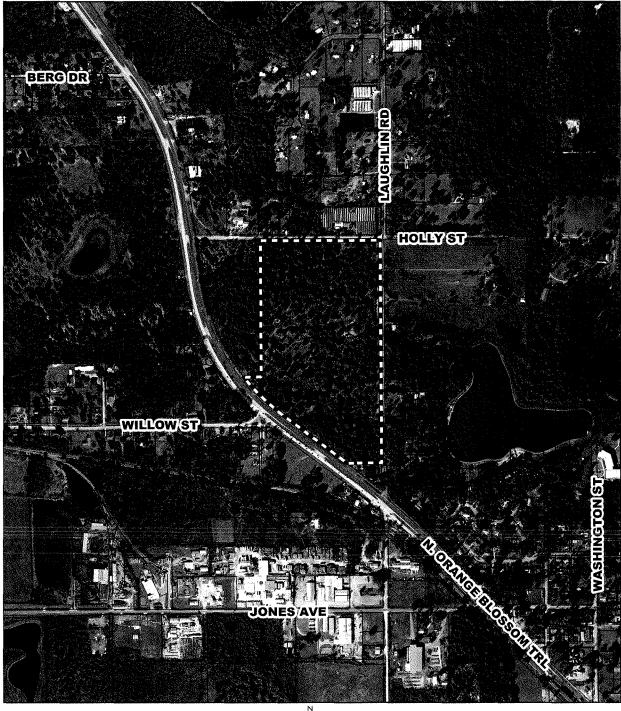
# Subject Property





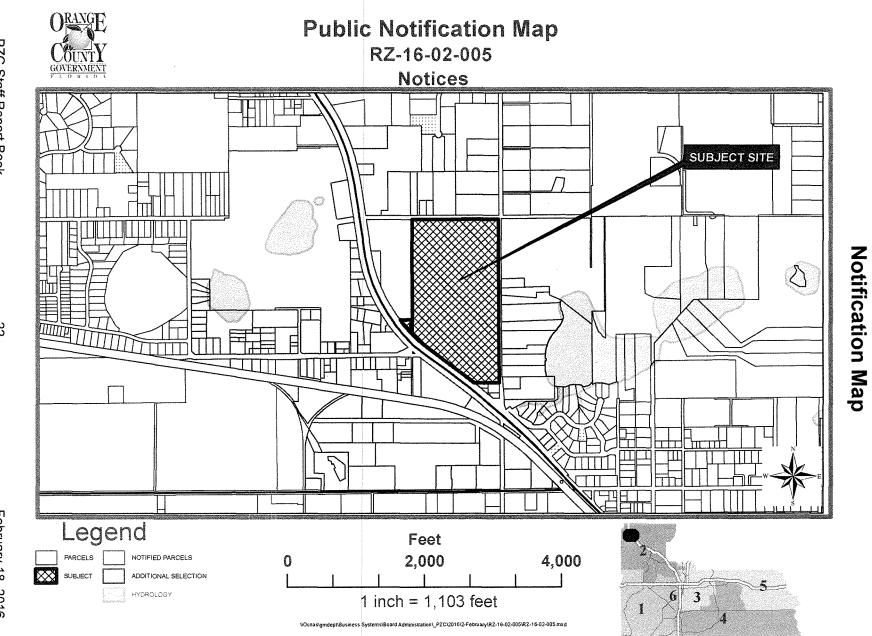
\* Subject Property

RZ-16-02-005



Subject Property





Rezoning Staff Report Orange County Planning Division PZC Hearing Date: February 18, 2016 Otification Map

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PZC Staff Report Book

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February 18, 2016

## CASE # RZ-16-02-006

Commission District: #4

#### **GENERAL INFORMATION**

APPLICANT	Manuel Barrio, Pidko, LLC
OWNERS	Christine Freeman
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) <i>to</i> I-4 (Industrial District)
LOCATION	7108 Narcoossee Road; or generally located on the west side of Narcoossee Road, approximately 600 feet south of Lee Vista Boulevard.
PARCEL ID NUMBER	25-23-30-0000-00-050
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred seventy (170) notices were mailed to those property owners in the mailing area. A community meeting was not required for this application.
TRACT SIZE	2.12 gross acres
PROPOSED USE	Retail and Industrial Flex-Space

#### **STAFF RECOMMENDATION**

#### PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-4 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate I-4 uses.

#### **IMPACT ANALYSIS**

#### Land Use Compatibility

The I-4 (Industrial District) zoning would allow for development that is compatible with the character of this segment of the Narcoossee Road corridor and would not adversely impact adjacent properties.

#### Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Industrial (I). The I-4 (Industrial District) zoning is consistent with the Industrial FLUM designation and the following applicable CP provisions:

**FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

**FLU1.4.16** states the Future Land Use Map shall reflect appropriate locations for industrial use. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand and corresponding needs for job creation and economic development.

**FLU1.4.18** states that the Future Land Use Map shall reflect a distribution of industrial areas throughout the Urban Service Area to reduce the journey to work, create more of a jobs/housing balance, avoid large concentrations of industrial traffic, provide adequate and sufficient locations for industrial uses, and provide a variety of locations with different transportation accessibility opportunities.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of

considerations to occur.

#### SITE DATA

Existing Use	Undeveloped	
Adjacent Zoning	N:	I-C/AN (Industrial Commercial / Airport Noise Overlay) (City of Orlando)
	E:	PD/AN (Planned Development / Aircraft Noise Overlay) (City of Orlando)
	W:	I-P/AN (Industrial Park / Aircraft Noise Overlay) (City of Orlando)
	S:	I-C/AN (Industrial Commercial / Airport Noise Overlay) (City of Orlando)
Adjacent Land Uses	N:	Warehousing
	E:	Convenience Store, Grocery Store
	W:	Undeveloped Industrial
	S:	Warehousing

#### I-4 (HEAVY INDUSTRIAL DISTRICT) DEVELOPMENT STANDARDS

#### I-4 District Summary\*

Floor Area Ratio:	≤ 0.50
Max. Height:	50 ft. (35 ft. within 100 ft. of a residential zoning district))
	100 ft. (when 500 ft. or more from a residential zoning district)
Building Setbacks:	
Front:	35 ft.
Rear:	10 ft.
Side:	25 ft.
* These regulations may not re	flect the actual requirements for all situations: see the Orange County Zoning Code for

\* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

#### **Permitted Uses**

The intent and purpose of the I-4 zoning district are as follows:

- 1. To provide for industrial operations of all types, which may produce such byproducts as odor, smoke, dust, and noise;
- 2. To provide space for industries which employ the processing of bulk materials and which require space for open storage of materials;

- 3. To establish and maintain standards which will permit a wide variety of processing activities; and
- 4. To establish and maintain standards which will protect adjacent residential and commercial developments

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and include, but are not limited to, truck terminal facilities, automobile dealers and repair facilities, metal fabrication, wholesale food production, cardboard and paper manufacturing, trade shops, storage yards, commercial plant nurseries, on-site fuel storage, community centers, private educational facilities, and miscellaneous repair services.

#### **SPECIAL INFORMATION**

#### **Subject Property Analysis**

The subject 2.12-acre parcel is generally located on the west side of Narcoossee Road, approximately 600 feet south of Lee Vista Boulevard, and are currently undeveloped. Through this request, the applicant is seeking to rezone the parcel from A-2 (Farmland Rural District) to I-4 (Industrial District) with the intent to develop retail and industrial flex space. This portion of Narcoossee Road is primarily developed with various industrial and commercial uses, with residential development located north of Lee Vista Boulevard.

#### **Comprehensive Plan (CP) Amendment**

A CP amendment is not required for this application, as the requested zoning is consistent with the underlying Industrial (I) Future Land Use Map (FLUM) designation.

#### **State of Florida Notice**

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.

#### **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; however, City of Orlando Planning Division staff has been notified of the request. The City commented that any connection to the City sewer system would require annexation. Additionally, the City requested that all signage, landscaping, and building design reflect the requirements of the Vista Palms PD, which is located across Narcoossee Road from the subject property.

#### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

#### Airport Noise Zone

The subject property is located within Airport Noise Zone "D". However, industrial uses are not subject to the aircraft noise / land use regulations described in Orange County Code Section 9-604.

#### Environmental

The Orange County Environmental Protection Division (EPD) reviewed this request, but did not raise any issues or concerns.

#### **Transportation / Access**

Based on the concurrency management system database dated 01-19-2016, capacity is available to be encumbered for this project. This information is dated and is subject to change. A traffic study will be required prior to obtaining an approved Capacity Encumbrance Letter (CEL) and building permit.

#### **Code Enforcement**

There are no active Code Enforcement violations on the subject property.

#### Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> Orange County Utilities	A 16 inch main is located in the Narcoossee Road right-of-way.
Wastewater:	City of Orlando	
Reclaim Water:	Orange County Utilities	An 8-inch main is located in the Narcoossee Road right-of-way.

#### 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 did not comment on this case as it does not involve an increase in residential units or density.

#### Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

#### ACTION REQUESTED

**PZC Recommendation** – (February 18, 2016)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-4 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate I-4 uses.

#### PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

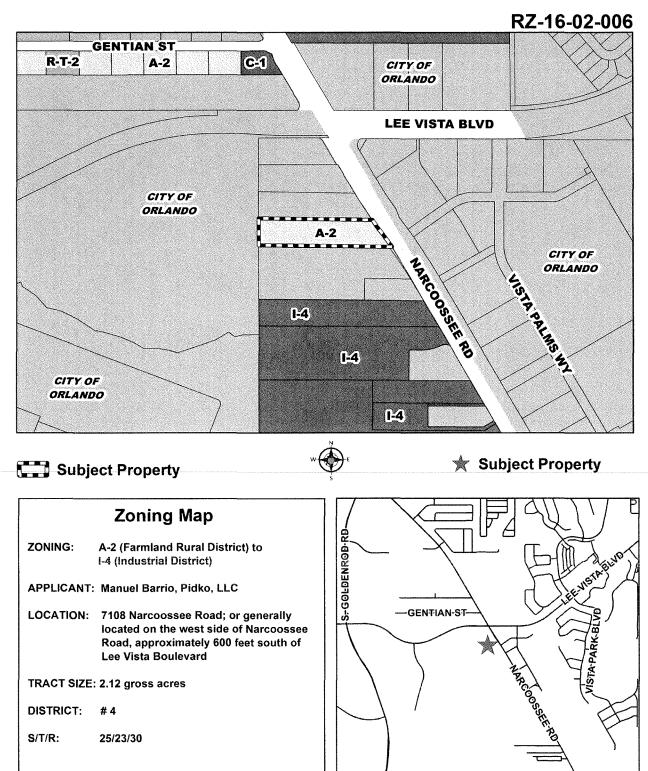
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested I-4 (Industrial District) zoning, subject to two (2) restrictions.

Staff indicated that one-hundred seventy (170) notices were mailed to surrounding property owners within a buffer extending beyond 1,500 feet from the subject property, with two (2) responses in favor and two (2) in opposition to the request received. Commentaries in opposition indicated that industrial development did not fit with the character of the Narcoossee Road corridor. The applicant was present and agreed with the staff report, but no members of the public were present to address the PZC.

In response to an inquiry from Commissioner Demostene about the current use of the property, the applicant indicated that the property owner was leasing the property for outdoor storage. Commissioner DiVecchio also asked the applicant what their intended use for the property was, to which the applicant indicated was industrial flex-space.

Commissioner DiVecchio made a motion to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the I-4 (Industrial District) zoning, subject to the two (2) restrictions listed in the staff report. Commissioner Dunn seconded the motion, which was then carried unanimously.

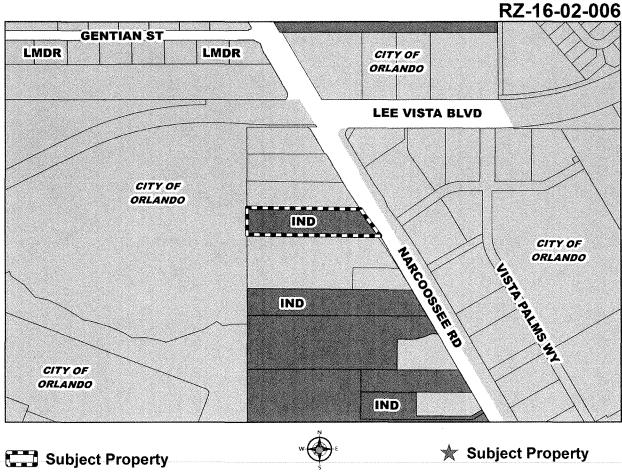
Motion / Second	Pat DiVecchio, Jimmy Dunn,
Voting in Favor	Pat DiVecchio, Jimmy Dunn, Marvin Barrett, Paul Wean, Tina Demostene, Jose Cantero, Yogesh Melwani, and JaJa Wade
Absent	Rick Baldocchi

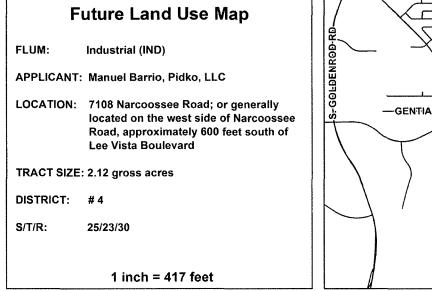


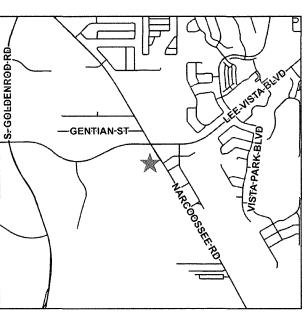
1 inch = 417 feet

PZC Staff Report Book

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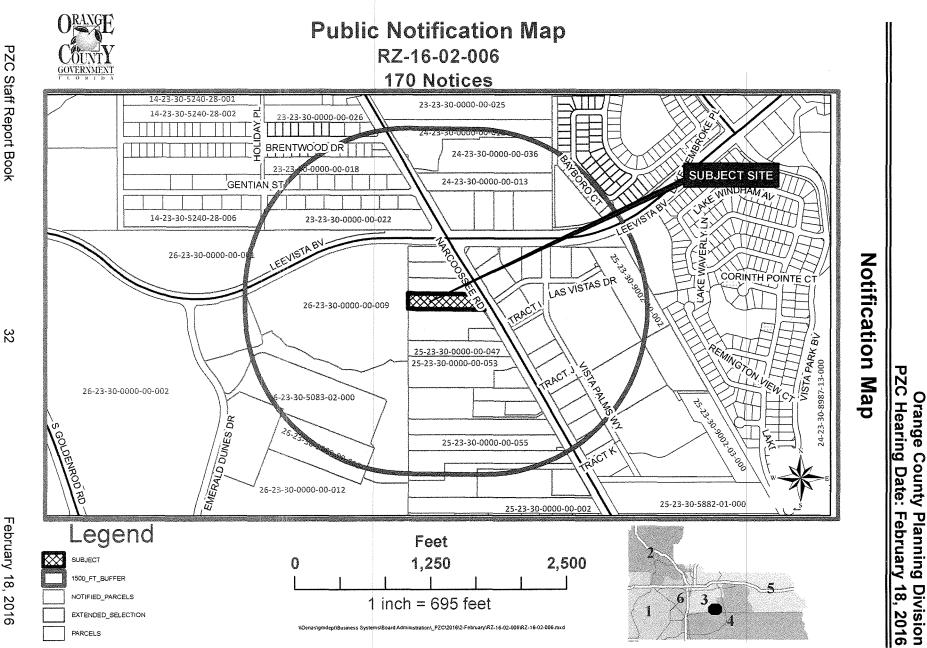


RZ-16-02-006









**Rezoning Staff Report** 

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February 18, 2016

### OFFICE OF COMPTROLLER

ORANGE

COUNTY FLORIDA

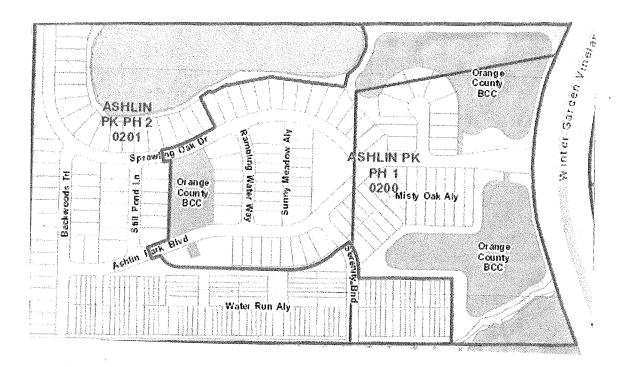


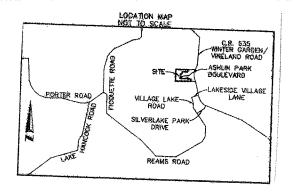
### INTEROFFICE MEMO

Martha O. Haynie, CPA County Comptroller Finance and Accounting Department Special Assessments P O Box 38 Orlando, FL 32802 Telephone: 407-836-5770 Fax: 407-836-5753

		Fax: 407-836-5753	
Date:	March 2, 2016		
То:	and Board	Teresa Jacobs of County Commissioners	
From:	Marga	m Q. MYPOP Actions for the second sec	
Contact:	Ann Tr	outman, 407-836-5770	
Subject:		Hearing to Amend a Municipal Service Benefit Unit (MSBU) for nance of Retention Pond(s) and for Streetlighting	
MSBU District	••	Ashlin Park Phase 1 and 2	
Applicant:		John Reny Ashton Woods Homes – Florida Developer	
District:		Commissioner Boyd, District 1	
Report:		The attached resolutions will establish a MSBU for maintenance of retention ponds and for streetlighting. The amendment will add the 175 lots of Ashlin Park Phase 2 to the district. This will allow all of the 259 lots to be assessed for maintenance of retention ponds and streetlighting.	
Retention Por	nd:	The estimated assessment for the establishing MSBU for maintenance of retention ponds is \$77.00 per lot, per year. Last year's assessment for retention pond maintenance was \$77.00 per lot.	
Streetlighting:		The streetlighting inventory will consist of 40 - 100 watt decorative ocala (acorn) fixtures and 40 - 16 foot single decorative victorian concrete poles. The estimated assessment for the amending MSBU for streetlighting is \$54.00 per lot, per year. Last year's assessment for streetlighting was \$133.00 per lot.	
Effective Date	e:	The establishing MSBU's would be effective November 2016.	
Action Requested:		Approval of attached resolution for maintenance of retention ponds and approval of attached resolution for streetlighting.	

## ASHLIN PARK PHASE 1 AND 2





#### RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING AND RESTATING A MUNICIPAL SERVICE BENEFIT UNIT FOR MAINTENANCE OF RETENTION PONDS IN

### Ashlin Park Phases 1 and 2 11/2016

WHEREAS, Section 125.01 (01) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated areas of Orange County; and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcement of non-ad valorem special assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, (hereinafter known as the "Board") is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, by the Resolution dated May 19, 2015, the Board established the Ashlin Park Phase 1 Municipal Service Benefit Unit (hereinafter known as the "MSBU") for maintenance of retention pond(s) (hereinafter known as the "Resolution"), said Resolutions being recorded in Official Records Book 10925, Pages 8071 through 8074, Public Records of Orange County, Florida; and

WHEREAS, the County has received a request, in writing, from John Reny (hereinafter known as the "Developer") of Ashton Woods Homes – Florida for the amendment of such Resolution to combine and include the subdivisions which are more fully described below in that portion of the unincorporated area of Orange County; and

WHEREAS, the Board has determined that the amendment of the MSBU, the purpose of which is to combine and include the subdivisions which are more fully described below to provide for maintenance of the county-dedicated retention ponds as requested by the Developer, together with the other information pertaining to the operation of the proposed MSBU submitted therewith, to be feasible, necessary to facilitate the services desired, and in the public interest, and that the properties will be benefited, now and in the future, and that the MSBU should be amended,

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of the resolution.

2. The **Ashlin Park Phase 1 11/2015 MSBU** Resolution for maintenance of retention ponds, which is recorded in Official Records Book **10925**, Pages **8071 through 8074**, Public Records of Orange County, Florida, is hereby amended as the **Ashlin Park Phases 1 and 2 11/2016** MSBU, subject to final adjustment and approval as provided in Section 197.3632, Florida Statutes. This

MSBU is to combine and include said subdivisions, the boundaries of which appear on the recorded plats of Ashlin Park Phase 1 and Ashlin Park Phase 2 subdivisions, Plat Book 83, Pages 129 through 133 for Ashlin Park Phase 1 and Plat Book 84, Pages 144 through 148 for Ashlin Park Phase 2, Section 25, Township 23, Range 27, and Lots 1 through 84 for Ashlin Park Phase 1 and Lots 85 through 259 for Ashlin Park Phase 2, Public Records of Orange County, Florida. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds as may be necessary for the payment of administrative costs and appropriate reserves for cash balance and the minimum maintenance services to be performed on the retention ponds located on Tracts SW-1, SW-2, and SW-3 located in Ashlin Park Phase 1 for Ashlin Park Phase 1 and Ashlin Park Phase 2 subdivisions, which ponds have been dedicated to Orange County on the plats thereof and constructed in accordance with standards approved by the Orange County Public Works Division. The Developer understands that this MSBU is created solely for the purpose of maintaining the retention ponds located on Tracts SW-1, SW-2 and SW-3 located in Ashlin Park Phase 1 for Ashlin Park Phase 1 and Ashlin Park Phase 2 subdivisions and that no other ponds or infrastructure improvements located within the Ashlin Park Phase 1 and Ashlin Park Phase 2 subdivisions may be maintained, constructed, reconstructed, improved, or repaired with the non-ad valorem special assessments collected from this MSBU.

3. The County shall perform or cause to be performed minimum maintenance services in the retention pond area(s), which maintenance shall be limited to mowing, weed control, mosquito control, maintenance and repair of the structural integrity of control devices, and periodic major repairs and improvements to the retention pond(s). Such maintenance shall not include curb and paved roadway maintenance and repair, signage maintenance and repair, or maintenance of or replacement of landscaping improvements. The County may subcontract with any party for the performance of the maintenance services described herein.

Upon completion of construction of the retention ponds and the placement of those ponds into 4. operation, the Board shall determine the estimated non-ad valorem special assessment amount required to pay the expense of maintaining and operating the retention ponds in the MSBU. This nonad valorem special assessment is levied for the first time as of November 1, 2016, and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the non-ad valorem special assessment by twenty percent (20%) each and every year thereafter to any affected property based on the benefit, which the Board will provide or has provided to the property with the revenues generated by the non-ad valorem special assessments. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem special assessments. One and one half dollars (\$1.50) for each lot or parcel of land shall be added by the Board to cover the costs of administering the MSBU and the total amount so determined shall be specially assessed against the real property of the freeholders in the MSBU as provided hereafter. Additional amounts will be added to provide for reimbursement of necessary administrative costs incurred by the Property Appraiser and Tax Collector for the collection of non-ad valorem special assessments subject to the provision of Section 197.3632, Florida Statutes, and for the establishment and maintenance of a reserve for cash balance for the purpose of paying expenses from October 1 of the ensuing fiscal year until the time when the revenue for that year are expected to be available and a cash reserve for periodic major repairs and improvements to the retention pond(s). Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County may spend from its general fund, such sums as may be necessary to operate, maintain, and administer the MSBU hereby amended and the County will be reimbursed to such extent at such time as such non-ad valorem special assessments have been collected. The estimated annual cost of operating, maintaining, and administering the MSBU, including the establishment and maintenance of

. ...

an appropriate reserve for cash balance, is **\$19,943.00**, and the estimated annual non-ad valorem special assessment to each freeholder is **\$77.00**. Proceeds of collection of such non-ad valorem special assessments as provided hereinafter are to be put into a special fund of the County to the credit of the MSBU, and are to be used only by the district as provided herein.

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5. Upon completion of construction of the retention ponds and the placement of those ponds into operation, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessments in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be necessary to pay the estimated expense of the maintenance of the retention ponds and the administration of the MSBU. Such sums shall be assessed against the real property of each individual freeholder on a pro rata basis, and not on an ad valorem basis, so that each freeholder shall, at all times, pay an equal amount toward such maintenance. After the adoption of the non-ad valorem special assessment roll by the Board, the Property Appraiser shall extend the non-ad valorem special assessment upon the non-ad valorem special assessment roll, which roll shall be fully completed prior to the time said Board sits as the Board of Tax Adjustment, during which time such non-ad valorem special assessment may be protested, reviewed, equalized, and adjusted to conform to the provisions of Sections 197.3632 and 197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, the Board shall certify said non-ad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the non-ad valorem special assessments shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinguent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinguent interest and penalties, and be treated in all respects the same as County ad valorem taxes. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs of having a non-ad valorem special assessment roll made and extended. The Tax Collector's office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, Section 197,3632, Florida Statutes, shall be used.

6. The Board intents that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes. The Board authorizes utilization of this Uniform Method of collection for all affected parcels. The non-ad valorem special assessment will be listed on the non-ad valorem special assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, issuance of and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector, as provided by Florida Law. If a contract is signed between a subcontractor for maintenance service and Orange County, the effective date of enactment of the contract will coincide with the receipt of the collection of the MSBU non-ad valorem special assessments.

7. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU non-ad valorem special assessments.

8. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected

property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County.

9. It is understood and agreed between the County and the Developer that (if applicable) as the Ashlin Park Phases 1 and 2 subdivisions expand, the additional Additions, Phases, Sections, Units, and/or etc., as the case may be, may be permitted to join into this Resolution under the same terms and conditions as represented herein, by presenting an appropriate amendatory resolution to the Board for consideration.

10. The Board of County Commissioners shall be the governing board of this Municipal Service Benefit Unit.

11. This resolution which amends and restates the resolution recorded in Official Records Book 10925, Pages 8071 through 8074, is controlling and supersedes the resolution recorded in Official Records Plat Book 10925, Pages 8071 through 8074 Public Records of Orange County, Florida.

ADOPTED THIS	 DAY OF	2016

ORANGE COUNTY, FLORIDA

BY:\_\_

Ţ,

ORANGE COUNTY MAYOR

DATE

ATTEST: Martha O. Haynie, County Comptroller as Clerk of the Board of County Commissioners

BY:\_\_\_\_\_

DEPUTY CLERK

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING AND RESTATING A MUNICIPAL SERVICE BENEFIT UNIT FOR STREETLIGHTING FOR

### Ashlin Park Phases 1 and 2 11/2016

WHEREAS, Section 125.01 (1) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated areas of Orange County, and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcement of non-ad valorem assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, (hereinafter known as the "Board"), is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, by the Resolution dated May 19, 2015, the Board established the Ashlin Park Phase 1 Municipal Service Benefit Unit (hereinafter known as the "MSBU") for streetlighting (hereinafter known as the "Resolution"), said Resolution being recorded in Official Records Book 10925, Pages 8064 through 8067, Public Records of Orange County, Florida; and

WHEREAS, the County has now received a request, in writing, from John Reny (hereinafter known as the "Developer") of Ashton Woods Homes – Florida for the amendment of such Resolution to combine and include the subdivisions which are more fully described below in that portion of the unincorporated area of Orange County and to increase the existing streetlighting inventory from 28 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures and 28 - 16 foot single decorative victorian poles to 40 - 100 watt 9500 lumen high pressure sodium decorative poles, and

WHEREAS, this Board has determined that the amendment and restatement of the existing MSBU, the purpose of which is to combine and include the subdivisions which are more fully described below and to increase the existing streetlighting inventory as requested by the Developer, together with the other information pertaining to the operation of the proposed MSBU submitted therewith, to be feasible, necessary to facilitate the services desired and in the public interest, and that the properties will be benefited, now and in the future, and that the existing MSBU should be amended and restated to combine said subdivisions and to increase the existing streetlighting inventory; and

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of the resolution.

2. The Ashlin Park Phase 1 11/2015 MSBU Resolution for streetlighting which is recorded in Official Records Book 10925, Pages 8064 through 8067, Public Records of Orange County, Florida, is hereby amended as the Ashlin Park Phases 1 and 2 11/2016 MSBU, subject to final adjustment and approval as provided for in Section 197.3632, Florida Statutes. This MSBU is to combine and include said subdivisions, the boundaries of which appear on the recorded plats of Ashlin Park Phase 1 and Ashlin Park Phase 2 subdivisions, Plat Book 83, Pages 129 through 133 for Ashlin Park Phase 1 and Plat Book 84, Pages 144 through 148 for Ashlin Park Phase 2, Section 25, Township 23, Range 27, and Lots 1 through 84 for Ashlin Park Phase 1 and Lots 85 through 259 for Ashlin Park Phase 2, Public Records of Orange County, Florida and to increase the streetlighting inventory which is more fully described below. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds as may be necessary to pay the annual expense of standard operation and maintenance of streetlighting equipment within the MSBU, including energy charges, streetlighting fixtures, poles, wires, conduits, and all appurtenances necessary for such streetlighting, electrical services and current used in their operation, and for payment of administrative costs and appropriate reserves for cash balance. It is the understanding of the County that Duke **Energy Florida, Inc.** is to construct, or has constructed in accordance with standards approved by the Orange County Public Works Division, all necessary streetlighting equipment at no expense to the County, prior to or during construction of those portions of Ashlin Park Phase 1 and Ashlin Park Phase 2 subdivisions and that Duke Energy Florida, Inc. will assume standard maintenance and operation of such equipment, subsequent to such construction, including computation of the annual and monthly charges for such standard maintenance and operation. Such equipment is to include 40 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures at \$13.48 per fixture, per month and 40 - 16 foot single decorative victorian concrete poles at \$13.07 per pole, per month for a yearly rate of \$13,077.24 which includes energy costs and excludes the cost of administering the district as set out below, or at a rate or rates as may be set by the properly constituted legal authorities who control, govern and set the rates for Duke Energy Florida, Inc. for the services described herein. It is further understood by the County that Duke Energy Florida, Inc. may construct such streetlighting equipment only in those portions of the MSBU as may be necessary concurrent with the development of Ashlin Park Phase 1 and Ashlin Park Phase 2 subdivisions and that the streetlighting district created herein will be operated only in such portions of the MSBU until such construction is completed in other portions of the MSBU; provided that if such construction is only to be in portions of such MSBU, a complete legal description of the portion or portions developed be filed with the Clerk of the Board. After presentation and approval by the Board, it is understood and agreed between the County and the Developer that (if applicable) as Ashlin Park Phase 1 and Ashlin Park Phase 2 subdivisions expand the additional Additions, Phases, Sections, Units and/or etc., as the case may be permitted to join into this Resolution under the same terms and conditions as represented herein, by presenting an appropriate amendatory resolution to the Board for consideration. It is further understood that the revised contract between the County and Duke Energy Florida, Inc. for Ashlin Park Phases 1 and 2 subdivisions will not be effective until November 1, 2016. Streetlights installed prior to this date are the responsibility of the developer and not the County. It is further understood that only 40 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures at \$13.48 per fixture, per month and 40 - 16 foot single decorative victorian concrete poles at \$13.07 per pole, per month are approved for this MSBU. Any additional streetlighting will be the responsibility of the developer.

3. Upon completion of construction of such streetlighting equipment and the placement of such equipment into operation, the Board shall determine the estimated non-ad valorem assessment amount required to pay the standard expense of maintaining and operating the streetlighting equipment in the MSBU. This non-ad valorem assessment is levied for the first time as of **November 1, 2016** and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the assessment by twenty percent (20%) each and every

year thereafter to any affected property based on the benefit, which the Board will provide or has provided to the property with the revenue generated by the assessment. The property owners within Ashlin Park Phase 1 and Ashlin Park Phase 2 subdivisions shall pay any cost exceeding standard operating and maintenance expense as determined by the Board. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem assessments. One and one half dollars (\$1.50) for each lot or parcel of land shall be added by the Board to cover the costs of administering the MSBU and the total amount so determined shall be specially assessed against the real property of the freeholders in the MSBU as provided hereafter. Additional amounts will be added to provide for reimbursement of necessary administrative costs incurred by the Property Appraiser and Tax Collector for the collection of non-ad valorem assessments subject to the provision of Section 197.3632, Florida Statutes, and for the establishment and maintenance of a reserve for cash balance for the purpose of paying expenses from October 1 of the ensuing fiscal year until the time when the revenue for that year are expected to be available. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County may spend from its general fund, such sums as may be necessary to operate, maintain, and administer the MSBU hereby created and the County will be reimbursed to such extent at such time as such assessments have been collected. The estimated annual cost of operating, maintaining, and administering such streetlighting equipment, including the establishment and maintenance of an appropriate reserve for cash balance, is \$13,986.00 and the estimated annual charge to each individual freeholder is \$54.00. Proceeds of collection of such assessments as provided hereinafter put into a special revenue fund of the County to the credit of the MSBU, and are to be used only by the district as provided herein.

4. Upon completion of construction of such streetlighting equipment and the placement of such equipment into operation, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessments in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be owned by individual freeholders, according to the recorded plats of Ashlin Park Phase 1 and Ashlin Park Phase 2 subdivisions, Plat Book 83, Pages 129 through 133 for Ashlin Park Phase 1 and Plat Book 84, Pages 144 through 148 for Ashlin Park Phase 2, such sums as shall be necessary to pay the estimated expense of the annual operation and maintenance of such streetlighting equipment and administration of the district and appropriate reserves for cash balance for paying expenses, provided that such sums shall be assessed against the real property of each individual freeholder on a pro rata basis, and not on an ad valorem basis, so that each freeholder shall, at all times, pay an equal amount towards such cost. After the adoption of the nonad valorem special assessment by the Board, the Property Appraiser shall extend the assessment upon the non-ad valorem assessment roll, which roll shall be fully completed prior to the time said Board sits as the Board of Tax Adjustment, during which time such assessments may be protested, reviewed, equalized, and adjusted to conform to the provisions of Sections 197.3632 and 197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, said Board shall certify the nonad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the said non-ad valorem special assessments shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinguent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinguent interest and penalties, and be treated in all respects the same as County ad valorem taxes. Said nonad valorem special assessments, when collected by the Tax Collector shall be remitted to the Board, who shall deposit the same in such depository as shall be designated by the Board who shall apply

the same to monthly bills rendered by Duke Energy Florida, Inc., related administrative costs, and to the establishment and maintenance of an appropriate reserve for cash balance. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs for having a non-ad valorem special assessment roll made and extended. The Tax Collector's office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments, Section 197.3632, Florida Statutes, will be used.

5. The Board intends that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes. The Board authorizes utilization of this Uniform Method of collection for all affected parcels. The non-ad valorem special assessment will be listed on the assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, issuance of and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector as provided by Florida Law.

6. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU assessments.

7. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County.

8. The Board of County Commissioners shall be the governing board of said Municipal Service Benefit Unit.

9. This resolution which amends and restates the Resolution recorded in Official Records Book 10925, Pages 8064 through 8067, is controlling and supersedes the resolution recorded in Official Records Book 10925 Pages 8064 through 8067, Public Records of Orange County, Florida.

ADOPTED T	HIS C	DAY OF	, 2016
ORANGE CO	DUNTY, FLORIDA		
BY:	ORANGE COUNTY MA	YOR	
DATE:			
ATTEST:	Martha O. Haynie, Coun as Clerk of the Board of		
BY:	DEPUTY CLERK		

ORANGE

COUNTY FLORIDA

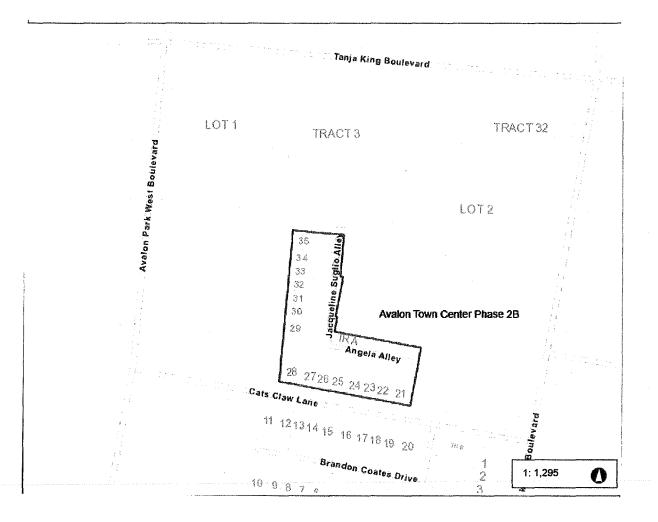


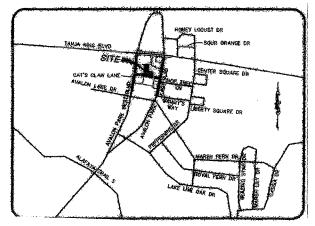
### INTEROFFICE MEMO

Martha O. Haynie, CPA County Comptroller Finance and Accounting Department Special Assessments P O Box 38 Orlando, FL 32802 Telephone: 407-836-5770 Fax: 407-836-5753

Date:	March 2, 2016		
To:	Mayor Teresa Jacobs and Board of County Commissioners		
From:	Margaret A. McGarrity, Chief Deputy Comptroller		
Contact:	Ann Troutman, 407-836-5770		
Subject:	Public Hearings to Amend the Existing Municipal Service Benefit Unit (MSBU) for Maintenance of Retention Pond(s)		
MSBU District	Avalon Town Center, Avalon Town Center Phases 2A and 2B		
Applicant:	John Suglio Anchor Development Group, LLC Developer		
District:	Commissioner Thompson, District 4		
Report:	The attached resolution will amend the existing MSBU for maintenance of retention pond(s). The amendment will add the 15 lots of Avalon Town Center Phase 2B subdivision. This will allow all of the 49 lots / parcels to be assessed for maintenance of retention pond(s).		
Retention Por	nd: The estimated assessment for the amending MSBU for maintenance of retention pond(s) is \$77.00 per lot, per year. Last year's assessment was \$77.00 per lot.		
Effective Date	The amending MSBU would be effective November 1, 2016.		
Action Reques	sted: Approval of attached resolution for maintenance of retention pond(s).		

## Avalon Town Center Phase 2B





#### RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING AND RESTATING A MUNICIPAL SERVICE BENEFIT UNIT FOR MAINTENANCE OF RETENTION PONDS IN

### Avalon Town Center and Avalon Town Center Phases 2A and 2B 11/2016 with County Dedicated Easements

WHEREAS, Section 125.01 (01) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated areas of Orange County; and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcement of non-ad valorem special assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, (hereinafter known as the "Board") is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, by the Resolution dated April 08, 2014, the Board established the Avalon Town Center and Avalon Town Center Phase 2A 11/2014 Municipal Service Benefit Unit (hereinafter known as the "MSBU") for maintenance of retention ponds (hereinafter known as the "Resolution)", said Resolution being recorded in Official Record Book 10733, Pages 0287 through 0291, Public Records of Orange County, Florida; and

WHEREAS, the County has received a request, in writing, from John Suglio (hereinafter known as the "Developer") of Anchor Development Group, LLC for the amendment of such Resolution to combine and include the subdivisions which are more fully described below and as shown in Exhibit "A" of this resolution in that portion of the unincorporated area of Orange County; and

WHEREAS, the Board has determined that the amendment of the MSBU, the purpose of which is to combine and include the subdivisions which are more fully described below and as shown in **Exhibit** "A" of this resolution to provide for minimum maintenance of the Avalon Park Property Owners Association, Inc., (hereinafter known as the "Association") owned retention pond with a drainage easement dedicated to Orange County noted in Plat Book 69, Page 28, in the dedication and the Surveyor's Notes #2 noted in Plat Book 69, Page 29. "2. Tract A is a stormwater tract and is dedicated to and maintained by the Avalon Park Property Owners Association, Inc. A drainage easement over Tract A is dedicated to Orange County, Florida.", Public Records of Orange County, Florida, together with the other information pertaining to the operation of the amended MSBU submitted therewith, to be feasible, necessary to facilitate the services desired, and in the public interest, and that the properties within Avalon Town Center, Avalon Town Center Phase 2A and Avalon Town Center

Phase 2B subdivisions will be benefited, now and in the future, and that the MSBU should be amended; and

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of the resolution.

2. The Avalon Town Center and Avalon Town Center Phase 2A 11/2014 Resolution for maintenance of retention ponds, which is recorded in Official Records Book 10733, Pages 0287 through 0291, Public Records of Orange County, Florida, is hereby amended as the Avalon Town Center and Avalon Town Center Phases 2A and 2B 11/2016 MSBU, subject to final adjustment and approval as provided for in Section 197.3632, Florida Statutes. This MSBU is to combine and include said subdivisions, the boundaries of which appear on the recorded plats of Avalon Town Center, Avalon Town Center Phase 2A and Avalon Town Center Phase 2B 11/2016 subdivisions, Plat Book, Pages, Section, Township, Range, and Lots as shown in Exhibit "A" of this resolution, Public Records of Orange County, Florida. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds to be used by the County as may be necessary for the payment of administrative costs and appropriate reserves for cash balance and the minimum maintenance services to be performed on the retention pond located on Tract "A" as shown on Plat Book 69, Pages 28 through 33 of Avalon Town Center subdivision and benefits Avalon Town Center, Avalon Town Center Phase 2A and Avalon Town Center Phase 2B subdivisions and which pond is owned by the Association and has easements dedicated to Orange County on the plat thereof and constructed in accordance with standards approved by the Orange County Public Works Division. The Developer and the Association understands that this MSBU is created solely for the purpose of maintaining the retention pond located on Tract "A" of Avalon Town Center subdivision, and that no other ponds or infrastructure improvements located within the Avalon Town Center, Avalon Town Center Phase 2A and Avalon Town Center Phase 2B subdivisions may be maintained, constructed, reconstructed, improved, or repaired with the non-ad valorem special assessments collected from this MSBU and used by the County.

3. The County shall perform or cause to be performed minimum maintenance services in the retention pond areas, which maintenance may include but not limited to mowing, weed control, mosquito control, maintenance and repair of the structural integrity of control devices, and periodic major repairs and improvements to the retention area, and/or equipment/tools and their maintenance and replacement needed for services described herein. Such maintenance shall not include curb and paved roadway maintenance and repair, signage maintenance and repair, or maintenance of or replacement of landscaping improvements. The County may subcontract with any party for the performance of the maintenance services described.

4. Upon completion of construction of the retention ponds and the placement of those ponds into operation, the Board shall determine the estimated non-ad valorem special assessment amount required to pay the expense of maintaining and operating the retention ponds in the MSBU. This non-ad valorem special assessment is levied for the first time as of **November 1, 2016**, and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the non-ad valorem special assessment by twenty percent (20%) each and every year thereafter to any affected property based on the benefit, which the Board will provide or has provided to the property with the revenues generated by the non-ad valorem special assessments. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem special assessments. One and one half dollars (\$1.50) for each lot or parcel of land shall be added by the Board to cover the costs of administering the MSBU and the total amount so determined shall be specially

assessed against the real property of the freeholders in the MSBU as provided hereafter. Additional amounts will be added to provide for reimbursement of necessary administrative costs incurred by the Property Appraiser and Tax Collector for the collection of non-ad valorem special assessments subject to the provision of Section 197.3632, Florida Statutes, and for the establishment and maintenance of a reserve for cash balance for the purpose of paying expenses from October 1 of the ensuing fiscal year until the time when the revenue for that year are expected to be available and a cash reserve for periodic major repairs and improvements to the retention ponds. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County may spend from its general fund, such sums as may be necessary to operate, maintain, and administer the MSBU hereby created and the County will be reimbursed to such extent at such time as such non-ad valorem special assessments have been collected. The estimated annual cost of operating, maintaining, and administering the MSBU, including the establishment and maintenance of an appropriate reserve for cash balance and periodic major repairs and improvements as needed on a rotation basis established by Public Works, is \$3,773.00, and the estimated annual non-ad valorem special assessment to each freeholder is \$77.00. Proceeds of collection of such non-ad valorem special assessments as provided hereinafter are to be put into a special revenue fund of the County to the credit of the MSBU, and are to be used only by the district as provided herein.

5. Upon completion of construction of the retention ponds and the placement of those ponds into operation, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessments in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be necessary to pay the estimated expense of the maintenance of the retention ponds and the administration of the MSBU. Such sums shall be assessed against the real property of each individual freeholder on a pro rata basis, and not on an ad valorem basis, so that each freeholder shall, at all times, pay an equal amount toward such maintenance. After the adoption of the non-ad valorem special assessment roll by the Board, the Property Appraiser shall extend the non-ad valorem special assessments upon the non-ad valorem special assessment roll, which roll shall be fully completed prior to the time said Board sits as the Board of Tax Adjustment, during which time such non-ad valorem special assessment may be protested, reviewed, equalized, and adjusted to conform to the provisions of Sections 197.3632 and 197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, said Board shall certify said non-ad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the non-ad valorem special assessments shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinguent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinquent interest and penalties, and be treated in all respects the same as County ad valorem taxes. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs of having a non-ad valorem special assessment roll made and extended. The Tax Collector's office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, Section 197.3632, Florida Statutes, shall be used.

6. The Board intends that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes. The Board authorizes utilization of this Uniform Method of collection for all affected parcels. The non-ad valorem special assessment will be listed on the non-ad valorem special assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for

each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, issuance of and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector, as provided by Florida Law. If a contract is signed between a subcontractor for maintenance service and Orange County, the effective date of enactment of the contract will coincide with the receipt of the collection of the MSBU non-ad valorem special assessments.

7. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU non-ad valorem special assessments.

8. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County.

9. It is understood and agreed between the County and the Developer that (if applicable) as the Avalon Town Center, Avalon Town Center Phase 2A and Avalon Town Center 2B subdivisions expand, the additional Additions, Phases, Sections, Units, and/or etc., as the case may be, may be permitted to join into this Resolution under the same terms and conditions as represented herein, by presenting an appropriate amendatory resolution to the Board for consideration.

10. The Board of County Commissioners shall be the governing board of this Municipal Service Benefit Unit.

11. This resolution which amends and restates the Resolution recorded in Official Records Book 10733, Pages 0287 through 0291, is controlling and supersedes the Resolution recorded in Official Records Book 10733, Pages 0287 through 0291, Public Records of Orange County, Florida.

ADOPTED THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_, 2016

ORANGE COUNTY, FLORIDA

BY:\_

ORANGE COUNTY MAYOR

DATE:\_\_\_\_\_

ATTEST: Martha O. Haynie, County Comptroller as Clerk of the Board of County Commissioners

BY:\_\_

DEPUTY CLERK

	EX	hidit "A"		
		Section		Number
	Plat Book	Township	Lots / Blocks /	Of
Subdivisions	/ Page	Range	Buildings /	Lots/
	_	Subcode	Tracts / Units	Parcels
Avalon Town Center	69/28-33	06-23-32-1027	Lots 1-3	3
			Tract 1	1
			Tract 2	1
			Tract 3	3
			Tract 4	1
			Tract 5	1
			Tract 6	3
			4 Parcels -1 N/C	. 0
			Tract A – N/C	0
			HOA Pond	
			Tract B – N/C	0
			Park	
			Tract C	1
			Future Development	
Avalon Town Center Phase 2A	79/4-5	06-23-32-1038	Lots 1-20	20
Avalon Town Center Phase 2B	85/53-54	06-23-32-1039	Lots 21-35	15
			Tract A N/C	0
			Landscape	
			Total	49

#### Avalon Town Center and Avalon Town Center Phases 2A and 2B Exhibit "A"

### **OFFICE OF COMPTROLLER**



### INTEROFFICE MEMO

ORANGE COUNTY FLORIDA

Martha O. Haynie, CPA County Comptroller Finance and Accounting Department Special Assessments P O Box 38 Orlando, FL 32802 Telephone: 407-836-5770 Fax: 407-836-5753

Date:	March 2, 2016
То:	Mayor Teresa Jacobs and Board of County Commissioners Th. a. M. POTNUT

From: Margaret A. McGarrity, Chief Deputy-Comptroller

Contact: Ann Troutman, 407-836-5770

Subject: Public Hearing to Amend the Existing Municipal Service Benefit Unit (MSBU) for Streetlighting

MSBU District: Avalon Park Area Master Roads

Applicant: John Suglio Anchor Development Group, LLC Developer

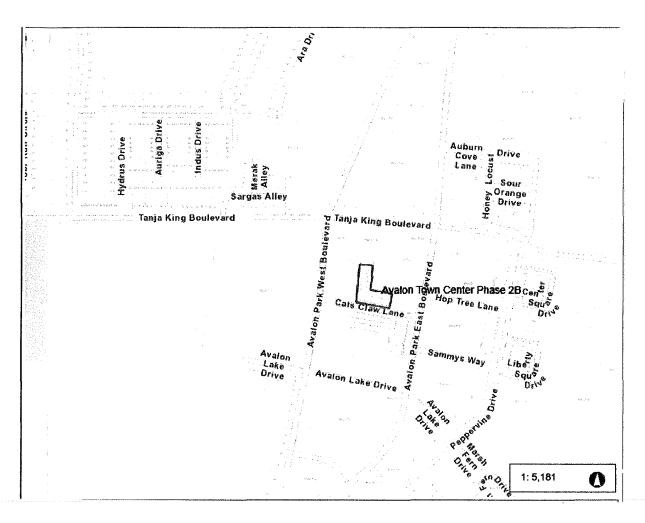
District: Commissioner Thompson, District 4

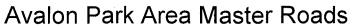
Report: The attached resolution will amend the existing MSBU. The amendment will add the 15 lots for Avalon Town Center – Phase 2B to the district. This will allow all the 2,884 lots to be assessed for streetlighting.

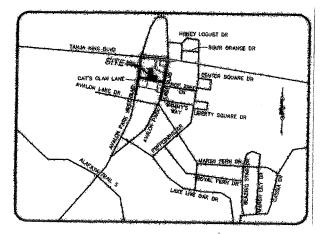
Streetlighting: The streetlighting inventory will consist of 204 - 100 watt decorative town and country fixtures on 204 - 14 foot single black fiber glass poles, 87 -100 watt decorative acorn (washington) fixtures on 87 - 14 foot single black fiber glass poles and 28 - 100 watt decorative acorn (washington) fixtures on 14 - 14 foot dual fiber glass poles. The estimated assessment for the amending MSBU for streetlighting is \$25.00 per lot, per year. Last year's assessment was \$25.00 per lot.

Effective Date: The amending MSBU would be effective November 1, 2016.

Action Requested: Approval of attached resolution. Due to the size of the district, a map is not attached.







#### RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING AND RESTATING A MUNICIPAL SERVICE BENEFIT UNIT FOR STREETLIGHTING FOR

### Avalon Park Area Master Roads 11/2016

WHEREAS, Section 125.01 (1) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated areas of Orange County, and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcement of non-ad valorem assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, (hereinafter known as the "Board"), is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, by the Resolution dated **March 24, 2015**, the Board established the amending Avalon Park Area Master Road 11/2015 Municipal Service Benefit Unit (hereinafter known as the "MSBU") for streetlighting on the master roads (hereinafter known as the "Resolution"), said Resolution being recorded in Official Records Book **10898**, Pages **2465 through 2471**, Public Records of Orange County, Florida; and

WHEREAS, the County has now received a request, in writing, from John Suglio (hereinafter known as the "Developer") of Anchor Development Group, LLC for the amendment of said Resolution to include **Avalon Town Center – Phase 2B** subdivision within the established MSBU for streetlighting for subdivisions which are more fully described in Exhibit "A" of this resolution; and the existing streetlighting inventory will be maintained at 204 - 100 watt high pressure sodium decorative town and country fixtures on 204 - 14 foot single black fiber glass poles, 87 - 100 watt high pressure sodium decorative acorn (washington) fixtures on 87 - 14 foot single black fiber glass poles and 28 - 100 watt high pressure sodium decorative acorn (washington) fixtures on 14 - 14 foot dual fiber glass poles; and

WHEREAS, this Board has determined that the amendment and restatement of the existing MSBU, the purpose of which is to combine the subdivisions which are more fully described in Exhibit "A" of this resolution, together with the other information pertaining to the operation of the proposed MSBU submitted therewith, to be feasible, necessary to facilitate the services desired and in the public interest, and that the properties within Avalon Park Area Master Roads MSBU will be benefited, now and in the future, and that the existing MSBU should be amended and restated to include

Exhibit "A" as shown in this resolution the subdivisions and the number of lots and / or tracts located in Orange County, Florida; and to maintain the existing streetlighting inventory; and

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of the resolution.

2. The Avalon Park Area Master Road 11/2015 Resolution for Master Roads Streetlighting which is recorded in Official Records Book 10898, Pages 2465 through 2471, Public Records of Orange County, Florida, is hereby amended as the Avalon Park Area Master Roads 11/2016 **MSBU**, subject to final adjustment and approval as provided for in Section 197.3632, Florida Statutes. This MSBU is to combine said subdivisions, the boundaries of which appear on the recorded plats that are more fully described in Exhibit "A" of this resolution, Public Records of Orange County, Florida. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds as may be necessary to pay the annual expense of standard operation and maintenance of streetlighting equipment within the MSBU, including energy charges, streetlighting fixtures, poles, wires, conduits, and all appurtenances necessary for such streetlighting, electrical services and current used in their operation, and for payment of administrative costs and appropriate reserves for cash balance. It is the understanding of the County that Orlando Utilities Commission is to construct, or has constructed in accordance with standards approved by the Orange County Public Works Division, all necessary streetlighting equipment at no expense to the County, prior to or during construction of those portions of Avalon Park Area Master Roads MSBU as shown in Exhibit "A" of this resolution and that Orlando Utilities Commission will assume standard maintenance and operation of such equipment, subsequent to such construction, including computation of the annual and monthly charges for such standard maintenance and operation. Such equipment is to include 204 - 100 watt high pressure sodium decorative town and country (post top) fixtures on 204 -14 foot single black fiber glass poles at approximately \$13.49 per unit, per month, 87 - 100 watt high pressure sodium decorative washington (acorn) fixtures on 87 - 14 foot single black fiber glass poles at approximately \$25.12 per unit per month and 28 - 100 watt high pressure sodium decorative washington (acorn) fixtures on 14 - 14 foot dual fiber glass poles at approximately \$21.20 per unit, per month for a yearly rate of \$62,738.78, which includes energy costs and excludes the cost of administering the district as set out below, or at a rate or rates as may be set by the properly constituted legal authorities who control, govern and set the rates for Orlando Utilities Commission for the services described herein. It is further understood by the County that Orlando Utilities Commission may construct such streetlighting equipment only in those portions of the MSBU as may be necessary concurrent with the development of the Avalon Park Area Master Roads MSBU as shown in Exhibit "A" of this resolution and that the streetlighting district created herein will be operated only in such portions of the Avalon Park Area Master Roads MSBU as shown in Exhibit "A" of this resolution until such construction is completed in other portions Avalon Park Area Master Roads MSBU as shown in Exhibit "A" of this resolution; provided that if such construction is only to be in portions of such MSBU, a complete legal description of the portion or portions developed be filed with the Clerk of the Board. After presentation and approval by the Board, it is understood and agreed between the County and the Developer that (if applicable) as Avalon Park Area Master Roads MSBU area expands the additional Additions, Phases, Sections, Units and/or etc., as the case may be, may be permitted to join into this Resolution under the same terms and conditions as represented herein, by presenting an appropriate amendatory resolution to the Board for consideration. It is further understood that the revised contract between the County and Orlando Utilities Commission for the Avalon Park Area Master Roads 11/2016 MSBU will be effective November 1, 2016. Streetlights installed prior to this date are the responsibility of the developer and not the County. It is further understood that only 204 - 100 watt high pressure sodium decorative town and country (post top) fixtures on 204 - 14 foot single black fiber glass poles at approximately \$13.49 per

unit, per month, 87 - 100 watt high pressure sodium decorative washington (acorn) fixtures on 87 - 14 foot single black fiber glass poles at approximately \$25.12 per unit per month and 28 - 100 watt high pressure sodium decorative washington (acorn) fixtures on 14 - 14 foot dual fiber glass poles at approximately \$21.20 per unit, per month are approved for this MSBU. Any additional streetlighting will be the responsibility of the developer.

3. Upon completion of construction of such streetlighting equipment and the placement of such equipment into operation, the Board shall determine the estimated non-ad valorem assessment amount required to pay the standard expense of maintaining and operating the streetlighting equipment in the MSBU. This non-ad valorem assessment is levied November 1, 2016 and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the assessment by twenty percent (20%) each and every year thereafter to any affected property based on the benefit, which the Board will provide or has provided to the property with the revenue generated by the assessment. The property owners within Avalon Park Area Master Roads 11/2016 subdivisions shall pay any cost exceeding standard operating and maintenance expense as determined by the Board. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem assessments. One and one half dollars (\$1.50) for each lot or parcel of land shall be added by the Board to cover the costs of administering the MSBU and the total amount so determined shall be specially assessed against the real property of the freeholders in the MSBU as provided hereafter. Additional amounts will be added to provide for reimbursement of necessary administrative costs incurred by the Property Appraiser and Tax Collector for the collection of non-ad valorem assessments subject to the provision of Section 197.3632, Florida Statutes, and for the establishment and maintenance of a reserve for cash balance for the purpose of paying expenses from October 1 of the ensuing fiscal year until the time when the revenue for that year are expected to be available. Administrative costs shall include. but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County may spend from its general fund, such sums as may be necessary to operate, maintain, and administer the MSBU hereby created and the County will be reimbursed to such extent at such time as such assessments have been collected. The estimated annual cost of operating, maintaining, and administering such streetlighting equipment, including the establishment and maintenance of an appropriate reserve for cash balance, is \$72,100.00 and the estimated annual charge to each individual freeholder is \$25.00. Proceeds of collection of such assessments as provided hereinafter put into a special revenue fund of the County to the credit of the MSBU, and are to be used only by the district as provided herein.

4. Upon completion of construction of such streetlighting equipment and the placement of such equipment into operation, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessments in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be owned by individual freeholders, according to the recorded plats of Avalon Park Area Master Roads 11/2016 MSBU which are more fully described in Exhibit "A" of this resolution, such sums as shall be necessary to pay the estimated expense of the annual operation and maintenance of such streetlighting equipment and administration of the district and appropriate reserves for cash balance for paying expenses, provided that such sums shall be assessed against the real property of each individual freeholder on a pro rata basis, and not on an ad valorem basis, so that each freeholder shall, at all times, pay an equal amount towards such cost. After the adoption of the non-ad valorem special assessment by the Board, the Property Appraiser shall extend the assessment upon the non-ad valorem assessment roll, which roll shall be fully completed prior to the time said Board sits as the Board of Tax Adjustment, during which time such assessments may be protested, reviewed, equalized, and adjusted to conform to the provisions of Sections 197.3632 and

197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, said Board shall certify the non-ad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the said non-ad valorem special assessments shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinquent interest and penalties and be treated in all respects the same as County ad valorem taxes. Said non-ad valorem special assessments, when collected by the Tax Collector shall be remitted to said Board, who shall deposit the same in such depository as shall be designated by the Board who shall apply the same to monthly bills rendered by the Orlando Utilities Commission. related administrative costs, and to the establishment and maintenance of an appropriate reserve for cash balance. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs for having a non-ad valorem special assessment roll made and extended. The Tax Collector's office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments, Section 197.3632, Florida Statutes, will be used.

5. The Board intends that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes. The Board authorizes utilization of this Uniform Method of collection for all affected parcels. The non-ad valorem special assessment will be listed on the assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, issuance of and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector as provided by Florida Law.

6. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU assessments.

7. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County.

8. The Board of County Commissioners shall be the governing board of said Municipal Service Benefit Unit.

9. This resolution which amends and restates the Resolution recorded in Official Records Book 10898, Pages 2465 through 2471, is controlling and supersedes the Resolution recorded in Official Records Book 10898, Pages 2465 through 2471, Public Records of Orange County, Florida.

ADOPTED THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_, 2016

ORANGE COUNTY, FLORIDA

BY:\_\_\_\_\_

### ORANGE COUNTY MAYOR

DATE:\_\_\_\_\_

ATTEST: Martha O. Haynie, County Comptroller as Clerk of the Board of County Commissioners

BY:\_\_\_\_\_

DEPUTY CLERK

Avalon	Park Area Mas Subdivis Exhibit		6	
Subdivision Name(s)	Plat Book / Page(s)	Section Township Range Subcode	Lot Number(s) / Tract(s)	Lot Count
Live Oak Village – Phase 1A in Avalon Park	40/96-100	07-23-32-1225	Lots 1 through 10, Block A Lots 1 through 10, Block B Tract J – N/C Tract K	21
Live Oak Village – Phase 1B in Avalon Park	40/142-146	07-23-32-1226	Lots 1 through 25, Block C Lots 1 through 21, Block D Lots 1 through 29, Block E Lots 1 through 18, Block F	93
Live Oak Village – Phase 2 in Avalon Park	41/72-76	07-23-32-1227	Lots 1 through 30, Block G Lots 1 through 8, Block H Lots 1 through 22, Block I Lots 1 through 30, Block J	90
Avalon Park Village 2	44/68-73	07-23-32-1000	Lots 1 through 27, Block A Lots 1 through 15, Block B Lots 1 through 19, Block C Lots 1 through 24, Block D Lots 1 through 21, Block E Lots 1 through 21, Block F Lots 1 through 3, Block G Lots 1 through 9, Block H Lots 1 through 25, Block I Lots 1 through 11, Block J Lots 1 through 3, Block K	178
Avalon Park Village 3	47/96-104	05-23-32-1001	Lots 1 through 29, Block A Lots 1 through 23, Block B Lots 1 through 25, Block C Lots 1 through 36, Block D Lots 1 through 44, Block E	299

#### Subdivisions Exhibit "A" Section Subdivision Name(s) Plat Book Township Lot Number(s) / Lot Range / Page(s) Tract(s) Count Subcode Lots 1 through 15, Block F Lots 1 through 15, Block G Lots 1 through 15, Block H Lots 1 through 14, Block I Lots 1 through 27, Block J Lot 1. Block K Lots 1 through 10, Block L Lots 1 through 8, Block M Lot 1. Block N Lots 1 through 21, Block O Lots 1 through 13, Block P Lots 1 and 2, Block Q Avalon Park Model Center 47/18-19 07-23-32-1005 Lots 1 through 23 23 50/54-57 Avalon Town Center 06-23-32-1045 Lots 1 through 80 80 Tracts 20, 21, 22, and 23 51/58-66 Avalon Park Village 5 05-23-32-1003 Lots 1 through 354 354 Avalon Town Center 52/98 07-23-32-1030 Lots 1 and 2 2 Tract 10 Replat of Track K in Live Oak Village Phase 1A Avalon Town Center 54/51 06-23-32-1032 Lots 1 through 13 13 Tract 16 Avalon Park Village 4 and Tract A 53/66-70 05-23-32-1002 Lots 1 through 294 294 Primrose School At Avalon Park 54/65 06-23-32-1177 Lot 1 1 Avalon Town Center Publix Site 57/65 Lot 1 through 4 06-23-32-1041 4 Avalon Park Village 6 56/123-130 05-23-32-1004 Lots 1 through 371 371 Avalon Park Boulevard 49/100-102 06-23-32 N/A 0 Avalon Town Center Tract 52 59/69-70 06-23-32-1051 Lots 1 through 48 48 Avalon Mobile Site (7-Eleven) 59/88 06-23-32-0847 1 Lot 1 Lots 1 through 195 Avalon Park Northwest Village Phase 1 62/10-15 06-23-32-1006 195 Avalon Town Center Tract 30 63/17 06-23-32-1034 Lot 1 1 Avalon Town Center Tract 32 63/51 06-23-32-1048 Lot 1 1 Avalon Park Northwest Village Phases 2, 3, 4 63/94-103 06-23-32-1007 Lots 1 through 571 571 Avalon Park Northwest Village P5 A Replat 66/13-14 06-23-32-1009 Lots 1 through 103 103 Avalon Park Village 4A and 4B 68/140-141 06-23-32-1071 Lots 1 through 48 48 Avalon Town Center 69/28-33 06-23-32-1027 Lot 1 through 3 14 Tracts 1 through 3 Future Development Tract 4 Medical Building Tracts 5 through 6 Future Development Tract C Future Development Avalon Park Town Center Tract 19 69/138-139 06-23-32-1044 Lot 1 1 Avalon Park Live / Work Units 73/43 06-23-32-1022 Lots 1 through 11 11 Avalon Town Center - Phase 2A 79/4-5 06-23-32-1038 Lots 1 through 20 20 83/67-68 Avalon Town Center – A Replat 06-23-32-1028 Lots 1 through 32 32 Tract "A" N/C 0 Avalon Town Center – Phase 2B 85/53-54 06-23-32-1038 Lots 21 through 35 15 Tract "A" N/C \$100 value

Total

2,884

Avalon Park Area Master Roads 11/2016

#### Avalon Park Area Master Roads 11/2016 Inventory Exhibit "B"

Road Areas	Fixtures and Poles
Avalon Park Model Center	204 – 100 watt HPS black town and country fixtures on
Avalon Park Boulevard	204 – 14 foot black fiber glass poles
Tanja King Boulevard	87 – 100 watt HPS acorn (washington) fixtures on
, ,	87 – 14 foot single black fiber glass poles
	28 – 100 watt decorative acorn (washington) fixtures on
	14 – 14 foot dual black fiber glass poles



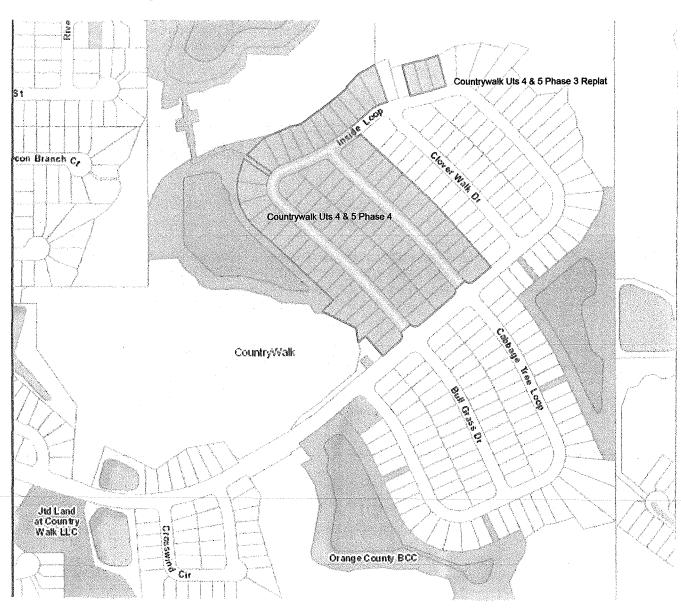
### INTEROFFICE MEMO

ORANGE COUNTY FLORIDA

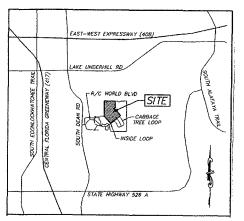
Martha O. Haynie, CPA County Comptroller Finance and Accounting Department Special Assessments P O Box 38 Orlando, FL 32802 Telephone: 407-836-5770 Fax: 407-836-5753

Date:	March 2,	2016
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- To: Mayor Teresa Jacobs and Board of County Commissioners  $\mathcal{M}_{\mathcal{A}} \mathcal{M}_{\mathcal{P}} \mathcal{P} \mathcal{M} \mathcal{M}_{\mathcal{T}}$ From: Margaret A. McGarrity, Chief Deputy Comptroller
- Contact: Ann Troutman, 407-836-5770
- Subject: Public Hearings to Amend the Existing Municipal Service Benefit Unit (MSBU) for Maintenance of Retention Ponds and for Streetlighting
- MSBU District: Countrywalk Units 4 & 5, Phases 1, 2, 3, 3 Replat and 4
- Applicant: Craig C. Harris, Manager JTD Land Company, LLC Developer
- District: Commissioner Thompson, District 4
- Report: The attached resolutions will amend the existing MSBU's for maintenance of retention ponds and streetlighting. The amendment will add the 74 lots of Countrywalk Units 4 & 5 Phase 4 and add the 3 lots of Countrywalk Units 4 & 5 Phase 3 Replat. This will allow all of the 231 lots to be assessed for maintenance of retention ponds and streetlighting.
- Retention Pond: The estimated assessment for the amending MSBU for maintenance of retention pond(s) is \$77.00 per lot, per year. Last year's assessment was \$77.00 per lot.
- Streetlighting: The streetlighting inventory will consist of 57 100 watt decorative ocala (acorn) fixtures with 57 16 foot single decorative victorian concrete poles. The estimated assessment for the amending MSBU for streetlighting is \$70.00 per lot, per year. Last year's assessment was \$83.00 per lot.
- Effective Date: The amending MSBU's would be effective November 1, 2016.
- Action Requested: Approval of attached resolution for maintenance of retention ponds and approval of attached resolution for streetlighting.



## Countrywalk Units 4 & 5 Phases 1 and 3 Replat



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING AND RESTATING A MUNICIPAL SERVICE BENEFIT UNIT FOR MAINTENANCE OF RETENTION PONDS IN

### Countrywalk Units 4 & 5 Phases 1, 2, 3,3 Replat and 4 11/2016

WHEREAS, Section 125.01 (01) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated areas of Orange County; and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcement of non-ad valorem special assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, (hereinafter known as the "Board") is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, by the Resolutions dated March 24, 2015, the Board established the Countrywalk Units 4 and 5 Phases 1, 2 and 3 11/2015 Municipal Service Benefit Unit (hereinafter known as the "MSBU") for maintenance of retention ponds (hereinafter known as the "Resolution)", said Resolutions being recorded in Official Records Book 10898, Pages 2447 through 2451, Public Records of Orange County, Florida; and

WHEREAS, the County has received a request, in writing, from Craig C. Harris, Manager (hereinafter known as the "Developer") of JTD Land Company, LLC for the amendment of such Resolutions to combine and include the subdivisions which are more fully described below in that portion of the unincorporated area of Orange County; and

WHEREAS, the Board has determined that the amendment of the MSBU, the purpose of which is to combine and include the subdivisions which are more fully described in Exhibit "A" of this resolution to provide for maintenance of the county-dedicated retention ponds as requested by the Developer, together with the other information pertaining to the operation of the proposed MSBU submitted therewith, to be feasible, necessary to facilitate the services desired, and in the public interest, and that the properties will be benefited, now and in the future, and that the MSBU should be amended,

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of the resolution.

2. The Countrywalk Units 4 and 5 Phases 1, 2 and 3 11/2015 Resolution for maintenance of retention ponds, which is recorded in Official Records Book 10898, Pages 2447 through 2451, Public Records of Orange County, Florida, is hereby amended as the Countrywalk Units 4 & 5, Phases 1, 2, 3, 3 Replat and 4 11/2016 MSBU, subject to final adjustment and approval as provided in Section 197.3632, Florida Statutes. This MSBU is to combine and include said subdivisions, the boundaries of which appear on the recorded plats of **Countrywalk Units 4 & 5 Phases 1 and 2, Countrywalk** Units 4 & 5, Phase 3, Countrywalk Units 4 & 5, Phase 3 Replat, and Countrywalk Units 4 & 5, Phase 4 subdivisions, Plat Books, Pages, Sections, Townships, Ranges, and Lots as shown in Exhibit A of this resolution, Public Records of Orange County, Florida. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds as may be necessary for the payment of administrative costs and appropriate reserves for cash balance and the minimum maintenance services to be performed on the retention ponds located on Tract "A", Tract "B" and Tract "C" as shown on Plat Book 78, Pages 1 through 4 for Countrywalk Units 4 & 5 Phases 1 and 2, Countrywalk Units 4 & 5, Phase 3, Countrywalk Units 4 & 5, Phase 3 Replat and Countrywalk Units 4 & 5, Phase 4 subdivisions, which ponds have been dedicated to Orange County on the plats thereof and constructed in accordance with standards approved by the Orange County Public Works Division. The Developer understands that this MSBU is created solely for the purpose of maintaining the retention ponds located on Tract "A", Tract "B" and Tract "C" as shown on Plat Book 78, Pages 1 through 4 for Countrywalk Units 4 & 5 Phases 1 and 2, Countrywalk Units 4 & 5, Phase 3, Countrywalk Units 4 & 5, Phase 3 Replat and Countrywalk Units 4 & 5 Phase, 4 subdivisions, and that no other ponds or infrastructure improvements located within the Countrywalk Units 4 & 5 Phases 1 and 2, Countrywalk Units 4 & 5, Phase 3, Countrywalk Units 4 & 5 Phase, 3 Replat and Countrywalk Units 4 & 5, Phase 4 subdivisions may be maintained, constructed, reconstructed, improved, or repaired with the non-ad valorem special assessments collected from this MSBU.

3. The County shall perform or cause to be performed minimum maintenance services in the retention pond area(s), which maintenance shall be limited to mowing, weed control, mosquito control, maintenance and repair of the structural integrity of control devices, and periodic major repairs and improvements to the retention ponds. Such maintenance shall not include curb and paved roadway maintenance and repair, signage maintenance and repair, or maintenance of or replacement of landscaping improvements. The County may subcontract with any party for the performance of the maintenance services described herein.

4. Upon completion of construction of the retention ponds and the placement of those ponds into operation, the Board shall determine the estimated non-ad valorem special assessment amount required to pay the expense of maintaining and operating the retention ponds in the MSBU. This nonad valorem special assessment is levied for the first time as of November 1, 2016, and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the non-ad valorem special assessment by twenty percent (20%) each and every year thereafter to any affected property based on the benefit, which the Board will provide or has provided to the property with the revenues generated by the non-ad valorem special assessments. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem special assessments. One and one half dollars (\$1.50) for each lot or parcel of land shall be added by the Board to cover the costs of administering the MSBU and the total amount so determined shall be specially assessed against the real property of the freeholders in the MSBU as provided hereafter. Additional amounts will be added to provide for reimbursement of necessary administrative costs incurred by the Property Appraiser and Tax Collector for the collection of non-ad valorem special assessments subject to the provision of Section 197.3632, Florida Statutes, and for the establishment and maintenance of a reserve for cash balance for the purpose of paying expenses from October 1 of the ensuing fiscal year until the time when the revenue for that year are

expected to be available and a cash reserve for periodic major repairs and improvements to the retention ponds. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County may spend from its general fund, such sums as may be necessary to operate, maintain, and administer the MSBU hereby amended and the County will be reimbursed to such extent at such time as such non-ad valorem special assessments have been collected. The estimated annual cost of operating, maintaining, and administering the MSBU, including the establishment and maintenance of an appropriate reserve for cash balance, is **\$17,787.00**, and the estimated annual non-ad valorem special assessments as provided hereinafter are to be put into a special fund of the County to the credit of the MSBU, and are to be used only by the district as provided herein.

5. Upon completion of construction of the retention ponds and the placement of those ponds into operation, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessments in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be necessary to pay the estimated expense of the maintenance of the retention ponds and the administration of the MSBU. Such sums shall be assessed against the real property of each individual freeholder on a pro rata basis, and not on an ad valorem basis, so that each freeholder shall, at all times, pay an equal amount toward such maintenance. After the adoption of the non-ad valorem special assessment roll by the Board, the Property Appraiser shall extend the non-ad valorem special assessment upon the non-ad valorem special assessment roll, which roll shall be fully completed prior to the time said Board sits as the Board of Tax Adjustment, during which time such non-ad valorem special assessment may be protested, reviewed, equalized, and adjusted to conform to the provisions of Sections 197.3632 and 197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, the Board shall certify said non-ad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the non-ad valorem special assessments shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinguent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinquent interest and penalties, and be treated in all respects the same as County ad valorem taxes. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs of having a non-ad valorem special assessment roll made and extended. The Tax Collector's office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, Section 197.3632, Florida Statutes, shall be used.

6. The Board intents that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes. The Board authorizes utilization of this Uniform Method of collection for all affected parcels. The non-ad valorem special assessment will be listed on the non-ad valorem special assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, issuance of and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector, as provided by Florida Law. If a contract is signed between a subcontractor for maintenance service and Orange County, the effective date of enactment of the

contract will coincide with the receipt of the collection of the MSBU non-ad valorem special assessments.

7. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU non-ad valorem special assessments.

8. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County.

9. It is understood and agreed between the County and the Developer that (if applicable) as the Countrywalk Units 4 & 5 Phases 1 and 2, Countrywalk Units 4 & 5, Phase 3, Countrywalk Units 4 & 5, Phase 3 Replat and Countrywalk Units 4 & 5, Phase 4 subdivisions expand, the additional Additions, Phases, Sections, Units, and/or etc., as the case may be, may be permitted to join into this Resolution under the same terms and conditions as represented herein, by presenting an appropriate amendatory resolution to the Board for consideration.

10. The Board of County Commissioners shall be the governing board of this Municipal Service Benefit Unit.

11. This resolution which amends and restates the Resolutions recorded in Official Records Book 10898, Pages 2447 through 2451, is controlling and supersedes the Resolutions recorded in Official Records Book 10898, Pages 2447 through 2451, Public Records of Orange County, Florida.

ADOPTED T	⊣IS	DAY OF	, 2016
ORANGE CC	OUNTY, FLORIDA		
BY:			
	ORANGE COUNTY	MAYOR	
DATE:			,,,,,,, .
ATTEST:	Martha O. Haynie, C as Clerk of the Board		ssioners
BY:	_		
	DEPUTY CLERK		

### Countrywalk Units 4 & 5 Phases 1, 2, 3, 3 Replat and 4

		Exhibit "A"	
Subdivisions	Plat Book / Page	Section Township Range Subcode	Lots / Blocks / Buildings / Tracts / Units
Countrywalk Units 4 & 5 Phases 1 and 2	78/1-4	32-22-31-1831	1 through 90 Tract "J" Future Development Replatted as Phase 3 & 4
Countrywalk Units 4 & 5 Phase 3	81/70-71	32-22-31-1803	91 through 114 118 through 157
Countrywalk Units 4 & 5 Phase 4	84/19-20	32-22-31-1804	158 through 231
Countrywalk Units 4 & 5 Phase 3 Replat	85/57	32-22-31-1805	1 through 3 Replat of Lots 115-117-Phase 3 Total Lots 231

#### RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING AND RESTATING A MUNICIPAL SERVICE BENEFIT UNIT FOR STREETLIGHTING FOR

### Countrywalk Units 4 & 5 Phases 1, 2, 3, 3 Replat and 4 11/2016

WHEREAS, Section 125.01 (1) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated areas of Orange County, and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcement of non-ad valorem assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, (hereinafter known as the "Board"), is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, by the Resolution dated March 24, 2015, the Board established the Countrywalk Units 4 and 5 Phases 1, 2 and 3 11/2015 Municipal Service Benefit Unit (hereinafter known as the "MSBU") for streetlighting (hereinafter known as the "Resolution"), said Resolution being recorded in Official Records Book 10898, Pages 2452 through 2456, Public Records of Orange County, Florida; and

WHEREAS, the County has now received a request, in writing, from Craig C. Harris, Manager (hereinafter known as the "Developer") of JTD Land Company, LLC for the amendment of such Resolution to combine and include the subdivisions which are more fully described in Exhibit "A" of this resolution in that portion of the unincorporated area of Orange County and to increase the existing streetlighting inventory from 42 - 100 watt 9500 high pressue sodium decorative ocala (acorn) fixtures with 42 - 16 foot single standard decorative colonial concrete poles to 57 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures with 57 - 16 foot single decorative victorian concrete poles; and

WHEREAS, this Board has determined that the amendment and restatement of the existing MSBU, the purpose of which is to combine and include the subdivisions which are more fully described in Exhibit "A" of this resolution and to increase the existing streetlighting inventory as requested by the Developer, together with the other information pertaining to the operation of the proposed MSBU submitted therewith, to be feasible, necessary to facilitate the services desired and in the public interest, and that the properties will be benefited, now and in the future, and that the existing MSBU should be amended and restated to combine said subdivisions and to increase the existing streetlighting inventory; and

# THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of the resolution.

2. The Countrywalk Units 4 and 5 Phases 1, 2 and 3 11/2015 Resolution for streetlighting which is recorded in Official Records Book 10898, Pages 2452 through 2456, Public Records of Orange County. Florida, is hereby amended as the Countrywalk Units 4 & 5, Phases 1, 2, 3, 3 Replat and 4 11/2016 MSBU, subject to final adjustment and approval as provided for in Section 197.3632, Florida Statutes. This MSBU is to combine and include said subdivisions, the boundaries of which appear on the recorded plats of Countrywalk Units 4 & 5, Phases 1 and 2, Countrywalk Units 4 & 5, Phase 3, Countrywalk Units 4 & 5, Phase 3 Replat and Countrywalk Units 4 & 5, Phase 4 subdivisions, Plat Books, Pages, Sections, Townships, Ranges, and Lots as shown in Exhibit "A" of this resolution, Public Records of Orange County, Florida and to increase the streetlighting inventory which is more fully described below. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds as may be necessary to pay the annual expense of standard operation and maintenance of streetlighting equipment within the MSBU, including energy charges, streetlighting fixtures, poles, wires, conduits, and all appurtenances necessary for such streetlighting, electrical services and current used in their operation, and for payment of administrative costs and appropriate reserves for cash balance. It is the understanding of the County that Duke Energy Florida, Inc. is to construct, or has constructed in accordance with standards approved by the Orange County Public Works Division, all necessary streetlighting equipment at no expense to the County, prior to or during construction of those portions of Countrywalk Units 4 & 5. Phases 1 and 2, Countrywalk Units 4 & 5, Phase 3, Countrywalk Units 4 & 5, Phase 3 Replat and Countrywalk Units 4 & 5, Phase 4 subdivisions and that Duke Energy Florida, Inc. will assume standard maintenance and operation of such equipment, subsequent to such construction, including computation of the annual and monthly charges for such standard maintenance and operation. Such equipment is to include 57 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures at \$13.48 per fixture, per month and 57 - 16 foot single decorative victorian concrete poles at \$8.99 per pole, per month for a yearly rate of \$15,768.35, which includes energy costs and excludes the cost of administering the district as set out below, or at a rate or rates as may be set by the properly constituted legal authorities who control, govern and set the rates for Duke Energy Florida, Inc. for the services described herein. It is further understood by the County that Duke Energy Florida, Inc. may construct such streetlighting equipment only in those portions of the MSBU as may be necessary concurrent with the development of Countrywalk Units 4 & 5, Phases 1 and 2, Countrywalk Units 4 & 5, Phase 3, Countrywalk Units 4 & 5, Phase 3 Replat and Countrywalk Units 4 & 5, Phase 4 subdivisions and that the streetlighting district created herein will be operated only in such portions of the MSBU until such construction is completed in other portions of the MSBU; provided that if such construction is only to be in portions of such MSBU, a complete legal description of the portion or portions developed be filed with the Clerk of the Board. After presentation and approval by the Board, it is understood and agreed between the County and the Developer that (if applicable) as of Countrywalk Units 4 & 5, Phases 1 and 2, Countrywalk Units 4 & 5, Phase 3, Countrywalk Units 4 & 5, Phase 3 Replat and Countrywalk Units 4 & 5, Phase 4 subdivisions expand the additional Additions, Phases, Sections, Units and/or etc., as the case may be permitted to join into this Resolution under the same terms and conditions as represented herein, by presenting an appropriate amendatory resolution to the Board for consideration. It is further understood that the revised contract between the County and Duke Energy Florida, Inc. for Countrywalk Units 4 & 5, Phases 1 and 2, Countrywalk Units 4 & 5, Phase 3, Countrywalk Units 4 & 5, Phase 3 Replat and Countrywalk Units 4 & 5, Phase 4 subdivisions will not be effective until November 1, 2016. Streetlights installed prior to this date are the responsibility of the developer and not the County. It is further

understood that only 57 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures at \$13.48 per fixture, per month and 57 - 16 foot single decorative victorian concrete poles at \$8.99 per pole, per month are approved for this MSBU. Any additional streetlighting will be the responsibility of the developer.

3. Upon completion of construction of such streetlighting equipment and the placement of such equipment into operation, the Board shall determine the estimated non-ad valorem assessment amount required to pay the standard expense of maintaining and operating the streetlighting equipment in the MSBU. This non-ad valorem assessment is levied for the first time as of November 1, 2016 and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the assessment by twenty percent (20%) each and every year thereafter to any affected property based on the benefit, which the Board will provide or has provided to the property with the revenue generated by the assessment. The property owners within Countrywalk Units 4 & 5, Phases 1, 2, 3, 3 Replat and 4 subdivisions shall pay any cost exceeding standard operating and maintenance expense as determined by the Board. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem assessments. One and one half dollars (\$1.50) for each lot or parcel of land shall be added by the Board to cover the costs of administering the MSBU and the total amount so determined shall be specially assessed against the real property of the freeholders in the MSBU as provided hereafter. Additional amounts will be added to provide for reimbursement of necessary administrative costs incurred by the Property Appraiser and Tax Collector for the collection of non-ad valorem assessments subject to the provision of Section 197.3632, Florida Statutes, and for the establishment and maintenance of a reserve for cash balance for the purpose of paving expenses from October 1 of the ensuing fiscal year until the time when the revenue for that year are expected to be available. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County may spend from its general fund, such sums as may be necessary to operate, maintain, and administer the MSBU hereby created and the County will be reimbursed to such extent at such time as such assessments have been collected. The estimated annual cost of operating, maintaining, and administering such streetlighting equipment, including the establishment and maintenance of an appropriate reserve for cash balance, is \$16,170.00 and the estimated annual charge to each individual freeholder is \$70.00. Proceeds of collection of such assessments as provided hereinafter put into a special revenue fund of the County to the credit of the MSBU, and are to be used only by the district as provided herein.

4. Upon completion of construction of such streetlighting equipment and the placement of such equipment into operation, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessments in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be owned by individual freeholders, according to the recorded plats of Countrywalk Units 4 & 5, Phases 1 and 2, Countrywalk Units 4 & 5, Phase 3, Countrywalk Units 4 & 5, Phase 3 Replat and Countrywalk Units 4 & 5, Phase 4, Plat Books and Pages as shown in Exhibit "A" of this resolution, such sums as shall be necessary to pay the estimated expense of the annual operation and maintenance of such streetlighting equipment and administration of the district and appropriate reserves for cash balance for paying expenses, provided that such sums shall be assessed against the real property of each individual freeholder on a pro rata basis, and not on an ad valorem basis, so that each freeholder shall, at all times, pay an equal amount towards such cost. After the adoption of the non-ad valorem special assessment by the Board, the Property Appraiser shall extend the assessment upon the non-ad valorem assessment roll, which roll shall be fully

completed prior to the time said Board sits as the Board of Tax Adjustment, during which time such assessments may be protested, reviewed, equalized, and adjusted to conform to the provisions of Sections 197.3632 and 197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, said Board shall certify the non-ad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the said non-ad valorem special assessments shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinguent interest and penalties, and be treated in all respects the same as County ad valorem taxes. Said non-ad valorem special assessments, when collected by the Tax Collector shall be remitted to the Board, who shall deposit the same in such depository as shall be designated by the Board who shall apply the same to monthly bills rendered by Duke Energy Florida, Inc., related administrative costs, and to the establishment and maintenance of an appropriate reserve for cash balance. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs for having a non-ad valorem special assessment roll made and extended. The Tax Collector's office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments, Section 197.3632, Florida Statutes, will be used.

5. The Board intends that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes. The Board authorizes utilization of this Uniform Method of collection for all affected parcels. The non-ad valorem special assessment will be listed on the assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, issuance of and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector as provided by Florida Law.

6. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU assessments.

7. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County.

8. The Board of County Commissioners shall be the governing board of said Municipal Service Benefit Unit.

9. This resolution which amends and restates the Resolution recorded in Official Records Book 10898, Pages 2452 through 2456, is controlling and supersedes the Resolution recorded in Official Records Book 10898, Pages 2452 through 2456, Public Records of Orange County, Florida.

ADOPTED THIS	DAY C	DF .	2016

## ORANGE COUNTY, FLORIDA

BY:\_\_\_\_\_

DATE:\_\_\_\_\_

ATTEST: Martha O. Haynie, County Comptroller as Clerk of the Board of County Commissioners

BY:\_\_\_\_\_

DEPUTY CLERK

#### Countrywalk Units 4 & 5 Phases 1, 2, 3, 3 Replat and 4 Exhibit "A"

		Section	
	Plat Book /	Township	Lots / Blocks /
Subdivisions	Page	Range	Buildings / Tracts / Units
		Subcode	
Countrywalk Units 4 & 5	78/1-4	32-22-31-1831	1 through 90
Phases 1 and 2			Tract "J" Future Development
			Replatted as Phase 3 & 4
Countrywalk Units 4 & 5	81/70-71	32-22-31-1803	91 through 114
Phase 3			118 through 157
Countrywalk Units 4 & 5	84/19-20	32-22-31-1804	158 through 231
Phase 4			
Countrywalk Units 4 & 5	85/57	32-22-31-1805	1 through 3
Phase 3 Replat			Replat of Lots 115-117-Phase 3
			Total Lots 231

ORANGE

COUNTY

**FLORIDA** 



#### INTEROFFICE MEMO

#### Martha O. Haynie, CPA County Comptroller Finance and Accounting Department Special Assessments P O Box 38 Orlando, FL 32802 Telephone: 407-836-5770 Fax: 407-836-5753

Date:	March 2, 2016		
To:	Mayor Teresa Jacobs and Board of County Commissioners M AMPYONT		
From:	Margaret A. McGarrity, Chief Deputy-Comptroller		
Contact:	Ann Troutman, 407-836-5770		
Subject:	Public Hearings to Amend the Existing Municipal Service Benefit Unit (MSBU) for Maintenance of Retention Ponds and for Streetlighting		
MSBU District:	Estates at Wekiva and Estates at Wekiva Phase 2		
Applicant:	Daniel A Kaiser Land Development Director K Hovnanian Homes Developer		
District:	Commissioner Nelson, District 2		

Report: The attached resolutions will amend the existing MSBU's for maintenance of retention ponds and streetlighting. The amendment will add the 1 lot for Estates at Wekiva Phase 2. This will allow all of the 31 lots to be assessed for maintenance of retention ponds and streetlighting.

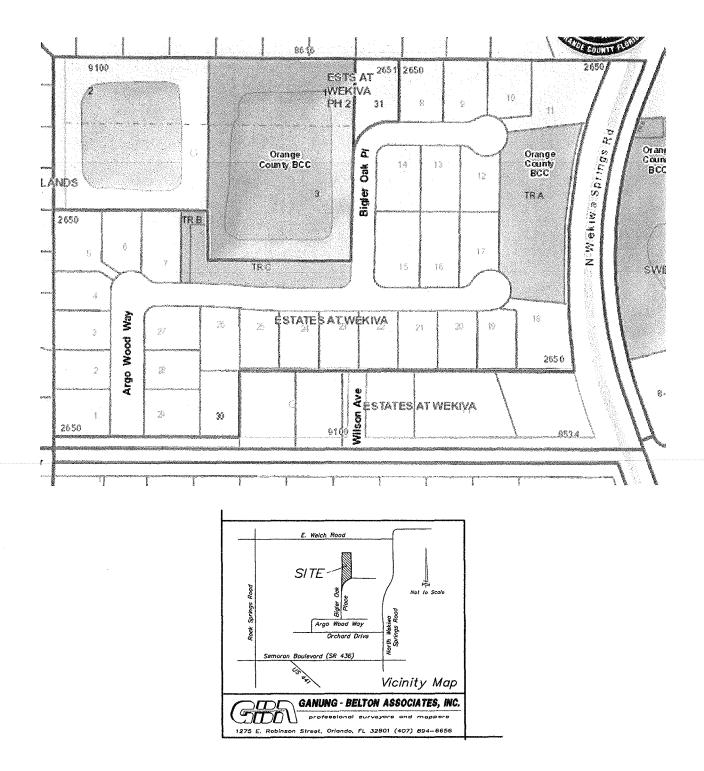
Retention Pond: The estimated assessment for the amending MSBU for maintenance of retention ponds is \$77.00 per lot, per year. Last year's assessment was \$77.00 per lot.

Streetlighting: The streetlighting inventory will consist of 14 - 100 watt decorative ocala (acorn) fixtures with 14 - 16 foot single decorative victorian concrete poles. The estimated assessment for the amending MSBU for streetlighting is \$184.00 per lot, per year. Last year's assessment was \$188.00 per lot.

Effective Date: The amending MSBU's would be effective November 1, 2016.

Action Requested: Approval of attached resolution for maintenance of retention ponds and approval of attached resolution for streetlighting.

## Estates at Wekiva and Estates at Wekiva Phase 2 11/2016



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING AND RESTATING A MUNICIPAL SERVICE BENEFIT UNIT FOR MAINTENANCE OF RETENTION PONDS IN

## Estates at Wekiva and Estates at Wekiva Phase 2 11/2016

WHEREAS, Section 125.01 (01) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated areas of Orange County; and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcement of non-ad valorem special assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, (hereinafter known as the "Board") is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, by the Resolutions dated March 10, 2015, the Board established the Estates at Wekiva 11/2015 Municipal Service Benefit Unit (hereinafter known as the "MSBU") for maintenance of a retention pond (hereinafter known as the "Resolution)", said Resolution being recorded in Official Records Book 10893, Pages 0450 through 0453, Public Records of Orange County, Florida; and

WHEREAS, the County has received a request, in writing, from Daniel A Kaiser, Land Development Director (hereinafter known as the "Developer") of K Hovnanian Homes for the amendment of such Resolution to combine and include the subdivisions which are more fully described below in that portion of the unincorporated area of Orange County; and

WHEREAS, the Board has determined that the amendment of the MSBU, the purpose of which is to combine and include the subdivisions which are more fully described below to provide for maintenance of the county-dedicated retention pond as requested by the Developer, together with the other information pertaining to the operation of the proposed MSBU submitted therewith, to be feasible, necessary to facilitate the services desired, and in the public interest, and that the properties will be benefited, now and in the future, and that the MSBU should be amended,

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of the resolution.

2. The **Estates at Wekiva 11/2015** Resolution for maintenance of a retention pond, which is recorded in Official Records Book **10893**, Pages **0450** through **0453**, Public Records of Orange County, Florida, is hereby amended as the **Estates at Wekiva and Estates at Wekiva Phase 2** 

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11/2016 MSBU, subject to final adjustment and approval as provided in Section 197.3632. Florida Statutes. This MSBU is to combine and include said subdivisions, the boundaries of which appear on the recorded plats of Estates at Wekiva and Estates at Wekiva Phase 2 subdivisions, Plat Book 82, Pages 137 and 138 for Estates at Wekiva Phase 1 and Plat Book 84, Page 18 for Estates at Wekiva Phase 2, Section 36, Township 20, Range 28, and Lots 1 through 30 for Estates at Wekiva and Lot 31 for Estates at Wekiva Phase 2, Public Records of Orange County, Florida. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds as may be necessary for the payment of administrative costs and appropriate reserves for cash balance and the minimum maintenance services to be performed on the retention pond located on Tract "A"of Estates at Wekiva for Estates at Wekiva and Estates at Wekiva Phase 2 subdivisions, which pond has been dedicated to Orange County on the plat thereof and constructed in accordance with standards approved by the Orange County Public Works Division. The Developer understands that this MSBU is created solely for the purpose of maintaining the retention pond located on Tract "A" of Estates at Wekiva for Estates at Wekiva and Estates at Wekiva Phase 2 subdivisions, and that no other pond or infrastructure improvements located within the Estates at Wekiva and Estates at Wekiva Phase 2 subdivisions may be maintained, constructed, reconstructed, improved, or repaired with the non-ad valorem special assessments collected from this MSBU.

3. The County shall perform or cause to be performed minimum maintenance services in the retention pond area, which maintenance shall be limited to mowing, weed control, mosquito control, maintenance and repair of the structural integrity of control devices, and periodic major repairs and improvements to the retention pond. Such maintenance shall not include curb and paved roadway maintenance and repair, signage maintenance and repair, or maintenance of or replacement of landscaping improvements. The County may subcontract with any party for the performance of the maintenance services described herein.

4. Upon completion of construction of the retention pond and the placement of the pond into operation, the Board shall determine the estimated non-ad valorem special assessment amount required to pay the expense of maintaining and operating the retention pond in the MSBU. This nonad valorem special assessment is levied for the first time as of November 1, 2016, and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the non-ad valorem special assessment by twenty percent (20%) each and every year thereafter to any affected property based on the benefit, which the Board will provide or has provided to the property with the revenues generated by the non-ad valorem special assessments. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem special assessments. One and one half dollars (\$1.50) for each lot or parcel of land shall be added by the Board to cover the costs of administering the MSBU and the total amount so determined shall be specially assessed against the real property of the freeholders in the MSBU as provided hereafter. Additional amounts will be added to provide for reimbursement of necessary administrative costs incurred by the Property Appraiser and Tax Collector for the collection of non-ad valorem special assessments subject to the provision of Section 197.3632, Florida Statutes, and for the establishment and maintenance of a reserve for cash balance for the purpose of paying expenses from October 1 of the ensuing fiscal year until the time when the revenue for that year are expected to be available and a cash reserve for periodic major repairs and improvements to the retention pond. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County may spend from its general fund, such sums as may be necessary to operate, maintain, and administer the MSBU hereby amended and the County will be reimbursed to such extent at such time as such non-ad valorem special assessments have been collected. The estimated annual cost of operating, maintaining, and administering the MSBU, including the establishment and maintenance of

an appropriate reserve for cash balance, is **\$2,387.00**, and the estimated annual non-ad valorem special assessment to each freeholder is **\$77.00**. Proceeds of collection of such non-ad valorem special assessments as provided hereinafter are to be put into a special fund of the County to the credit of the MSBU, and are to be used only by the district as provided herein.

5. Upon completion of construction of the retention pond and the placement of the pond into operation, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessments in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be necessary to pay the estimated expense of the maintenance of the retention ponds and the administration of the MSBU. Such sums shall be assessed against the real property of each individual freeholder on a pro rata basis, and not on an ad valorem basis, so that each freeholder shall, at all times, pay an equal amount toward such maintenance. After the adoption of the non-ad valorem special assessment roll by the Board, the Property Appraiser shall extend the non-ad valorem special assessment upon the non-ad valorem special assessment roll, which roll shall be fully completed prior to the time said Board sits as the Board of Tax Adjustment, during which time such non-ad valorem special assessment may be protested, reviewed, equalized, and adjusted to conform to the provisions of Sections 197.3632 and 197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, the Board shall certify said non-ad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the non-ad valorem special assessments shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinquent interest and penalties, and be treated in all respects the same as County ad valorem taxes. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs of having a non-ad valorem special assessment roll made and extended. The Tax Collector's office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, Section 197.3632, Florida Statutes, shall be used.

6. The Board intents that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes. The Board authorizes utilization of this Uniform Method of collection for all affected parcels. The non-ad valorem special assessment will be listed on the non-ad valorem special assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, issuance of and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector, as provided by Florida Law. If a contract is signed between a subcontractor for maintenance service and Orange County, the effective date of enactment of the contract will coincide with the receipt of the collection of the MSBU non-ad valorem special assessments.

7. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU non-ad valorem special assessments.

8. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected

property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County.

9. It is understood and agreed between the County and the Developer that (if applicable) as the Estates at Wekiva and Estates at Wekiva Phase 2 subdivisions expand, the additional Additions, Phases, Sections, Units, and/or etc., as the case may be, may be permitted to join into this Resolution under the same terms and conditions as represented herein, by presenting an appropriate amendatory resolution to the Board for consideration.

10. The Board of County Commissioners shall be the governing board of this Municipal Service Benefit Unit.

11. This resolution which amends and restates the Resolutions recorded in Official Records Book 10893 Pages 0450 through0453, is controlling and supersedes the Resolutions recorded in Official Records Book 10893, Pages 0450 through 0453, Public Records of Orange County, Florida.

ADOPT	ED TH	IIS	 DAY.OF	 ·	, 2016
•					

ORANGE COUNTY, FLORIDA

BY:

#### ORANGE COUNTY MAYOR

DATE:

#### ATTEST: Martha O. Haynie, County Comptroller as Clerk of the Board of County Commissioners

BY:

#### DEPUTY CLERK

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RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING AND RESTATING A MUNICIPAL SERVICE BENEFIT UNIT FOR STREETLIGHTING FOR

## Estates at Wekiva and Estates at Wekiva Phase 2 11/2016

WHEREAS, Section 125.01 (1) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated areas of Orange County, and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcemer of non-ad valorem assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, (hereinafter knowr as the "Board"), is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, by the Resolution dated March 10, 2015, the Board established the Estates at Wekiva 11/2015 Municipal Service Benefit Unit (hereinafter known as the "MSBU") for streetlighting (hereinafter known as the "Resolution"), said Resolution being recorded in Official Records Book 1089. Pages 0428 through 0431, Public Records of Orange County, Florida; and

WHEREAS, the County has now received a request, in writing, from Daniel A Kaiser, Land Development Director (hereinafter known as the "Developer") of K Hovnanian Homes for the amendme of such Resolution to combine and include the subdivisions which are more fully described below in the portion of the unincorporated area of Orange County and to maintain the existing streetlighting inventor of 14 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures with 14 - 16 foot single decorative victorian concrete poles; and

WHEREAS, this Board has determined that the amendment and restatement of the existing MSBU, the purpose of which is to combine and include the subdivisions which are more fully described below as requested by the Developer, together with the other information pertaining to the operation of the proposed MSBU submitted therewith, to be feasible, necessary to facilitate the services desired and in the public interest, and that the properties will be benefited, now and in the future, and that the existin MSBU should be amended and restated to combine said subdivisions which are fully described below and

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of the resolution.

2. The Estates at Wekiva 11/2015 Resolution for streetlighting which is recorded in Official Records Book 10893, Pages 0428 through 0431, Public Records of Orange County, Florida, is hereby amended as the Estates at Wekiva and Estates at Wekiva Phase 2 11/2016 MSBU, subject to final adjustment and approval as provided for in Section 197.3632, Florida Statutes. This MSBU is to combine and include lots for said subdivisions, the boundaries of which appear on the recorded plats of Estates at Wekiva and Estates at Wekiva Phase 2 subdivisions, Plat Book 82, Pages 137 and 138 for Estates at Wekiva and Plat Book 84, Page 18 for Estates at Wekiva Phase 2, Section 36, Township 20, Range 28, and Lots 1 through 30 for Estates at Wekiva and Lot 31 for Estates at Wekiva Phase 2, Public Records of Orange County, Florida and to increase the streetlighting inventory which is more fully described below. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds as may be necessary to pay the annual expense of standard operation and maintenance of streetlighting equipment within the MSBU, including energy charges, streetlighting fixtures, poles, wires, conduits, and all appurtenances necessary for such streetlighting, electrical services and current used in their operation, and for payment of administrative costs and appropriate reserves for cash balance. It is the understanding of the County that Duke Energy Florida, Inc. is to construct, or has constructed in accordance with standards approved by the Orange County Public Works Division, all necessary streetlighting equipment at no expense to the County, prior to or during construction of those portions of Estates at Wekiva and Estates at Wekiva Phase 2 subdivisions and that Duke Energy Florida, Inc. will assume standard maintenance and operation of such equipment, subsequent to such construction, including computation of the annual and monthly charges for such standard maintenance and operation. Such equipment is to include 14 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures at \$13.89 per fixture, per month and 14 - 16 foot single decorative victorian concrete poles at \$13.07 per pole, per month for a yearly rate of \$4,657.15, which includes energy costs and excludes the cost of administering the district as set out below, or at a rate or rates as may be set by the properly constituted legal authorities who control, govern and set the rates for Duke Energy Florida, Inc. for the services described herein. It is further understood by the County that Duke Energy Florida, Inc. may construct such streetlighting equipment only in those portions of the MSBU as may be necessary concurrent with the development of Estates at Wekiva and Estates at Wekiva Phase 2 subdivisions and that the streetlighting district created herein will be operated only in such portions of the MSBU until such construction is completed in other portions of the MSBU; provided that if such construction is only to be in portions of such MSBU, a complete legal description of the portion or portions developed be filed with the Clerk of the Board. After presentation and approval by the Board, it is understood and agreed between the County and the Developer that (if applicable) as Estates at Wekiya and Estates at Wekiya Phase 2 subdivisions expands the additional Additions, Phases, Sections, Units and/or etc., as the case may be permitted to join into this Resolution under the same terms and conditions as represented herein, by presenting an appropriate amendatory resolution to the Board for consideration. It is further understood that the revised contract between the County and Duke Energy Florida, Inc. for Estates at Wekiva and Estates at Wekiva Phase 2 subdivisions will not be effective until November 1, 2016. Streetlights installed prior to this date are the responsibility of the developer and not the County. It is further understood that only 14 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures at \$13.89 per fixture, per month and 14 - 16 foot single decorative victorian concrete poles at \$13.07 per pole, per month are approved for this MSBU. Any additional streetlighting will be the responsibility of the developer.

3. Upon completion of construction of such streetlighting equipment and the placement of such equipment into operation, the Board shall determine the estimated non-ad valorem assessment amount required to pay the standard expense of maintaining and operating the streetlighting equipment in the MSBU. This non-ad valorem assessment is levied for the first time as of **November 1, 2016** and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the assessment by twenty percent (20%) each and every year thereafter to any affected property based on the benefit, which the Board will provide or has provided to the property with

the revenue generated by the assessment. The property owners within Estates at Wekiva and Estates at Wekiva Phase 2 subdivisions shall pay any cost exceeding standard operating and maintenance expense as determined by the Board. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem assessments. One and one half dollars (\$1.50) for each lot or parcel of land shall be added by the Board to cover the costs of administering the MSBU and the total amount so determined shall be specially assessed against the real property of the freeholders in the MSBU as provided hereafter. Additional amounts will be added to provide for reimbursement of necessary administrative costs incurred by the Property Appraiser and Tax Collector for the collection of non-ad valorem assessments subject to the provision of Section 197.3632, Florida Statutes, and for the establishment and maintenance of a reserve for cash balance for the purpose of paying expenses from October 1 of the ensuing fiscal year until the time when the revenue for that year are expected to be available. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County may spend from its general fund, such sums as may be necessary to operate, maintain, and administer the MSBU hereby created and the County will be reimbursed to such extent at such time as such assessments have been collected. The estimated annual cost of operating, maintaining, and administering such streetlighting equipment, including the establishment and maintenance of an appropriate reserve for cash balance, is \$5,704.00 and the estimated annual charge to each individual freeholder is \$184.00. Proceeds of collection of such assessments as provided hereinafter put into a special revenue fund of the County to the credit of the MSBU, and are to be used only by the district as provided herein.

4. Upon completion of construction of such streetlighting equipment and the placement of such equipment into operation, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessments in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be owned by individual freeholders, according to the recorded plats of Estates at Wekiva and Estates at Wekiva Phase 2 subdivisions, Plat Book 82, Pages 137 and 138 for Estates at Wekiva and Plat Book 84, Page 18 for Estates at Wekiva Phase 2, such sums as shall be necessary to pay the estimated expense of the annual operation and maintenance of such streetlighting equipment and administration of the district and appropriate reserves for cash balance for paying expenses, provided that such sums shall be assessed against the real property of each individual freeholder on a pro rata basis, and not on an ad valorem basis, so that each freeholder shall, at all times, pay an equal amount towards such cost. After the adoption of the non-ad valorem special assessment by the Board, the Property Appraiser shall extend the assessment upon the non-ad valorem assessment roll, which roll shall be fully completed prior to the time said Board sits as the Board of Tax Adjustment, during which time such assessments may be protested, reviewed, equalized, and adjusted to conform to the provisions of Sections 197.3632 and 197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, said Board shall certify the non-ad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the said nonad valorem special assessments shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinguent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinquent interest and penalties, and be treated in all respects the same as County ad valorem taxes. Said non-ad valorem special assessments, when collected by the Tax Collector shall be remitted to the Board, who shall deposit the same in such depository as shall be designated by the Board who shall apply the same to monthly bills rendered by Duke Energy Florida, Inc., related administrative costs, and to the establishment and maintenance of an appropriate reserve for cash balance. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs

for having a non-ad valorem special assessment roll made and extended. The Tax Collector's office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments, Section 197.3632, Florida Statutes, will be used.

5. The Board intends that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes. The Board authorizes utilization of this Uniform Method of collection for all affected parcels. The non-ad valorem special assessment will be listed on the assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, issuance of and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector as provided by Florida Law.

6. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU assessments.

7. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County.

8. The Board of County Commissioners shall be the governing board of said Municipal Service Benefit Unit.

9. This resolution which amends and restates the resolutions recorded in Official Records Book 10893, Pages 0428 through 0431, is controlling and supersedes the resolutions recorded in Official Records Book 10893, Pages 0428 through 0431, Public Records of Orange County, Florida.

ADOPTED THIS	DAY	OF	, 2016	

ORANGE COUNTY, FLORIDA

BY:\_

ORANGE COUNTY MAYOR

DATE:\_\_\_\_

ATTEST: Martha O. Haynie, County Comptroller as Clerk of the Board of County Commissioners

BY:\_

DEPUTY CLERK

#### **OFFICE OF COMPTROLLER**

ORANGE

COUNTY

**FLORIDA** 



### INTEROFFICE MEMO

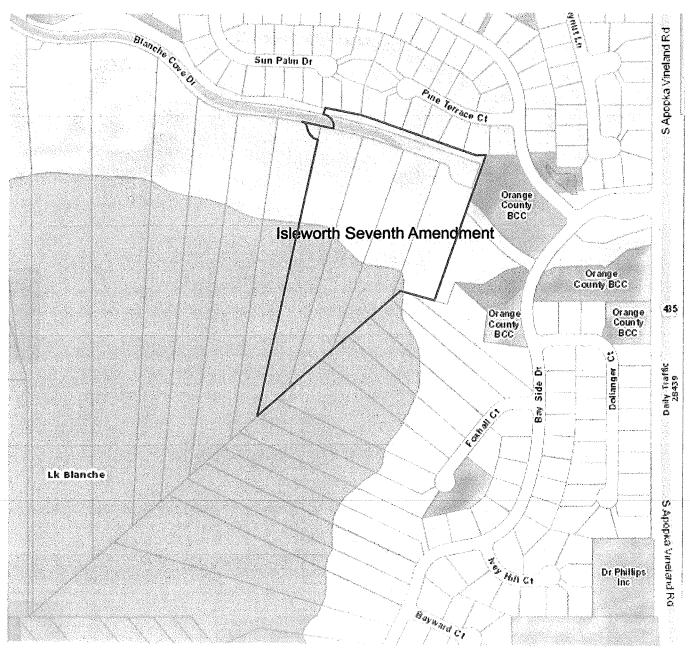
Martha O. Haynie, CPA County Comptroller Finance and Accounting Department Special Assessments P O Box 38 Orlando, FL 32802 Telephone: 407-836-5770 Fax: 407-836-5753

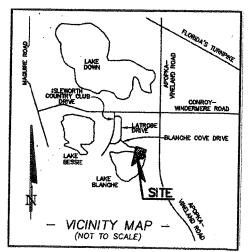
Date: M	/larch 2, 2016
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- To: Mayor Teresa Jacobs and Board of County Commissioners M.Q.MPPADT From: Margaret A. McGarrity, Chief Deputy Comptroller
- Contact: Ann Troutman, 407-836-5770
- Subject: Public Hearings to Amend the Existing Municipal Service Benefit Unit (MSBU) for Maintenance of a Retention Pond
- MSBU District: Isleworth Fourth, Fifth and Seventh Amendments
- Applicant: Jefferson R. Voss Isleworth Land Company Developer
- District: Commissioner Boyd, District 1
- Report: The attached resolution will amend the existing MSBU for maintenance of a retention pond. The amendment will add the 4 lots of Isleworth Seventh Amendment subdivision. This will allow all of the 15 lots / parcels to be assessed for maintenance of a retention pond.
- Retention Pond: The estimated assessment for the amending MSBU for maintenance of a retention pond is \$77.00 per lot, per year. Last year's assessment was \$77.00
- Effective Date: The amending MSBU would be effective November 1, 2016.

Action Requested: Approval of attached resolution for maintenance of a retention pond.

## **Isleworth Seventh Amendment**





RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING AND RESTATING A MUNICIPAL SERVICE BENEFIT UNIT FOR MAINTENANCE OF RETENTION PONDS IN

## Isleworth Fourth, Fifth and Seventh Amendments 11/2016

WHEREAS, Section 125.01 (01) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated areas of Orange County; and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcement of non-ad valorem special assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, (hereinafter known as the "Board") is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, by the Resolution dated May 7, 2002, the Board established the Isleworth 4th Amendment Municipal Service Benefit Unit (hereinafter known as the "MSBU") for maintenance of a retention pond (hereinafter known as the "Resolution)", said Resolution being recorded in Official Records Book 6521, Pages 4053 through 4056, Public Records of Orange County, Florida; and

WHEREAS, the County has received a request, in writing, from Jefferson R. Voss (hereinafter known as the "Developer") of Isleworth Land Company for the amendment of such Resolution to combine and include the subdivisions which are more fully described as shown in **Exhibit "A"** of this resolution and in that portion of the unincorporated area of Orange County; and

WHEREAS, the Board has determined that the amendment of the MSBU, the purpose of which is to combine and include the subdivisions which are more fully described in **Exhibit "A"** of this resolution to provide for maintenance of the county-dedicated retention pond as requested by the Developer, together with the other information pertaining to the operation of the proposed MSBU submitted therewith, to be feasible, necessary to facilitate the services desired, and in the public interest, and that the properties will be benefited, now and in the future, and that the MSBU should be amended,

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of the resolution.

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2. The **Isleworth 4th Amendment** Resolution for maintenance of a retention pond, which is recorded in Official Records Book 6521, Pages 4053 through 4056, Public Records of Orange County, Florida, is hereby amended as the Isleworth Fourth, Fifth and Seventh Amendments 11/2016 MSBU, subject to final adjustment and approval as provided in Section 197.3632, Florida Statutes. This MSBU is to combine and include said subdivisions, the boundaries of which appear on the recorded plats of Isleworth Fourth Amendment, Isleworth Fifth Amendment and Isleworth Seventh Amendment subdivisions, Plat Book, Pages, Section, Township, Range, and Lots as shown in Exhibit "A" of this resolution, Public Records of Orange County, Florida. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds as may be necessary for the payment of administrative costs and appropriate reserves for cash balance and the minimum maintenance services to be performed on the retention pond located on Tract "C" as shown on Plat Book 48, Pages 114 through 116 of Isleworth Fourth Amendment and benefits Isleworth Fourth Amendment, Islesworth Fifth Amendment and Islesworth Seventh Amendment subdivisions. which pond has been dedicated to Orange County on the plat thereof and constructed in accordance with standards approved by the Orange County Public Works Division. The Developer understands that this MSBU is created solely for the purpose of maintaining the retention pond located on Tract "C" as shown on Plat Book 48, Pages 114 through 116 of Isleworth Fourth Amendment and benefits Isleworth Fourth Amendment, Islesworth Fifth Amendment and Islesworth Seventh Amendment subdivisions, and that no other pond or infrastructure improvements located within the Isleworth Fourth Amendment, Isleworth Fifth Amendment and Islesworth Seventh Amendment subdivisions may be maintained, constructed, reconstructed, improved, or repaired with the non-ad valorem special assessments collected from this MSBU.

3. The County shall perform or cause to be performed minimum maintenance services in the retention pond area, which maintenance shall be limited to mowing, weed control, mosquito control, maintenance and repair of the structural integrity of control devices, and periodic major repairs and improvements to the retention pond. Such maintenance shall not include curb and paved roadway maintenance and repair, signage maintenance and repair, or maintenance of or replacement of landscaping improvements. The County may subcontract with any party for the performance of the maintenance services described herein.

4 Upon completion of construction of the retention pond and the placement of the pond into operation, the Board shall determine the estimated non-ad valorem special assessment amount required to pay the expense of maintaining and operating the retention pond in the MSBU. This nonad valorem special assessment is levied for the first time as of **November 1, 2016**, and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the non-ad valorem special assessment by twenty percent (20%) each and every year thereafter to any affected property based on the benefit, which the Board will provide or has provided to the property with the revenues generated by the non-ad valorem special assessments. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem special assessments. One and one half dollars (\$1.50) for each lot or parcel of land shall be added by the Board to cover the costs of administering the MSBU and the total amount so determined shall be specially assessed against the real property of the freeholders in the MSBU as provided hereafter. Additional amounts will be added to provide for reimbursement of necessary administrative costs incurred by the Property Appraiser and Tax Collector for the collection of non-ad valorem special assessments subject to the provision of Section 197.3632, Florida Statutes, and for the establishment and maintenance of a reserve for cash balance for the purpose of paying expenses from October 1 of the ensuing fiscal year until the time when the revenue for that year are expected to be available and a cash reserve for periodic major repairs and improvements to the retention pond. Administrative costs shall include, but not be limited to, those costs associated with

personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County may spend from its general fund, such sums as may be necessary to operate, maintain, and administer the MSBU hereby amended and the County will be reimbursed to such extent at such time as such non-ad valorem special assessments have been collected. The estimated annual cost of operating, maintaining, and administering the MSBU, including the establishment and maintenance of an appropriate reserve for cash balance, is **\$1,155.00**, and the estimated annual non-ad valorem special assessments as provided hereinafter are to be put into a special fund of the County to the credit of the MSBU, and are to be used only by the district as provided herein.

5. Upon completion of construction of the retention pond and the placement of the pond into operation, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessments in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be necessary to pay the estimated expense of the maintenance of the retention pond and the administration of the MSBU. Such sums shall be assessed against the real property of each individual freeholder on a pro rata basis, and not on an ad valorem basis, so that each freeholder shall, at all times, pay an equal amount toward such maintenance. After the adoption of the non-ad valorem special assessment roll by the Board, the Property Appraiser shall extend the non-ad valorem special assessment upon the non-ad valorem special assessment roll, which roll shall be fully completed prior to the time said Board sits as the Board of Tax Adjustment, during which time such non-ad valorem special assessment may be protested, reviewed, equalized, and adjusted to conform to the provisions of Sections 197.3632 and 197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, the Board shall certify said non-ad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the non-ad valorem special assessments shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinquent interest and penalties, and be treated in all respects the same as County ad valorem taxes. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs of having a non-ad valorem special assessment roll made and extended. The Tax Collector's office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, Section 197.3632, Florida Statutes, shall be used.

6. The Board intents that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes. The Board authorizes utilization of this Uniform Method of collection for all affected parcels. The non-ad valorem special assessment will be listed on the non-ad valorem special assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, issuance of and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector, as provided by Florida Law. If a contract is signed between a subcontractor for maintenance service and Orange County, the effective date of enactment of the contract will coincide with the receipt of the collection of the MSBU non-ad valorem special assessments.

7. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU non-ad valorem special assessments.

8. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County.

9. It is understood and agreed between the County and the Developer that (if applicable) as the Isleworth Fourth Amendment, Isleworth Fifth Amendment and Isleworth Seventh Amendment subdivisions expand, the additional Additions, Phases, Sections, Units, and/or etc., as the case may be, may be permitted to join into this Resolution under the same terms and conditions as represented herein, by presenting an appropriate amendatory resolution to the Board for consideration.

10. The Board of County Commissioners shall be the governing board of this Municipal Service Benefit Unit.

11. This resolution which amends and restates the Resolution recorded in Official Records Book 6521, Pages 4053 through 4056, is controlling and supersedes the Resolution recorded in Official Records Book 6521, Pages 4053 through 4056, Public Records of Orange County, Florida.

ADOPTED TI	HIS DAY OF	, 2016	
ORANGE CC	OUNTY, FLORIDA		
		•	
BY:	ORANGE COUNTY MAYOR		
DATE:	,		
ATTEST:	Martha O. Haynie, County Comptroller as Clerk of the Board of County Commissioners		
BY:			
	DEPUTY CLERK		

#### Section Lots / Blocks / Buildings / Plat Book / Township Total Subdivisions Range Tracts / Units Lots / Page Subcode Parcels Isleworth 4<sup>th</sup> Amendment Lots 70 and 71 48/114-116 16-23-28-3905 7 Lots 74 and 75 Lots 76 through 80 Replatted as Isleworth 5<sup>th</sup> Amendment - Lots 1-3 Isleworth 5<sup>th</sup> Amendment 70/61-62 16-23-28-3910 Lots 1 and 2 4 Lot 3 Replatted as Isleworth 7<sup>th</sup> Amendment Isleworth 7<sup>th</sup> Amendment 87/58-59 16-23-28 Lots 5 through 8 4 **Total Lots/Parcels** 15

#### Isleworth Fourth, Fifth and Seventh Amendment Exhibit "A"

#### OFFICE OF COMPTROLLER

ORANGE

COUNTY

**FLORIDA** 

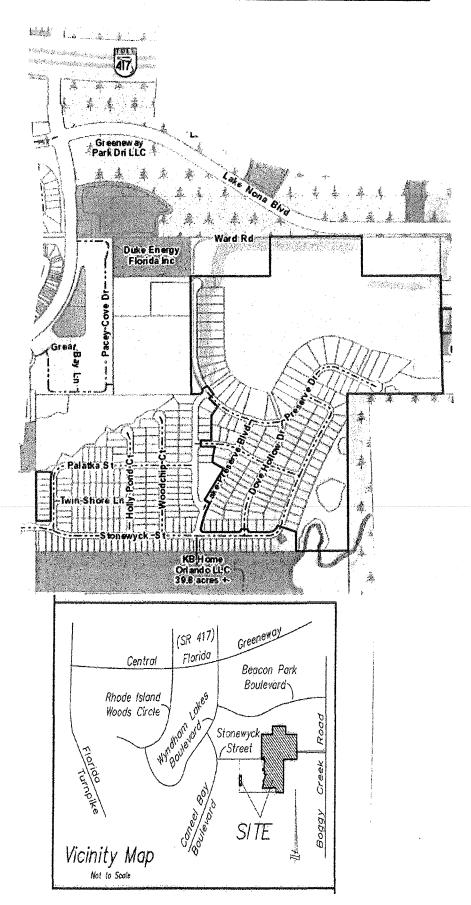


### INTEROFFICE MEMO

Martha O. Haynie, CPA County Comptroller Finance and Accounting Department Special Assessments P O Box 38 Orlando, FL 32802 Telephone: 407-836-5770 Fax: 407-836-5753

- To: Mayor Teresa Jacobs and Board of County Commissioners MGMMMAT From: Margaret A. McGarrity, Chief Deputy Comptroller
- Contact: Ann Troutman, 407-836-5770
- Subject: Public Hearings to Amend the Existing Municipal Service Benefit Unit (MSBU) for Streetlighting.
- MSBU District: Lake Preserve Phase 1 and Lake Preserve Phase 2
- Applicant: Brian Kittle Meritage Homes of Florida, Inc. Developer
- District: Commissioner Thompson District 4
- Report: The attached resolution will amend the existing MSBU for streetlighting. The amendment will add the 136 lots of Lake Preserve - Phase 2. This will allow all of the 298 lots to be assessed for streetlighting.
- Streetlighting: The streetlighting inventory will consist of 125 100 watt decorative ocala (acorn) fixtures, 6 150 watt standard roadway fixtures with 125 16 foot single standard decorative colonial concrete poles and 6 30/35 foot standard concrete poles. The estimated assessment for the amending MSBU for streetlighting is \$164.00 per lot, per year. Last year's assessment was \$157.00 per lot.
- Effective Date: The amending MSBU would be effective November 1, 2016.
- Action Requested: Approval of attached resolution for streetlighting.

## Lake Preserve Phase 1 and Phase 2



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RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING AND RESTATING A MUNICIPAL SERVICE BENEFIT UNIT FOR STREETLIGHTING FOR

## Lake Preserve - Phase 1 and Lake Preserve - Phase 2 11/2016

WHEREAS, Section 125.01 (1) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated areas of Orange County, and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcement of non-ad valorem assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, (hereinafter known as the "Board"), is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, by the Resolution dated May 5, 2015, the Board established the Lake Preserve -Phase 1 11/2015 Municipal Service Benefit Unit (hereinafter known as the "MSBU") for streetlighting (hereinafter known as the "Resolution"), said Resolution being recorded in Official Records Book 10921, Pages 0051 through 0054, Public Records of Orange County, Florida; and

WHEREAS, the County has now received a request, in writing, from Brian Kittle, Division Vice President (hereinafter known as the "Developer") of Meritage Homes of Florida, Inc. for the amendment of such Resolution to combine and include the subdivisions which are more fully described below in that portion of the unincorporated area of Orange County and to increase the existing streetlighting inventory from 69 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures and 6 - 150 watt 16000 lumen high pressure sodium standard roadway fixtures with 69 - 16 foot single standard decorative colonial concrete poles and 6 - 30/35 foot standard concrete poles to 125 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures and 6 - 150 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures and 6 - 150 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures and 6 - 150 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures and 6 - 150 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures and 6 - 150 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures and 6 - 150 watt 16000 lumen high pressure sodium decorative ocala (acorn) fixtures and 6 - 150 watt 16000 lumen high pressure sodium decorative ocala (acorn) fixtures and 6 - 150 watt 16000 lumen high pressure sodium decorative ocala (acorn) fixtures and 6 - 150 watt 16000 lumen high pressure sodium standard roadway fixtures with 125 - 16 foot single standard decorative colonial concrete poles and 6 - 30/35 foot standard concrete poles; and

WHEREAS, this Board has determined that the amendment and restatement of the existing MSBU, the purpose of which is to combine and include the subdivisions which are more fully described below and to increase the existing streetlighting inventory as requested by the Developer, together with the other information pertaining to the operation of the proposed MSBU submitted therewith, to be feasible, necessary to facilitate the services desired and in the public interest, and that the properties will be benefited, now and in the future, and that the existing MSBU should be amended and restated to combine said subdivisions and to increase the existing streetlighting inventory; and

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THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of the resolution.

The Lake Preserve - Phase 1 11/2015 Resolution for streetlighting which is recorded in Official 2. Records Book 10921, Pages 0051 through 0054, Public Records of Orange County, Florida, is hereby amended as the Lake Preserve - Phase 1 and Lake Preserve - Phase 2 11/2016 MSBU, subject to final adjustment and approval as provided for in Section 197.3632, Florida Statutes. This MSBU is to combine and include said subdivisions, the boundaries of which appear on the recorded plats of Lake Preserve - Phase 1 and Lake Preserve - Phase 2 subdivisions, Plat Book 82, Pages 139 through 145 for Lake Preserve - Phase 1 and Plat Book 85, Pages 46 through 52 for Lake Preserve - Phase 2, Section 33, Township 24, Range 30, and Lots 1 through 162 for Lake Preserve - Phase 1 and Lots 163 through 297 and Tract "K" Future Development for Lake Preserve - Phase 2, Public Records of Orange County, Florida and to increase the streetlighting inventory which is more fully described below. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds as may be necessary to pay the annual expense of standard operation and maintenance of streetlighting equipment within the MSBU, including energy charges, streetlighting fixtures, poles, wires, conduits, and all appurtenances necessary for such streetlighting, electrical services and current used in their operation, and for payment of administrative costs and appropriate reserves for cash balance. It is the understanding of the County that Duke Energy Florida, Inc. is to construct, or has constructed in accordance with standards approved by the Orange County Public Works Division, all necessary streetlighting equipment at no expense to the County, prior to or during construction of those portions of Lake Preserve - Phase 1 and Lake Preserve - Phase 2 subdivisions and that Duke Energy Florida, Inc. will assume standard maintenance and operation of such equipment, subsequent to such construction, including computation of the annual and monthly charges for such standard maintenance and operation. Such equipment is to include 125 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures at \$13.89 per fixture, per month, 6 - 150 watt 16000 lumen high pressure sodium standard roadway fixtures at \$13.82 per fixture, per month with 125 - 16 foot single standard decorative colonial concrete poles at \$8.99 per pole, per month and 6 - 30/35 foot standard concrete poles at \$5.05 per pole, per month for a yearly rate of \$36,585.24, which includes energy costs and excludes the cost of administering the district as set out below, or at a rate or rates as may be set by the properly constituted legal authorities who control, govern and set the rates for Duke Energy Florida, Inc. for the services described herein. It is further understood by the County that Duke Energy Florida, Inc. may construct such streetlighting equipment only in those portions of the MSBU as may be necessary concurrent with the development of Lake Preserve - Phase 1 and Lake Preserve - Phase 2 subdivisions and that the streetlighting district created herein will be operated only in such portions of the MSBU until such construction is completed in other portions of the MSBU; provided that if such construction is only to be in portions of such MSBU, a complete legal description of the portion or portions developed be filed with the Clerk of the Board. After presentation and approval by the Board, it is understood and agreed between the County and the Developer that (if applicable) as Lake Preserve - Phase 1 and Lake Preserve - Phase 2 subdivisions expands the additional Additions, Phases, Sections, Units and/or etc., as the case may be permitted to join into this Resolution under the same terms and conditions as represented herein, by presenting an appropriate amendatory resolution to the Board for consideration. It is further understood that the revised contract between Orange County and Duke Energy Florida, Inc. for Lake Preserve - Phase 1 and Lake Preserve - Phase 2 subdivisions will not be effective until November 1, 2016. Streetlights installed prior to this date are the responsibility of the developer and not the County. It is further understood that only 125 - 100 watt 9500 lumen high pressure sodium decorative ocala (acorn) fixtures at \$13.89 per fixture, per month, 6 - 150 watt 16000 lumen high pressure sodium standard roadway fixtures at \$13.82 per fixture, per month with 125 - 16 foot single standard

decorative colonial concrete poles at \$8.99 per pole, per month and 6 - 30/35 foot standard concrete poles at \$5.05 per pole, per month are approved for this MSBU. Any additional streetlighting will be the responsibility of the developer.

3. Upon completion of construction of such streetlighting equipment and the placement of such equipment into operation, the Board shall determine the estimated non-ad valorem assessment amount required to pay the standard expense of maintaining and operating the streetlighting equipment in the MSBU. This non-ad valorem assessment is levied for the first time as of November 1, 2016 and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the assessment by twenty percent (20%) each and every year thereafter to any affected property based on the benefit, which the Board will provide or has provided to the property with the revenue generated by the assessment. The property owners within Lake Preserve - Phase 1 and Lake Preserve - Phase 2 subdivisions shall pay any cost exceeding standard operating and maintenance expense as determined by the Board. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem assessments. One and one half dollars (\$1.50) for each lot or parcel of land shall be added by the Board to cover the costs of administering the MSBU and the total amount so determined shall be specially assessed against the real property of the freeholders in the MSBU as provided hereafter. Additional amounts will be added to provide for reimbursement of necessary administrative costs incurred by the Property Appraiser and Tax Collector for the collection of non-ad valorem assessments subject to the provision of Section 197.3632, Florida Statutes, and for the establishment and maintenance of a reserve for cash balance for the purpose of paying expenses from October 1 of the ensuing fiscal year until the time when the revenue for that year are expected to be available. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County may spend from its general fund, such sums as may be necessary to operate, maintain, and administer the MSBU hereby created and the County will be reimbursed to such extent at such time as such assessments have been collected. The estimated annual cost of operating, maintaining, and administering such streetlighting equipment, including the establishment and maintenance of an appropriate reserve for cash balance, is \$46,872.00 and the estimated annual charge to each individual freeholder is \$164.00. Proceeds of collection of such assessments as provided hereinafter put into a special revenue fund of the County to the credit of the MSBU, and are to be used only by the district as provided herein.

4. Upon completion of construction of such streetlighting equipment and the placement of such equipment into operation, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessments in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be owned by individual freeholders, according to the recorded plats of Lake Preserve - Phase 1 and Lake Preserve - Phase 2 subdivisions, Plat Book 82 Pages 139 through 145 for Lake Preserve - Phase 1, Plat Book 85, Pages 46 through 52 for Lake Preserve - Phase 2, such sums as shall be necessary to pay the estimated expense of the annual operation and maintenance of such streetlighting equipment and administration of the district and appropriate

reserves for cash balance for paying expenses, provided that such sums shall be assessed against the real property of each individual freeholder on a pro rata basis, and not on an ad valorem basis, so that each freeholder shall, at all times, pay an equal amount towards such cost. After the adoption of the non-ad valorem special assessment by the Board, the Property Appraiser shall extend the assessment upon the non-ad valorem assessment roll, which roll shall be fully completed prior to the time said Board sits as the Board of Tax Adjustment, during which time such assessments may be

protested, reviewed, equalized, and adjusted to conform to the provisions of Sections 197.3632 and 197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, said Board shall certify the non-ad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the said non-ad valorem special assessments shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinguent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinguent interest and penalties, and be treated in all respects the same as County ad valorem taxes. Said non-ad valorem special assessments, when collected by the Tax Collector shall be remitted to the Board, who shall deposit the same in such depository as shall be designated by the Board who shall apply the same to monthly bills rendered by Duke Energy Florida, Inc., related administrative costs, and to the establishment and maintenance of an appropriate reserve for cash balance. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs for having a non-ad valorem special assessment roll made and extended. The Tax Collector's office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments, Section 197.3632, Florida Statutes, will be used.

5. The Board intends that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes. The Board authorizes utilization of this Uniform Method of collection for all affected parcels. The non-ad valorem special assessment will be listed on the assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, issuance of and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector as provided by Florida Law.

6. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU assessments.

7. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County.

8. The Board of County Commissioners shall be the governing board of said Municipal Service Benefit Unit.

9. This resolution which amends and restates the resolution recorded in Official Records Book 10921, Pages 0051 through 0054, is controlling and supersedes the resolution recorded in Official Records Book 10921, Pages 0051 through 0054, Public Records of Orange County, Florida.

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ORANGE COUNTY, FLORIDA

# BY:\_\_\_\_\_ ORANGE COUNTY MAYOR

DATE:\_\_\_\_\_

ATTEST: Martha O. Haynie, County Comptroller as Clerk of the Board of County Commissioners

BY:\_\_\_\_\_

DEPUTY CLERK



DATE:	March 3, 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:	March 15, 2016 – Public Hearing Applicant: Mr. Dennis Seliga, Boyd Horizon West, LLC Hamlin PD / UNP / CCM – 7 PSP Case #PSP-15-04-101
This public hearing	will need to be continued until April 5, 2016, as

This public hearing will need to be continued until April 5, 2016, as it is contingent on substantial change CDR-15-09-255, Hamlin PD / UNP / LUP, which has been advertised for that date.

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 27, 2016, to approve the Hamlin Planned Development (PD) / Unified Neighborhood Plan (UNP) / CCM – 7 Preliminary Subdivision Plan (PSP) to subdivide 37.26 acres in order to construct 115 single-family detached residential dwelling units.

This request also includes the following four (4) waivers from Orange County Code:

- 1. A waiver from Orange County Section 38-1384(F)(2) to eliminate the required pedestrian path or walkway from the primary entrance to the sidewalk, in lieu of all lots with alleys or lots sixty feet (60') in width or less requiring a pedestrian path or walkway from the primary entrance to the sidewalk.
- A waiver from Orange County Section 38-1384(G)(B) to allow for double wide garage entries on front-loaded lots that are less than sixty-five feet (65') in width, but greater than fifty feet (50') in width, specifically on lots 4, 8, 25, 33, 37, 42, 61, 67, 72, 82, 86, 92, 99, 104, 111; in lieu of the requirement that prohibits double-wide garage entries on all front-loaded lots less than sixtyfive feet (65') in width.

**GEP** Interoffice Memorandum



- 3. A waiver from Orange County Section 38-1384(G)(3) is granted to allow sideloaded/ courtyard entry garages to be placed in front of the primary structure on lots equal to or greater than fifty feet (50') in width (subject to applicable design standards), specifically on lots 2, 13, 14, 29, 30, 50, 51, 58, 59, 63, 64, 79, 80, 94, 95, 112, 113; in lieu of only lots greater than sixty-five feet (65') in width to allow side-loaded / courtyard entry garages to be placed in front of the primary structure.
- 4. A waiver from Orange County Section 38-1390.54(A)(4) is granted to eliminate the requirement for three (3) steps to elevate the finished floor of residential buildings above the adjacent sidewalk grade, where side-loaded / courtyard entry garages are proposed, in lieu of the requirement that residential building finished floor elevations shall be elevated a minimum of three (3) steps above the adjacent sidewalk grade.

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 will be available upon request in the DRC Office.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation, including an  $11" \times 17"$  plan, is in the top drawer of the BCC file cabinet in the supply room adjacent to District 4 Commissioner's office.

ACTION REQUESTED:

Continue DRC case # PSP-15-04-101 to April 5, 2016 at 2:00 p.m. to be heard concurrent with CDR-15-09-255, Hamlin PD / UNP / LUP. District 1

JVW/JS/lo Attachments

## CASE # PSP-15-04-101

Commission District # 1

#### 1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of January 27, 2016, to approve a the Hamlin PD / UNP/ CCM - 7 Preliminary Subdivision Plan (PSP) to subdivide and construct one hundred fifteen (115) single-family residential dwelling units on a total of 37.26 acres.

#### 2. PROJECT ANALYSIS

South of Porter Road / West of Hamlin Groves Trail
29-23-27-0000-00-053; 29-23-27-0000-00-044
37.26
Orange County Utilities
Orange County Utilities
Keene's Crossing ES – Capacity: 859 / Enrollment: 1,000 Bridgewater MS – Capacity: 1,176 / Enrollment: 1,142 West Orange HS – Capacity: 3,272 / Enrollment: 3,757
151
Summerport Park - 3.2 Miles
115 Single-Family Residential Dwelling Units
Maximum Building Height: 45' (3 stories) Minimum Living Area: 1,200 Square Feet Minimum Lot Width: 33 Lots = 50.1 lot width 82 Lots = 60' lot width Building Setbacks: 10' Front 5' Side 10' Side Street 20' Rear 50' NHVVE

K. Fire Station:

35 - 7435 Winter Garden Vineland Road

1

L. Transportation: The Right-of-Way Conveyance and Construction Agreement ("Agreement") between Orange County and SLF IV/Boyd Horizon West JV, LLC was approved by the BCC on December 6, 2011 and recorded at OR BK10306 / PG 1333. New Independence Parkway has since been constructed to four lanes. The applicant is required to provide an Assignment of Vested Trips to demonstrate that concurrency requirements have been satisfied for this request.

#### 3. COMPREHENSIVE PLAN

The property's Future Land Use Map (FLUM) designation is Village (V) (Horizon West Town Center - Corporate Campus Mixed Use District). The request is consistent with the Comprehensive Plan.

#### 4. ZONING

PD (Planned Development District) (Hamlin PD / UNP)

#### 5. REQUESTED ACTION:

Approval subject to the following conditions:

- 1. Development shall conform to the Hamlin PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; CCM -7 Preliminary Subdivision Plan dated "Received February 15, 2016\*," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received February 15, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the Board or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized).

agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

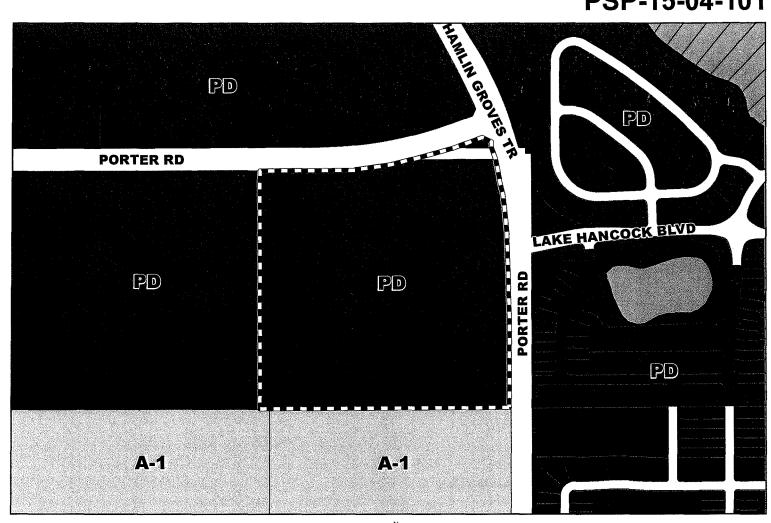
- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 4. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
- Prior to commencement of any earth work or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
- 6. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- 7. <u>All home designs/types proposed for this PSP shall be submitted to the County</u> for setback & architectural review a minimum of 90 days prior to model home requests and/or permitting.
- 8. Signage shall comply with Chapter 31.5 and Chapter 38.
- 9. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.

- 10. <u>A mandatory pre-application / sufficiency review meeting for the plat shall be</u> required prior to plat submittal, but after approval of the site construction plans. <u>The applicant shall resolve, to the County's satisfaction, all items identified in the</u> <u>pre-application / sufficiency review meeting prior to formal submittal of the plat to</u> <u>the County.</u>
- 11. <u>A current Level One (1) Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval prior to Construction Plan submittal.</u>
- 12. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries and prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
- 13. To demonstrate concurrency entitlements have been met for this project the developer must provide an Assignment of Vested Trips document concurrent with or prior to Development Plan submittal. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
- 14 Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement (Agreement effective as of March 19, 2013, and recorded at Book 10581, Page 6634, Public Records of Orange County, Florida, as amended by that certain First Amendment effective as of January 27, 2015, and recorded at Book 10880, Page 1825, Public Records of Orange County, Florida). Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
- 15. <u>At least thirty (30) days prior to construction plan submittal, the applicant shall</u> submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to

incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

- 16. A waiver from Orange County Section 38-1384(F)(2) is granted to eliminate the required pedestrian path or walkway from the primary entrance to the sidewalk, in lieu of all lots with alleys or lots sixty feet (60') in width or less requiring a pedestrian path or walkway from the primary entrance to the sidewalk.
- 17. A waiver from Orange County Section 38-1384(G)(B) is granted to allow for double wide garage entries on front-loaded lots that are less than sixty-five feet (65') in width, but greater than fifty feet (50') in width, specifically on lots 4, 8, 25, 33, 37, 42, 61, 67, 72, 82, 86, 92, 99, 104, 111; in lieu of the requirement that prohibits double-wide garage entries on all front-loaded lots less than sixty-five feet (65') in width.
- 18. A waiver from Orange County Section 38-1384(G)(3) is granted to allow sideloaded/ courtyard entry garages to be placed in front of the primary structure on lots equal to or greater than fifty feet (50') in width (subject to applicable design standards), specifically on lots 2, 13, 14, 29, 30, 50, 51, 58, 59, 63, 64, 79, 80, 94, 95, 112, 113; in lieu of only lots greater than sixty-five feet (65') in width to allow side-loaded / courtyard entry garages to be placed in front of the primary structure.
- 19. A waiver from Orange County Section 38-1390.54(A)(4) is granted to eliminate the requirement for three (3) steps to elevate the finished floor of residential buildings above the adjacent sidewalk grade, where side-loaded/ courtyard entry garages are proposed, in lieu of the requirement that residential building finished floor elevations shall be elevated a minimum of three (3) steps above the adjacent sidewalk grade.
- 20. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
- 21. A left turn lane shall be provided at the northern entrance of Hamlin Groves Trail.

## PSP-15-04-101

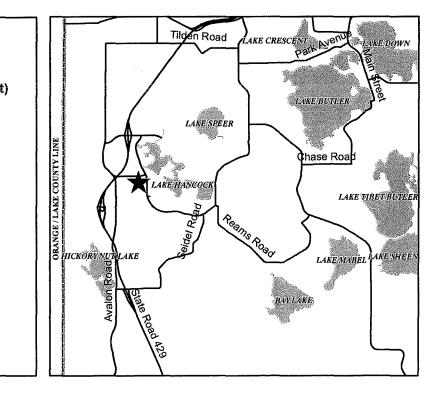


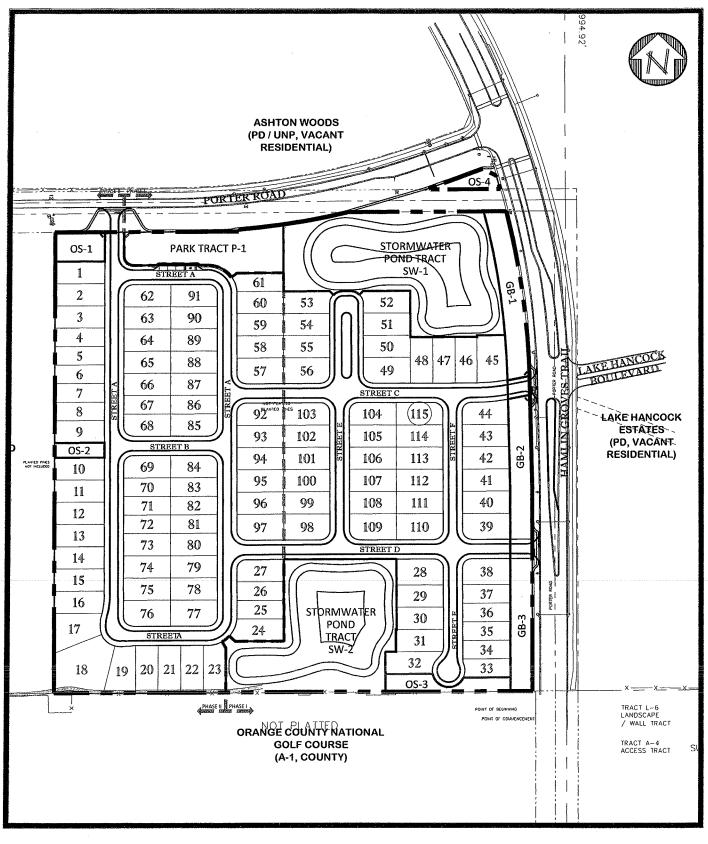
Subject Property



## ★ Subject Property

Zoning		
ZONING:	PD (Planned Development District) (Hamlin PD)	
APPLICANT:	Dennis Seliga Boyd Horizon West, LLC	
LOCATION:	South of Porter Road / West of Hamlin Groves Trail	
TRACT SIZE:	37.26 acres	
DISTRICT:	#1	
S/T/R:	29/23/27	
	1 inch = 500 feet	





KELLY, COLLINS & GENTRY, INC.	Scale: 1' = 250' Date: 1/28/2015 S: 29 T: 23	R:27	CCM-7 SUBDIVISION HAMLIN PD / UNP	
	Job # :1078.000	1 1 . 4	Exhibit: SITE PLAN SHEET	
ENGINEERING / PLANNING	Drawn by: GPR Appyd, by: GRR		Source: PSP-15-04-101 Area: ORANGE_COUNTY	6 of 6
	Appva. by: GRR		Ared: URANGE COUNTY	6010

GENERAL/MISCELLANEOUS	
EXISTING USE:	AGRICULTURE
EXISTING VEGITATION	PLANTED PINES
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL
ZONING:	PLANNED DEVELOPMENT (PD)
AVERAGE DAILY TRAFFIC:	115D (10 TRIPS PER DU)
SITE DATA	
TOTAL PSP AREA:	37.26 AC
RIGHT OF WAY:	7.23 AC
PARK AREA:	0.99 AC
GREEN BELT:	1.65 AC
LOTS / UNITS:	
50.1° LOTS:	33
60' LOTS:	82
TOTAL:	115 LOTS/UNITS
WETLAN DS TO REMAIN:	N/A
STORMWATER MANAGEMENT AREA	6.31 AC

# SCHOOLS

SCHOOLAGE CHILDREN:	BASED ON LOT COUNT OF 115	
ELEMENTARY:	115 X 0.196=	23 CHILDREN
MIDDLE SCHOOL:	115 X 0.100=	12 CHILDREN
HIGH:	115 X 0.134=	15 CHILDREN

## **ADEQUATE PUBLIC FACILITIES (APF) COMPLIANCE**

THE APF OBLIGATION FOR ALL PARCELS WITHIN THE HAMLIN PD/UNP, INCLUDING UR-1 AND UR-2 HAS BEEN SATISFIED PURSUANT TO PARAGRAPH 7.00N SHEET 12 OF THE HAMLIN PD/UNP AS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON MARCH 12, 2013. SAID OVERALL PD/UNP APF CALCULATION RESULTED IN A APF SURPLUS FOR THE HAMLIN PD/UNP OF 18.74 AC.

## **OPEN SPACE**

SEE SHEET C-3.0

## LOT CRITERIA / BUILDING CRITERIA (PROVIDED)

## SETBACKS (MINIMUMS)

FRONT:	20' FOR GARAGE; 10' FOR FRONT PORCH
CORNER/ STREET SIDE:	10*
SIDE:	5
REAR:	20*
DRIVEWAY:	5' MIN FROM SIDE PROPERTY LINE WITHIN 10' OF ROW,
	OTHERWISE 2 FROM SIDE PROPERTY LINE.
LOT WIDTH:	50.1', 60'
LOT DEPTH:	125 (MIN)
	· ·

AVERAGE LOT AREA:	
TOTAL LOT AREA:	883,832 SF
TOTAL LOTS:	115 LOTS
AVERAGE LOT AREA:	7,685 SF

## LIGHTING

SITE LIGHTING SHALL COMPLY WITH ARTICLE XVI OF ORANGE COUNTY CODE.

#### SIGNAGE

SIGNANGE SHALL COMPLY WITH HORIZON WEST VILLAGE CENTER STANDARDS FOR RESIDENTIAL DEVELOPMENT, UNTIL SUCH TIME THAT A MASTER SIGN PLAN INCLUDING THIS PSP IS ADOPTED, IN WHICH CASE SIGNAGE SHALL BE IN ACCORDANCE WITH THE ADOPTED MASTER SIGN PLAN.

#### SOILS

CANDLER FINE SAND, OTO 5% SLOPES	75%
CANDIER FINE SAND, 5 TO 12% SLOPES	25%

## FLOOD PLAIN

ZONE X; AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. FROM FIRM MAP NUMBER 12095C0380F, REVISED SEPTEMBER 25, 2009

KELLY, COLLINS &	Scale: NTS Date: 1/28/2015 S: 29 T: 23 R: 27	CCM-7 SUBDIVISION HAMLIN PD / UNP
GENTRY, INC.	Job # :1078.000	Exhibit: SITE DATA
ENGINEERING / PLANNING	Drawn by: GPR	Source: PSP-15-04-101
ENGINEERING / FLAMMING	Appvd. by: GRR	Area: ORANGE COUNTY 3 of 6

## PHASING

PROJECT WILL BE DEVELOPED IN 2 PHASES. MASS GRADING OF ENTIRE SITE TO BE COMPLETED WITH PHASE I.

#### **CONSERVATION AREA**

AN ORANGE COUNTY CONSERVATION AREA DETERMINATION CAD-15-08-105 WAS COMPLETED THAT INCLUDED THIS PROJECT SITE. NO WETLANDS WERE DETERMINED TO BE PRESENT WITHIN THE PROJECT BOUNDARY. THIS PLAN WILL COMPLY WITH ALL RELATED PERMIT CONDITIONS OF APPROVAL.

#### **RECREATION AREA**

## REQUIRED RECREATION AREA PER O.C. CODE 38-1253

3.1 PERSONS PER SINGLE FAMILY RESIDENCE X	115 UNITS =	35
2.5 AC RECREATION AREA PER 1000 POPULATION X	357 PEOPLE =	0.3

357 POPULATION 0.89 ACRES

#### PROVIDED RECREATION AREA

TRACT ID	ACTIVE			PASSIVE	TOTAL ADTA (AC)
TROACT IS	AREA (AC)	REC. GROUP TYPE <sup>1</sup>	AREA (AC)	REC. GROUP TYPE <sup>1</sup>	TOTAL AREA (AC.)
P-1	0.50	GROUP D	0.49	GROUP C	0.99

MAINEOCLIDIAN AINTENI	ANCE	
OWNERSHIP/MAINTENA ROADWAYS	PUBLIC:	TO BE OWNED AND MAINTAINED BY ORANGE COUNTY
STORMWATER TRACTS	PRIVATE:	TO BE OWNED AND MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION
PARK TRACT P-1	PRIVATE:	TO BE GWNED AND MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION
DRAINAGE EASEMENTS	PRIVATE:	TO BE OWNED AND MAINTAINED BY PROPERTY OWNER'S ASSOCIATION WITH EASEMENT GRANTED TO ORANGE COUNTY
UTILITY EASEMENTS	PRIVATE:	TO BE OWNED AND MAINTAINED BY PROPERTY OWNER'S ASSOCIATION WITH EASEMENT GRANTED TO ORANGE COUNTY UTILITES
WATER, WASTEWATER, & RECLAIMED WATER	PUBLIC:	TO BE OWNED AND MAINTAINED BY ORANGE COUNTY UTILITES
OPEN SPACE	PRIVATE:	TO BE OWNED AND MAINTAINED BY PROPERTY OWNER'S ASSOCIATION
LANDSCAPE/WALL TRACT/ EASEMENT	PRIVATE:	TO BE OWNED AND MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION
		UBLIC OPEN SPACE TRACTS AND THOSE AMENITIES WITHIN THE OPEN SPACE 9 PROHIBIT PUBLIC ACCESS WILL REQUIRE ORANGE COUNTY BOARD OF

KELLY, COLLINS &	<u>Scale: NTS</u> Date: 1/28/2015		CCM-7 SUBDIVISION HAMLIN PD / UNP	
GENTRY, INC.	<u>S: 29 T: 23</u> Job # :1078.000	R:27	Exhibit: SITE DATA	
ENGINEERING / PLANNING	Drawn by:GPR Appvd. by:GRR		Source: PSP-15-04-101 Area: ORANGE COUNTY 40	f 6

#### NOTE:

IN ACCORDANCE WITH SECTION 23-1227, ANY VARIATIONS FROM COUNTY CODE MINIMUM STANDARDS REPRESENTED ON THIS PLAN THAT HAVE NOT BEEN EXPRESSLY APPROVED BY THE BCC ARE INVALID.

#### WAIVER REQUESTS:

1. A WAIVER FROM SECTION 38.1384(F)(2) TO ELIMINATE THE REQUIRED PEDESTRIAN PATH OR WALKWAY FROM THE PRIMARY ENTRANCE TO THE SIDEWALK, IN LIEU OF ALL LOTS WITH ALLEYS OR LOTS SIXTY FEET (60') IN WIDTH OR LESS REQUIRING A PEDESTRIAN PATH OR WALKWAY FROM THE PRIMARY ENTRANCE TO THE SIDEWALK.

JUSTIFICATION STATEMENT: THE APPLICANT/BUILDER INTENDS TO PROVIDE DRIVEWAYS IN THE FRONT YARD SETBACKS AND PROPOSES TO CONNECT THE PRIMARY ENTRANCE TO THE DRIVEWAYS IN THE FRONT YARD. THE WAIVER WILL PROVIDE FOR ADDITIONAL OPEN SPACE IN THE FRONT YARD AND GIVE THE BUILDER FLEXIBILITY IN THE DESIGN. FINAL LOCATION OF INDIVIDUAL LOT WALKWAY DETERMINATION WILL BE THE RESPONSIBILITY OF THE COMMUNITY HOA ARCHITECTURAL REVIEW COMMITTEE.

 A WAIVER FROM SECTION 38.1384(G)(B) TO ALLOW FOR DOUBLE WIDE GARAGE ENTRIES ON FRONT-LOADED LOTS THAT ARE LESS THAN SIXTY-FIVE FEET (65') IN WIDTH, BUT GREATER THAN FIFTY FEET (50') IN WIDTH, SPECIFICALLY ON LOTS 4, 8, 25, 33, 37, 42, 61, 67, 72, 82, 86, 92, 99, 104, 111; IN LIEU OF THE REQUIREMENT THAT PROHIBITS DOUBLIE-WIDE GARAGE ENTRIES ON ALL FRONT-LOADED LOTS OF LESS THAN SIXTY-FIVE FEET (65') IN WIDTH.

JUSTIFICATION STATEMENT: THIS WAIVER IS REQUIRED TO PROVIDE ADEQUATE MIXING OF PRODUCT ACROSS THE DEVELOPMENT .

3. A WAIVER FROM SECTION 38.1384(G)(3)(F) TO ALLOW SIDE-LOADED / COURTYARD ENTRY GARAGES TO BE PLACED IN FRONT OF THE PRIMARY STRUCTURE ON LOTS EQUAL TO OR GREATER THAN FIFTY FEET (50') IN WIDTH (SUBJECT TO APPLICABLE DESIGN STANDARDS), SPECIFICALLY ON LOTS 2, 13, 14, 29, 30, 50, 51, 58, 59, 63, 64, 79, 80, 94, 95, 112, 113; IN LIEU OF ONLY LOTS GREATER THAN SIXTY-FIVE FEET (65') IN WIDTH TO ALLOW SIDE-LOADED / COURTYARD ENTRY GARAGES TO BE PLACED IN FRONT OF THE PRIMARY STRUCTURE.

JUSTIFICATION STATEMENT: THIS WAIVER WOULD ALLOW THE BUILDER TO PROVIDE MORE SIDE-LOADED/COURTYARD GARAGE PRODUCTS TO THE MARKET; THE BUILDER OFFERS A SIDE-ENTRY/ COURTYARD PRODUCT THAT WILL FIT ON LOTS EQUAL TO OR GREATER THAN FIFTY FEET (50') IN WIDTH. THE APPLICANT/BUILDER AGREES TO FOLLOW ALL BUILDING SETBACKS FOR SIDE-LOADED GARAGES. THEY WILL ALSO PROVIDE SIMILAR ROOF LINES, ROOFING MATERIAL, AND FINISH, SIMILAR WINDOW (REAL OR FAUX) AND DOOR TRIM, AND COMPARABLE FAÇADE TREATMENT INCLUDING SIDING, STUCCO, OR OTHER MATERIAL FINISH.

4. A WAIVER FROM SECTION 38-1390.54(A)(4) TO ELIMINATE THE REQUIREMENT FOR THREE (3) STEPS TO ELEVATE THE FINISHED FLOOR OF RESIDENTIAL BUILDINGS ABOVE THE ADJACENT SIDEWALK GRADE, WHERE SIDE-LOADED / COURTYARD ENTRY GARAGES ARE PROPOSED, IN LIEU OF THE REQUIREMENT THAT RESIDENTIAL BUILDING FINISHED FLOOR ELEVATIONS SHALL BE ELEVATED A MINIMUM OF THREE (3) STEPS ABOVE THE ADJACENT SIDEWALK GRADE.

JUSTIFICATION STATEMENT: THIS WAIVER IS REQUIRED TO ALLOW MORE FLEXIBILITY IN DESIGN OF THE COURTYARD AREAS.

#### PROPOSED CONDITIONS:

#### CONDITION #1

THE VISUAL PROMINENCE OF FRONT-LOADED GARAGES ON SINGLE FAMILY DETACHED UNITS ON LOTS ARE LESS THANSIXTY-FIVE FEET (55') IN WIDTH, BUT GREATER THAN FIFTY FEET (50')SHALL BE DIMINISHED BY INCORPORATING THE FOLLOWING DESIGN STANDARDS:

A. GARAGE DOORS SHALL INCORPORATE WINDOWS ALONG THE UPPER ONE-QUARTER (1/4) OF THE DOOR PLANE.

B. GARAGE DOOR OPENINGS SHALL BE NO WIDER THAN TWELVE (12) FEET. ADJACENT GARAGE DOORS SHALL BE SEPARATED BY A COLUMN, PILASTER, OR OTHER SUPPORTING VERTICAL COMPONENT WHICH IS AT LEAST TWELVE (12) INCHES WIDE, A MAXIMUM OF TWO (2) GARAGE DOOR OPENINGS PER RESIDENTIAL UNIT ARE PERMITTED.

C. AN ARCHITECTURAL FEATURE TO SOFTEN THE VISUAL PLANE OF THE GARAGE FAÇADE WHICH MAY INCLUDE TRELLIS, AWNING, GARAGE PERGOLA, OR OTHER PROJECTED FORM SHALL BE CONSTRUCTED DIRECTLY OVER ALL GARAGE DOOR OPENINGS. THE DESIGN OF THE OVERHEAD COMPONENT SHALL COMPLIMENT THE ARCHITECTURAL STYLE, TRIM, AND FINISHED MATERIALS OF THE HOME, AND SHALL EXTEND A MINIMUM OF TWENTY-FOUR(24) INCHES FROM THE WALL PLANE SURROUNDING THE GARAGE OPENING.

<u>Scale: NTS</u> Date: 1/28/2015 **CCM-7 SUBDIVISION** KELLY, HAMLIN PD / UNP COLLINS & T:23 S: 29 R:27 **GENTRY, INC.** Exhibit: SITE DATA <u>Job # :1078.000</u> Drawn by: GPR Source: PSP-15-04-101 ENGINEERING / PLANNING Appvd. by: GRR Area: ORANGE COUNTY 5 of 6

# T Interoffice Memorandum



DATE:	February 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:	John Smogor, Chairman Development Review Committee Planning Division (407) 836-5616
SUBJECT:	March 15, 2016 – Public Hearing Applicant: Rick Merkel, Highland Engineering, Inc. Boggy Creek Crossings PD / Boggy Creek Crossings PSP Case # PSP-15-01-031

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 10, 2016, to approve the Boggy Creek Crossings Planned Development / Boggy Creek Crossings Preliminary Subdivision Plan to subdivide 16.78 acres into four (4) lots for a maximum of 170,000 square feet of C-1 (retail commercial) uses.

The application for this request is subject to the requirements of Section 2-354(b), Orange County Code and Section 2.20, Orange County Administrative Regulations, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy will be available upon request in the DRC Office.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation, including an 11" x 17" plan, is in the top drawer of the BCC file cabinet in the supply room adjacent to District 4 Commissioner's office.

# **ACTION REQUESTED:**

Make a finding of consistency with the Comprehensive Plan (CP) and approve the Boggy Creek Crossings PD / Boggy Creek Crossings Preliminary Subdivision Plan (PSP) dated "Received January 11, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

JVW/JS/Ime Attachments

# CASE # PSP-15-01-031

Commission District # 4

# 1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 10, 2016, to approve the Boggy Creek Crossings Planned Development / Boggy Creek Crossings Preliminary Subdivision Plan to subdivide 16.78 acres into four (4) lots for a maximum of 170,000 square feet of C-1 (retail commercial) uses.

# 2. PROJECT ANALYSIS

A. Location:	West of Boggy Creek Road / North of Simpson Road
B. Parcel ID:	33-24-30-0000-00-015
C. Total Acres:	16.78
D. Water Supply:	Orlando Utilities Commission
E. Sewer System:	Orange County Utilities
F. Schools:	N/A
G. School Population:	N/A
H. Parks:	N/A
I. Proposed Uses:	Four (4) lots with up to 170,000 square feet of retail commercial
J. Site Data:	
J. Sile Dala.	Maximum Building Height: 50' (2-stories) Building Setbacks: 40' Boggy Creek Road 40' Simpson Road 25' Side 25' Rear 10' Interior Lot Side / Rear
K. Fire Station:	Building Setbacks: 40' Boggy Creek Road 40' Simpson Road 25' Side 25' Rear

1

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

# 3. COMPREHENSIVE PLAN

The property has a Future Land Use Map (FLUM) designation of PD-C (Planned Development-Commercial). The request is consistent with the Comprehensive Plan.

# 4. ZONING

PD (Boggy Creek Crossings PD)

# 5. REQUESTED ACTION:

Approval subject to the following conditions:

- 1. Development shall conform to the Boggy Creek Crossings PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Boggy Creek Crossings Preliminary Subdivision Plan dated "Received January 11, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received January 11, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

# DRC Staff Report Orange County Planning Division BCC Hearing Date: March 15, 2016

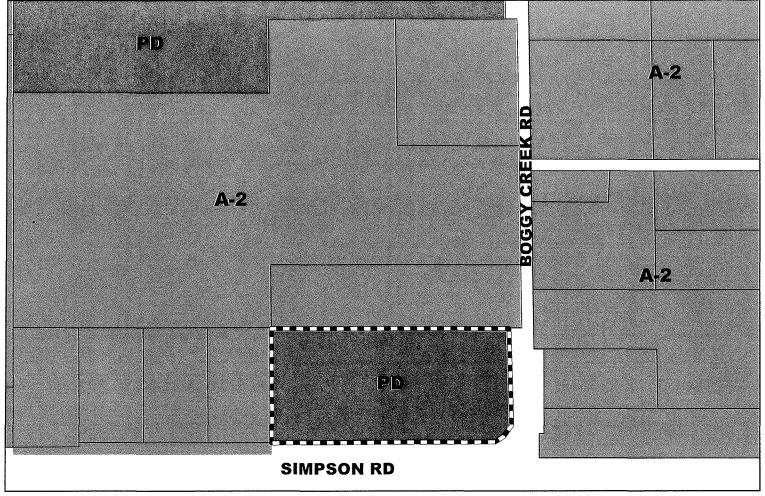
- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit 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. <u>Pole signs and billboards shall be prohibited.</u> Ground and fascia signs shall <u>comply with Chapter 31.5 of the Orange County Code.</u>
- 5. Outside sales, storage, and display shall be prohibited.
- 6. The stormwater management system shall be designed to retain the 100-year / 24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year / 24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
- 7. Prior to the issuance of any vertical building permits, the property shall be platted.
- 8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
- Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- 10. <u>All acreages identified as conservation areas and wetland buffers are considered</u> <u>approximate until finalized by a Conservation Area Determination (CAD) and a</u> <u>Conservation Area Impact (CAI) Permit.</u> <u>Approval of this plan does not authorize</u> <u>any direct or indirect conservation area impacts.</u>
- 11. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area

or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.

- 12. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
- 13. Prior to commencement of any earth work or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
- 14. <u>A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least</u> <u>thirty (30) days prior to submittal of the first set of construction plans. The MUP</u> <u>must be approved prior to Construction Plan approval.</u>
- 15. <u>A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans.</u> The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
- 16.<u>A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of Construction Plan initial submittal.</u>

4

# PSP-15-01-031



# Subject Property

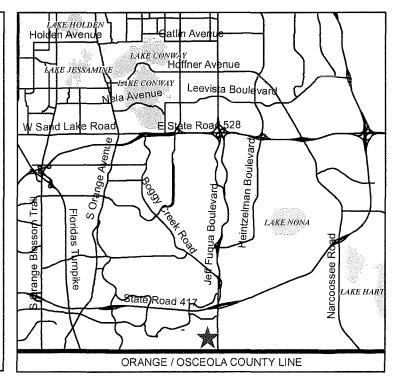
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# ★ Subject Property

Zoning		
ZONING:	PD (Planned Development District) (Boggy Creek Crossings PD)	
APPLICANT:	Rick Merkel, Highland Engineering, Inc.	
LOCATION:	West of Boggy Creek Road / North of Simpson Road	
TRACT SIZE:	16.78 gross acres	
DISTRICT:	#4	
S/T/R:	33/24/30	

1 inch = 500 feet



# BOGGY CREEK CROSSINGS (PSP-15-01-031)

# SITE DATA AND NOTES

# A. TAX IDENTIFICATION AND TOTAL ACREAGE

2. Tax Parcel ID No.:	33-24-30-0000-00-015	
3. Property Area:	a. Gross Area: b. Wetland Area: c. Net Developable Area	16.80 AC. 0.07  AC  * 16.80 AC   *

\* No mitigation is required for the de-minimus wetland area. Therefore, the gross area is equivalent to the net developable area.

## B. LAND USE/ZONING/DEVELOPMENT PROGRAM

<ol> <li>Future Land Use:</li> <li>Existing Zoning:</li> <li>Proposed Uses:</li> </ol>	Planned Development - Commercial Planned Development (PD) All "C-1" District permitted uses as identified by Chapter 38, Section 38-77 (Use Table) of the County Code, and including banks with ancillary drive-thru teller facilities.
<ol> <li>Maximum Gross Floor Area:</li> <li>Floor Area Ratio:</li> <li>Maximum Building Height:</li> <li>Minimum Open Space:</li> <li>Maximum Impervious Area:</li> </ol>	<ul> <li>170,000 SF</li> <li>0.23</li> <li>Maximum height 50' but limited to 35' when within 100' of residential use property.</li> <li>20 percent</li> <li>70 percent</li> </ul>

# C. <u>BUILDING SETBACKS</u>

1. Boggy Creek Rd. (CR530):	40 ft
2. Simpson Rd. (CR527A):	40 ft
3. Side:	25 ft
4. Rear:	25 ft
5. Interior Lot Side / Rear:	10 ft

# D. TRIP GENERATION

1. The projected traffic generation for the 170,000 SF max. gross floor area equals 889ADT (Source: ITE Trip Generation Manual, 7th Edition).

# E. LANDSCAPING / BUFFERING

1. Landscaping of vehicular use areas from adjacent properties either zoned or designated for residential land use shall be provided in accordance with Chapter 24, Sec. 24-4 of the County Code. A Type C buffer yard shall be used to separate the proposed commercial uses from adjacent properties either zoned or designated for residential land use in accordance with Chapter 24, Sec. 24-5 of the County Code.

# F. <u>PHASING</u>

- 1. Permitting and construction of the buildings are anticipated to occur independent of each other, and each building construction phase will be constructed in a manner to "stand" on its own site paving, drainage, and utility infrastructure improvements. The lots will be developed independently and shall require Development Plan approval.
- 2. Lot 4 is anticipated to be further subdivided by lot split based on future defined site development demands. Utilities and stormwater management facilities be be extended / modified to accommodate the future defined lot 4 site d evelopment needs.

# BOGGY CREEK CROSSINGS (PSP-15-01-031)

# SITE DATA AND NOTES

#### G. EXISTING TOPOGRAPHY, SOILS, FLOOD HAZARD DATA

- 1. Boundary & Topographic Information:
- 2. Soil Classifications:

See Boundary & Topographic Survey (Sheet 5) See Soils Map (Sheet 1)

- 3. Flood Hazard Areas:
- 4. Existing Vegetation:

See Flood Map (Sheet 1) Improved Pasture

#### Η. WETLANDS

- 1. The project area contains an approximately 0.07 acre jurisdictional wetland area (Orange County Environmental Protection Division CAD# 14-02-007), which is proposed to be dredged / filled.
- 2. A Conservation Area Impact Permit has been approved (CAI-15-11-037) to remove the 0.07 acre jurisdictional wetland area referenced by note H.1.

#### I. ENDANGERED / THREATENED SPECIES OF SPECIAL CONCERN

1. Development of the subject property shall comply with all state and federal regulations regarding endangered, threatened, or species of special concern.

#### J. UTILITY SERVICES

- 1. Water service provider is Orlando Utility Commission (OUC). Temporary water service is proposed to be provided via an interlocal agreement between OUC and Toho Water Authority (TWA).
- 2. Wastewater service provider is Orange County Utilities(OCU). A Developer Agreement will provide escrowed funds from the developer sufficient for the County to construct the wastewater facilities necessary to connect this PSP to the OCU wastewater system.
- 3. Lift station shall be privately owned and maintained.
- 4. Existing septic tanks or wells shall be properly abandoned prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells.

#### K. STORMWATER MANAGEMENT

- 1. Privately owned / maintained stormwater management facilities will be provided to accommodate water quality treatment and peak discharge flow attenuation.
- 2. The existing Boggy Creek Road stormwater collection system at the designated point of connection was designed / constructed to accommodate the pre-development peak discharge rate of flow (25 yr - 24 hr) from the Boggy Creek Crossing property.

#### L. VEHICULAR ACCESS

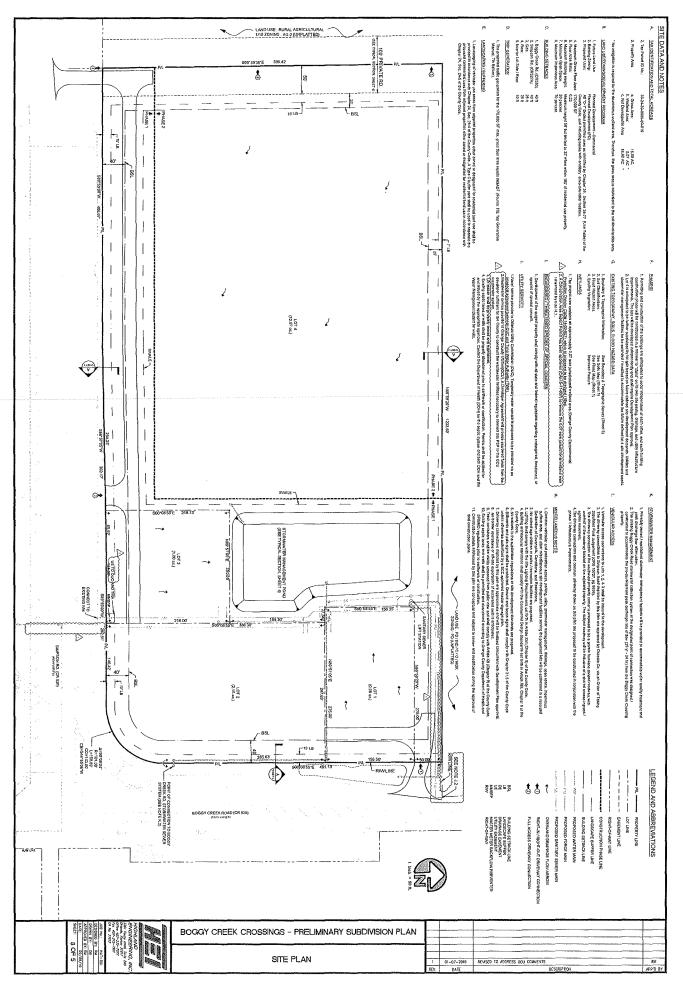
- 1. Vehicular access connections to Lots 1, 2, & 3 shall be internal to the development.
- 2. The driveway connections to Simpson Road depicted by this plan are approved by Osceola Co. via an Order of Taking Stipulated Final Judgement (ORB 10727, pg 8636).
- 3. The driveway connection at the southwest property corner is proposed to be a private four-lane divided roadway, with one-half of the roadway located on the adjacent property. The subject roadway will be inclusive of a shared access ingress / egress easement.
- 4. The driveway connections and common driveway shown on this plan are proposed to be constructed in conjunction with the phase 1 infrastructure improvements.

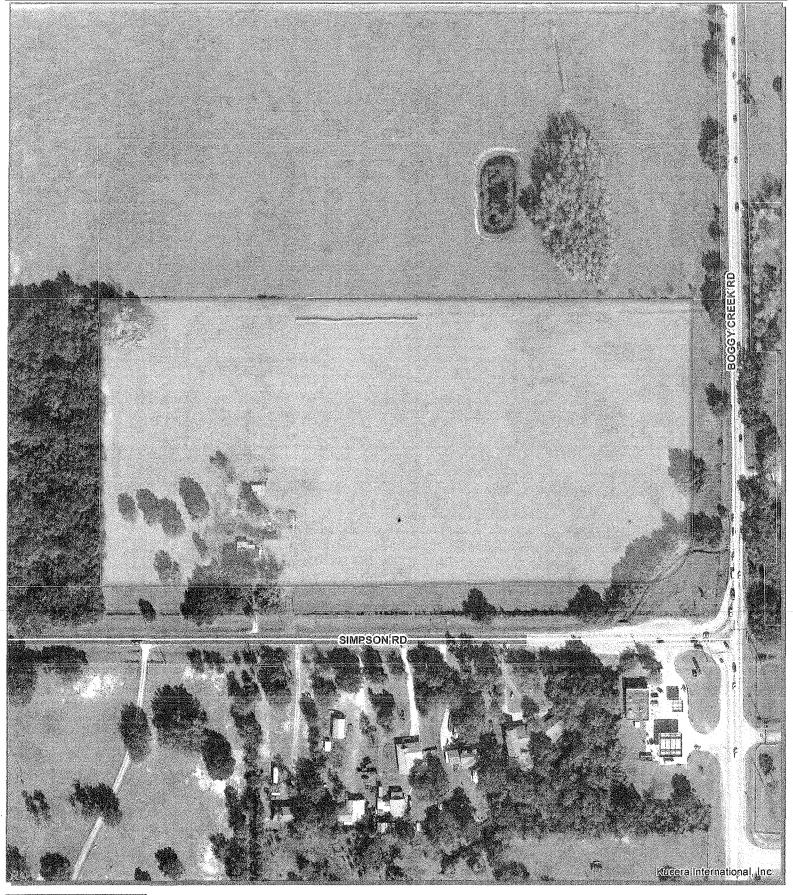
# BOGGY CREEK CROSSINGS (PSP-15-01-031)

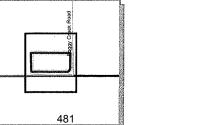
# SITE DATA AND NOTES

## M. MISCELLANEOUS NOTES

- 1. Common vehicular and pedestrian access, parking, utility, stormwater management, drainage, open space, impervious surface area, and other miscellaneous site development facilities serving the proposed lots will be addressed in a recorded Declaration of Covenants, Conditions, and Restrictions.
- 2. No school age children or parks / recreation facilities are proposed.
- 3. Lighting shall comply with the Site Lighting Requirements set forth in Article XVI (Chapter 9) of the County Code.
- 4. Building architectural standards shall comply with the Commercial Design Standards set forth in Article XIII, Chapter 9 of the County Code.
- 5. No waivers to the subdivision regulations or site development standards are proposed.
- 6. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the County Code unless otherwise authorized by a BCC approved master signage plan.
- 7. Driveway connections depicted by this plan are approximate and will be finalized concurrent with Development Plan approval.
- 8. No borrow operations or off-site exportation of excavated soils is anticipated.
- 9. Trash containers shall be visibly screened from public view and shall comply with Article XII (Chapter 9) of the County Code.
- 10. Existing septic tanks and wells shall be permitted and abandoned according to Orange County Department of Health and SFWMD regulations prior to earthwork or construction.
- 11. Construction details addressed by this plan are conceptual and subject to review and modification during the approval of final construction plans.







# Boggy Creek Crossings PD Boggy Creek Crossings PSP

# Parcels

Jurisdiction

Hydrology

Feet 1 in = 200 ft

Subject Property



DATE:	March 3, 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

This public hearing will need to be continued until April 5, 2016, as it is contingent on substantial change CDR-15-09-255, Hamlin PD / UNP / LUP, which has been advertised for that date.

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 10, 2016, to approve the Hamlin Planned Development (PD) / Unified Neighborhood Plan (UNP) / Lakewalk at Hamlin Preliminary Subdivision Plan (PSP) / Development Plan (DP) to subdivide and construct 316 multi-family residential dwelling units on 21.96 gross acres in one (1) phase.

This request also includes the following waiver from Orange County Code:

1. A waiver from Section 38-1890.51 Table 4-1 and Section 38-1390.55(C)(10) to allow a minimum setback of zero (0) feet for the locations identified on the PSP-DP, in lieu of ten (10) feet.

The applicant has also objected to DRC-recommended conditions of approval #5 and #16. The letter of objection has been included as backup for this request. Recommended condition of approval #5 requires the property to be platted prior to issuance of vertical building permits. Recommended condition #16 requires that a new parcel identification number for the platted property be transferred from the Orange County Property Appraiser into the County's Land Development Management System (LDMS) prior to submittal of vertical building permits. These conditions were recommended by DRC in order to ensure that the property is platted and that vertical

NGE Interoffice Memorandum



building permits will be processed and tracked under the correct parcel identification number.

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 will be available upon request in the DRC Office.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation, including an 11" x 17" plan, is in the top drawer of the BCC file cabinet in the supply room adjacent to District 4 Commissioner's office.

# ACTION REQUESTED:

Continue DRC case # PSP-15-08-222 to April 5, 2016 at 2:00 p.m. to be heard concurrent with CDR-15-09-255, Hamlin PD / UNP / LUP. District 1

JVW/JS/Ime Attachments

# CASE # PSP-15-08-222

Commission District # 1

# 1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 10, 2016, to approve the Hamlin PD / UNP / Lakewalk at Hamlin Preliminary Subdivision Plan to subdivide and construct 316 multi-family residential dwelling units on 21.96 gross acres in one (1) phase.

# 2. PROJECT ANALYSIS

- A. Location: South of New Independence Parkway / East of Hamlin Groves Trail
- B. Parcel ID: 21-23-27-0000-00-040
- C. Total Acres: 21.96
- D. Water Supply: Orange County Utilities
- E. Sewer System: Orange County Utilities
- F. Schools: Keene's Crossing ES Capacity: 859 / Enrollment: 1,197 Bridgewater MS – Capacity: 1,176 / Enrollment: 1,374 West Orange HS – Capacity: 3,276 / Enrollment: 3,836
- G. School Population: 82
- H. Parks: Summerport Park 2.1 Miles
- I. Proposed Uses: 316 Multi-Family Residential Dwelling Units
- J. Site Data: Maximum Building Height: 150' Minimum Living Area: 500 Square Feet Building Setbacks: 10' Front 5' Side 50' Rear 10' Side Street
- K. Fire Station: 34 4000 Winter Garden Vineland Road
- L. Transportation: The Right-of-Way Conveyance and Construction Agreement ("Agreement") between Orange County and SLF IV/Boyd Horizon West JV, LLC was approved by the BCC on December 6, 2011 and recorded at OR BK10306 / PG 1333. New Independence Parkway has since been constructed to four lanes. The applicant is required to provide an

1

Assignment of Vested Trips to demonstrate that concurrency requirements have been satisfied for this request.

# 3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of V (Village), and located in the Horizon West Town Center with a Specific Area Plan (SAP) designation of CCM-3 (Corporate Campus Mixed Use District).

# 4. ZONING

PD (Planned Development District) (Hamlin PD / UNP)

# 5. REQUESTED ACTION:

Approval subject to the following conditions:

- 1. Development shall conform to the Hamlin PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Lakewalk at Hamlin Preliminary Subdivision Plan dated "Received February 11, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received February 11, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
- 3. <u>Pursuant to Section 125.022</u>, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or

federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

- 4. The stormwater management system shall be designed to retain the 100year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
- 5. <u>Prior to the issuance of any vertical building permits, the property shall be platted.</u>
- 6. <u>A mandatory pre-application / sufficiency review meeting for the plat shall be</u> required prior to plat submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
- 7. <u>A current Level One (1) Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval prior to Construction Plan submittal.</u>
- 8. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement (Agreement effective as of March 19, 2013, and recorded at Book 10581, Page 6634, Public Records of Orange County, Florida, as amended by that certain First Amendment effective as of January 27, 2015, and recorded at Book 10880, Page 1825, Public Records of Orange County, Florida). Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
- 9. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
- 10. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a

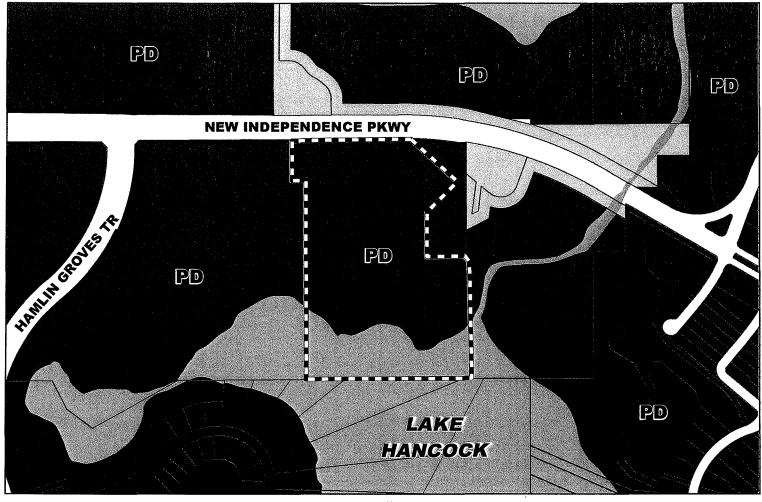
maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or construction plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.

- 11. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- 12. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- 13. <u>All acreages identified as conservation areas and wetland buffers are considered</u> <u>approximate until finalized by a Conservation Area Determination (CAD) and a</u> <u>Conservation Area Impact (CAI) Permit.</u> <u>Approval of this plan does not authorize</u> <u>any direct or indirect conservation area impacts.</u>
- 14. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
- 15. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the PSP/DP, and that construction plans are consistent with an approved Master Utility Plan for the PD/Village.
- 16. <u>No vertical permits will be accepted for review until the Orange County Property</u> <u>Appraisers Office has transferred PID and addressing information to the</u> <u>permitting system.</u>
- 17. Length of stay shall be for 180 days or greater. Short term/transient rental shall be prohibited.

4

- 18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with the approved Master Sign Plan. In the absence of an approved Master Sign Plan signage shall comply with Section 38-1389(d)(5) and Chapter 31.5.
- 19. The covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the lake level fluctuates significantly with periods of extreme low water resulting in marsh habitat rather than surface water adjacent to this property. During marsh conditions, watercraft access is not available to Lake Hancock.
- 20. A waiver from Orange County Section 38-1890.51 Table 4-1 and Section 38-1390.55 (C)(10) is granted to allow a minimum setback of zero (0) feet for the locations identified on the PSP-DP, in lieu of ten (10) feet.

# PSP-15-08-222

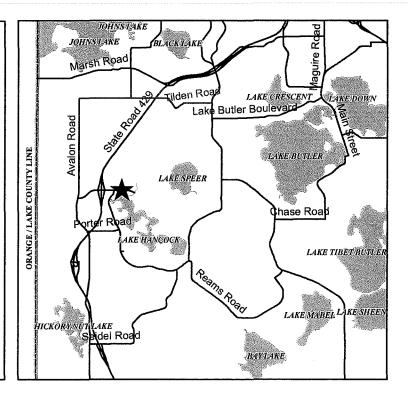


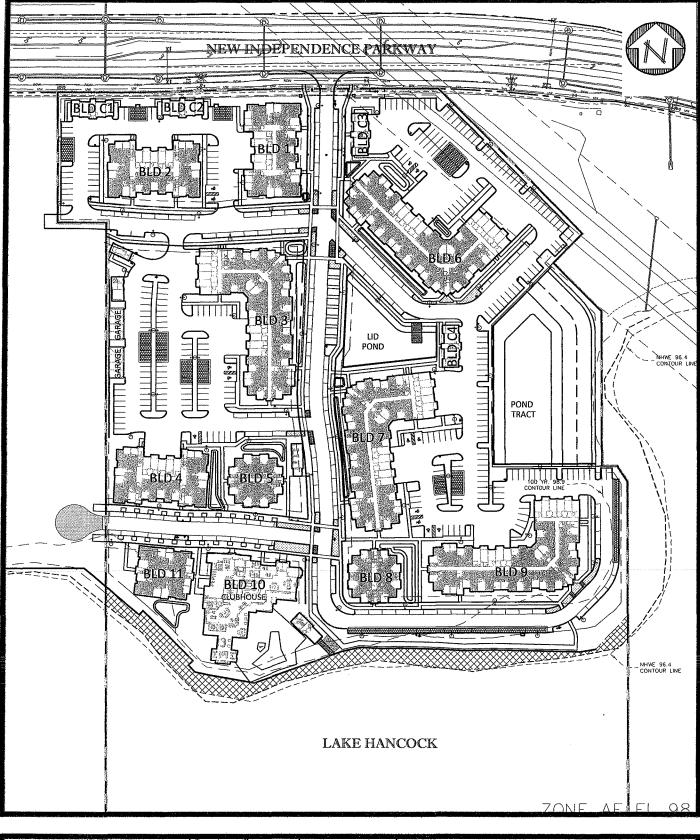
# Subject Property



# ★ Subject Property

Zoning			
ZONING:	PD (Planned Development District) (Hamlin PD)		
APPLICANT:	Dennis Seliga Boyd Horizon West, LLC		
LOCATION:	South of New Independence Parkway / East of Hamlin Groves Trail		
TRACT SIZE:	21.96 acres		
DISTRICT:	#1		
S/T/R:	21/23/27		
1 inch = 500 feet			





KELLY, COLLINS &	Scale: 1" = 150' Date: 1/28/2016 S: 20 T: 23	R:27	LAKEWALK AT HAMLIN HAMLIN PD / UNP
GENTRY, INC.	Job # :1107.000		Exhibit: SITE PLAN
ENGINEERING / PLANNING	Drawn by: GPR		Source: PSP-15-08-222
	Appvd. by: GRR		Area: ORANGE COUNTY 6 of 6

GENERAL/MISCELLANEOUS	
EXISTING USE:	VACANT
EXISTING VEGITATION	CITRUS GROVE
PROPOSED USE:	MULTI-FAMILY RESIDENTIAL
ZONING:	PLANNED DEVELOPMENT (PD)
AVERAGE DAILY TRAFFIC:	TBD
SITE DATA	
MULTI-FAMILY TRACT:	21.96 AC
POND TRACT:	1.17 AC
TOTAL PSP AREA:	23.13 AC
PARK AREA:	2.14 AC
LAKE AREA:	6.65 AC
NET DEVELOPABLE AREA:1	15.31 AC
TOTAL LOTS / UNITS:	316 UNITS
1. EXCLUDES LAKE AND POND TRACT	
EXISTING WETLANDS:	0.11 AC
WETLANDS TO REMAIN:	0.11 AC
STORMWATER MANAGEMENT AREA	1.17 AC

# **IMPERVIOUS SURFACE RATIO (ISR)**

PERVIOUS AREA:	4.20 AC
IMPERVIOUS AREA:	11.11 AC
CURB & PAVEMENT:	5.53 AC
SIDEWALKS:	1.27 AC
PAVERS:	0.27 AC
BUILDINGS:	4.04 AC
TOTAL:	11.1 <b>1</b> AC
PROVIDED ISR:	73%
MAXIMUM ISR:	75%

# **ADEQUATE PUBLIC FACILITIES (APF) COMPLIANCE**

THE APF OBLIGATION FOR ALL PARCELS WITHIN THE HAMLIN PD/UNP HAS BEEN SATISFIED PURSUANT TO PARAGRAPH 7.0 ON SHEET 12 OF THE HAMLIN PD/UNP AS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON FEBRUARY 10, 2015. SAID OVERALL PD/UNP APF CALCULATION RESULTED IN A APF SURPLUS FOR THE HAMLIN PD/UNP OF 11.78 AC.

# **OPEN SPACE**

SEE UNIFIED NEIGHBORHOOD PLAN

KELLY, COLLINS &	Scale: NTS Date: 1/28/2016 S: 20 T: 23 R: 27	LAKEWALK AT HAMLIN HAMLIN PD / UNP	
GENTRY, INC.	Job # :1107.000	Exhibit: SITE DATA	
ENGINEERING / PLANNING	Drawn by: GPR Appyd, by: GRR	Source: PSP-15-08-222 Areg: ORANGE COUNTY 3 of 6	

# LOT / BUILDING CRITERIA

SETBACKS (MINIMUMS)	PROVIDED:	REQUIRED:	
FRONT:	10'	10'	(PER SEC. 38-1390.41 PARKWAY & 38-1390.51 TABLE 4-1)
SIDE:	5'	5'	(PER SEC. 38-1390.51 TABLE 4-1)
SIDE STREET:	10'	10'	(PER SEC. 38-1390.51 TABLE 4-1)
REAR (LAKE):	50'	50'	(PER SEC. 38-1501)
MIN. LOT WIDTH:	724'	85'	(PER SEC. 38-1390.55 (C) & SEC.38-1387.2)
MIN. LOT DEPTH:	1251'	100'	(PER SEC. 38-1390.55 (C) & SEC.38-1387.2)
MAX BUILDING HEIGHT:	57'	150'	(PER SEC. 38-1390.51 TABLE 4-1)
MIN. LIVING AREA:	500 SF	500 SF	(PER SEC. 38-1390(C)(5))
DENSITY:	20.61 UNITS / A	AC	(IN COMPLIANCE WITH HAMLIN PD)

# PARKING

REQUIRED:	(PER SEC. 38-1476 (A))
1 BEDROOM UNITS	117 (1.5 SPACES PER UNIT:) = 176 SPACES
2 & 3 BEDROOM UNITS	199 (2 SPACES PER UNIT:) = 398 SPACES
TOTAL REQUIRED:	574 SPACES
PROVIDED:	·
GARAGE:	83 SPACES
SURFACE:*	542 SPACES*
TOTAL PROVIDED:	625 SPACES

\*OUT OF TOTAL SURFACE SPACES, 57 SPACES ARE TANDEM PARKING SPACES ASSIGNED TO APPLICABLE UNITS AS INDICATED ON PLAN.

# LIGHTING

SITE LIGHTING SHALL COMPLY WITH ARTICLE XVI OF ORANGE COUNTY CODE.

# SIGNAGE

SIGNAGE SHALL BE IN ACCORDANCE WITH THE HAMLIN PD MASTER SIGN PLAN AS ADOPTED.

## SOILS

BASINGER FINE SAND	11%
CANDLER FINE SAND	67%
IMMOKALEE FINE SAND	5%
WATER	17%

## FLOOD PLAIN

FEMA FLOOD INSURANCE RATE MAP (FIRM) 12095C0375F & 12095C0380F, DATED SEPTEMBER 25th, 2009, IDENTIFIES A MAJORITY OF THE LANDWARD AREA WITHIN ZONE X, OUTSIDE THE 500 YEAR FLOOD ZONE.

# PHASING

PROJECTED WILL BE DEVELOPED IN 1 PHASE.

# **CONSERVATION AREA**

AN ORANGE COUNTY CONSERVATION AREA DETERMINATION CAD-11-08-036 WAS COMPLETED THAT INCLUDED THIS PROJECT SITE. 0.11 AC OF WETLANDS WERE DETERMINED TO BE PRESENT WITHIN THE PROJECT BOUNDARY. THIS PLAN WILL COMPLY WITH ALL RELATED PERMIT CONDITIONS OF APPROVAL. THE WETLANDS WILL BE REMOVED VIA CONSERVATION AREA IMPACT PERMIT SUBMITTED SEPTEMBER 2015.

KELLY,	Scale: NTS Date: 1/28/2016	LAKEWALK AT HAMLIN HAMLIN PD / UNP	
COLLINS & GENTRY, INC.	S: 20 T: 23 R: 27 Job # :1107.000	Exhibit: SITE DATA	
ENGINEERING / PLANNING	Drawn by: GPR Appvd. by: GRR	Source:         PSP-15-08-222           Area:         ORANGE_COUNTY         4 of 6	

# **RECREATION AREA**

**REQUIRED RECREATION AREA PER O.C. CODE 38-1253** 

2.1 PERSONS PER MULTI-FAMILY UNIT X

2.5 AC RECREATION AREA PER 1000 POPULATION X

 316 UNITS =
 66

 664 PEOPLE =
 1.6

664 POPULATION 1.66 ACRES

PROVIDED RECREATION 2.14 ACRES\* \*SEE UNIFIED NEIGHBORHOOD PLAN

OWNERSHIP/MAINTENANCE		
ROADWAYS	PRIVATE:	TO BE OWNED AND MAINTAINED BY PROPERTY OWNER'S ASSOCIATION
STORMWATER TRACTS	PRIVATE:	TO BE OWNED AND MAINTAINED BY PROPERTY OWNER'S ASSOCIATION
DRAINAGE EASEMENTS	PRIVATE:	TO BE OWNED AND MAINTAINED BY PROPERTY OWNER'S ASSOCIATION WITH EASEMENT GRANTED TO ORANGE COUNTY
UTILITY EASEMENTS	PUBLIC:	TO BE OWNED AND MAINTAINED BY PROPERTY OWNER'S ASSOCIATION WITH EASEMENT GRANTED TO ORANGE COUNTY UTILITES
WATER, WASTEWATER, & RECLAIMED WATER	PRIVATE:	TO BE OWNED AND MAINTAINED BY PROPERTY OWNER'S ASSOCIATION.
OPEN SPACE	PRIVATE:	TO BE OWNED AND MAINTAINED BY PROPERTY OWNER'S ASSOCIATION.
LANDSCAPE/ WALL TRACT/ EASEMENT	PRIVATE:	TO BE OWNED AND MAINTAINED BY PROPERTY OWNER'S ASSOCIATION
POND TRACT	PRIVATE:	TO BE OWNED AND MAINTAINED BY PROPERTY OWNER'S ASSOCIATION

#### **TRIP GENERATION TABLE**

UNITS TRIPS\* MULTI-FAMILY TRACT 315 UNITS 195.92

\*irips calculated using the Hamlin PD/UNP Assignment of Vested Irips Document.0.62 trips per Dwelling Unit.

#### NOTES:

1. IN ACCORDANCE WITH SECTION 38-1227, ANY VARIATIONS FROM COUNTY CODE MINIMUM STANDARDS REPRESENTED ON THIS PLAN THAT HAVE NOT BEEN EXPRESSLY APPROVED BY THE BCC ARE INVALID.

2. APPROVAL OF THIS PLAN DOES NOT CONSTITUTE APPROVAL OF A PERMIT FOR THE CONSTRUCTION OF A BOAT DOCK, BOARDWALK, OBSERVATION PIER, FISHING PIER, COMMUNITY PIER OR OTHER SIMILAR PERMANENTLY FIXED OR FLOATING STRUCTURE CAPABLE OF USE FOR VESSEL MOORING AND OTHER WATER-DEPENDENT RECREATIONAL ACTIVITIES. ANY PERSON DESIRING TO CONSTRUCT THESE TYPES OF STRUCTURES WITHIN COUNTY IN WATER, WETLANDS, WETLAND BUFFER AREAS, OR ON A SHORELINE SHALL APPLY FOR AN ORANGE COUNTY DOCK CONSTRUCTION PERMIT PRIOR TO CLEARING AND INSTALLATION. APPLICATION SHALL BE MADE TO THE ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION AS SPECIFIED IN ORANGE COUNTY CODE CHAPTER 15 ENVIRONMENTAL CONTROL, ARTICLE IX DOCK CONSTRUCTION.

KELLY, COLLINS &	Scale: NTS Date: 1/28/2016 S: 20 T: 23 R: 27	LAKEWALK AT HAMLIN HAMLIN PD / UNP
GENTRY, INC.	Job # :1107.000	Exhibit: SITE DATA
ENGINEERING / PLANNING	Drawn by: GPR	Source: PSP-15-08-222
ENGINEERING / FLANINING	Appvd. by: GRR	Area: ORANGE COUNTY 5 of 6



# RECEIVED

FEB 19 2913 CEDS DRC OFFICE James G. Willard Partner SHUTTS & BOWEN LLP 300 SOUTH ORANGE AVENUE. SUITE 1000 ORLANDO, FLORIDA 32801 PHONE: (407) 423-3200 FAX: (407) 849-7209 EMAIL: JWILLARD@SHUTTS.COM

February 17, 2016

# VIA EMAIL John Smoger Chairman, Orange County Development Review Committee Orange County Planning Department 201 South Rosalind Avenue Orlando, Florida 32802

# RE: Appeal of Case No. PSP-15-08-222, Lakewalk at Hamlin Preliminary Subdivision Plan ("PSP")

Dear John:

This office represents the Applicant, Boyd Horizon West, LLC.

On behalf of the Applicant, we are providing this notice of appeal of the DRC Recommendation of Approval for this PSP, Case No. PSP-15-08-222, scheduled for Public Hearing with the Board of County Commissioners on March 15, 2016.

Applicant seeks relief from Conditions of Approval 5 and 16 of the January 27, 2016, DRC recommendation, which conditions are set forth below:

# **Existing Condition No. 5:**

"Prior to issuance of any vertical building permits, the property shall be platted."

# **Proposed Revision to Condition No. 5:**

Provided a final plat consistent with the approved PSP has been submitted for review, vertical construction plans may be reviewed and approved, and vertical construction of buildings commenced, prior to final plat recording. In no event shall certificates of occupancy be issued for buildings prior to recording of the final plat. Furthermore, as a condition of issuance of any vertical building permit, Owner shall submit to the County, in form and substance approved by the County Attorney, an agreement to indemnify and hold the County harmless from and against any expense, damage or liability arising from Owner's commencement of vertical construction prior to recordation of the final plat."

ORLDOCS 14528409 1

shutts.com | FORT LAUDERDALE | MIAMI | ORLANDO | SARASOTA | TALLAHASSEE | TAMPA | WEST PALM BEACH

cc:

# **Current Condition No. 16:**

"No vertical permits will be accepted for review until the Orange County Property Appraiser's office has transferred PID and addressing information to the permitting system."

# **Proposed Revision to Condition No. 16:**

Deleted

Thank you.

Sincerely, Shutts & Bowen LLP Willard James

Lourdes O'Farrill, DRC Clerk (via email) Lisette Egipciaco, DRC Clerk (via email) Eric Raasch, Orange County Planning Division (via email) Scott Boyd, Boyd Development (via email) Ken Kupp, Boyd Development (via email) Dennis Seliga, Boyd Development (via email)

ORLDOCS 14528409 1



March 3, 2016

TO: Mayor Teresa Jacobs -AND-**Board of County Commissioners** Jon V. Weiss, P.E., Directo FROM: Community, Environmental and Development Services Department **CONTACT PERSON:** John Smogor, Chairman **Development Review Committee Planning Division** (407) 836-5616 SUBJECT: March 15, 2016 – Public Hearing Kathy Hattaway-Bengochea, HCI Planning & Land Development Consultants / Reams Road Property Planned Development (PD)

The proposed Reams Road Property PD contains four (4) parcels and 100.20 gross acres, and is generally located on the southwest side of Reams Road, approximately 600 feet northwest of Jayme Drive. The subject property also falls within the boundary of the Horizon West Sector Planning Area, and more specifically, within the Lakeside Village Specific Area Plan (SAP).

Case # LUP-15-05-139 / District 1

The applicant is seeking to rezone the subject property from A-1 (Citrus Rural District), A-2 (Farmland Rural District), and R-CE-2 (Rural Residential District) to PD (Planned Development District), with a development program consisting of 161 total residential units. This includes 47 single family detached homes and 114 attached townhomes.

The Reams Road Property PD is also subject to a joint Right-of-Way (ROW) Conveyance and Adequate Public Facilities (APF) Agreement, and a private Transfer of Development Rights (TDR) Agreement. The ROW Conveyance / APF Agreement addresses the terms for satisfying a 1.93-acre APF deficit, as well as Impact Fee Credits for conveyed Reams Road right-of-way. Meanwhile, the private TDR Agreement addresses the use of eighteen (18) on-site TDR credits, and increases the required residential yield from 143 units to 161 units. The private TDR Agreement is being provided as backup with this rezoning request for informational purposes only.

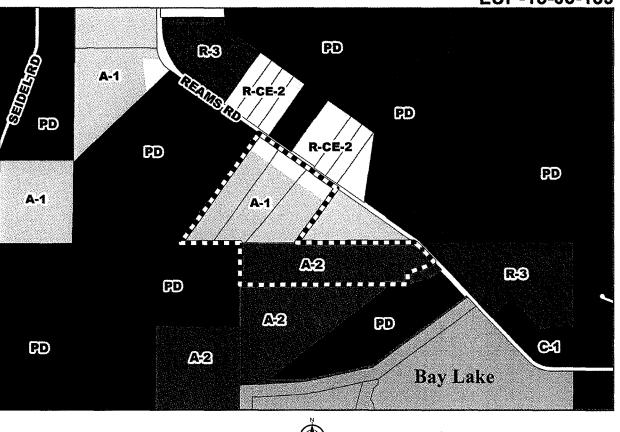
A community meeting was not required for this request, but one was previously held for a related Future Land Use Map (FLUM) amendment on November 3, 2014 at Sunset Park Elementary School. The required Specific Project Expenditure Report and Relationship

Disclosure Forms have also 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.

Finally, Reams Road Property PD received recommendations of approval by the Development Review Committee (DRC) and Planning and Zoning Commission (PZC) on October 7, 2015 and November 19, 2015, respectively.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Reams Road Property Planned Development / Land Use Plan (PD/LUP) dated "Received July 8, 2015", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 1

Attachments



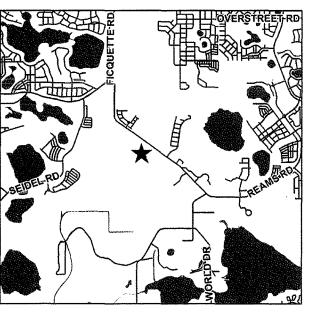
# LUP-15-05-139

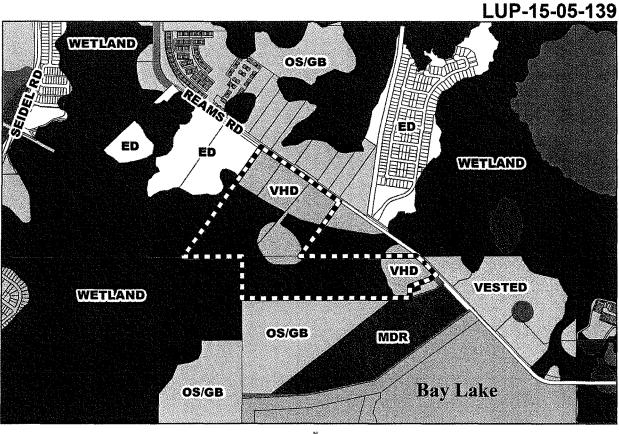
# Subject Property

★ Subject Property

# Zoning Map

		6
ZONING:	A-1 (Citrus Rural District), A-2 (Farmland	
	Rural District), & R-CE-2 (Rural Residential	
	District) to PD (Planned Development)	
APPLICANT:	Kathy Hattaway-Bengochea,	
	HCI Planning & Development Consultants	
LOCATION:	13460, 13650, 13748, and 13820 Reams	
	Road; or generally located on the	
	southwest side of Reams Road,	
	approximately 600 feet northwest of Jayme	
	Drive.	
TRACT SIZE	: 100.20 gross acre	
DISTRICT:	#1	
S/T/R:	02/24/27, 34/23/27, 35/23/27	
	1 inch = 1.250 feet	





# Subject Property



# ★ Subject Property

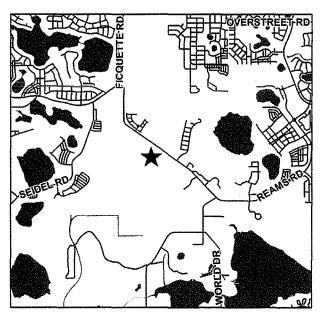
# Future Land Use Map Village (V) - Horizon West Lakeside Village

- FLUM: Village (V) Horizon West Lakeside Village Specific Area Plan (SAP) - Village Home District (VHD)
- APPLICANT: Kathy Hattaway-Bengochea, HCI Planning & Development Consultants
- LOCATION: 13460, 13650, 13748, and 13820 Reams Road; or generally located on the southwest side of Reams Road, approximately 600 feet northwest of Jayme Drive.

TRACT SIZE: 100.20 gross acre

DISTRICT: #1

S/T/R: 02/24/27, 34/23/27, 35/23/27 1 inch = 1,250 feet



# PZC Recommendation Staff Report Commission District: #1

# **GENERAL INFORMATION**

APPLICANT	Kathy Hattaway-Bengochea, HCI Planning & Land Development Consultants
OWNERS	Billy W. and Bonnie J. Whitlow, Swirsky-Warner Revocable Trust, Helen H. Nguyen, and Juan Carlos Quiroga
PROJECT NAME	Reams Road Property Planned Development / Land Use Plan (PD/LUP)
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	<ul> <li>A-1 (Citrus Rural District), A-2 (Farmland Rural District), and R-CE-2 (Rural Residential District) to</li> <li>PD (Planned Development District)</li> </ul>
	A request to rezone four (4) parcels containing 100.20 gross acres from A-1, A-2, and R-CE-2 to PD with a development program consisting of 161 single family residential dwelling units, including 47 single family detached homes and 114 attached townhomes. The request also includes the use of eighteen (18) Transferable Development Rights (TDR) credits.
LOCATION	13460, 13650, 13748, and 13820 Reams Road; or generally located on the southwest side of Reams Road, approximately 600 feet northwest of Jayme Drive.
PARCEL ID NUMBERS	02-24-27-0000-00-005; 34-23-27-0000-00-035; 35-23-27-0000-00-013; and 35-23-27-0000-00-015
TRACT SIZE	100.20 gross acres 35.21 developable acres 23.93 net developable acres
PUBLIC NOTIFICATION	For this case, a notification area extending beyond 900 feet was established [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eight hundred fifty-seven (857) notices were mailed to those property owners in the mailing area. A community meeting was not required for this case.
PROPOSED USE	One hundred sixty-one (161) single-family residential dwelling units (detached and attached).

# **STAFF RECOMMENDATION**

**Development Review Committee -** (October 7, 2015)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Reams Road Property Planned Development / Land Use Plan (PD/LUP), dated "Received July 8, 2015", subject to the following conditions:

- 1. Development shall conform to the Reams Road Property Planned Development / Land Use Plan (PD/LUP) dated "Received July 8, 2015," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 8, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 4. A Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review, as part of the Preliminary Subdivision Plan

PZC Recommendation Book

(PSP) and /or Development Plan (DP) submittal.

- 5. 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.
- 6. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- 7. 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.
- 8. This project is subject to, and shall comply with, the terms of a Right-of-Way Conveyance and Adequate Public Facilities (APF) Agreement addressing the conveyance of right-of-way needed for Reams Road improvements and satisfaction of APF requirements.
- 9. The following Education Condition of Approval shall apply:
  - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement approved by the Orange County School Board on May 12, 2015.
  - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 5 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

- e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- 10. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, including hydraulically dependent parcels outside the PD boundaries; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
- 11. 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).
- 12. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.

# **Community Meeting Summary**

A community meeting for a previously approved Future Land Use Map (FLUM) Amendment for this property (Amendment 2015-1-A-1-1) was held on November 3, 2014, at Sunset Park Elementary School. Five (5) residents were in attendance and expressed general concerns about school and road impacts; but the overall response was neutral.

# **IMPACT ANALYSIS**

# Land Use Compatibility

The applicant is requesting to rezone the 100.20-acre subject property from A-1 (Citrus Rural District), A-2 (Farmland Rural District), and R-CE-2 (Rural Residential District) to PD (Planned Development District) in order to develop 161 single family residential dwelling units, including 47 single family detached homes and 114 townhomes. The proposed PD (Planned Development District) would not adversely impact any adjacent properties or result in an incompatible land use pattern.

# **Comprehensive Plan (CP) Consistency**

The subject property is designated Village (V) on the Future Land Use Map (FLUM), indicating that it falls within the boundary of the Horizon West Sector Planning Area. More specifically, the subject property is located within the Lakeside Village Specific Area Plan (SAP), and is designated Village Home District (VHD) and Wetland / Conservation (CONS) on the adopted SAP land use map. The proposed PD zoning district and development program is consistent with these underlying SAP land use designations, and the following CP provisions:

**GOAL FLU4** (Horizon West) states that it is Orange County's goal to ensure sustainable, quality development in Southwest Orange County to allow a transition from rural to urban uses while protecting environmental quality.

**OBJ FLU4.1** states that Orange County shall use a Village Land Use Classification to realize the long range planning vision for West Orange County created through the Horizon West planning process. The Village land use classification has been designed to address the need to overcome the problems associated with and provide a meaningful alternative to the leap-frog pattern of sprawl now occurring in western Orange and eastern Lake County; create a better jobs/housing balance between the large concentration of employment in the tourism industry and the surrounding land uses; create a land use pattern that will reduce reliance on the automobile by allowing a greater variety of land uses closer to work and home; and, replace piecemeal planning that reacts to development on a project by project basis with a long range vision that uses the Village as the building block to allow the transition of this portion of Orange County from rural to urban use through a specific planning process that uses a creative design approach to address regional, environmental, transportation, and housing issues.

**FLU4.1.1** states that each Village Specific Area Plan (SAP) shall be designed based on an urban development pattern, which encourages the formation of a suburban village while ensuring the provision of adequate public facilities and services concurrent with development and protection of environmental quality, and outlines the following General Village Principles in Horizon West:

- A. Planning for the Village shall be in the form of complete and integrated neighborhoods containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of the Village residents.
- B. Village size shall be designed so that housing is generally within a 1.2 mile radius of the Village Center (shops, services and other activities). This radius may be relaxed where natural or community facilities and services interrupt the design.
- C. A Village shall contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- D. Wherever possible, as many activities as possible shall be located within an easy walking distance of an existing or designated transit stop.
- E. The Village and each neighborhood shall have a center focus that combines commercial, civic, cultural and recreational uses. Higher density residential development should be encouraged in proximity to these centers, with the highest density/attached housing encouraged in proximity to the Village Center.
- F. The Village shall contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.
- G. Each Village shall have a well-defined edge, such as greenbelts or wildlife corridors permanently protected from development.
- H. Local and collector streets, pedestrian paths and bike paths shall contribute to

a system of fully connected and interesting routes from individual neighborhoods to the Village Center and to other villages. Their design should encourage pedestrian and bicycle use by being spatially defined by buildings, trees, and lighting; and by discouraging high speed traffic.

- I. Wherever possible, the natural terrain, drainage and vegetation of the area shall be preserved with superior examples contained within parks or greenbelts.
- J. The Village Center shall be designed to encourage and accommodate linkage with the regional transit system.

**FLU4.1.9** states that until and unless an SAP is approved by the Orange County Board of County Commissioners, the property in the Village Land Use Classification shall maintain the future land use designation existing prior to the Village Land Use Classification Amendment (e.g. Rural: 1 dwelling unit per 10 acres, Conservation, Rural Settlement), except for those projects that are vested. All applications for development approvals (i.e. lot splits, special exceptions, variances, etc.) on any property within the Village Land Use Classification shall be reviewed on a case-by-case basis for the effects of such development approval on adopted or future SAPs. Once an SAP is adopted by the Board of County Commissioners, all applications for development approval (i.e. lot splits, special exceptions, variances) under the existing zoning shall be evaluated for compatibility with the adopted SAP.

**OBJ FLU4.2** states that each Specific Area Plan (SAP) shall include regulatory measures which require the provision of Adequate Public Facilities and services concurrent with development.

**FLU4.2.1** states that prior to or in conjunction with approval of the land use plan for any Village Planned Development, a developer's agreement addressing the conveyance of adequate public facility lands shall be approved by Orange County.

**FLU4.2.2** states that the Adequate Public Facilities (APF) Ordinance shall require each property owner to make provisions to set aside public land area in exchange for APF credits, based upon the total public land area needs for each SAP. For Lakeside Village, the ratio is one (1) acre of public land for every 6.5 acres of developable land). For land areas that do not include public facilities lands or for which public facilities lands have been provided, a fee in lieu of donation shall be required. Such APF revenues shall be allocated for public facilities lands acquisition, support, and maintenance within the subject Village or Town Center.

**FLU4.6.2** states that any development within the boundary of Lakeside Village shall comply with the provisions of the Orange County Code for the Planned Development Zoning District and subdivisions and site plan development regulations. Where the performance standards in the Village Development Code conflict with said regulations, the Village Code shall govern.

**FLU4.6.3** states that the adopted Village Specific Area Plans establish the Village Home District minimum average net density of 6 dwelling units per acre.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

## SITE DATA

Existing Use	Un	developed Land
Adjacent Zoning	N:	PD (Planned Development District) The Preserve at Lakeside Village PD - (2014)
		PD (Planned Development District) Lake Reams Neighborhood PD - <i>(1998)</i>
		R-CE-2 (Rural Residential District) - (1981)
	E:	PD (Planned Development District Lake Reams Neighborhood PD - <i>(1998)</i>
		PD (Planned Development District Patterson Parcel PD - <i>(2001)</i>
		R-CE-2 (Rural Residential District) - (1981)
		R-3 (Multiple-Family Dwelling District) - (1981)
		A-1 (Citrus Rural District) - (1957)
		A-2 (Farmland Rural District) - (1957)
	W:	PD (Planned Development District) The Preserve at Lakeside Village PD - <i>(2014)</i>
		PD (Planned Development District) Village F Master PD – <i>(2009)</i>
		R-3 (Multiple-Family Dwelling District) - (1980)
	S:	PD (Planned Development District) Village F Master PD – <i>(2009)</i>
		PD (Planned Development District) Patterson Parcel PD - <i>(2001)</i>

A-2 (Farmland Rural District) - (1957)

Adjacent Land Uses	N:	Single-Family Residential / Church / Undeveloped Land

- E: Single-Family Residential / Church / Multi-Family Residential
- W: Undeveloped Land
- S: Multi-Family Residential / Duplex / Undeveloped Land

## APPLICABLE PD DEVELOPMENT STANDARDS

Minimum living and	Single-Family (Detached)	
Minimum living area:	1,000 square feet	1,000 square feet
Maximum building height:	45' / 3 stories	55' / 4 stories
Minimum lot width:	32'	16'
Minimum Building Setbacks		
Front	15'/ 7' (front porch)	15' / 10' (front porch)
Rear	20'	14'
Side	4' / 10' (side street	0'/7' (end unit) /10' (street side)
PD perimeter:	25'	25'

## **SPECIAL INFORMATION**

#### **Subject Property Analysis**

The applicant is requesting to rezone the 100.20-acre subject property from A-1 (Citrus Rural District), A-2 (Farmland Rural District) and R-CE-2 (Rural Residential District) to PD (Planned Development District) in order to develop 161 residential dwelling units (47 single-family detached units and 114 townhomes).

## Adequate Public Facilities (APF)

In order to satisfy the requirements of Chapter 30, Article XIV of Orange County Code ("APF/TDR Ordinance"), the Reams Road Property PD is subject to a joint APF / Right-of-Way Conveyance Agreement which recognizes the project's proportionate share of required APF lands within the Lakeside Village SAP. With the conveyance of 1.75 acres of APF right-of-way, the project was left with an APF deficit of 1.93 acres. The terms for satisfying this deficit have been addressed in the Agreement. With the applicant seeking Impact Fee Credits for the APF right-of-way, the Agreement was reviewed and processed through the Road Agreement Committee (RAC). On January 6, 2016, the RAC recommended approval of the joint APF / Right-of-Way Conveyance Agreement; therefore, it will be considered concurrently by the Board of County Commissioners (BCC) on March 15, 2016. Upon approval by the BCC, the agreement will be recorded in the Public Records of Orange County, Florida.

#### Transferable Development Rights (TDR)

The Village Home District portion of the subject property includes 35.21 developable acres and 23.93 net developable acres (less required stormwater and open space). Per Code, the Village Home District requires a residential density of six (6) dwelling units per net developable acres, which in this case yields one hundred forty-three (143) residential dwelling units. However, through the use of eighteen (18) Transferable Development Rights (TDR) credits, the applicant is proposing to increase residential yield to one hundred sixty-one (161) units.

In order to satisfy the requirements of Chapter 30, Article XIV of the Orange County Code ("APF/TDR Ordinance"), a private TDR Agreement ("*Notice of Assignment of Transferable Development Rights and Restrictive Covenants*") that subjects a 63-acre wetland and TDR sending area tract to a conservation easement, has been prepared for purposes of generating the required 18 TDR credits. The private TDR Agreement has already been recorded in the Public Records of Orange County, Florida, but for informational purposes only, has been provided as backup to this report.

#### Comprehensive Plan (CP) Amendment

The Board of County Commissioners (BCC) adopted CP Amendment #2015-1-A-1-1 on July 28, 2015, thereby amending the underlying SAP designation of the subject property from Greenbelt (GB) and Wetland / Conservation (CONS) to Village Home District (VHD) and Wetland/Conservation (CONS). Consistent with the property's underlying Village Home District (VHD) Specific Area Plan (SAP) designation, the proposed PD zoning provides for 161 residential dwelling units on 100.20 gross acres (23.93 net developable acres).

#### **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.

#### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

#### Environmental

The subject property contains Class I wetlands, as determined by Conservation Area Determination CAD-14-12-099. A Conservation Area Impact (CAI) permit is required for any proposed conservation area encroachments, and shall be approved by the BCC on the same day or prior to the Preliminary Subdivision Plan (PSP) public hearing.

#### **Transportation / Concurrency**

Based on the Concurrency Management System database dated 05-12-15, there is one failing roadway segment within the project impact area. Ficquette Road from Lake Hancock Road to Winter Garden-Vineland Road is currently operating at level of service "F". This information is dated and is subject to change. 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. A decision to approve this land use plan shall not be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

Finally, additional right-of-way (ROW) is required for the widening of Reams Road. The additional property required for this roadway improvement has been addressed in a joint APF / Right-of-Way Conveyance Agreement, which received a recommendation of approval by the County's Road Agreement Committee (RAC) on January 6, 2016. The APF / Right-of-Way Conveyance Agreement will be considered concurrently with the PD/LUP by the Board of County Commissioners (BCC). Upon approval, it will be recorded in the Public Records of Orange County, Florida.

#### Water / Wastewater / Reclaim

Water:	<u>Existing service or provider</u> Orange County Utilities		
Wastewater:	Orange County Utilities		
Reclaimed:	Orange County Utilities		

#### Schools

Capacity Enhancement Agreement (CEA) OC-14-030 applies to this project. The CEA has been fully executed.

#### 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

PZC Recommendation – (November 19, 2015)

# Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Reams Road Property Planned Development / Land Use Plan (PD/LUP) dated "Received July 8, 2015", subject to the following conditions:

1. Development shall conform to the Reams Road Property Planned Development / Land Use Plan (PD/LUP) dated "Received July 8, 2015," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations,

November 19, 2015

## Rezoning Staff Report Case # LUP-15-05-139 BCC Hearing Date: March 15, 2016

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 July 8, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.

- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- A Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review, as part of the Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
- 5. 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.
- Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- 7. 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.

- 8. This project is subject to, and shall comply with, the terms of a Right-of-Way Conveyance and Adequate Public Facilities (APF) Agreement addressing the conveyance of right-of-way needed for Reams Road improvements and satisfaction of APF requirements.
- 9. The following Education Condition of Approval shall apply:
  - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement approved by the Orange County School Board on May 12, 2015.
  - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 5 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- 10. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, including hydraulically dependent parcels outside the PD boundaries; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
- 11. 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).

12. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.

#### PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with a recommendation that they make a finding of consistency with the Comprehensive Plan (CP) and recommend approval of the Reams Road Property Planned Development / Land Use Plan (PD / LUP), subject to twelve (12) conditions.

Staff noted that eight hundred fifty-seven (857) notices were sent to property owners within 900 feet of the subject property, and that one (1) commentary in favor, and eight (8) commentaries in opposition had been received.

The applicant, Kathy Hattaway, was present and concurred with the staff recommendation, including the twelve (12) conditions.

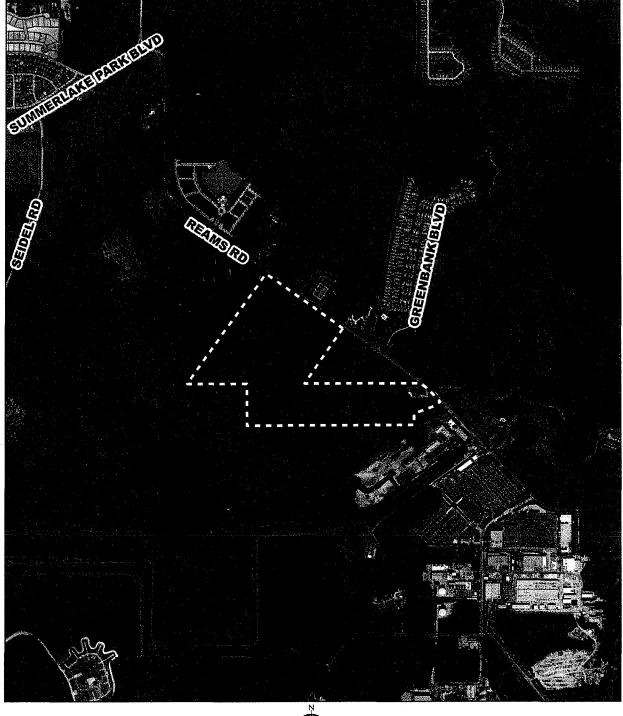
Don Kendzior, a resident of the area, presented information and concerns about a wildlife corridor in the area, and requested additional conditions of approval be placed on the rezoning. Both staff and the PZC expressed that the recommended conditions of approval were sufficient, and that wildlife impacts would be further addressed at the Preliminary Subdivision Plan (PSP) phase. Staff also noted that any conservation area impacts would require Board of County Commissioners (BCC) approval. No other members of the public were present to address the PZC, and the public hearing was closed.

Commissioner Dunn made a motion to find the request to be consistent with the Comprehensive Plan and recommend **APPROVAL** of the Reams Road Property Planned Development / Land Use Plan (PD / LUP), subject to the twelve (12) conditions. Commissioner Seraaj seconded the motion, which was then carried 7-1, with Commissioner Wean voting against the motion.

Motion / Second	Jimmy Dunn / Kevin Seraaj
Voting in Favor	Jimmy Dunn, Kevin Seraaj, Tina Demostene, Jose Cantero, Pat DiVecchio, Rick Baldocchi, and JaJa Wade
Voting Against	Paul Wean
Absent	Marvin Barrett

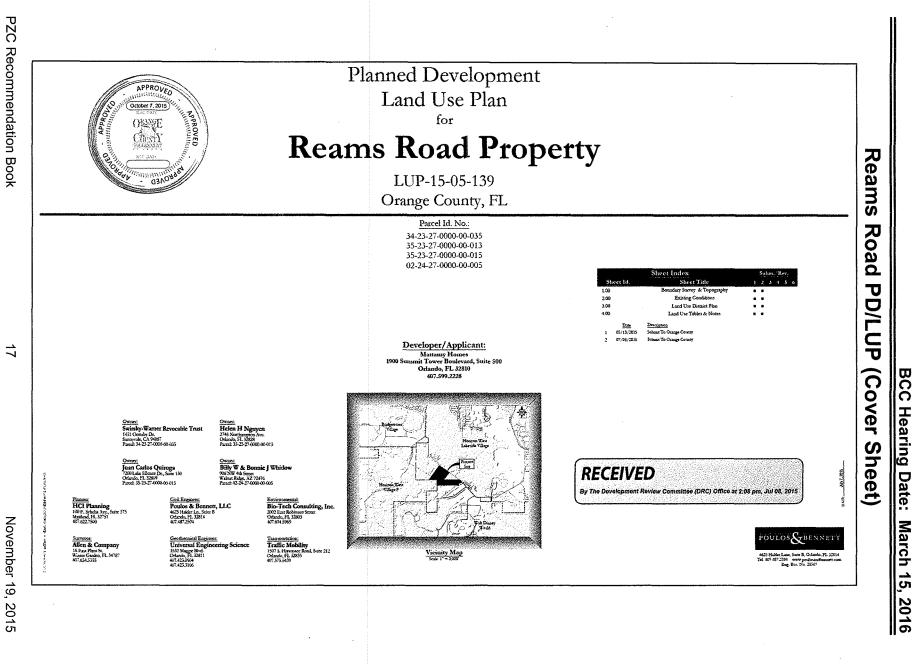
## Rezoning Staff Report Case # LUP-15-05-139 BCC Hearing Date: March 15, 2016

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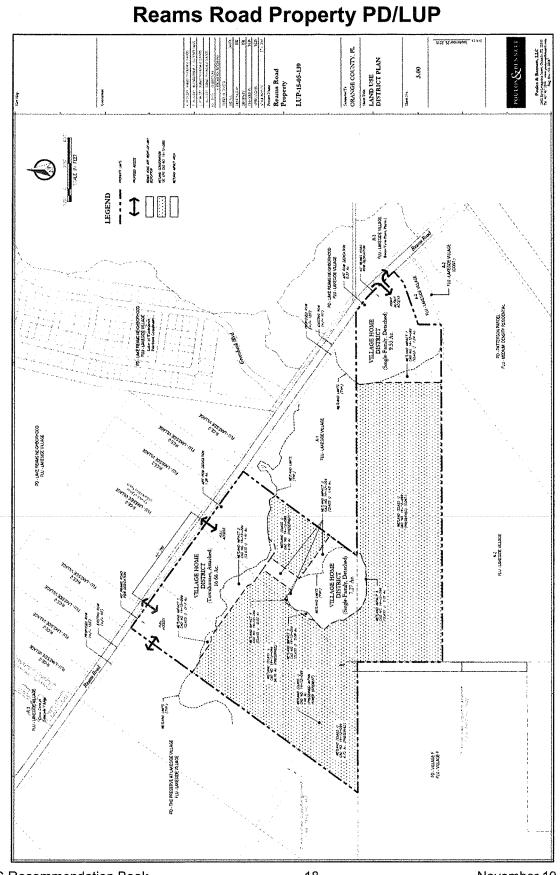


Subject Property





Rezoning Staff Report Case # LUP-15-05-139

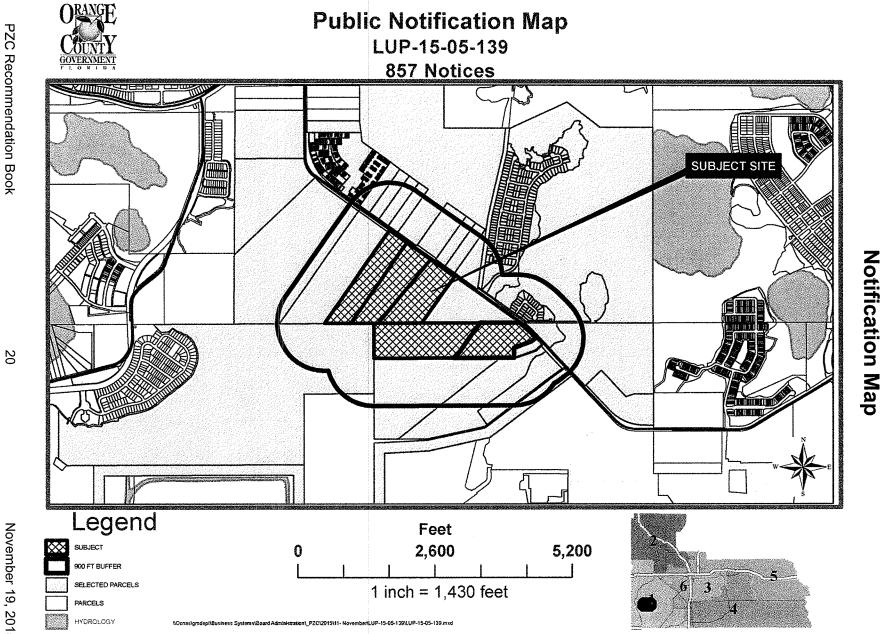


PZC Recommendation Book

November 19, 2015

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Rezoning Staff Report Case # LUP-15-05-139 BCC Hearing Date: March 15, 2016



**BCC Hearing Date:** 

March 15, 2016

Rezoning Staff Report Case # LUP-15-05-139

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November 19, 2015

This document was prepared by And after recording should be returned to:

Juli Simas James, Esquire SHUTTS & BOWEN, LLP 300 S. Orange Avenue, Suite 1000 Orlando, Florida 32801 DOC# 20160020348 01/12/2016 03:34:28 PM Page 1 of 21 Rec Fee: \$180.00 Deed Doc Tax: \$0.00 DOR Admin Fee: \$0.00 Intangible Tax: \$0.00 Mortgage Stamp: \$0.00 Martha O. Haynie, Comptroller Orange County, FL PU - Ret To: SHUTTS & BOWEN

A portion of Parcel ID. Nos.: 35-23-27-0000-00-013 35-23-27-0000-00-015 34-23-27-0000-00-035 02-24-27-0000-00-005

#### <u>NOTICE OF ASSIGNMENT OF</u> <u>TRANSFERABLE DEVELOPMENT RIGHTS AND DECLARATION OF RESTRICTIVE</u> <u>COVENANTS</u>

THIS NOTICE OF ASSIGNMENT OF TRANSFERABLE DEVELOPMENT RIGHTS AND DECLARATION OF RESTRICTIVE COVENANTS (the "Notice") is made and entered into as of this <u>1</u>[<sup>th</sup> day of January, 2016, by MATTAMY ORLANDO LLC, a Delaware limited liability company ("Owner"), whose mailing address is 1900 Summit Tower Boulevard, Suite 500, Orlando, Florida 32810.

#### WITNESSETH:

WHEREAS, the Owner, as the owner of the Reams Road Property PD (the "PD") located within the Lakeside Village Specific Area Plan ("Lakeside Village"), is the owner of certain Transferable Development Rights ("TDR") allocated to the PD in accordance with Orange County Code §30-725 through §30-729 (collectively the "TDR Ordinance"); and

WHEREAS, pursuant to the TDR Ordinance, and as reflected on Sheet 4 of the PD Land Use Plan (the "LUP"), a total of 19 TDR Credits (the "TDR Credits") were generated from the designation of a wetland area as a Wetland Sending Area (the "PD Sending Area"), a copy of Sheet 4 of the LUP is attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, as of the date of this Notice, the TDR Credits are available for use within the PD and to transfer to other real property located within Lakeside Village; and

WHEREAS, as a condition to Orange County, Florida ("County") approving LUP Application No. LUP-15-05-139 (the "Application") to, among other things, increase the maximum residential yield within the PD from 143 residential units to 161 residential units, the Owner must transfer and assign 18 TDR credits to the Village Home Districts within the PD as more particularly described on Exhibit "B" attached hereto and incorporated herein by this reference (the "Receiving Property"); and

WHEREAS, the Owner wishes to transfer and assign to the Receiving Property <u>18</u> of the TDR Credits (the "Assigned Credits") from a portion of the PD Sending Area, which portion of the PD Sending Area is legally described on <u>Exhibit "C"</u> attached hereto and incorporated herein by this reference (the "Sending Area"), in accordance with the terms and conditions of this Notice; and

WHEREAS, the Owner desires to give record notice of the transfer of the Assigned Credits and certain other matters, as set forth below.

NOW, THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner hereby agrees and gives notice as follows:

1. The foregoing recitals are true and correct and incorporated herein by this reference.

2. The Owner hereby assigns and transfers from the Sending Area to the Receiving Property all of Owner's right, title, and interest in and to the Assigned Credits for the use and benefit of the Receiving Property. Effective upon the transfer of the Assigned Credits to the Receiving Property, the PD Sending Area shall have a balance of <u>1</u> TDR credit, as depicted on Sheet 4 of the LUP.

3. The Owner acknowledges and agrees that it hereby releases all claims to the Assigned Credits and covenants that it shall not seek to further transfer the Assigned Credits, including back to the Sending Area, and such release and covenant shall run with title to the Sending Area and shall be binding on the successors and assigns of the Owner's interest in the Sending Area.

4. The Owner further acknowledges and agrees that upon the County's approval of the Application to increase the maximum residential yield for the Receiving Property by 18 residential units, the established density for the Receiving Property shall neither be increased above, nor decreased below, 161 residential units without the specific approval for such increase or decrease from the County. Further, Owner covenants not to further transfer or assign the Assigned Credits from the Receiving Property; such restriction and covenant shall run with title to the Receiving Property and shall be binding on successors and assigns to the Receiving Property.

5. The Owner agrees that the County is a third party beneficiary of this Notice and shall have the right, but not the obligation, to enforce the restrictive covenants set forth herein, and the Owner and its successors and assigns shall not amend this Notice without the prior approval of the Orange County Board of County Commissioners ("BCC").

6. The restrictive covenants set forth herein shall continue in effect for ninety (90) years from the date of this Notice and shall renew automatically for successive ten (10) year terms unless an instrument signed by the then owners of the Sending Areas and the Receiving Property agreeing to terminate this Notice is approved by the BCC at least thirty (30) days prior to the automatic renewal, and such notice of termination is recorded in the Public Records of Orange County, Florida.

7. The provisions of this Notice shall bind and inure to the benefit of the parties hereto and their respective successors and assigns.

#### [Intentionally Left Blank]

IN WITNESS WHEREOF, the Owner has executed this Notice on the day and year first above written.

Signed, sealed and delivered in the presence of:

Print Name:

MATTAMY ORLANDO LLC, a Delaware limited liability company

e C. Candes, Vice President

Date: January 1/2016

STATE OF FLORIDA COUNTY OF Ovanal

**Print Name:** 

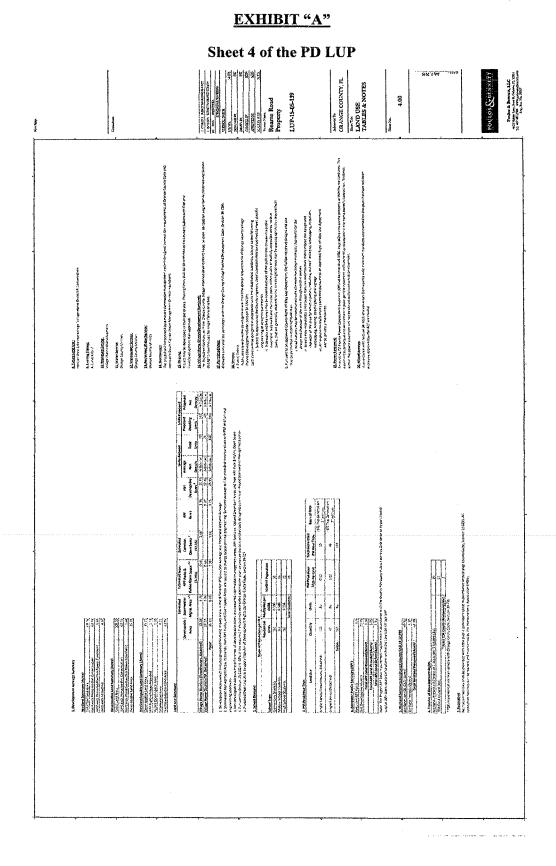
The foregoing instrument was acknowledged before me this  $\cancel{1/4}$  day of January, 2016 by Leslie C. Candes, as Vice President of MATTAMY ORLANDO LLC, a Delaware limited liability company, on behalf of the company. She  $\boxdot$  is personally known to me or  $\square$  has produced as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this  $\underline{II}_{\mu}$  day of January, 2016.

Notary Public State of Florida Anna Treybich My Commission FF 103675 Expires 04/25/2018

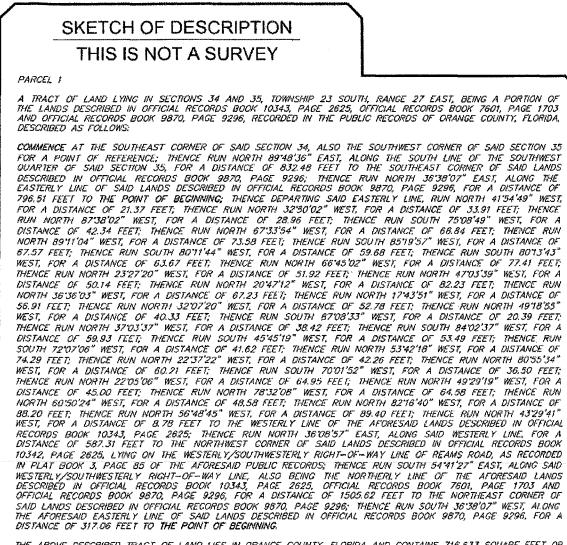
of Notary Publi Signature

Print Notary Name My Commission Expires: 4/25/2018 Commission No.: 103675



#### EXHIBIT "B"

#### The Receiving Property



THE ABOVE DESCRIBED TRACT OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 716,633 SQUARE FEET OR 16.452 ACRES MORE OR LESS.

SHEET 1 OF 7

SHEETS 1-3 .....LEGAL DESCRIPTION SHEETS 4-5....SKETCH OF DESCRIPTION SHEETS 6-7......TABLES AND LEGEND

ALLEN	BEARNAS SHOWN HEREON ARE ASSUMED TOBNISHING 23 SOUTH, RANGE 27 EAST, THE LEGAL DESCRIPTION WAS PREPARED THE LEGAL DESCRIPTION WAS PREPARED THE RECORDING INFORMATION SHOWN HE DELINEATION OF THE LANDS SHOWN HERE		
COMPANY Horstonici Szneyces & LACTORY 16 EAST PLANT STREET While Gods, Thick: JANT 1 (407) 054 2000	JOB NO. 20140312 DATE:	CALCULATED BY: <u>MP?</u> DRAWN BY: <u>MP?</u> CHECKED BY: <u>DEJ</u>	FOR THE LICENSED BUSINESS #8723 BY

# SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

#### PARCEL 2

A TRACT OF LAND LYING IN SECTION 35, TOWNSHIP 23 SOUTH, RANGE 27 EAST AND IN SECTION 2, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9870, PAGE 9295 AND OFFICIAL RECORDS BOOK 134B, PAGE 202, RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THE ABOVE DESCRIBED TRACT OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 248,942 SQUARE FEET OR 5.715 ACRES MORE OR LESS.

		SHEETS	1–3ECAL DESCRIPTION 4–5SKETCH OF DESCRIPTION 6–7TABLES AND LEGEND
ALLEN	2. BEARINGS SHOWN HEREON 1 TOWNSHIP 23 SOUTH, RANGI 3. THE LEGAL DESCRIPTION WA 4. THE RECORDING INFORMATIO	5: INN ESS SIGNED AND SEALED WITH AN EMBOR WE ASSUMED AND DASED ON THE SOUTH IN E 27 CAST, DEWIS SOUTH BOYATIB" WEST. SPREPARED WITHOUT BOMENT OF THE. IN SHOWN HEREON WAS DOTAINED FROM THE SHOWN HEREON ARE AS PER THE CLENT'S	NE OF THE SOUTHEAST 1/4 OF SECTION 34, ORANGE COUNTY PUBLIC ACCESS SYSTEM.
	job no <u>20146312</u> Date: <u>10~30-15</u> Scale: <u>1°=300°</u>	CALCULATED BY: <u>MR</u> DRAWN BY: <u>MR</u> CRECKED BY: <u>SE/</u>	

# SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

PARCEL 3

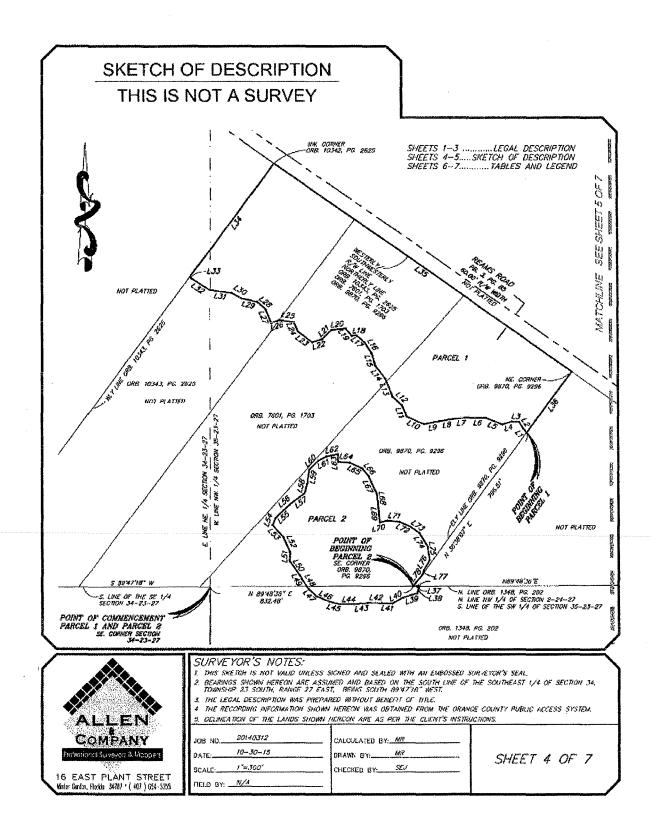
A TRACT OF LAND LYING IN SECTION 2, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1348, PAGE 202 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

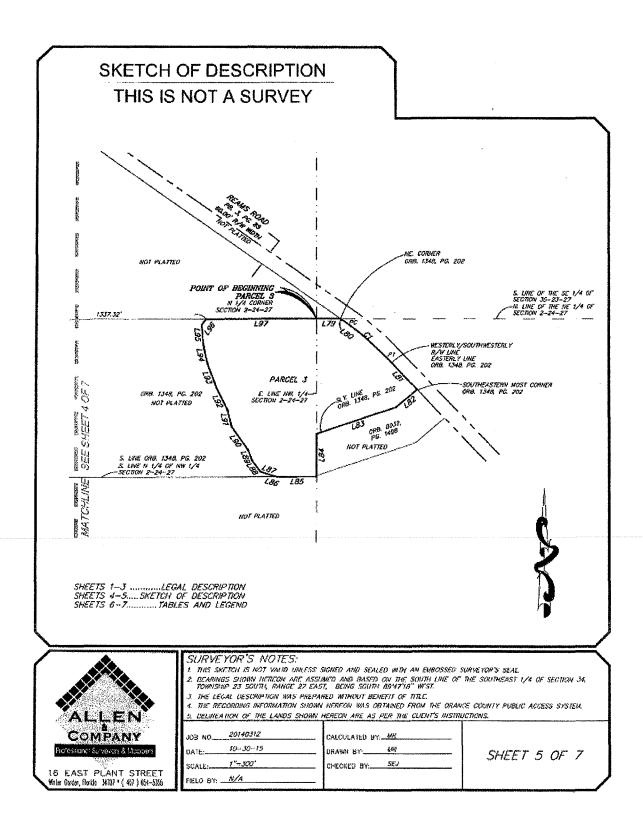
BEGIN AT THE NORTH QUARTER CORNER OF SAID SECTION 2; THENCE RUN SOUTH 89'59'48" EAST, ALONG THE NORTH-LINE OF THE NORTH-BAST QUARTER OF SAID SECTION 2; FOR A DISTANCE OF 99.54 FECT TO THE NORTH-BAST QUARTER OF SAID NOFTICAL RECORDS BOOK 1348, PAGE 202; UNIG ON THE WESTERLY/SOUTHWESTERLY RIGHT-OF-WAY LINE OF REAMS ROAD AS RECORDED IN OFTICAL RECORDS BOOK 1348, PAGE 202; UNIG ON THE RUN SOUTH 54'4'27" EAST, ALONG SAID WESTERLY/SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID LANDS DESCRIBED IN OFTICAL RECORDS BOOK 1348, PAGE 202; UNIG ON THE RECORD AND THE EASTERLY LINE OF SAID LANDS DESCRIBED IN OFTICAL RECORDS BOOK 1348, PAGE 202; CAR A DISTANCE OF 5.40 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE SOUTHWESTERLY RIGHT-OF-WAY LINE AND THE EASTERLY LINE OF SAID WESTERLY/SOUTHWESTERLY RIGHT-OF-WAY LINE AND SAID FEET A A CHORD LENGTH OF CURVATURE OF A TANGENT CURVE CONCAVE SOUTHWESTERLY LINE, AND ALONG SAID TANGENT CURVE, HAMING A RADIUS OF 122.65 FEET, A CENTRAL ANGLE OF 1111'33", AN ARC LENGTH OF 238.84 FEET, A CHORD LENGTH OF 238.46 FEET AND A CHORD BEARING OF SOUTH 49'05'40" EAST TO A POINT OF TANGENCY. THENCE RUN SOUTH 43'29'54" EAST, CONTINUING ALONG SAID TANGENCY. THENCE RUN SOUTH 43'29'54" EAST, CONTINUING ALONG SAID CONTREL OF SAID LANDS DECORDED IN OFFICIAL RECORDS BOOK 1348, PAGE 202; THENCE RUN SOUTH 50'05'24" WEST, ALONG THE SOUTHER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1348, PAGE 202; THENCE RUN SOUTH 50'05'24" WEST, ALONG THE SOUTHER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1348, PAGE 202; THENCE RUN SOUTH 50'05'24" WEST, ALONG THE SOUTHER OF THE NORTHWEST QUARTER OF SAID SECTION 2, AND SAID SECTION 2, AND SOUTHER VIEW, FOR A DISTANCE OF 13.6 FEET, THENCE RUN SOUTH AND SAID SECTIONS DOOK 1348, PAGE 202; THENCE RUN SOUTH SOUTHER SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2, AND SAID EAST LINE AND SAID SOUTH HENORTHWEST QUARTER OF SAID SECTION 2, AND SAID SOUTH UNE OF THE NORTHWEST QUARTER OF SAID SECTION 2, AND SAID SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 2, AND SAI

THE ABOVE DESCRIBED TRACT OF LAND LIES IN ORANCE COUNTY, FLORIDA AND CONTAINS 377,573 SQUARE FEET OR B.66B ACRES MORE OR LESS.

SHEETS 1–3 .....LEGAL DESCRIPTION SHEETS 4–5....SKETCH OF DESCRIPTION SHEETS 6–7........TABLES AND LEGEND

		SIDNED AND SEALED WITH AN EMBOSSED S IMED AND GASED ON THE SOUTH LINE OF IT, BEING SOUTH 894718" WEST.	
	J. THE LEGAL DESCRIPTION WAS PREPA 4. THE RECORDING INFORMATION SHOW		
COMPANY North Charles	JCB NO. 20140312 DATE: 10-J3-15	Calculated by: MR Drainn by:MR	SHEET 3 OF 7
16 EAST PLANT STREET Vinler Grade, Ilaria 24374 (497) 634 5355	9CALE: 1°#300° FIELD 8Y: <u>N/4</u>	CHECKED BY: SEU	





# SKETCH OF DESCRIPTION

# THIS IS NOT A SURVEY

ſ	LINE TABLE			
LINE	LENGTH	BEARING		
LI	21.37	N41'54'49"W		
1.2	33.91	N32'50'02"W		
L3	28.96'	N87'38'02"W		
L4	42.34'	\$75'08'49"W		
15	68.84	N67'33'54"W		
LB	7.3.58	N8971'04"W		
17	67.57	S8519'57"W		
18	59.68	580'11'44"W		
19	63.67	58073'43"W		
110	77.41'	N66'45'02"W		
L11	51.92'	N2327'20"W		
112	50.14	N47'03'39"W		
L13	82.23	N20'47'12"W		
L14	67.23'	N36'36'03"W		
L15	56,91'	N17'43'51''W		
L16	52.78'	N32'07'20"W		
L17	40.33'	N4978'55"W		
L18	20.39'			
L19	38.42'	N37'03'37"W		
L20	<u>59.93'</u>	<u>584'02'37"</u> W		
L21	53.49	\$45'45'19"W		
L22	41.62'	572°07'06"W		
L23	74.29	N55'42'18"W		
1.24	12.26'	N22'37'22"W		
L25	60.21'	N80'55'34"W		
L26	36.50'	\$70'01'52"W		
L27	64.95	N22'05'06''W		
1.28	45.00'	N49'29'13"W		
1.29	64.58	N78'32'08"W		
<u>L30</u>	48.58'	N60'50'24"W		
<u>L31</u>	88.20'	N8216'40"W		
1.32	89.40'	N56'48'45"W		
<u>L33</u>	8.78'	N43'29'41"W		
1.34	587.31	N36'08'57"E		
L35	1505.62	S54'41'27"E		
1.36	317.06'	<u>536'38'07"W</u>		
L37	24.10'	N89'48'36"E		
1.38	30.77	\$t5*45'43"W		
139	60.55	<u>572'23'45"₩</u>		
L40	50.90'	S61'46'03"W		

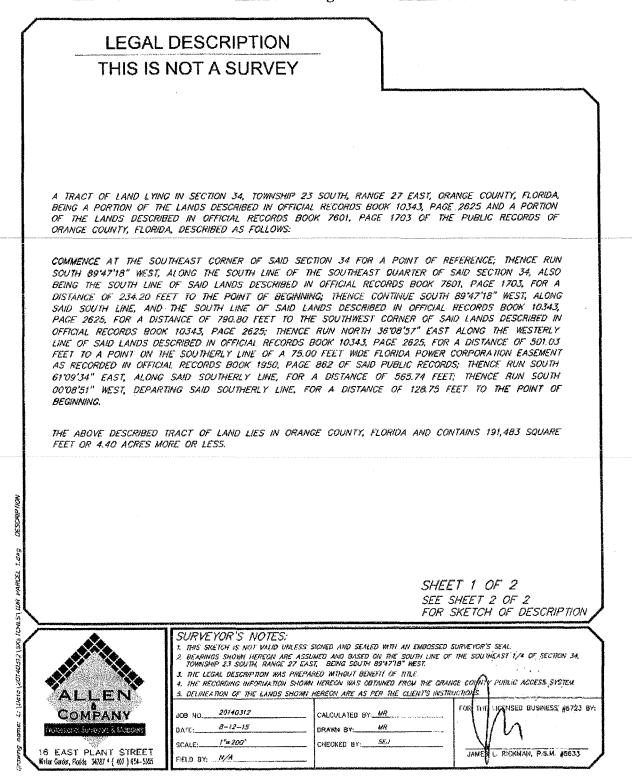
	LINE TA	BLE	
LINE	LENGTH	BEARING	
L41	43.03'	N88'06'00"W	
1.42	57.56	N89'22'55"W	
L43	55.36'	\$83:39'52"W	
1.44	57.90°	N89'37'09"W	
L45	43.70'	N76'23'33"W	
L48	55.81	N65'55'54"W	
147	44.83	N46'52'10"W	
L48	48.82	N.34'31'10"W	
1.49	18.25	N31'37'06"W	
L50	71.35'	N34'44'00"W	
1.51	38.39'	N0175'03"E	
1.52	68.55'	N23'28'37"W	
153	65.43'	N41'35'57"W	
1.54	31.17	N21'02'17"E	
L55	50.57	N45'37'19"E	
1.56	40.30'	N4871'51"E	
157	67.84'	N53"40'45"E	
1.58	43.27'	N15'48'41"E	
1.5.9	58.72'	N08"30'07"E	
160	52.21	N44'02'02'E	
1.61	37.78'	N63'02'50"E	
162	46.98	N7875'53'E	
1.63	32.42	SOT'52'58'E	
1.54	49.39'	585'02'07'E	
165	54.69'	\$65'03'06"E	
1.66	38.45	539'21'16"E	
L67	82.48	S23'57'07''E	
168	44.06'	507'34'49"E	
169	75.90	S04"17'22"E	
L70	32.19'	N76'40'11"E	
1.71	49.99	S84'32'59"E	
1.72		566*24*34"E	
173	47.44		
174	44.91	555'42'07"E	
L75	68.93'	<u>\$30'46'58"E</u>	
	55.26'	S07'36'32"E	
1.76	50.48'	S29'54'57"W	
£77	14.39'	S14'48'41"W	
1.78	63.55'	<u>\$36'38'07"W</u>	
L79	99.54	S89'59'48''E	
1.80	5.40'	554°41'27"E	
	SHEETS SHEETS SHEETS	5 1–3LEGAL DA 5 4–5SKETCH OF DA 6–7TABLES A	ESCRIPTION ESCRIPTION ND LECEND

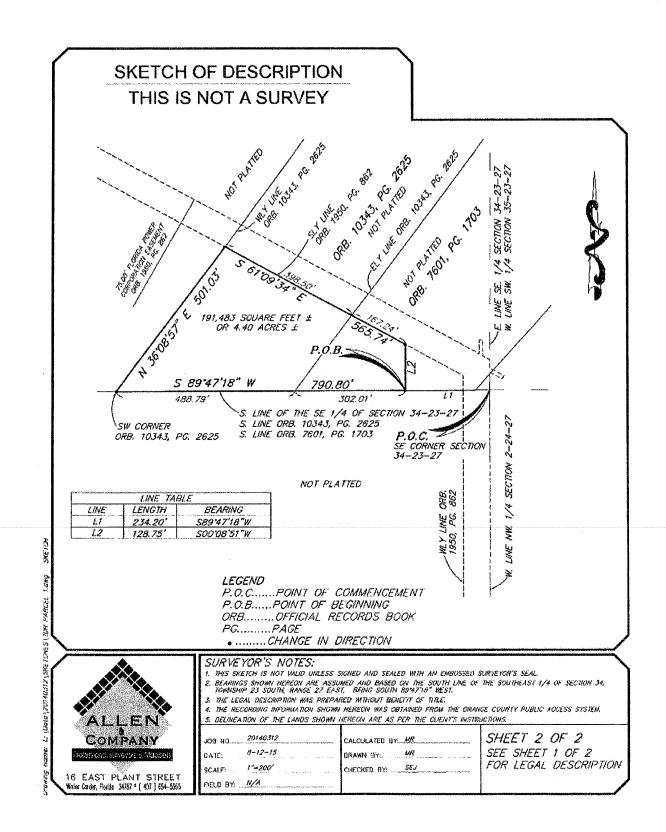
ALLEN	2 BEARINGS SHOWN HEREON AR TOWNSHIP 23 SOUTH, RANGE 3 3. THE LEGAL DESCRIPTION WAS 4. THE RECORDING INFORMATION	RESS SIGNED AND SEALED WITH AN EMBOSSE 5 ASSUMED AND BASED ON THE SOLITH LINE 27 EAST, BEING SOLITH BY 4716 WEST, PREPARED WITHOUT BENEFIT OF TILE. SHOWN HEREON WAS OBTAINED FROM THE ON NOWN HEREON ARE AS PER THE CUENT'S WI	of the southeast 1/4 of Section 34,
COMPANY Protection Surveyord & Mourant 16 EAST PLANT STREET While Conton Havis JARD + ( 400 ) 664-5335	JOB NO. <u>20140312</u> DATE: <u>10-30-15</u> SCALE: <u>1"=300"</u> FIELD BY: <u>N/A</u>	CALCULATED BY: DRAWN BY: CHECKED BY:SEJ	SHEET 6 OF 7

	THIS I	S NOT A S	URVEY
			1
LINE	LINE TAE	BEARING	L COCHO
L81	190.48'	\$43'29'54"E	LEGEND
L82	115.67'	\$50'09'24"W	ORBOFFICIAL RECORDS BOOK
183 184	<u>346.12'</u> 179.73'	<u> </u>	P.BPLAT BOOK
185	162.19'		
L.86	22.06'	N75'40'37"W	PGPAGE
187	49.38'	N71'18'26"W	CHANGE IN DIRECTION
<u>188</u>	<u>58.12'</u> 49.67'	<u>N37'00'56"W</u> N21'42'27"W	R/NYRIGHT-OF-WAY
190	118.33'	N34 39'28"W	
1.91	71.12'	N12'01'15"W	PCPOINT OF CURVATURE
192	100.07'	<u>N25'44'33"W</u> N21'04'34"W	PTPOINT OF TANGENCY
194	83.51'	N1173'58"W	
1.95	82.30'	N04"30'13"W	
<u> </u>	28.92'	N3517'53"E	
L37	456.66	N89 48 35 E	
	والمحاجب والمحاجبة	والمراجع	
	A11718*		CURVE TABLE
	CURVE	RADIUS	DELTA ARC LENGTH CHORD CHORD BEARING
	C3	122265	1171 11"   278 RA'   27R AB'   CAONS'AD'E
	<u>C1</u>	1222.65'	11'11'33" 238.84' 238.46' 549'05'40"E
	<u>C1</u>	1222.65'	<u>11'11'33"   238.84'   238.46'   549'05'40'E  </u>
	<u> </u>	1222.65	11'11'33" 238.84' 238.46' 549'05'40'E
	<u></u>	1222.65'	<u>11'11'33"   238.84"   238.46"   549'05'40'E  </u>
	<u> </u>	1222.65'	<u>11'11'33"   238.84"   238.46"   549'05'40'E</u>
	<u></u>	1222.65'	<u>11'11'33"   238.84"   238.46"   549'05'40'E</u>
	C1	1222.65'	<u>11'11'33"   238.84'   238.46'   549'05'40'E  </u>
	<u>Ct</u>	1222.65'	11717 33" 238.84' 238.46' 54905'40'E
	Ct	1222.65'	SHEETS 13LEGAL DESORIPTION SHEETS 4-5SKETCH OF DESCRIPTION
	<u></u>		SHEETS 13LEGAL DESCRIPTION SHEETS 4-5SKETCH OF DESCRIPTION SHEETS 6-7TABLES AND LEGEND
	<u></u>	SURVEYOR'S	SHEETS 1JLEGAL DESCRIPTION SHEETS 4-5SKETCH OF DESCRIPTION SHEETS 6-7TABLES AND LEGEND 5 NOTES:
		SURVEYOR'S	SHEETS 13LEGAL DESORIPTION SHEETS 4-5SKETCH OF DESCRIPTION SHEETS 6-7TABLES AND LEGEND 5 NOTES: NOT WILD UNLESS BICHED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
		SURVEYOR'S 1. THIS SHETCH IS 2. REARINGS SHOW TOWNSHIP 23 SC	SHEETS 13LEGAL DESORIPTION SHEETS 4-5SKETCH OF DESCRIPTION SHEETS 6-7TABLES AND LEGEND 5 NOTES: NOT WILD UNLESS BICHED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
	***	SURVEYOR'S 1. THIS SKETCH IS 2. BEARINGS SHOW TOINNSHIP 23 SU 3. RHE LEGAL DESC 3. THE FECORDING	SHEETS 13LEGAL DESORIPTION SHEETS 4-5SKETCH OF DESORIPTION SHEETS 6-7TABLES AND LEGEND NOT VALD GRIESS SIGNED AND BASED ON THE SOLTH LINE OF THE SOLTHEAST 1/4 OF SECTION 3 NOT VALD GRIESS SIGNED AND BASED ON THE SOLTH LINE OF THE SOLTHEAST 1/4 OF SECTION 3 NUTH, RANGE 27 EAST, BEING SOLTH BY STYLE WHOTHON WAS PREPARED WITHOUT DENETT OF THE. INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM
Shine and		SURVEYOR'S 1. THIS SKETCH IS 2. BEARINGS SHOW TOINNSHIP 23 SU 3. RHE LEGAL DESC 3. THE FECORDING	SHEETS 1-JLEGAL DESCRIPTION SHEETS 4-5SKETCH OF DESCRIPTION SHEETS 6-7TABLES AND LEGEND NOT VALID DIRLESS SICHED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL. IN HERECH ARE ASSIMED AND BASED ON THE SOUTH ONE OF THE SOUTHEAST 1/4 OF SECTION J WITH RANGE 27 FAST, BEING SOUTH BOYATTOF WEST. SIMPTION WAS PREVARED WITHOUT DERETT OF THE.
Shine and	***	SURVEYOR'S 1. THIS SKETCH IS 2. BEARINGS SHOTE 3. RHE LEGAL DESS 4. THE RECORDING 5. DELINEA TION OF JGB NO. 201403	SHEETS 1JLEGAL DESCRIPTION SHEETS 4-SSKETCH OF DESCRIPTION SHEETS 6-7TABLES AND LEGEND 5 NOTES: NOT WITH UNLESS BIGHED AND BASED ON THE BOUTH LINE OF THE SOLTHEAST 1/4 OF SECTION J DUTH, RANGE JEANS BEING SOLTH UNE OF THE SOLTHEAST 1/4 OF SECTION J DUTH, RANGE JEANS BEING SOLTH UNE OF THE SOLTHEAST 1/4 OF SECTION J DUTH, RANGE JEANS BEING SOLTH UNE OF THE SOLTHEAST 1/4 OF SECTION J DUTH, RANGE JEANS BOUND HEREON WAS DETAILED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM THE LANDS SHOWN HEREON WAS AS FER THE CUENT'S INSTRUCTIONS. 112 CALCULATED BY: MR
COM		SURVEYOR'S 1. THIS SHETCH IS 2. REARINGS SHOW TOINTSHIP 23 SC 3. THE LEGAL DESC 4. THE RECORDING 5. DELINEATION OF	SHEETS 13       LEGAL DESCRIPTION         SHEETS 4-5SKETCH OF DESCRIPTION         SHEETS 6-7TABLES AND LEGEND         SNOTES:         NOTES:         NOTES:         NOTES:         SUPER ASSUMED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL         N HEREON ARE ASSUMED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL         N HEREON ARE ASSUMED AND BASED ON THE SOUTH CON OF THE SOUTHEAST 1/4 OF SECTION J         SUPPTION WAS PREPARED WITHOUT DEDITT OF THE.         INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM         THE LANDS SHOWN HEREON ARE AS FER THE CUENT'S INSTRUCTIONS.         TH2       CALCULATED BY: MR         -15       DRAWN BY: MR

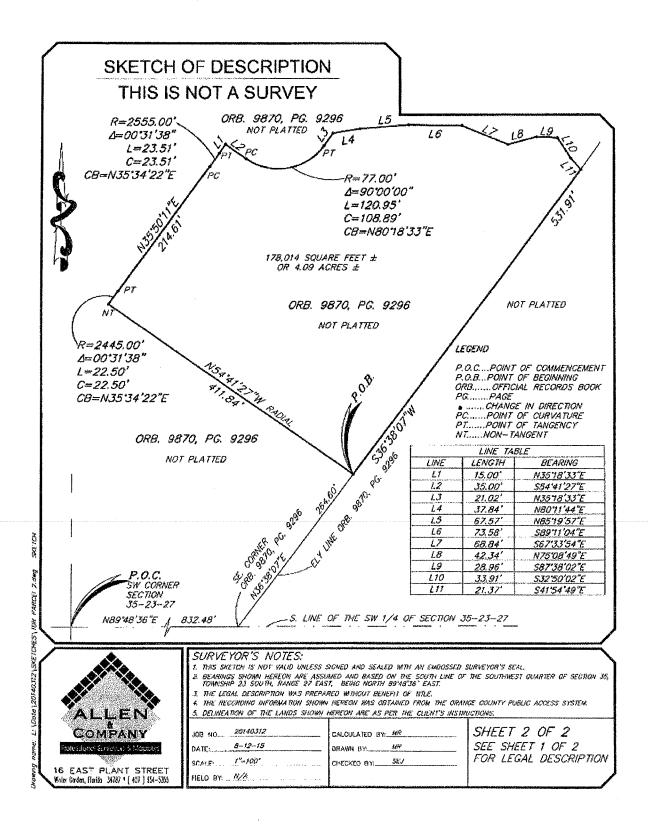
#### EXHIBIT "C"

#### The Sending Area





LEGAL	DESCRIPTION		
THIS IS	NOT A SURVEY		
BEING A PORTION OF	ING IN SECTION 35, TOWNSHIP 23 THE LANDS DESCRIBED IN OFFICIAL COUNTY, FLORIDA, DESCRIBED AS FO	RECORDS BOOK 9870, PA	
NORTH 89'48'36" EAS DISTANCE OF 8.32.48 BOOK 9870, PAGE 92 DESCRIBED IN OFFICIAL OF BEGINNING; THENC 411.84 FEET TO A	GUTHWEST CORNER OF SAID SECT T, ALONG THE SOUTH LINE OF THE FEET' TO THE SOUTHEAST CORNER 96; THENCE RUN NORTH 36'38'07" C, RECORDS BOOK 9870, PAGE 9290 E RUN NORTH 54'41'27" WEST, DEI POINT ON A NON-TANGENT CURVE, HAV	SOUTHWEST QUARTER OF OF SAID LANDS DESCRIG EAST, ALONG THE EASTER FOR A DISTANCE OF 26 PARTING SAID EASTERLY LI CURVE CONCAVE SOUTHE	SAID SECTION 35, FOR A NED IN OFFICIAL RECORDS RLY LINE OF SAID LANDS 4.60 FEET TO THE POINT INE, FOR A DISTANCE OF CASTERLY; THENCE RUN
NORTH 35'34'22" EAS 214.61 FEET TO A PA NORTHEASTERLY ALON 00'31'38", AN ARC LE NORTH 38'34'22" EAS OF 15.00 FEET; THEM CURVATURE OF A TA TANGENT CURVE, HAW 120.95 FEET, A CHOR	LENGTH OF 22.50 FEET, A CHORD TO A POINT OF TANGENCY, THENC ONT OF CURVATURE OF A TANGE IG SAID TANGENT CURVE, HAVING INGTH OF 23.51 FEET, A CHORD L T TO A POINT OF TANGENCY, THE ICE RUN SOUTH 54'41'27" EAST, NGENT CURVE CONCAVE NORTHWE ING A RADIUS OF 77.00 FEET, A A D LENGTH OF TOR 89 FEET AND A THENCE RUN NORTH 35'18'33" EA	DE RUN NORTH 35'50'11" EA NT CURVE CONCAVE NORT A RADIUS OF 2555.00 H ENGTH OF 23.51 FEET AM ENCE RUN NORTH 35'18'33 FOR A DISTANCE OF 35.0 STERLY, THENCE RUN NOR CENTRAL ANGLE OF 90'00 A CHURD BEARING OF NOR	AST, FOR A DISTANCE OF HWESTERLY, THENCE RUN FEET, A CENTRAL ANGLE D A CHORD BEARING OF " EAST, FOR A DISTANCE. TO FEET TO A POINT OF PTHEASTERLY ALONG SAID OO", AN ARC LENGTH OF TH 80'18'33" EAST TO A
NORTH 8011'44" EAS DISTANCE OF 67.57 I RUN SOUTH 67:33'54" DISTANCE OF 42.34 I RUN SOUTH 32'50'02" DISTANCE OF 21.37 RECORDS BOOK 9870,	T, FOR A DISTANCE OF 37.84 F. FEET, THENCE RUN SOUTH 89'11'04 EAST, FOR A DISTANCE OF 68.84 EET, THENCE RUN SOUTH 87'38'02 EAST, FOR A DISTANCE OF 33.91 FEET TO THE AFORESAID EASTER PAGE 9296; THENCE RUN SOUTH EET TO THE POINT OF BEGINNING.	EET; THENCE RUN NORTH 1" EAST, FOR A DISTANCE 1 FEET; THENCE RUN NORTH 2" EAST, FOR A DISTANCE 1 FEET; THENCE RUN SOUTH RLY LINE OF SAID LANDS	85'19'57" EAST, FOR A OF 73.58 FEE'1, THENCE H 75'08'49" EAST, FOR A OF 28.96 FEE'1, THENCE H 41'54'49" EAST, FOR A 5 DESCRIBED IN OFFICIAL
THE ABOVE DESCRIBEL FEET OR 4.09 ACRES	) TRACT OF LAND LIES IN ORANGE MORE OR LESS.	E COUNTY, FLORIDA AND C	ONTAINS 178,014 SQUARE
、		SEE S	TT 1 OF 2 SHEET 2 OF 2 SKETCH OF DESCRIPTION
ALLEN	SURVEYOR'S NOTES: 1. THIS EXETCH IS NOT VILLO UNLESS SIGNE 2. BEAMINGS SHOWN HEREON ARE ASSUMED TOMNSHIP 2J SOUTH, RANGE 27 EAST, I 3. THE LEGAL OCSCRIPTION MAS PREPARED 4. THE RECOMDING INFORMATION SHOWN HER 5. DELINEATION OF THE LANDS SHOWN HER	AND BASED ON THE SOUTH LINE OF HENG NORTH 8048'36" EAST. HITHOUT BENEFIT OF TITLE. HEON HAS OBTAINED FROM THE ORAN	тне зоштичест ошлотер от лестон 35. нее социтарившо лосебя, этотем
COMPANY	JOB NO. 20140312 CA	.CULATED BY: <u>468</u> 	FOR THE LICENSED BUSINESS #8723 BY:
	SCALE: 1"#200' CH	ECKED BY: SEV	i V. V



LE	GAL	DES	CRIP	TION

#### THIS IS NOT A SURVEY

A TRACT OF LAND LYING IN SECTIONS 34 AND 35, TOWNSHIP 23 SOUTH, RANGE 27 EAST AND IN SECTION 2, TOWNSHIP 24 SOUTH, RANGE 27 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9870, PAGE 9296, OFFICIAL RECORDS BOOK 7601, PAGE 1703, OFFICIAL RECORDS BOOK 10343, PAGE 2625 AND OFFICIAL RECORDS BOOK 1348, PAGE 202, ALL IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

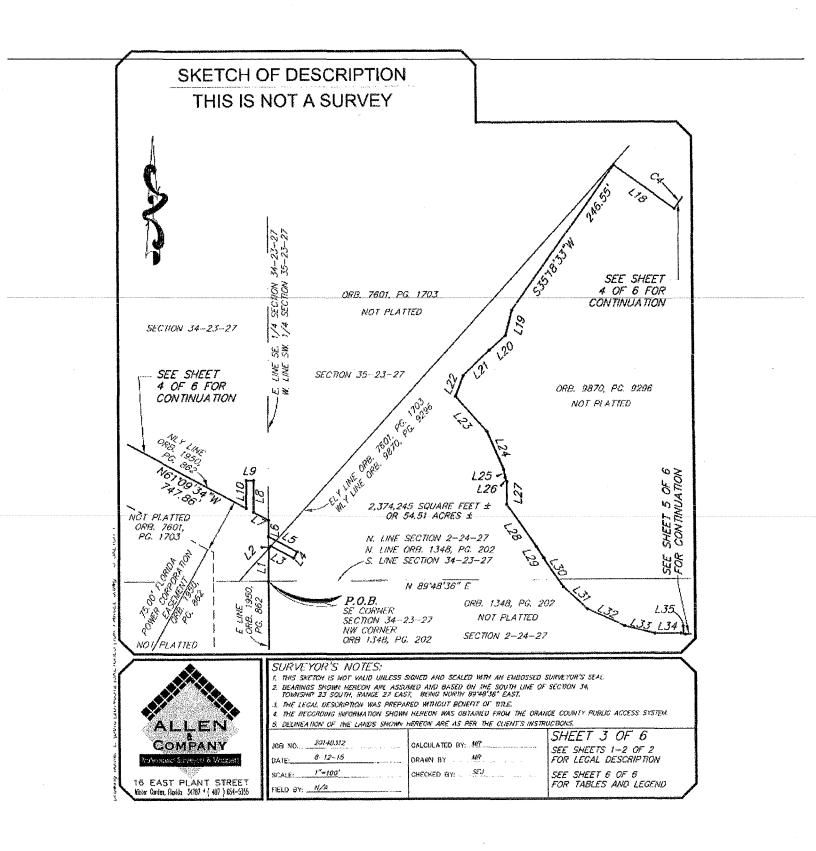
BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 34, ALSO THE NORTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1348, PAGE 202; THENCE RUN NORTH OO'OB'33" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, ALSO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, AND THE EAST LINE OF FLORIDA CORPORATION POWER EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 1950, PAGE B62 OF SAID PUBLIC RECORDS, FOR A DISTANCE OF 45.06 FEET TO THE EASTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7601, PAGE 1703, ALSO THE WESTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9870, PAGE 9296; THENCE RUN NORTH 41'52'20" EAST, ALONG SAID EASTERLY LINE AND SAID WESTERLY LINE FOR A DISTANCE OF 4.80 FEET TO A POINT ON THE EAST LINE OF SAID FLORIDA POWER CORPORATION EASEMENT, THENCE RUN ALONG SAID EAST LINE THE FOLLOWING COURSES: SOUTH 61'09'34" EAST, FOR A DISTANCE OF 35.12 FEET; THENCE RUN NORTH 28'50'26" EAST, FOR A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 61'09'34" WEST, FOR A DISTANCE OF 44.24 FEET; THENCE RUN NORTH OD'08'33" EAST, FOR A DISTANCE OF 22.80 FEET TO THE NORTHERLY LINE OF SAID FLORIDA POWER CORPORATION EASEMENT; THENCE RUN ALONG SAID NORTHERLY LINE THE FOLLOWING COURSES: NORTH 61'09'34" WEST, FOR A DISTANCE OF 22.80 FEET; THENCE RUN NORTH DO'DB'47" EAST, FOR A DISTANCE OF 44,24 FEET; THENCE RUN NORTH 89'51'13" WEST, FOR A DISTANCE OF 10:00 FEET; THENCE RUN SOUTH 00'08'47" WEST, FOR A DISTANCE OF 38.76 FEET; THENCE RUN NORTH 6109'34" WEST, FOR A DISTANCE OF 747.66 FEET TO THE WESTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10343, PAGE 2625; THENCE RUN NORTH 36'08'57" EAST, ALONG SAID WESTERLY LINE FOR A DISTANCE OF 1028.51 FEET, THENCE RUN SOUTH 4329'41" EAST, DEPARTING SAID WESTERLY LINE, FOR A DISTANCE OF 8.78 FEET; THENCE RUN SOUTH 56'48'45" EAST, FOR A DISTANCE OF 89.40 FEET; THENCE RUN SOUTH 82'16'40" EAST, FOR A DISTANCE OF 27.02 FEET; THENCE RUN SOUTH 54'41'27" EAST, FOR A DISTANCE OF 130.41 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY ALONG SAID TANGENT CURVE, HAVING A RADIUS OF 77.00 FEET, A CENTRAL ANGLE OF 48'11'35", AN ARC LENGTH OF 64,77 FEET, A CHORD LENGTH OF 62.87 FEET AND A CHORD BEARING OF SOUTH 78'47'14" EAST; THENCE RUN SOUTH 54'41'27" EAST, NON-RADIAL WITH SAID CURVE, FOR A DISTANCE OF 492.82 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, THENCE RUN SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 77.00 FEET, A CENTRAL ANGLE OF 48'11'35", AN ARC LENGTH 64.77 FEET, A CHORD LENGTH OF 62.87 FEET AND A CHORD BEARING OF SOUTH 30'35'39" EAST TO A POINT OF TANGENCY; THENCE RUN SOUTH 54'41'27" EAST, FOR A DISTANCE OF 115,00 FEET; THENCE RUN SOUTH 35'18'33" WEST, FOR A DISTANCE OF 15,00 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE NORTHWESTERLY; THENCE RUN SOUTHWESTERLY ALONG SAID TANGENT CURVE, HAVING A RADIUS OF 2445.00 FEET, A CENTRAL ANGLE OF 00'31'38", AN ARC LENGTH OF 22.50 FEET, A CHORD LENGTH OF 22.50 FEET AND A CHORD BEARING OF SOUTH 35'34'22" WEST TO A POINT OF TANGENCY, THENCE RUN SOUTH 35'50'11" WEST, FOR A DISTANCE OF 214.61 FEFT TO A POINT OF CURVATURE OF A

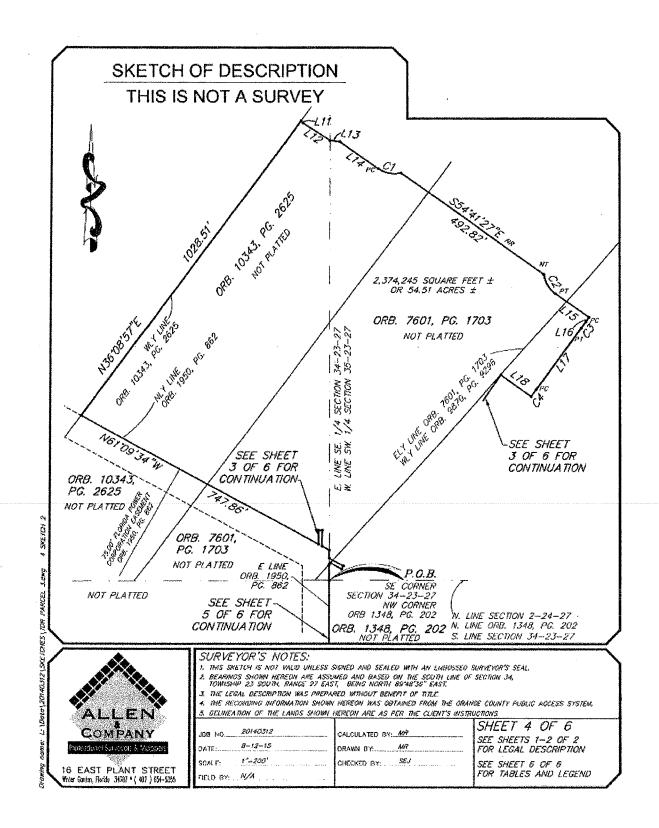
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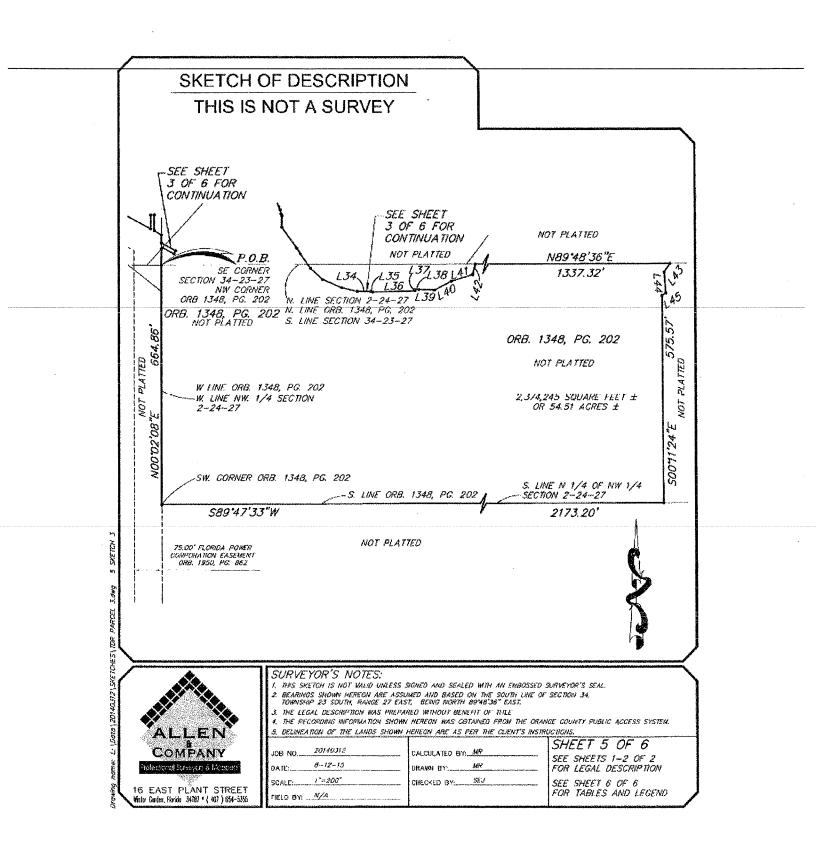
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SURVEYOR'S NOTES. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL 2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE SOUTH LINE OF SECTION 34, TOWNSHIP 23 SOUTH, RANGE 27 EAST, BEING NORTH 8948'35" EAST. 3. THE LEGAL DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE CONFEY PUBLIC ACCESS GYSTEM. 5. DELINEATION OF THE LANDS SHOWN HERECH ARE AS PER THE CLENT'S INSTRUCTION 108 WERSED BUSINESS #6723 O'A 相等 29140312 CALCULATED BY: MR JOB NO. 8-12-13 MP DRAWN BY:\_ DATE 1"=200"  $SE_{i}$ CHECKED BY .... SCALE: 16 EAST PLANT STREET JAMAS L. RICKMAN, P.S.M. #5533 MELD BY: N/A Filer Carden, Skolds 34783 \* ( 407 ) 654-5386

LEGA	DESCRIPTION	_	
THIS IS	NOT A SURVEY		
(CONTINUED FROM SHE	IT 1 OF 6)		
A RADIUS OF 255.2. LENGTH OF 23.51 FEET NON-TANGENT TO SAM DISTANCE OF 246.55 H SOUTH 4811/51" WEST, OF 50.57 FEET; THENCE 21/44/46" EAST, FOR 57.66 FEET; THENCE 21/44/46" EAST, FOR 16.85 FEET; THENCE 55:55/54" EAST, FOR 48.82 FEET; THENCE 65:55/54" EAST, FOR 48.82 FEET; THENCE 25:74/19" EAST, FOR 43.70 FEET; THENCE 89:22/55" EAST, FOR 43.03 FEET; THENCE 89:22/55" EAST, FOR 43.03 FEET; THENCE 89:22/55" EAST, FOR 43.03 FEET; THENCE 10.77 FEET TO THE AFORESAID SECTION 2 1348, PAGE 202; THEN DISTANCE OF 1337.32 SOUTH LINE, FOR A DI FEET; THENCE RUN SI EAST, FOR A DISTANC QUARTER OF SAID SEC BOOK 1348, PAGE 202, 173.20 FEET TO THE 202, LYING ON THE 202, LYING ON THE 202/08" EAST, ALOMI BOOK 1348, PAGE 202,	AVE SOUTHEASTERLY, THENCE RUN D FEET, A CENTRAL ANGLE OF O AND A CHORD BEARING OF SOUTH D CURVE, FOR A DISTANCE OF 105 FEET; THENCE RUN SOUTH 13'39'53 FOR A DISTANCE OF 31.01 FEET; CE RUN SOUTH 21'02'17" WEST, FA A DISTANCE OF 65.43 FEET; THEN RUN SOUTH 09'46'32" EAST, FOR A DISTANCE OF 6.25 FEET; THEN RUN SOUTH 34'44'00" EAST, FOR A DISTANCE OF 18.25 FEET; THEN RUN SOUTH 46'52'10" EAST, FOR A DISTANCE OF 56.81 FEET; THEN RUN SOUTH 89'37'09" EAST, FOR A DISTANCE OF 6.44 FEET; THEN RUN SOUTH 89'37'09" EAST, FOR A DISTANCE OF 6.79 FEET; THEN RUN NORTH 01'29'52" WEST, FOR A DISTANCE OF 6.79 FEET; THEN RUN NORTH 01'29'52" WEST, FOR A DISTANCE OF 60.35 FEET; THEN RUN NORTH 01'29'52" WEST, FOR A DISTANCE OF 60.55 FEET; THEN CA DISTANCE OF 60.55 FEET; THEN RUN NORTH 89'46'33" EAST, FOR A DISTANCE OF 60.55 FEET; THEN CA DISTANCE OF 60.55 FEET; THEN CONTH LINE OF THE AFORESAID AND THE NORTH LINE OF THE AFORESAID AND THE NORTH LINE OF THE AFORESAID AND THE NORTH BY'48'38" EAST, FOR A DISTANCE OF 28.92 FEET; THENCE KOUTH STANCE OF 28.92 FEET; THENCE KOUTH STANCE OF 28.92 FEET; THENCE KOUTH SOUTH WEST CORNER OF SAID LAN WEST LINE OF THE NORTHWEST SOUTHWEST CORNER OF 664.86 FEET TRACT OF LAND LIES IN ORANGE MORE OR LESS.	NO'31'38", AN ARC LENG H 35'34'22" WEST; THEN 5,00 FEET; THENCE RUN 1" WEST, FOR A DISTANCE THENCE RUN SOUTH 45 FOR A DISTANCE OF 31. ICE RUN SOUTH 23'28'3 R A DISTANCE OF 31. ICE RUN SOUTH 01'15'02 R A DISTANCE OF 11.0 GE RUN SOUTH 01'15'02 R A DISTANCE OF 71.3 ICE RUN SOUTH 34'31'10 R A DISTANCE OF 44.6 ICE RUN SOUTH 34'31'10 R A DISTANCE OF 47.0 CE RUN NORTH 88'30'50 R A DISTANCE OF 37.0 CE RUN NORTH 88'30'50 R A DISTANCE OF 37.0 CE RUN NORTH 88'30'50 R A DISTANCE OF 57.0 CE RUN NORTH 88'30'50 R A DISTANCE OF 50.5 ICE RUN NORTH 15'45'4 SECTION 34, ALSO BE ORESAID LANDS DESCRIB ALONG SAID SOUTH LINE 17'53" WEST, DEPARTING RUN SOUTH 04'30'13" EA TANCE OF 12.77 FEET; TH LINE OF SAID LANDS DE WEST, ALONG SAID SOU IDS DESCRIBED IN OFFICE QUARTER OF SAID LANDS DE INE OF SAID LANDS DE TO THE POINT OF BEGIN	STH OF 23.51 FEET, A CHORU         GE RUN NORTH 54'41'27" WEST,         SOUTH 35'18'33" WEST, FOR A         SOUTH 35'18'33" WEST, FOR A         DISTANCE         SOUTH 35'18'53" WEST, FOR A         DISTANCE         SOUTH 35'18'53" WEST, FOR A         DISTANCE         SOUTH 35'18'53" WEST, FOR A         DISTANCE RUN SOUTH         T" EAST, FOR A         DISTANCE ON         SOUTH SET, THENCE RUN SOUTH         SET, FOR A         DISTANCE ON         FEET, THENCE RUN NOUTH         SET, FOR A         DISTANCE ON         PEET, THENCE RUN NORTH         SET, FOR A         DISTANCE ON         ADISTANCE ON         SAID NORTH LINE AND SAU
	SURVEYOR'S NOTES: 1. THIS SKETCH IS NOT VALID UNLESS SIG 2. BEARINGS SHOWN HEREON ARE ASSUME 7044/SHIP 23 SOUTH, RANGE 27 EAST, 3. THE LEGAL DESCRIPTION WAS PREPARED 4. THE RECORDING MFORMATION SHOWN H	TO AND BASED ON THE SOUTH UN BEING NORTH BY VB'36" EAST. O MITHOUT BENEFIT OF TITLE. VEREON WAS OBTANED FROM THE	NE OF SECTION 34, ORANGE COUNTY PUBLIC ACCESS SYSTEM
ALLEN Company	S. DELINEATION OF THE LANDS SHOWN HET	REON ARE AS PER THE CLIENT'S .	INSTRUCTIONS.







# SKETCH OF DESCRIPTION THIS IS NOT A SURVEY

	LINE TA	BLE
LINE	LENGTH	BEARING
L1	45.06'	N00'08'33"E
12	4.80'	N41'52'20"E
63	35,12'	561 09'34"E
L4	10.00'	N28'50'26"E
15	44.24	N61'09'34"W
15	22.80'	N00'08'33"E
L7	22.80	N61 09'34"W
<u>L8</u>	44.24'	N00'08'47"E
19	10.00'	N89'51'13"W
L10	38.76'	S00'08'47"W
L11	8.78'	S43'29'41"E
<u>L12</u>	<u>89.40'</u>	556 48 45 "E
L13	27.02'	S82'16'40"E
<u>L14</u>	130.41'	S54*41'27"E
L15	115.00'	<u>554'41'27'E</u>
L16	15.00'	<u>535'18'33"W</u>
L17	214.61'	\$35'50'11 "W
L18	105.00'	N54"41'27"W
L19	36.26'	S13'39'53"W
1.20	31.01'	S48'11'51 "W
L21	50.57'	545'37'19"W
L22	31.16'	<u>521'02'17"W</u>
1.23	65.43	541'35'57"E
1.24	57.66'	<u>S23'28'37"E</u>
1.25	11.05'	S09'46'32"E
L26	6.25'	S21'44'46"E
L27	31.68'	S0175'03"W
1.28	71.35'	S34'44'00"E
L29	18.25'	531 36'30"E
1.30	48.82'	534'31'10"E
L31	44.83'	\$46'52'10"E
1.32	56.81'	565'55'54"E
133	43.70'	S76'23'33"E

LINE TABLE				
LINE	LENGTH	BEARING		
L34	37.09'	S89*37'09"E		
L35	6.44'	\$7574'19"E		
L36	116.53	N88'30'58"E		
L37	4.09'	NO1'29'52"W		
L <b>3</b> 8	10.79'	S89'22'55"E		
L39	43.03'	S88'06'00"E		
L40	50.90'	N61'46'03"E		
L41	60.55'	N72"23"45"E		
142	30.77'	NIS'45'43"E		
643	28.92'	\$3577'53"W		
L44	58.62'	504'30'13"E		
L45	12.77'	558'36'27"W		

#### LEGEND

P.O.B....POINT OF BEGINNING ORB ..... OFFICIAL RECORDS BOOK PG.....PAGE

• ......CHANGE IN DIRECTION PC......POINT OF CURVATURE PT......POINT OF TANGENCY NR.....NON-RADIAL NT ..... NON-TANGENT

· · · ·		CUR	Æ TABLE		
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD	CHORD BEARING
C1	77.00'	48"11"35"	64.77	62.87'	S78'47'14"E
C2	77.00'	48'11'35"	64.77'	62.87'	S30'35'39"E
C3	2445.00'	00'31'38"	22.50'	22.50'	S35'34'22"W
C4	2555 20'	00:31'38"	23.51'	23.51'	535'34'22"W

CHER Сомр decesses kanovel & Ma 16 EAST PLANT SY Wole Goven, Florido 1477 ( 401 )

#### SURVEYOR'S NOTES:

1. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMPOSSION SURVEYOR'S SEAL

- A THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE OWNER OF SECTION 34, TOWNSHIP 23 SOUTH RANGE 27 EAST, BEING NORTH BUYEJSE EAST. 3 THE LEGAL DESCRIPTION WAS REPRATED WITNOUT BENEFIT OF THE. 4 THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.

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) 654-53%	FIELD BY: N/A		FOR SKETCH OF DESCRIPTION

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Interoffice Memorandum

March 3, 2016

Mayor Teresa Jacobs -AND-Board of County Commissioners

FROM:

TO:

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:

March 15, 2016 – Public Hearing Tom R. Sullivan, Gray Robinson Vineland Pointe Planned Development (PD) Substantial Change - Case # CDR-15-05-145 / District 1

The Vineland Pointe PD contains approximately 113.0 gross acres and was originally approved by the Board of County Commissioners (BCC) on September 24, 1991. The project is is generally located east of Darryl Carter Parkway, approximately 2,000 feet north of South International Drive. Furthermore, the cumulative PD development entitlements consist of 580,000 square feet of commercial uses; 245 hotel rooms, and 440 residential units.

Through this PD substantial change, the applicant is requesting to increase Phase I development entitlements from 440 residential units to 800 residential units and 120,793 square feet of commercial. The request is also consistent with the applicable Activity Center Residential (ACR) and Activity Center Mixed Use (ACMU) density / intensity provisions described in Policy FLU1.1.4(D).

The request was initially considered by the Board of County Commissioners (BCC) on December 15, 2015, but was continued to February 9, 2016, in order to complete a community meeting held on February 1, 2016. Then on February 9, 2016, the BCC continued the request again, in order to hold a follow-up community meeting on March 3, 2016.

March 15, 2016 – Public Hearing Tom R. Sullivan, Gray Robinson Vineland Pointe PD Substantial Change - Case # CDR-15-05-145 / District 1 Page 2 of 2

On August 26, 2015, the Development Review Committee (DRC) determined that the request would constitute a substantial change and recommended approval, subject to the conditions listed in the staff report.

Finally, the Specific Project Expenditure Report and Relationship Disclosure Form 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 Vineland Pointe Planned Development / Land Use Plan (PD/LUP) dated "Received August 6, 2015", subject to the recommended Development Review Committee (DRC) conditions listed in the Staff Report. District 1

Attachments

# CASE # CDR-15-05-145

Commission District: #1

### **GENERAL INFORMATION**

	APPLICANT	Tom R. Sullivan, Gray Robinson
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**OWNER** Pride Homes of Vineland, LLC (affected parcel only)

PROJECT NAME Vineland Pointe Planned Development / Land Use Plan (PD/LUP)

**PARCEL ID NUMBER** 14-24-28-4796-01-000 (affected parcel only)

**TRACT SIZE**113.0 gross acres (overall PD)33.5 gross acres (affected parcel only)

**LOCATION** East of Darryl Carter Parkway, approximately 2,000 feet north of S. International Drive.

**REQUEST** A substantial change to amend the Vineland Pointe PD by increasing PD Phase I development entitlements from 440 residential units *to* 800 residential units *and* 120,793 square feet of commercial, and by adding "Tourist Commercial" as a permitted use within PD Phase I.

**PUBLIC NOTIFICATION** A custom notification area extending beyond thirteen-hundred (1,300) feet was used for this application [*Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet*]. Six hundred eighty-eight (688) notices were mailed to those property owners in the notification buffer area. Community meetings were held for this application on Monday, February 1, 2016 and March 3, 2016 at Sand Lake Elementary School (refer to meeting summary below).

### **IMPACT ANALYSIS**

### **Special Information**

The existing Vineland Pointe PD contains approximately 113.0 gross acres, and was originally approved by the Board of County Commissioners on September 24, 1991. As listed below, the overall project has existing and cumulative development entitlements for 580,000 square feet of commercial uses; 245 hotel rooms; and 440 residential units.

Phase / Lot	Land Use and Entitlements
Phase I	440 Residential Units
Phase II	317,000 Sq. Ft. Tourist Commercial
Phase II	245 Hotel Rooms
Phase III	263,000 Sq. Ft. Tourist Commercial

### **EXISTING DEVELOPMENT PROGRAM**

This PD substantial change only affects the Phase I portion of the project, which is designated as Activity Center Residential (ACR) and Activity Center Mixed Use (ACMU) on the adopted Future Land Use Map (FLUM). The applicant is seeking to increase Phase I development entitlements from 440 residential units *to* 800 residential units *and* 120,793 square feet of commercial. As reflected in the following table, the request is consistent with the applicable Activity Center Residential (ACR) and Activity Center Mixed Use (ACMU) density / intensity provisions described in Policy FLU1.1.4(D).

FLUM	Acreage	Max. Density (Residential)	Max. Intensity (Non-Residential)	Maximum Allowed	Proposed
ACR	28.72	30 units per acre	10,000 Sq. Ft. per 125 units*	861 units and 50,000 Sq. Ft.	800 Units and 50,000 Sq. Ft.
ACMU	4.78	30 units per acre**	3.0 Floor Area Ratio	624,650 Sq. Ft.	70,793 Sq. Ft.

### Proposed Phase I Development Program

\*Non-residential development within ACR is limited to a maximum of 50,000 sq. ft.

\*\*Residential development within ACMU is limited to 30% of the total developable land area.

### Land Use Compatibility

The subject parcel is within the Lake Willis Neighborhood overlay district, which has incremental non-residential height restrictions from adjacent single-family residential zoning districts. There are also overlay restrictions on lighting and non-residential development building orientation, as well as requirements for project screening non-residential development from adjacent to single-family zoned properties. No waivers from any of the applicable overlay standards have been requested; therefore, the subject PD substantial change has been deemed to be compatible with surrounding properties.

### **Comprehensive Plan (CP) Consistency**

The subject property has underlying Future Land Use Map (FLUM) designation of Activity Center Residential (ACR) and Activity Center Mixed Use (ACMU). The proposed PD substantial change is consistent with this FLUM designation.

### **Community Meeting Summaries**

Two (2) community meetings have been held for this application at Sand Lake Elementary School. Nineteen (19) area residents attended the first meeting on February 1, 2016, and expressed opposition due primarily to traffic and noise impacts. Results of the follow-up community meeting on March 3, 2016 were not available at the time in which this report was issued, but a verbal meeting summary will be provided at the March 15, 2016 BCC public hearing.

### **Rural Settlement**

The subject property is not located within a Rural Settlement.

### **Overlay District Ordinance**

The subject property is located within the Lake Willis Neighborhood Overlay District which has enhanced lighting, landscape buffering, screening, as well as access and incremental height restrictions adjacent to the single-family district (Section 38-1400).

### Joint Planning Area (JPA)

The subject property is not located within a JPA.

### Environmental

Environmental Protection Division (EPD) staff reviewed the PD substantial change and did not identify any issues or concerns.

### **Transportation / Concurrency**

The Road Impact Fee Agreement for Vineland Pointe PD (OR Book 7703 Page 1210) was executed by the BCC on 11/16/2004 for the widening of Vineland Avenue from two to four lanes from approximately 1800 feet north of CR 535 for a distance of 3,500 feet. Intersection improvements including turn lanes, acceleration/deceleration lanes, pavement markings and traffic control signs are included in the agreement. The Developer is responsible for all design, permitting and construction costs. Design has not yet been started and will not be initiated by the Developer until such time as they need additional concurrency trips. By designing, permitting and completing the construction of the four-lane widening project the Developer will receive vested rights for 31,500 average daily trips for their development project and also receive Road Impact Fee Credits in the amount of excess capacity created.

### Schools

The Orange County Public School Board has approved a Capacity Enhancement Agreement (CEA) for the subject project *(refer to Condition of Approval #9)*.

### **Parks and Recreation**

Orange County Parks and Recreation staff reviewed the substantial change 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**

**DRC Recommendation** – (August 26, 2015)

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Vineland Pointe Planned Development / Land Use Plan (PD/LUP) dated "Received August 6, 2015", subject to the following conditions:

 Development shall conform to the Vineland Pointe Planned Development / Land Use Plan (PD/LUP) dated "Received August 6, 2015" and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities and intensities described in such Land Use Plan, subject to those uses, densities and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the land use plan dated "Received August 6, 2015" the condition of approval shall control to the extent of such conflict or inconsistency.

- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 4. <u>A current Level One Environmental Site Assessment (ESA) and current title opinion</u> <u>shall be submitted to the County for review and approval as part of any Preliminary</u> <u>Subdivision Plan (PSP) and/or Development Plan (DP) submittal.</u>
- 5. <u>All acreages identified as conservation areas and wetland buffers are considered</u> <u>approximate until finalized by a Conservation Area Determination (CAD) and a</u> <u>Conservation Area Impact (CAI) Permit.</u> <u>Approval of this plan does not authorize</u> <u>any direct or indirect conservation area impacts.</u>
- Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- 7. <u>Developer to meet terms of Agreement and construct Vineland widening. (OR Book</u> 07703, Page 1210).
- 8. <u>Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must</u>

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

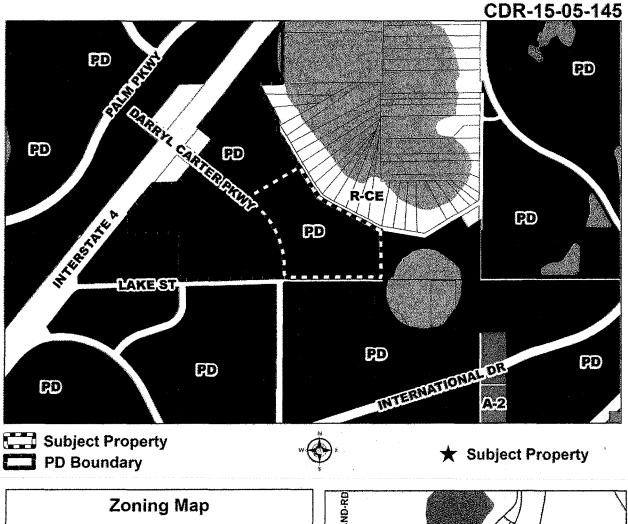
- 9. The following Education Condition of Approval shall apply:
  - a. <u>Developer shall comply with all provisions of the Capacity Enhancement</u> <u>Agreement entered into with the Orange County School Board and effective on</u> <u>November 20, 2015.</u>
  - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 440 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - c. <u>Developer</u>, and its successor(s) and/or assign(s) under the Capacity <u>Enhancement Agreement</u>, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- 10. <u>A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least</u> <u>thirty (30) days prior to submittal of the first set of construction plans. The MUP</u> <u>must be approved prior to Construction Plan approval, and include main sizes</u> <u>supporting demands.</u>
- 11. <u>Right-of-way for Lake Street shall be dedicated to Orange County as depicted on</u> the Land Use Plan, prior to approval of the first PSP / DP.
- 12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 20, 2013 shall apply:
  - a. Pole signs and new billboards shall be prohibited. Existing billboard may remain,

as stipulated in the Agreement dated August 14, 2000, and amended on June 18, 2013, and August 20, 2013.

- b. The following BCC Conditions of approval dated April 19, 2005 shall apply:
  - 1) Outdoor storage and display shall be prohibited.
  - 2) Project shall conform to the Lake Willis Guidelines.
  - 3) No access to Lake Willis Drive or the East Road.

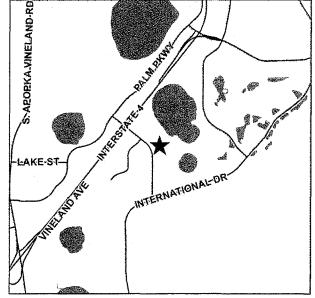
### PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (August 20, 2013)

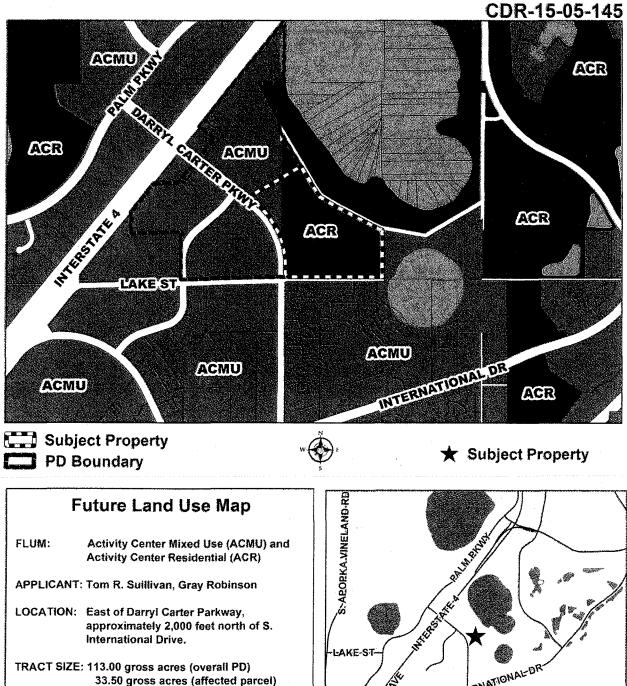
Upon a motion by Commissioner Boyd, seconded by Commissioner Thompson and carried, with all present Commissioners voting AYE, the Board approved a substantial change request to extend the date for which existing billboards may remain, as stipulated in an Agreement dated August 14, 2000, and amended on June 18, 2013 and August 20, 2013, subject to conditions.



- ZONING: PD (Planned Development)
- APPLICANT: Tom R. Suillivan, Gray Robinson
- LOCATION: East of Darryl Carter Parkway, approximately 2,000 feet north of S. International Drive.
- TRACT SIZE: 113.00 gross acres (overall PD) 33.50 gross acres (affected parcel)
- DISTRICT: #1
- S/T/R: 14/24/28

1 inch = 1,042 feet

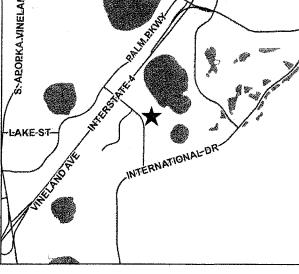


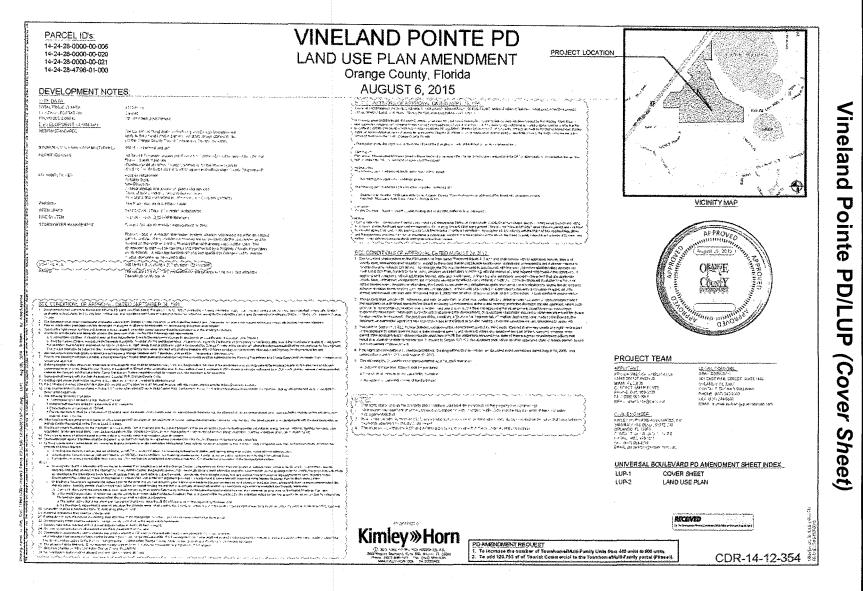


DISTRICT: #1

S/T/R: 14/24/28

1 inch = 1,042 feet

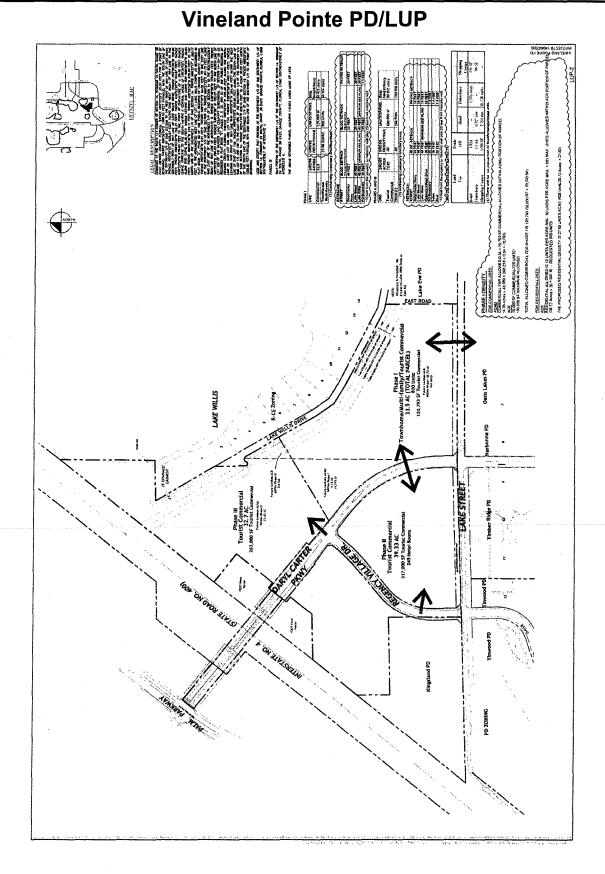


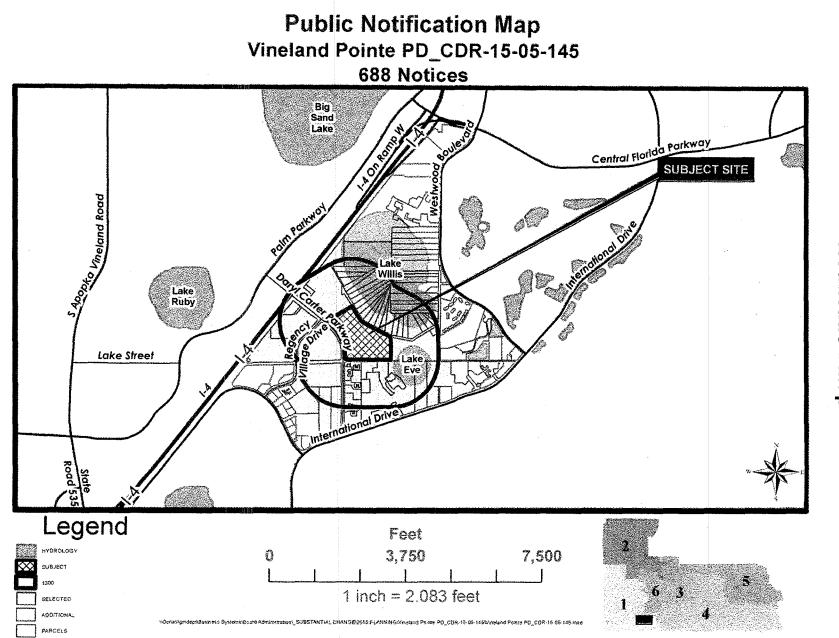


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DRC Staff Report Orange County Planning Division BCC Hearing Date: March 15, 2016





DRC Staff Report Orange County Planning Division BCC Hearing Date: March 15, 2016

**Notification Map** 

552



March 3, 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:	March 15, 2016 – Public Hearing Harry Brumley, HB Associates, LLC Orangewood Center Planned Development (PD)

The Orangewood Center PD was originally approved on August 18, 1988 as the "Orangewood Unibilt Parcel #57A Planned Development" and currently allows for 200,000 square feet of Retail Commercial (C-1) uses and 101 single-family detached residential lots and dwelling units.

Substantial Change - Case # CDR-15-10-325 / District 1

Through this PD substantial change request, the applicant is seeking various PD changes in order to accommodate two (2) proposed hotels with a combined total of 315 rooms, and 25,090 square feet of tourist commercial uses. More specifically, proposed changes would create a Phase 3 (*comprised of proposed PD Parcels 1, 2 and 3*); allow Tourist Commercial Uses within PD Parcels 1-3; establish a maximum development intensity of 60 rooms per acre and a maximum building height of 200 feet for hotels within PD Parcels 2 and 3; add setbacks for the residential portion of the PD; add notes adressing transit, and required landscape, pedestrian and utility easements along Central Florida Parkway; add transportation concurrency vested rights information; and establish a phased trip generation table.

As summarized in the attached staff report, the substantial change received a recommendation of approval by the Development Review Committee (DRC) on January 27, 2016.

Finally, the Specific Project Expenditure Report and Relationship Disclosure Form 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 Orangewood Center Planned Development / Land Use Plan (PD/LUP) dated "Received January 11, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

### Attachments

### DRC Staff Report Orange County Planning Division BCC Hearing Date: March 15, 2016

# CASE # CDR-15-10-325

Commission District: #1

### **GENERAL INFORMATION**

APPLICANT	Harry Brumley, HB Associates, LLC
OWNERS	ACM Orlando Properties, LLC and Zero I Drive, LLC
PROJECT NAME	Orangewood Center Planned Development / Land Use Plan (PD/LUP)
PARCEL ID NUMBERS	18-24-29-6277-00-030; 18-24-29-6277-00-033; and 18-24-29-6277-00-034 (affected parcels only)
TRACT SIZE	57.30 gross acres (overall PD) 8.32 gross acres (affected parcels)
LOCATION	Generally located on the south side of Central Florida Parkway and east of International Drive.
REQUEST	A substantial change to the Orangewood Center Planned Development / Land Use Plan (PD/LUP) to accommodate two (2) proposed hotels with a combined total of 315 rooms, and 25,090 square feet of tourist commercial uses. More specifically, proposed changes would create a Phase 3 ( <i>comprised of proposed PD Parcels 1, 2 and 3</i> ); allow Tourist Commercial Uses within PD Parcels 1-3; establish a maximum development intensity of 60 rooms per acre and a maximum building height of 200 feet for hotels within PD Parcels 2 and 3; add setbacks for the residential portion of the PD; add notes adressing transit, and required landscape, pedestrian and utility easements along Central Florida Parkway; add transportation concurrency vested rights information; and establish a phased trip generation table.
PUBLIC NOTIFICATION	A notification area extending beyond eight hundred (800) feet was used for this application [ <i>Chapter 30-40(c)(3a) of the</i> <i>Orange County Code requires 300 feet</i> ]. One hundred forty- four (144) notices were mailed to those property owners in

### **IMPACT ANALYSIS**

### **Special Information**

The Orangewood Center PD was originally approved on August 18, 1988 as the "Orangewood Unibilt Parcel #57A Planned Development" and currently allows for 200,000 square feet of Retail Commercial (C-1) uses and 101 single-family detached residential lots and dwelling units.

the notification buffer area. A community meeting was not

required for this case.

Through this PD substantial change, the applicant is seeking various PD changes in order to accommodate two (2) proposed hotels with a combined total of 315 rooms, and 25,090 square feet of tourist commercial uses. More specifically, proposed changes would create a Phase 3 (*comprised of proposed PD Parcels 1, 2 and 3*); allow Tourist Commercial Uses within PD Parcels 1-3; establish a maximum development intensity of 60 rooms per acre and a maximum building height of 200 feet for hotels within PD Parcels 2 and 3; add setbacks for the residential portion of the PD; add notes adressing transit, and required landscape, pedestrian and utility easements along Central Florida Parkway; add transportation concurrency vested rights information; and establish a phased trip generation table.

### 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 (proposed PD parcels 1, 2 and 3) have an underlying Future Land Use Map (FLUM) designation of Activity Center Mixed Use (ACMU), which allows a maximum commercial intensity of 3.0 FAR and a maximum of 60 hotel rooms per acre. The proposed uses are consistent with the CP.

### **Rural Settlement**

The subject property is not located within a Rural Settlement.

### **Overlay District Ordinance**

Portions of the subject property are located within the Tourist Commercial Overlay District.

### Joint Planning Area (JPA)

The subject property is not located within a JPA.

### Environmental

The subject parcels were included in the conservation area permits completed for the Orangewood Center, including conservation area determination CAD 90-011 and impact permit CAI 01-030. This plan shall comply with all related permit conditions of approval.

### **Transportation Concurrency**

The Orangewood PD is vested from transportation concurrency under vested rights certificate 92-149.

### 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 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 – (January 27, 2016)**

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Orangewood Center Planned Development / Land Use Plan (PD/LUP) dated "Received January 11, 2016", subject to the following conditions:

- 1. Development shall conform to the Orangewood Center Planned Development / Land Use Plan (PD/LUP) dated "Received January 11, 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 January 11, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes

actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

- 4. <u>The required 15-foot transit easement and a separate 20-foot landscape, pedestrian</u> and utility easement for future roadway shall be shown on the plan and shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan (DP) approval.
- 5. <u>The developer shall obtain water, wastewater and reclaimed water from Orange</u> <u>County Utilities.</u>
- 6. <u>Construction plans within this PD shall be consistent with an approved and up-todate Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.</u>
- 7. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with the Tourist Commercial standards of Chapter 31.5 of the Orange County Code.
- 8. Outside sales, storage, and display shall be prohibited.
- 9. <u>All proposed vertical structures shall be located a minimum of 20 feet from the centerline of any Utilities transmission main with a diameter of 16-inches or more.</u>
- 10. <u>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. The applicant is herein notified that this conservation area determination may result in a reduction and/or reconfiguration of some of the developable areas as shown on the Land Use Plan. Limits of any designated conservation area shall be flagged in a clear and obvious manner before and during the clearing process. The conservation area and required buffers shall be designated as separate tracts/easements as required by code, with development rights dedicated to Orange County at the time of platting.</u>
- 11. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X. "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments, alterations or removal shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- 12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 22, 1988, shall apply:
  - a. <u>A six (6) foot high masonry wall shall be provided along the entire northern</u> property boundary, east of the conservation area.
  - b. <u>Commercial uses shall be limited to those permitted in the Tourist Commercial uses. Portable signs, billboards and adult entertainment uses shall be prohibited.</u>

The project shall meet the Tourist Commercial performance standards.

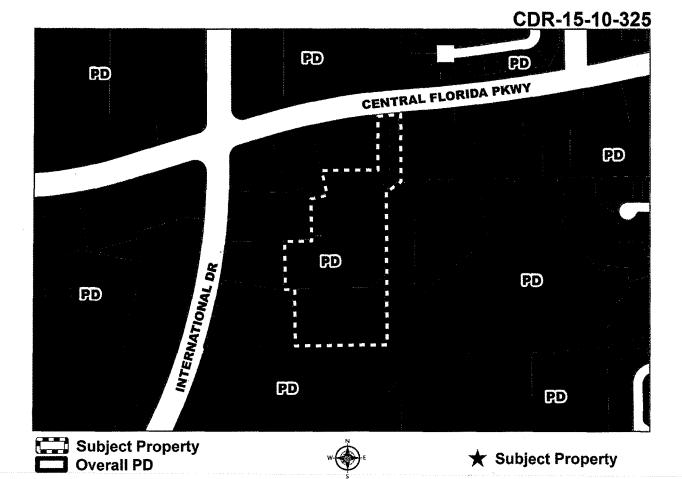
- c. <u>The Development Plan for the recreation area shall be submitted concurrently</u> with the Development Plan for the multi-family tract.
- d. Building setbacks shall be as follows:

	Tourist Commercial	<u>Residential</u>
North Property Line	25 FT	50 FT
South Property Line	25 FT	<u>25 FT</u>
Conservation Area	50 FT	50 FT
International Drive ROW	50 FT	
Orangewood Boulevard ROW		<u>50 FT</u>
Central Florida Parkway ROW	50 FT	

- e. <u>Prior to Development Plan submittal for the tourist/commercial tract, verification</u> <u>from Florida Power Corporation and Orlando Utilities Commission shall be</u> <u>provided to the County, specifying they have no objection to any proposed</u> development within the easements.
- f. <u>The developer will be responsible for all access improvements as determined by</u> <u>the County Engineer, including the intersection of International Drive and Central</u> <u>Florida Parkway.</u>
- g. <u>Prior to approval of any Development Plans for multi-family sites, a secondary access shall be provided to either north or south.</u>
- h. <u>Compensating storage shall be provided for all fill below the 100 year flood</u> elevation of 81.0.
- i. <u>Signage for the residential tract shall be consistent with Article XXII of the Zoning</u> <u>Resolution. Tourist Commercial sign standards shall apply to the commercial</u> <u>tract.</u>
- j. <u>Recreation facilities shall be provided consistent with Article XXIX of the Zoning</u> <u>Resolution.</u>
- k. <u>A 25 foot wide landscape buffer shall be provided along International Drive,</u> <u>Orangewood Boulevard, and Central Florida Parkway.</u>

### PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (August 22, 1988)

Upon a motion by Commissioner Carter, seconded by Commissioner Chapin and carried, with all present Commissioners voting AYE by voice vote, the Commission accepted the Planning and Zoning Commission (PZC) recommendations from their meeting of August 18, 1988.



# **Zoning Map**

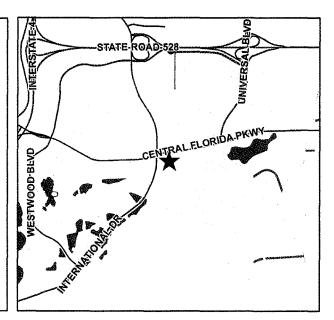
ZONING:	PD (Planned Development District)	
APPLICANT	: Harry Brumley, HB Associates, LLC	

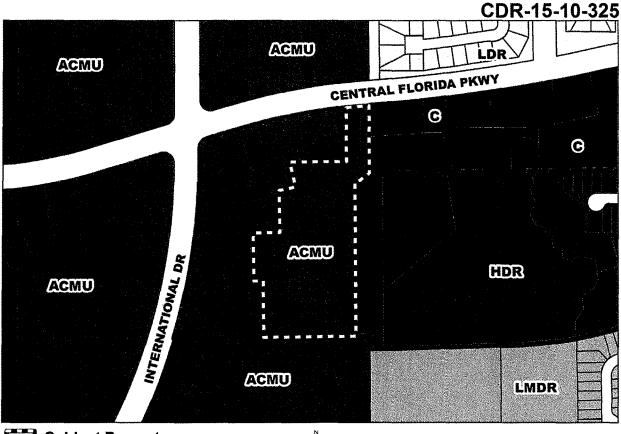
- LOCATION: Generally located on the south side of Central Florida Parkway and east of International Drive
- TRACT SIZE: 57.30 gross acres (overall PD) 8.32 gross acres (affected parcels)

DISTRICT: #1

S/T/R: 18/24/29

1 inch = 375 feet





Subject Property



# ★ Subject Property

### **Future Land Use Map**

FLUM:	Activity	Center	Mixed	Use	(ACMU)
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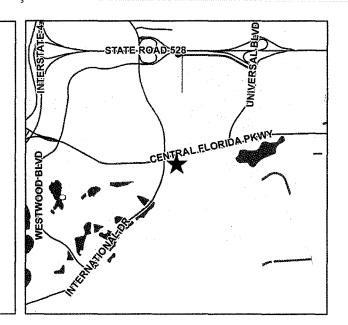
APPLICANT: Harry Brumley, HB Associates, LLC

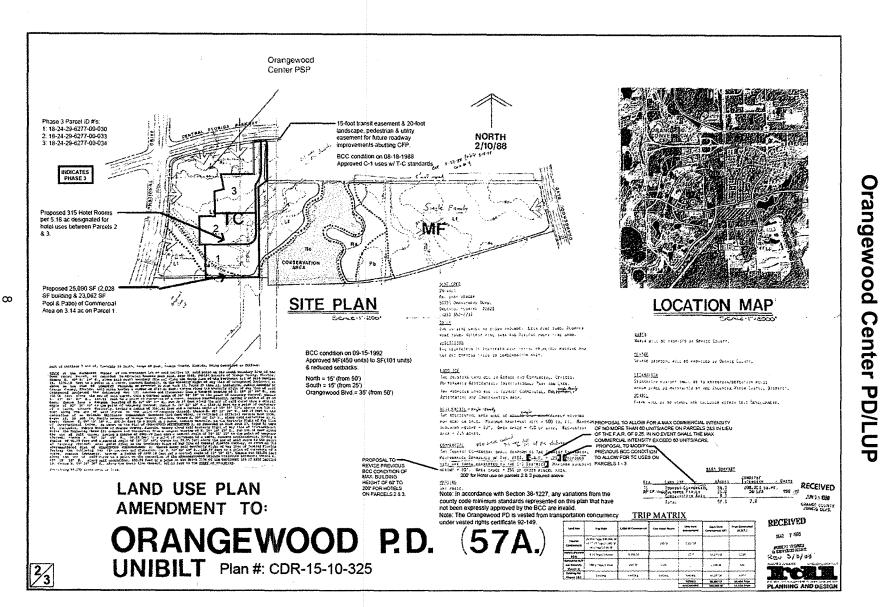
- LOCATION: Generally located on the south side of Central Florida Parkway and east of International Drive
- TRACT SIZE: 57.30 gross acres (overall PD) 8.32 gross acres (affected parcels)

DISTRICT: #1

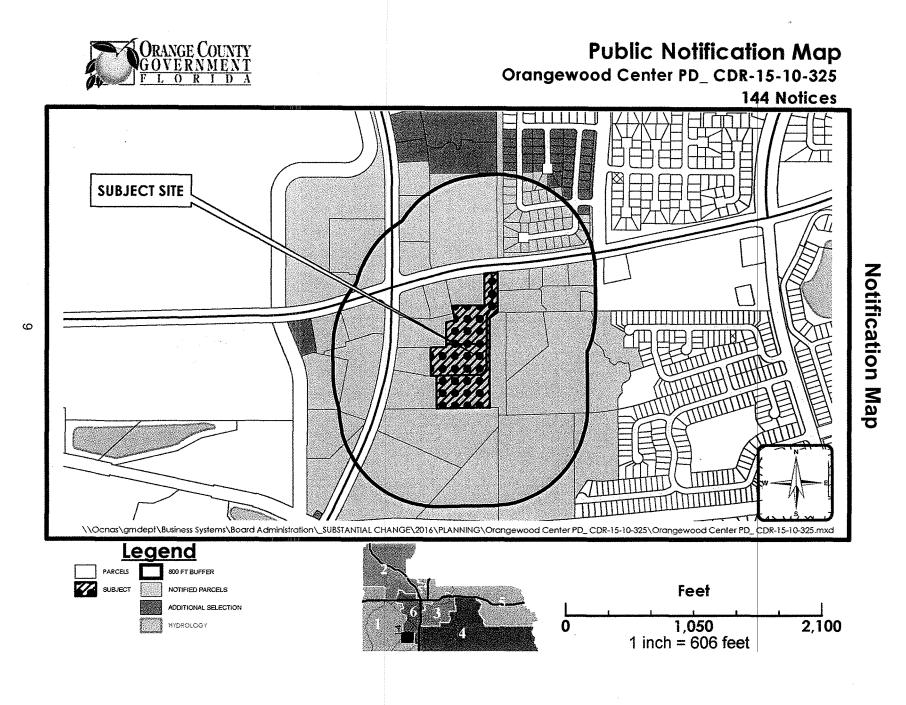
S/T/R: 18/24/29

1 inch = 375 feet





DRC Staff Report Orange County Planning Division BCC Hearing Date: March 15, 2016



# DRC Staff Report Orange County Planning Division BCC Hearing Date: March 15, 2016



Interoffice Memorandum

March 3, 2016 TO: Mayor Teresa Jacobs -AND-**Board of County Commissioners** Jon V. Weiss, P.E., Directo FROM: Community, Environmental and Development Services Department **CONTACT PERSON:** John Smogor, Chairman **Development Review Committee Planning Division** (407) 836-5616 SUBJECT: March 15, 2016 – Public Hearing Christopher J. Allen, Dewberry Savona Planned Development (PD)

The Savona PD was approved on April 8, 2014, and allows for 87 single-family detached residential lots and dwelling units. Through this PD Substantial Change, the applicant is seeking three (3) waivers from Orange County Code in order to allow for a maximum 14-foot high wall that is set back a minimum of 50 feet from the Florida Turnpike right-of-way, in the rear yards of lots adjacent to the Turnpike; and to reduce the minimum side yard setback from 7.5 feet to 5 feet in order to assist with vehicle maneuverability for houses with side-loaded garages. No change to the approved development program is proposed.

Substantial Change - Case # CDR-15-11-335 / District 1

As summarized in the attached staff report, the substantial change received a recommendation of approval by the Development Review Committee (DRC) on January 27, 2016.

Finally, the Specific Project Expenditure Report and Relationship Disclosure Form 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 Savona Planned Development / Land Use Plan (PD/LUP) dated "Received January 7, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

Attachments

# CASE # CDR-15-11-335

Commission District: #1

### **GENERAL INFORMATION**

**APPLICANT** 

OWNER	Taylor Morrison of Florida, Inc.
PROJECT NAME	Savona Planned Development / Land Use Plan (PD/LUP)
PARCEL ID NUMBERS	03-23-28-0000-00-007; 03-23-28-0000-00-029; and, 03-23-28-0000-00-030
TRACT SIZE	56.56 gross acres
LOCATION	Generally located on the east side of South Apopka Vineland Road, north of Courtleigh Drive, and south and west of the Florida Turnpike.
REQUEST	A substantial change to request for the following three (3) waivers from Orange County Code:
	1. A waiver from Section 38-1254(2)(d) to allow for a 50- foot setback from an Expressway (in conjunction with a 14-foot high wall), in lieu of a 75-foot setback from an Expressway.
	2. A waiver from Section 38-1408(f)(2) to allow for a wall with a maximum height of 14 feet, in lieu of a wall with a maximum height of 8 feet, in the rear yard of lots that abut the Florida Turnpike only.
	3. A waiver from Orange County Code Section 38-1501 (the applicable R-1AA District Standards) to allow for a minimum 5-foot side yard building setback, in lieu of a minimum 7.5-foot side yard building setback.
PUBLIC NOTIFICATION	A notification area extending beyond five hundred (500) feet was used for this application [ <i>Chapter 30-40(c)(3a) of the</i> <i>Orange County Code requires 300 feet</i> ]. Three hundred fourteen (314) notices were mailed to those property owners

Christopher J. Allen, Dewberry

### **IMPACT ANALYSIS**

### **Special Information**

The Savona PD was approved on April 8, 2014, and allows for 87 single-family detached residential lots and dwelling units. Through this PD Substantial Change, the applicant is seeking three (3) waivers from Orange County Code in order to allow for a maximum 14-

in the notification buffer area. A community meeting was not

required for this case.

foot high wall that is set back a minimum of 50 feet from the Florida Turnpike right-ofway, in the rear yards of lots adjacent to the Turnpike; and to reduce the minimum side yard setback from 7.5 feet to 5 feet in order to assist with vehicle maneuverability for houses with side-loaded garages. No change to the approved development program is 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 subject property has an underlying Future Land Use Map (FLUM) designation of LDR (Low Density Residential). The PD zoning is consistent with the CP.

### **Rural Settlement**

The subject property is not located within a Rural Settlement.

### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

### Joint Planning Area (JPA)

The subject property is not located within a JPA.

### Environmental

The Environmental Protection Division Staff reviewed the request and had no comments.

### **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 approved 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.

### Schools

Orange County Public Schools (OCPS) notes that Capacity Enhancement Agreement #OC-13-028 applies to this project, but otherwise 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 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 – (January 27, 2016)** 

Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Savona Planned Development / Land Use Plan (PD/LUP) dated "Received January 7, 2016", subject to the following conditions:

- 1. Development shall conform to the Savona Planned Development / Land Use Plan (PD/LUP) dated "Received January 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 January 7, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 4. The following Education Condition of Approval shall apply:

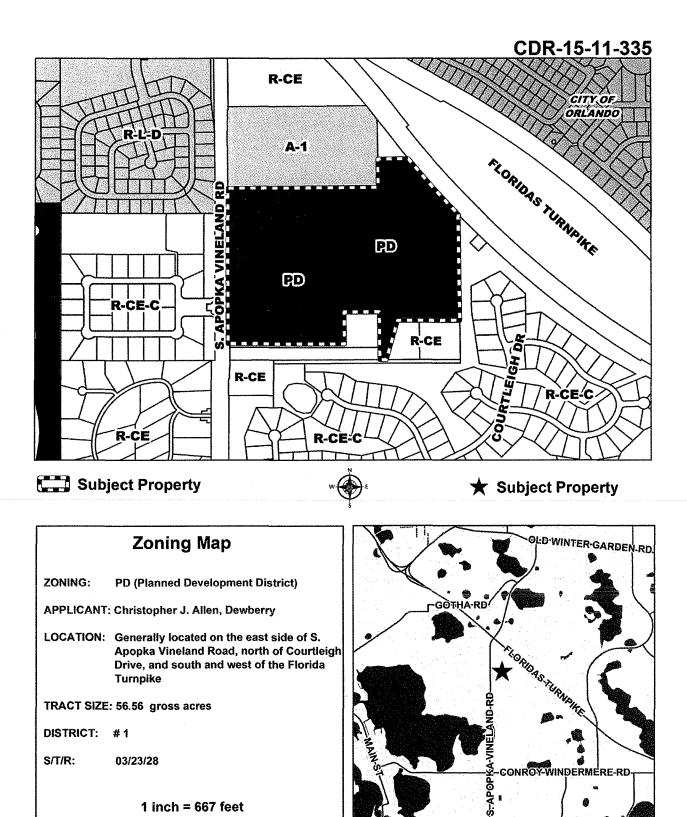
- a. <u>Developer shall comply with all provisions of the Capacity Enhancement</u> <u>Agreement entered into with the Orange County School Board as of March 31,</u> <u>2014.</u>
- b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 48 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
- c. <u>Developer</u>, and its successor(s) and/or assign(s) under the Capacity <u>Enhancement Agreement</u>, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
- d. <u>Orange County shall be held harmless by the developer and its successor(s)</u> <u>and/or assign(s) under the Capacity Enhancement Agreement, in any dispute</u> <u>between the developer and Orange County Public Schools over any</u> <u>interpretation or provision of the Capacity Enhancement Agreement.</u>
- e. <u>Prior to or concurrently with the County's approval of the plat, documentation</u> <u>shall be provided from Orange County Public Schools that this project is in</u> <u>compliance with the Capacity Enhancement Agreement.</u>
- 5. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approved this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
- 6. Site development activity shall comply with State recommended Best Management Practices to protect soils during clearing, earthwork and construction. Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited.
- 7. The following waivers from Orange County Code are granted:
  - a. <u>A waiver from Section 38-1254(2)(d) to allow for a 50-foot setback from an</u> Expressway (in conjunction with a 14-foot high wall), in lieu of a 75-foot setback

from an Expressway;

- b. <u>A waiver from Section 38-1408(f)(2) to allow for a wall with a maximum height of 14-feet, in lieu of a wall with a maximum height of 8-feet, in the rear yard of lots that abut the Florida Turnpike only; and</u>
- c. <u>A waiver from Orange County Code Section 38-1501 (the applicable R-1AA</u> <u>District Standards) to allow for a minimum 5-foot side yard building setback, in</u> <u>lieu of a minimum 7.5-foot side yard building setback.</u>
- 8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 8, 2014, shall apply:
  - a. <u>The CC&Rs shall reflect the presence of a water and reclaimed water storage</u> and pumping facility adjacent to the lots located on the south side of this <u>development</u>.
  - b. <u>The developer shall obtain water, wastewater and reclaimed water service from</u> <u>Orange County Utilities.</u>
  - c. <u>A Master Utility Plan (MUP) shall be submitted to Orange County Utilities prior to</u> <u>Construction Plan submittal. The MUP must be approved prior to Construction</u> <u>Plan approval.</u>
  - d. Approval of this PD shall void the Savona Cluster PSP.
  - e. <u>Tree removal / earthwork shall not occur unless and until Construction Plans for</u> <u>the first Preliminary Subdivision and / or Development Plan with a tree removal</u> and mitigation plan have been approved by Orange County.
  - f. In order to accommodate a unified development, provide a potential connection to the property to the north for a potential future connection, if deemed necessary.

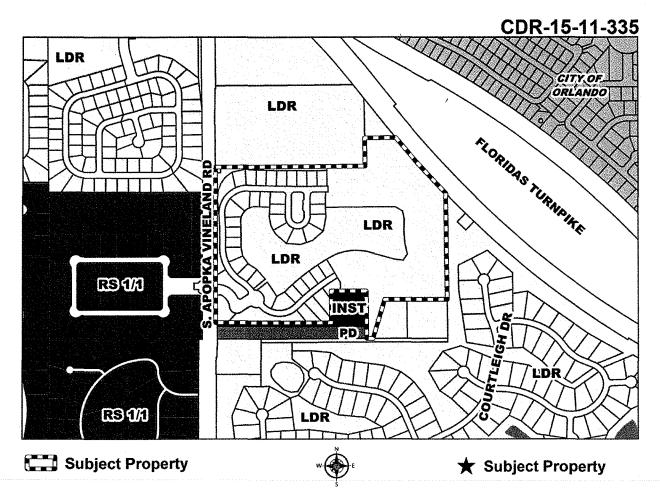
### PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (August 8, 2014)

Upon a motion by Commissioner Boyd, seconded by Commissioner Brummer and carried, with all Commissioners voting AYE, the Board approved a request to rezone from R-CE-C (Country Estate Cluster District) to PD (Planned Development District) on the described property, subject to conditions.



1 inch = 667 feet

6



### **Future Land Use Map**

FLUM: Low Density Residential (LDR)

**APPLICANT: Christopher J. Allen, Dewberry** 

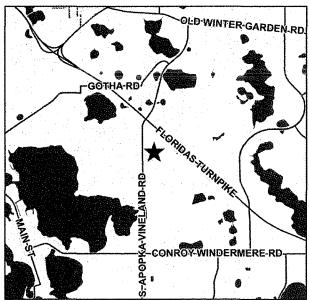
LOCATION: Generally located on the east side of S. Apopka Vineland Road, north of Courtleigh Drive, and south and west of the Florida Turnpike

TRACT SIZE: 56.56 gross acres

DISTRICT: #1

S/T/R: 03/23/28

1 inch = 667 feet



# LAND USE PLAN **ORANGE COUNTY, FLORIDA** (HAVEN CREST) CDR-15-11-335 REVISED JANUARY 2016 (HAVEN CREST) PARCEL ID NUMBERS: 03-23-28-0000-00-029; 03-23-28-0000-00-029; 03-23-28-0000-00-030 By The Development Review Committee (DRC) Office at 4:16 pm; Jan 07, 2016

#### LEGAL DESCRIPTION (AS FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY -

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FAST FILE NUMBER 1062-3004948)

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### LEGAL DESCRIPTION (BY DEWBERRY-BOWYER SINGLETON)

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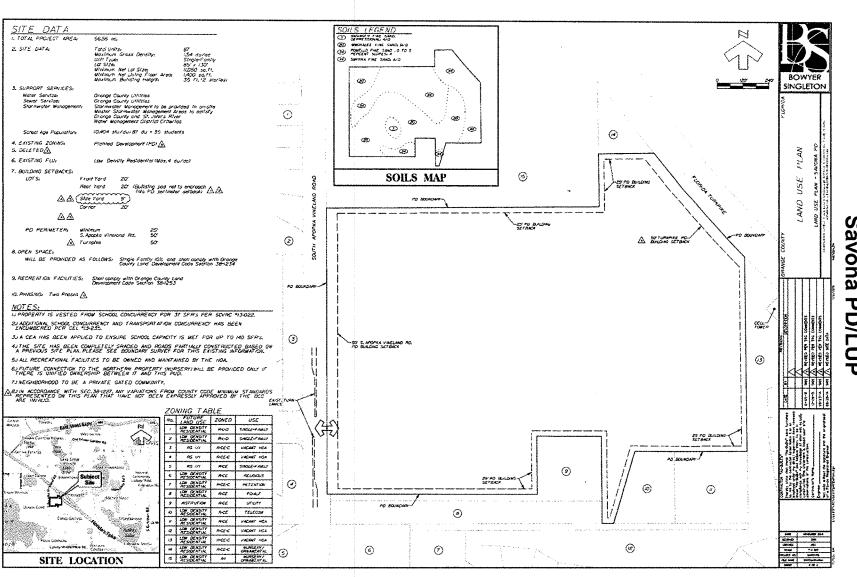
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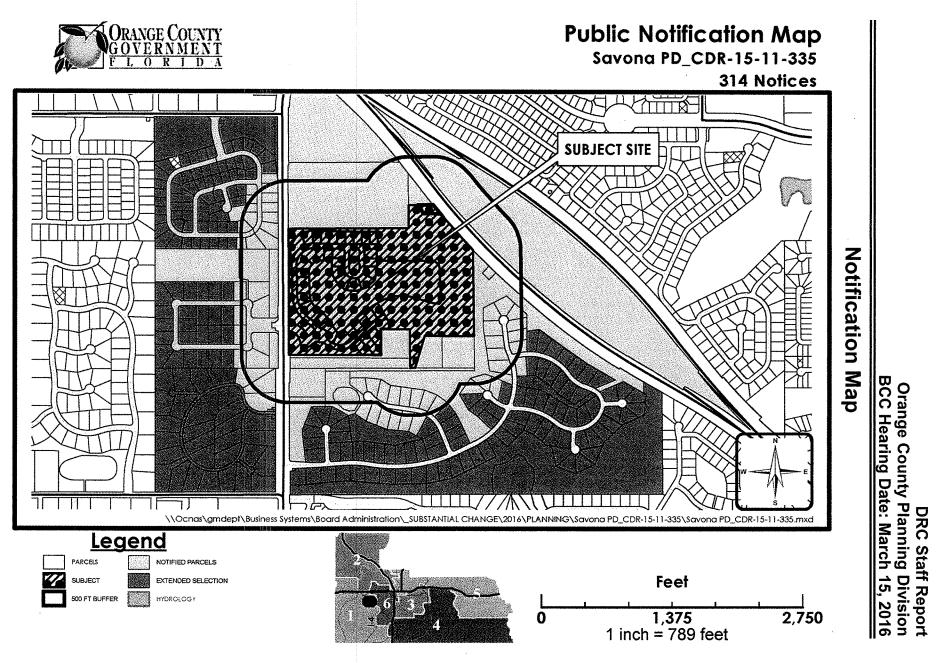




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DATE:	February 22, 2016
TO:	Mayor Teresa Jacobs -AND- Board of County Commissioners
FROM:	Jon V. Weiss, P.E., Director Community, Environmental and Development Services Department
CONTACT PERSON:	John Smogor, Chairman Development Review Committee Planning Division (407) 836-5616
SUBJECT:	March 15, 2016 – Public Hearing Applicant: Abdul Alkadry, Harris Civil Engineers, LLC Lake Olivia Reserve PSP - Substantial Change Case # CDR-

15-09-256

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 10, 2016, to approve a substantial change to the Lake Olivia Reserve Preliminary Subdivision Plan to increase the number of proposed lots from eight (8) to twelve (12).

This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.

The application for this request is subject to the requirements of Section 2-354(b), Orange County Code and Section 2.20, Orange County Administrative Regulations, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy will be available upon request in the DRC Office.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation, including an 11" x 17" plan, is in the top drawer of the BCC file cabinet in the supply room adjacent to District 4 Commissioner's office.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the Lake Olivia Reserve Preliminary Subdivision Plan (PSP) dated "Received January 19, 2016", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 1

# CASE # CDR-15-09-256

Commission District # 1

### 1. REQUEST

This public hearing is to consider a recommendation from the Development Review Committee's (DRC) meeting of February 10, 2016, to approve a substantial change to the Lake Olivia Reserve Preliminary Subdivision Plan to increase the number of proposed lots from eight (8) to twelve (12).

## 2. PROJECT ANALYSIS

A. Location:	South of Gotha Road / West of Florida's Turnpike
B. Parcel IDs:	33-22-28-4667-00-001; 33-22-28-4667-00-002; 33-22-28-4667-00-003; 33-22-28-4667-00-004 33-22-28-4667-00-010; 33-22-28-4667-00-020; 33-22-28-4667-00-030; 33-22-28-4667-00-040; 33-22-28-4667-00-050; 33-22-28-4667-00-060; 33-22-28-4667-00-070; 33-22-28-4667-00-080
C. Total Acres:	26.07
D. Water Supply:	Orange County Utilities
E. Sewer System:	Septic
F. Schools:	Thornebrooke ES – Capacity: 744 / Enrollment: 741 Gotha MS – Capacity: 820 / Enrollment: 1,273 Olympia HS – Capacity: 3,368 / Enrollment: 2,999
G. School Population:	5
G. School Population: H. Parks:	5 Gotha Park – 0.5 Mile
·	
H. Parks:	Gotha Park – 0.5 Mile

1

L. Transportation: Per DRC-recommended condition of approval #15, unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan approval and must apply for and obtain a capacity reservation certificate prior to approval of the re-plat. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

### 3. COMPREHENSIVE PLAN

The subject property has an underlying Future Land Use Map (FLUM) designation of RS 1/1 (Rural Settlement 1/1 - maximum 1.0 du / acre) and is located within the Gotha Rural Settlement. The proposed use is consistent with the FLUM designation.

### 4. ZONING

R-CE-C (Country Estate Cluster District)

### 5. REQUESTED ACTION:

Approval subject to the following conditions:

- Development shall conform to the Lake Olivia Reserve Preliminary Subdivision Plan dated "Received January 19, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received January 19, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
- 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the Board or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized).

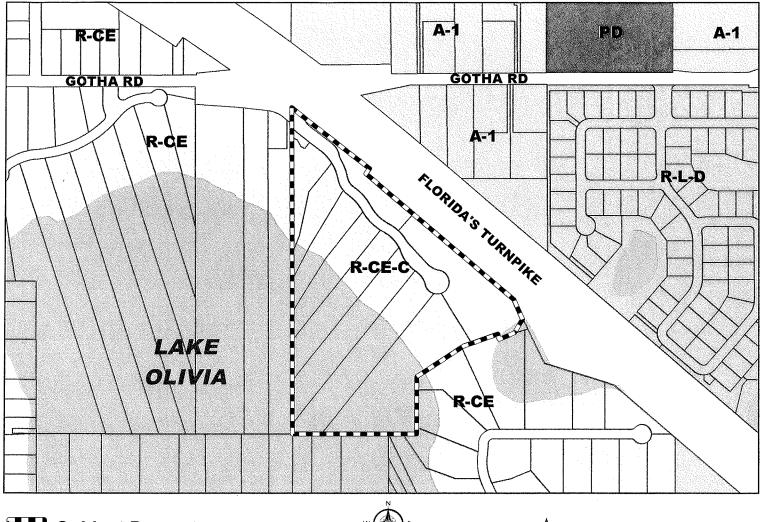
agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

- 3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
- 4. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
- 5. <u>A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of initial re-plat submittal.</u>
- A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
- 7. This property shall be re-platted.
- 8. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or any other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall first apply for a permit, prior to installation. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction.
- Prior to commencement of any earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
- 10. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area

or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.

- 11. The site shall be stabilized following grubbing, clearing, earth work, or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans, a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
- 12. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- 13. The Developer shall obtain water from Orange County Utilities.
- 14. <u>Construction plans within this PSP shall be consistent with an approved and up-</u> to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange <u>County Utilities at least thirty (30) days prior to the corresponding construction</u> <u>plan submittal. The updated MUP must be approved prior to construction plan</u> <u>approval.</u>
- 15. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan approval and must apply for and obtain a capacity reservation certificate prior to approval of the re-plat. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
- 16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 5, 2001, shall apply:
  - a. Two six-inch (6") diameter breast height (DBH) live oak trees shall be required for each oak tree removed from the project's entrance.

# CDR-15-09-256

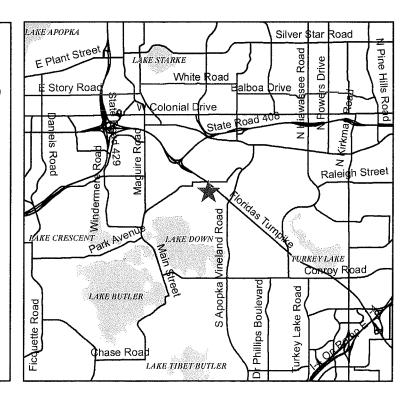


# Subject Property

# ★ Subject Property

# Zoning

ZONING:	R-CE-C (Country Estate Cluster District)				
 APPLICANT:	Abdul Alkadry, Harris Civil Engineers, LLC				
 LOCATION:	South of Gotha Road / West of Florida's Turnpike				
TRACT SIZE:	26.07 acres				
DISTRICT:	#1				
S/T/R:	33/22/28				
1 inch = 500 feet					



# SITE DATA

### DEVELOPER:

LAKE OLIVIA ESTATES, LLC 10438 WITENBERG WAY ORLANDO, FL 32832 407-729-7749

### ENGINEER:

HARRIS CIVIL ENGINEERS, LLC 1200 EAST HILLCREST STREET, STE. 200 ORLANDO, FLORIDA 32803 407-629-4777

### PURPOSE:

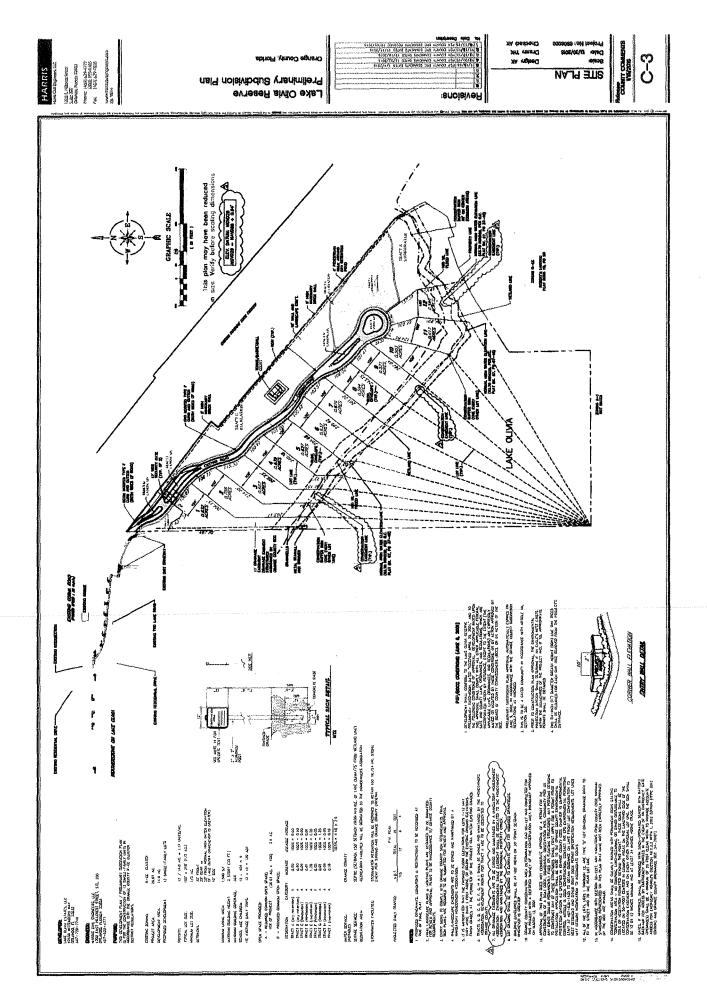
THIS DEVELOPMENT PLAN / PRELIMINARY SUBDIVISION PLAN IS FOR THE CONSTRUCTION OF 12 SINGLE-FAMILY UNITS IN ACCORDANCE WITH THE ORANGE COUNTY R-CE CLUSTER DISTRICT REGULATIONS.

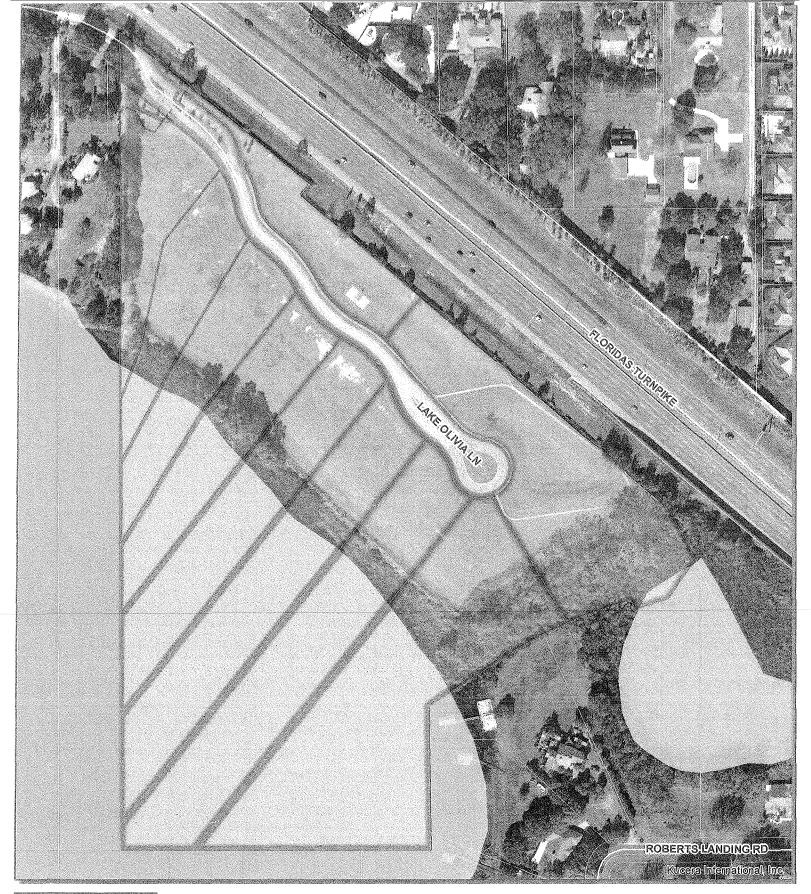
EXISTING ZONING:		R-CE CLUSTE	R	
PROJECT AREA:		26.07 AC.		
DEVELOPMENT AREA:		14.0 AC.		
PROPOSED DEVELOPMENT:		12 SINGLE-FAI	MILY LOTS	
DENSITY:		12 / 14.0 AC	. = 1.17 UNITS/AC.	
TYPICAL LOT SIZE:		•	•	
		100' x 218' (1/2 AC.)		
MINIMUM LOT SIZE:		1/2 AC.		
SETBACKS:		30' FRONT 25' REAR or 50' FROM NORMAL HIGH WATER ELEVATION OF LAKE OLIVIA (WHICHEVER IS GREATER) 10' SIDE		
MINIMUM LIVING AREA:		1,500 S.F.		
MAXIMUM BUILDING HEIGHT:		2 STORY (35 FT.)		
MAXIMUM BUILDING COVERA	GE:	35%		
SCHOOL AGE CHILDREN:		12 x .404 = 1	5	
ITE AVERAGE DAILY TRIPS:		$12 \times 10 = 12$	-	
		12 × 10 - 12		
OPEN SPACE PROVIDED:				
A REQUIRED COMMON 10% OF PROJECT		ALE:	%) 2.6 AC.	
B PROVIDED COMMOM	•			
DESIGNATION CA	TEGORY	ACREAGE	USEABLE ACREAGE	
TRACT A (dry retention)	A	0.60	100% = 0.60	
TRACT B (dry retention)	Â	0.90	100% = 0.90	
TRACT C (landscape)	A	0.09	100% = 0.09	
TRACT D (landscape)	A	0.01	100% = 0.01	
TRACT E (recreation)	Α	1.28	100% = 1.28	
TRACT F (landscape)	A	0.05	100% - 0.05	
TRACT G (londscope)	A	0.01	100% = 1.28	
TRACT H (landscape)	A	0.09	100% = 0.09	
TRACT 1 (recreation)	A	0.18	100% = 0.18	
			TOTAL = 4.48 > 2.6	

WATER SERVICE: (POTABLE)	ORANGE COUNTY				
SEWAGE SERVICE:	SEPTIC (SETBACK 150' SETBACK FROM N.H.W.E. OF LAKE OLIVIA/75' FROM WETLAND LINE)				
RECREATION AREA:	RECREATION FACILITIES WILL BE DEDICATED TO THE HOMEOWNERS ASSOCIATION				
STORMWATER FACILITIES:	STORMWATER RETENTION WILL BE DESIGNED TO RETAIN 100 YR./24 HR. STORM EVENT PER SJRWMD AND ORANGE COUNTY CRITERIA.				
P.M. PEAK					
BRAIFATCH BAUY THACCIC.					

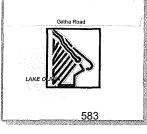
PROJECTED DAILY TRAFFIC: <u>A.D.T. TOTAL IN OUT</u> 115 12 8 4

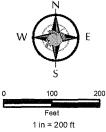
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Subject Property

Jurisdiction Hydrology

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