

BCC Mtg. Date: November 1, 2016

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, September 13, 2016
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd,
Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards,
Victoria P. Siplin
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk
Katie Smith, Minutes Coordinator Jennifer Lara-Klimetz

- CALL TO ORDER, 9:08 a.m.
- INVOCATION - Pastor Alfonso Galeano, Centro Internacional De La Familia
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Proclamation designating Hispanic Heritage Month
- PRESENTATION
Proclamation designating September as National Recovery Month
- RECOGNITION
Fire Rescue Chief Otto Drozd presented special guest "Chef Rob", a former New Yorker who relocated to Florida two months prior to the attacks on September 11. After the attacks, he wanted to give back to his local firefighters and set out with a goal to make a four-course meal at each fire station in the state of Florida, cooking for every shift.
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Judson Giddens
- Pam Treadwell
- Maria Bolton-Joubert
- Ron Kerere
- Robert Stuart
- Trini Quiroz
- Eduard Propst
- Robert Johnson
- Jane Dunkelberger
- Diego "Woody" Rodriguez

Board discussion ensued.

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

- Exhibit 1, from Judson Giddens
- Exhibit 2, from Pam Treadwell

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Mayor deferred action on Community, Environmental and Development Services Department Item 3 for consideration with public hearing for Eric Warren, Poulos & Bennett, LLC, Springhill Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-07-198; and further, the Board approved the balance of the County Consent Agenda items as follows:

County Mayor

1. Confirmation of the following managerial appointments: Kris Shoemaker as the Deputy Director, Convention Center; Raymond Williams as the Manager, Engineering Division, Public Works Department; John Goodrich as the Manager, Fiscal & Operational Support, Health Services Department; Kelly Deutsch as the Manager, Mosquito Control, Health Services Department; O. Dianne Arnold as the Manager, Citizen Resource & Outreach Division, Family Services Department; and Angela Chestang as the Manager, Citizens Commission for Children, Family Services Department - effective September 25, 2016.

County Comptroller

1. Approval of the minutes of the June 28, July 12, July 18, July 19, and August 2, 2016 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:
 - August 19, 2016, to August 25, 2016; total of \$22,830,385.85.
 - August 26, 2016, to September 01, 2016; total of \$32,865,420.53.
 - September 02, 2016, to September 08, 2016; total of \$23,718,276.37.

(Finance/Accounting)

3. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. Dispose of asset totaled by our Third Party Administrator for its salvage value
- b. Trade-in assets toward the purchase of new equipment
- c. Cannibalize and scrap asset

County Administrator

1. Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments: (Agenda Development Office)
 - A. Community Development Advisory Board: Reappointment of Nathaniel Jenkins in the District 2 representative category; the appointment of Pastor Scott A. Brown to succeed Pablo Marquez in the District 4 representative category; and the appointment of Glenton Gilzean to succeed Roberta Walton in the District 6 representative category with terms expiring June 30, 2018.
 - B. Orange County Research and Development Authority: Reappointment of David L. Brewer and Eduardo Rubiera in the at large representative category with terms expiring August 24, 2020.
 - C. Sustainability Advisory Board: Reappointment of Dr. Bridget M. Williams in the education representative category, Melvin Pittman in the neighborhood improvement related organization or activities leadership representative category, Paul T. Boroughs in the urban planning or transportation planning representative category, Byron Knibbs in the environmental protection, natural resources management, or sustainability practices representative category, and John M. Martinez in the at large representative category with terms ending June 30, 2018.
2. Approval and execution of Interlocal Agreement between Orange County, Florida, Orange County Clerk of the Courts, and the Ninth Judicial Circuit Court regarding funding of Jury Services in the amount of \$356,220. (Office of Management and Budget)
3. Approval to pay the first quarter billing for the Orange County Property Appraiser in the amount of \$2,980,559.25. (Office of Management and Budget)
4. Approval to advance \$2,560,558 to the Orange County Tax Collector on October 1, 2016. This advance is necessary to maintain the financial operation of the office during the month of October 2016. (Office of Management and Budget)
5. Approval to make monthly draws to the Orange County Supervisor of Elections as follows: For October 2016, the amount of \$2,302,364; November 2016 through August 2017 in equal amounts of \$627,917; and September 2017, the amount of \$627,922. (Office of Management and Budget)
6. Approval to make monthly draws to the Orange County Sheriff as follows: For October 2016, the amount of \$23,622,662; November and December 2016, equal amounts of \$17,562,662; January 2017, the amount of \$35,125,324; February

2017 through July 2017, equal amounts of \$17,562,662; August 2017, the amount of \$17,562,668. (Office of Management and Budget)

7. Approval to make quarterly payments to the Orange County Comptroller from the General Fund, Fire Rescue/911, Parks and Recreation, Public Service Tax, Building, Convention Center/Tourist Development Tax, Water Utilities, Solid Waste/Recycle, and Public Works funds for fees beginning October 2016 through July 2017. (Office of Management and Budget)
8. Approval to pay the Clerk of Courts \$140,000 for FY 2016-17 communication expenses. (Office of Management and Budget)
9. Approval and execution of Service Funding Agreements between Orange County, Florida and the Seniors First, Inc. (\$95,418), the Orange County Bar Association, Inc. Citizen Dispute Settlement Mediation Program (\$102,228), and the Legal Aid Society of the Orange County Bar Association, Inc. (\$767,017) Fiscal Year 2016-2017. (Office of Management and Budget)
10. Approval to reimburse expenditures throughout FY 2016-17 for the Orange Blossom Trail Safe Neighborhood Improvement District as approved in the FY 2016-17 budget. (Office of Management and Budget)
11. Approval to disburse \$150,000 to the Orange Blossom Trail Development Board by October 7, 2016, for administration in order to maintain normal operations for the first quarter of FY 2016-17. (Office of Management and Budget)
12. Approval of budget amendments #16-53, #16-54, #16-55, and #16-56. (Office of Management and Budget)
13. Approval of budget transfers #16-000001368 and #16-000001384. (Office of Management and Budget)
14. Approval of Ratification of payment of Intergovernmental claims of July 28, 2016 and August 11, 2016 totaling \$626,304.13. (Risk Management Division)
15. Authorization to pay SunTrust Bank for Letters of Credit Commissions and Fees, in the approximate amounts of \$36,000 and \$27,000, respectively. (Risk Management Division)

County Attorney

1. Approval and execution of Orange County, Florida and Florida Classic Consortium Corporation Florida Classic Football Game Grant Agreement.

Administrative Services Department

1. Approval to award Invitation for Bids Y16-630-PD, Disk Filters, to the low responsive and responsible bidder, Five Star Filtration, LLC, in the total contract award amount of \$2,084,995. ([Utilities Department Engineering Division] Procurement Division)
2. Approval to award Invitation for Bids Y16-777-PH, Pump Stations 3025 Kriedt Drive, 3044 Deanna Drive and 3027 North Lane Improvements Project Package No. 3, to the low responsive and responsible bidder, Prime Construction Group, Inc., for the total contract award amount of \$1,297,940. ([Utilities Department Engineering Division] Procurement Division)
3. Approval to award Invitation for Bids Y16-791-CC, Johns Lake Conservation Area Phase 2 – Picnic Pavilion and Trail Shelter, to the low responsive and responsible bidder, Café Construction & Development, Inc., in the total contract award amount of \$175,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
4. Approval to award Invitation for Bids Y16-7004-CC, Orange County Head Start Playground ADA Deficiency Corrections (East Orange, South Orlando, Taft), to the low responsive and responsible bidder, P.W. Hearn, Inc., in the total contract award amount of \$179,370. ([Administrative Services Department Capital Projects Division] Procurement Division)
5. Approval to increase Purchase Order M75681, Metered Postage for FY 15-16, in the amount of \$53,288.94, for a revised Purchase Order amount of \$821,903.94 with the United States Postal Services/CMRS-PBP (Computerized Meter Resetting System). ([Administrative Services Department Facilities Management Division] Procurement Division)
6. Approval of Renewal of Annual Maintenance, Equipment and Technician Services for the E911 Positron Viper System, with AT&T, in the amount of \$2,371,524, for the period of October 1, 2016 through September 30, 2019. ([Office of Accountability Information Systems and Services Division] Procurement Division)
7. Approval of Contract Y17-2057-LC, Supportive Services for Permanent Supportive Housing, with the Homeless Services Network of Central Florida, Inc. (HSN), in the amount of \$500,000 for a 1-year period. Further, authorized the Procurement Division to renew the contract for three additional 1-year periods. ([Health Services Department Mental Health and Homeless Issues Division] Procurement Division)
8. Ratification of PO #M75567 and PO #M75358, Dump Truck Rental Services, with Ring Power Corporation, in the amount of \$776,420.95. ([Utilities Department Solid Waste Division] Procurement Division)

9. Approval and execution of Lease Agreement between Five Pak University Boulevard LLC and Orange County and delegation of authority to the Real Estate Management Division to exercise renewal options and execute Tenant Estoppel Certificates, if needed for Fire Marshal at UCC File #8006 7079 University Boulevard Winter Park, Florida. District 5. (Real Estate Management Division)
10. Approval and execution of Tenant Estoppel Certificate and delegation of authority to the Real Estate Management Division to execute future Tenant Estoppel Certificates, if needed for Hanging Moss Warehouse (EPD, HS, OCSO, PW) 6136 Hanging Moss Road, Suites 200-270 Orlando, Florida. District 5. (Real Estate Management Division)
11. Approval and execution of Partial Termination of Temporary Utility Easement by Orange County and authorization to record instrument for Ashton Station Roadways A, B & D – Utility File #66246. District 4. (Real Estate Management Division)
12. Approval of Purchase Agreement and Utility Easement between Heaven IV, LLC and Orange County, and Subordination of Encumbrances to Property Rights to Orange County from Valley National Bank and authorization to disburse funds to pay purchase price and recording fees and record instruments for Sand Lake and Presidents Drive Forcemain Easement. District 6. (Real Estate Management Division)
13. Approval of Transit Easement Between CRP/FP Axis West Owner, L.L.C. and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Branch Banking and Trust Company and authorization to record instruments for I-Drive Transit Easement (ILH Interchange – The Axis). District 1. (Real Estate Management Division)
14. Approval of Warranty Deed and Drainage Easement from Sant Commercial Building, Inc. to Orange County and authorization to perform all actions necessary and incidental to closing for Lakeside Neighborhood Reams Road. District 1. (Real Estate Management Division)
15. Approval of Warranty Deed, approval and execution of Assignment of Permanent Slope and Fill and Drainage Easement from Boggy Creek Improvement District to Orange County, approval of Temporary Slope Easement and Temporary Drainage Easement between Greenway Park DRI, LLC and Orange County and authorization to perform all actions necessary and incidental to closing for Boggy Creek Road – Lake Nona Boulevard (f/k/a Beacon Park Boulevard) Intersection Contribution and Interlocal Agreement. District 4. (Real Estate Management Division)

Community, Environmental and Development Services Department

1. Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 2, 3, 4, 5 and 6. (Code Enforcement Division)

LC 16-0691	LC 16-0699	LC 16-0791	LC 16-0709	LC 16-0752
LC 16-0692	LC 16-0700	LC 16-0612	LC 16-0724	LC 16-0762
LC 16-0710	LC 16-0799	LC 16-0625	LC 16-0737	LC 16-0763
LC 16-0769	LC 16-0871	LC 16-0627	LC 16-0738	LC 16-0781
LC 16-0770	LC 16-0790	LC 16-0662	LC 16-0741	LC 16-0782
LC 16-0773	LC 16-0807	LC 16-0666	LC 16-0744	LC 16-0783
LC 16-0779	LC 16-0866	LC 16-0667	LC 16-0745	LC 16-0798
LC 16-0698	LC 16-0867	LC 16-0670	LC 16-0747	LC 16-0804

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

<u>Case No.</u>	<u>Dist. #</u>	<u>Property Owner</u>	<u>Amount</u>
A 15-0345	6	WATSON CARLOS	\$10,562.23
A 15-0350	6	TAN SUAN YEN	\$10,562.24
A 15-0357	6	SANTIAGO GLORIA	\$12,331.06
A 15-0359	6	RODRIGUEZ JACK	\$12,331.06
A 15-0371	6	NAZARIO YVETTE	\$12,464.52

3. Approval and execution of First Amendment to Springhill PD Adequate Public Facilities and Impact Fee Credit Agreement (Village H) by and among Lennar Homes, LLC, Columnar Partnership Holding I, LLC, Spring Grove, LLC, Avalon Properties, LTD, Spring Grove Properties, LLC and Orange County. District 1. (Development Review Committee)

(This item was deferred.)

4. Acceptance of the Recommendation of the Environmental Protection Commission to approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) for the Shultz After-the-Fact Dock Construction Permit BD-15-03-025. District 1. (Environmental Protection Division)
5. Acceptance of Recommendation of the Environmental Protection Commission to approve the request for waiver to Section 15-342(b) (terminal platform size) and request for variance to Section 15-343(a) (side setback) for Day Dock Construction Permit BD-16-05-048, with the payment of \$1,305 to the Conservation Trust Fund

within 60 days of the BCC decision date. District 1. (Environmental Protection Division)

6. Approval and execution of Amendment to Multi-Family Affordable Housing Developer's Agreement for Discounts of Impact Fees, Water Capital Charges and Wastewater Capital Charges by Valencia Trace of Orlando LTD. and Orange County, Florida to allow subordination of our Restrictive Covenants for the Valencia Trace Apartments. District 3. (Housing and Community Development Division)
7. Approval and execution of Proportionate Share Agreement for Econ Place II Medical Center Dean Road Improvements: from Curry Ford Road to Lake Underhill Road by and between Hark Associates, L.L.C. and Orange County for a proportionate share payment in the amount of \$173,824. District 3. (Roadway Agreement Committee)

Family Services Department

1. Approval and execution of Florida Department of Children and Families Application for a License to operate a Child Care Facility at Washington Shores Head Start at The Hope. This application is only executed by Orange County. (Head Start Division)
2. Approval and execution of Facility and Land Use Agreement between The School Board of Orange County, Florida and Orange County, Florida regarding Head Start Program 2016-2017. (Head Start Division)
3. Approval and execution of Resolution 2016-M-41 of the Orange County Board of County Commissioners regarding the application of Ability Housing's Wayne Densch Center Project as a designated project of the Enterprise Zone Community Contribution Tax Credit Program. District 2. (Neighborhood Preservation and Revitalization Division)

Fire Rescue Department

1. Acceptance of the Staffing for Adequate Fire and Emergency Response Grant Agreement Number EMW-2015-FH-00755 between the U.S. Department of Homeland Security through the Federal Emergency Management Agency and Orange County in the amount of \$4,271,676 with no required match, resulting in an increase to the Orange County Fire Rescue staffing table by an additional 31 firefighters.

Public Works Department

1. Approval and execution of Resolution 2016-M-42 of the Orange County Board of County Commissioners regarding Supplemental Amendment Number 1 to the

Locally Funded Agreement for the State Road 482/Sand Lake Road and County Road 423/John Young Parkway Overpass Project and approval and execution of FM# 407143-6-52-01 FM# 407143-6-52-02 State of Florida Department of Transportation Locally Funded Agreement between the State of Florida Department of Transportation and Orange County. District 6. (Transportation Planning)

2. Approval and execution of State of Florida Department of Transportation Amendment to the Traffic Signal Maintenance and Compensation Agreement Financial Project No. 413019-58801 by and between the State of Florida Department of Transportation and Orange County. All Districts. (Traffic Engineering Division)
3. Approval of Traffic Control Devices and "No Parking" sign installations in Lakeshore Preserve Phase 1. District 1. (Traffic Engineering Division)
4. Approval to construct speed humps on N. John Street. District 6. (Traffic Engineering Division)
5. Approval to construct speed humps on Brookgreen Avenue. District 6. (Traffic Engineering Division)
6. Approval to construct traffic calming islands in the Holden Shores Subdivision. District 3. (Traffic Engineering Division)
7. Approval of Traffic Control Devices and "No Parking" sign installations in Mabel Bridge Phase 6. District 1. (Traffic Engineering Division)

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Minutes of the June 23, 2016 Meeting in the Sunshine. Commissioners Bryan Nelson and Victoria P. Siplin met with County staff, property owners and community leaders of Pine Hills to discuss development of the Northeast corner of Pine Hills Road and Silver Star Road.
 - b. Jurisdictional Boundary Map Update in reference to Ordinance No. 2016-13, 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 Butler Dr, East of S Orange Av, South of E Pineloch Av and West of Center St and Oak Pl and comprised of 10.678 acres of land, more or less; amending the City's Official Zoning Maps to designate the newly annexed land along with land already existing within the corporate limits of the city as the AC-2 Urban Activity Center District, in part, and the AC-2 Urban Activity Center District

along with the Orange/Michigan Special Plan Overlay District, in part, such land comprised of 11.391 acres of land, more or less; providing for severability, correction of scrivener's errors and an effective date.

- c. City of Orlando Voluntary Annexation Request: 1401 E. Michigan Street - ANX2016-00004. Notice of Proposed Enactment. On September 15, 2016, the Orlando City Council will consider proposed Ordinance #2016-63, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located north of E. Michigan Street, east of S. Brown Street, and south of E. Crystal Lake Avenue, addressed as 1401 E. Michigan Street, and comprised of 0.697 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Residential Low Intensity, in part, and Mixed Use Corridor Medium Intensity Village, in part, on the City's Official Future Land Use Maps; designating the property as the R-2A family district along with the Traditional City Overlay, in part and the MU-1 Medium Intensity Mixed Use Corridor district along with the Traditional City Overlay District, in part, on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, permit disclaimer, and an effective date. 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.
- d. The Ranger Drainage District notification of no changes to RDD Public Facility Report of February 22, 1995.
- e. Minutes of the April 28 and May 26, 2016, Charter Review Commission.

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

• COUNTY DISCUSSION AGENDA

Office of Regional Mobility

1. MetroPlan Orlando Board Meeting Briefing.

County staff presented a briefing on the Agenda for the MetroPlan Orlando Board meeting. County staff notified the Board that the venue location of the MetroPlan Orlando Board meeting has changed and will be held at the Osceola Council on Aging.

Board discussion ensued.

Action: None

County Mayor

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

Commissioner Boyd discussed the following topics with the Board: Four Corners Board Participation, CHFLA proposed amendment to Orange County's Alcohol Ordinance and the West Orange Relief High School stadium.

Board discussion ensued. County Administrator Lalchandani presented an update on the West Orange Relief High School stadium.

Action: None

- COUNTY WORK SESSION AGENDA

Community, Environmental and Development Services Department

1. Board direction regarding establishment of criteria to allow single-family residential districts the ability to raise chickens on detached single-family residential home sites. All Districts. (Zoning Division)

County staff presented an overview on chickens in urban residential areas. Furthermore, a summary of the 2013 draft ordinance and potential nuisances of chickens in single family residential areas were discussed.

Board discussion ensued.

Action: None

- MEETING RECESSED, 11:29 a.m.

- MEETING RECONVENED, 2:10 p.m.

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

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

- ANNOUNCEMENT

County Administrator Lalchandani officially announced a Brownfield Notice, this meeting will be held at 6:00 p.m., or soon thereafter on September 19, 2016, at Orange County Convention Center District Office. Florida Statutes requires this meeting be advertised and posted as well as the County making an announcement of the public hearing taking place. The purpose of the meeting is to designate a parcel located west of the intersection of Universal Boulevard and Destination Parkway and north of the Orange

County Convention Center in unincorporated Orange County as a Brownfield Area. This topic will be brought before the Board of County Commissioners for a public hearing on October 18, 2016.

- RECOMMENDATIONS

August 18, 2016 Planning and Zoning Commission Recommendations

Motion/Second: Commissioners Nelson/Boyd

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of August 18, 2016; subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Petition to Vacate

1. Charlene Sperber, on behalf of Kings Hwy, LLC and Eric Papalini, on behalf of Cambridge Group, Inc., Petition to Vacate 15-03-007, two portions of unopened and unimproved right-of-way; District 6

Applicant: Charlene Sperber, on behalf of Kings Hwy, LLC and Eric Papalini, on behalf of Cambridge Group, Inc.

Consideration: Resolution granting Petition to Vacate # 15-03-007, vacating two portions of a 60 ft wide unopened and unimproved right-of-way known as Goodland Street containing approximately 0.688 acres, and a 30 ft wide unopened and unimproved portion of a 60 ft wide right-of-way known as W Livingston Street containing approximately 0.218 acres, for a total of approximately 0.906 acres.

Location: District 6; The parcel addresses are 320 N Mission Road, 348 Goodland Street, 402 N. Mission Road and 410 Goodland Street; S30/T22/R29; Orange County, Florida (legal property description on file)

The staff report indicates Petition to Vacate # 15-03-007 is vacating two portions of a 60 ft wide unopened and unimproved right-of-way known as Goodland Street containing approximately 0.413 acres and 0.317 acres respectively, and a 30 ft wide unopened and unimproved portion of a 60 ft wide right-of-way known as W Livingston Street containing approximately 0.176 acres, for a total of approximately 0.906 acres.

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Siplin/Edwards

AYE (voice vote): All members

Action: The Board adopted a resolution granting Petition to Vacate # 15-03-007 vacating two portions of a 60 ft wide unopened and unimproved right-of-way known as Goodland Street, containing approximately 0.413 acres and 0.317 acres respectively, and a 30 ft wide unopened and unimproved portion of a 60 ft wide right-of-way known as W Livingston Street containing approximately 0.176 acres, for a total of approximately 0.906 acres, on the described property.

Board of Zoning Adjustment Appeal

2. Vera Clark, Case # VA-16-07-078, July 7, 2016; District 3

Applicant: Vera Clark
Case Board of Zoning Adjustment Case # VA-16-07-078; July 7, 2016
Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant for a variance request to allow existing garage with 640 sq. ft. to remain in lieu of 500 sq. ft.
Location: District 3; property generally located West end of Cielo Court., Approximately 200 ft. west of Rio Pinar Lakes Blvd.; Orange County, Florida (legal property description on file in Zoning Division)

The following person addressed the Board: Jesse Clark.

Board discussion ensued.

Motion/Second: Commissioners Clarke/Boyd
AYE (voice vote): County Mayor Jacobs; Commissioners Boyd, Nelson, Clarke, Edwards, Siplin
NO (voice vote): Commissioner Thompson
Action: The Board upheld the decision of the Orange County Board of Zoning Adjustment Case # VA-16-07-078 and denied the request by Vera Clark for a variance request to allow existing garage with 640 sq. ft. to remain in lieu of 500 sq. ft., on the described property.

NOTE: THE FOLLOWING TWO PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

Conservation Area Impact

3. Island Grove Tree Farm, LLC, permit, CAI-15-05-015; District 5

Applicant: Island Grove Tree Farm, LLC
Consideration: Request for a Conservation Area Impact Permit for 0.015 acre of direct impacts to Class I surface waters (Lake Pickett) and adjacent Class I Wetlands in association with construction of a new private boat ramp facility

Location: District 5; property located at Chuluota Road, Orlando, FL 32820, on Lake Pickett; Section 04, Township 22 South, Range 32 East; Orange County, Florida (legal property description in Environmental Protection Division)

County staff identified this permit as (CAI-15-05-015).

and

Boat Ramp Permit

4. Island Grove Tree Farm, LLC, Lake Pickett, permit, BR-15-05-000; District 5

Applicant: Island Grove Tree Farm, LLC.

Consideration: Request for Permit to construct a private boat ramp facility (BR-15-05-000), pursuant to Orange County Code, Chapter 15, Article XV, Section 15-605(d)(2)

Location: District 5; on Lake Pickett, located at Chuluota Road, Orlando, FL 32820; Section 04, Township 22 South, Range 32, East; Orange County, Florida (legal property description on file in Environmental Protection Division)

The following person addressed the Board: Alan Ashlock.

Motion/Second: Commissioners Edwards/Nelson

AYE (voice vote): All members

Action: The Board approved the request by Island Grove Tree Farm, LLC. for a permit (BR-15-05-000) to construct a private boat ramp facility on Lake Pickett; on the described property; subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the ten (10) 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 "Construction Plans" submitted by Highland Engineering, Inc., dated as received on February 24, 2016, by the Environmental Protection Division (EPD). The construction of the permitted activity shall be completed five (5) years from the date of issuance of this permit. Requests for permit extension must be submitted to EPD prior to the expiration date. Operational conditions, post construction, remain in effect, in perpetuity.

3. If the land use of the property changes, such that the boat ramp will serve the residents of a subdivision, the boat ramp facility must meet the requirements of Chapter 15, Article XV for a semi-private ramp. A permit modification and public hearing will be required.
4. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of Lake Pickett (56.8 feet mean sea level) of sufficient length waterward to navigate to open water. The ramp and companion dock must be located within this corridor.
5. No wake within a 100-foot radius of the boat ramp facility shall be allowed. No wake zone signage shall be installed at the end of the boat ramp, as depicted on the "Construction Plans", submitted by Highland Engineering, Inc., dated as received on February 24, 2016, prior to the final inspection or issuance of Certificate of Completion.
6. The launching of motorized vessels shall be prohibited and access to the ramp shall be blocked off when water level drops below 54.0 feet mean sea level (NGVD). Signage shall be installed informing boaters of this restriction as depicted on the "Construction Plans", submitted by Highland Engineering, Inc., dated as received on February 24, 2016.
7. A permanent staff gauge shall be properly installed and maintained in a usable condition at the end of the companion dock of the boat ramp as depicted on the "Construction Plans", submitted by Highland Engineering, Inc., dated as received on February 24, 2016. The accuracy of the staff gauge will be confirmed by a professional surveyor annually and at such times as the accuracy may be compromised by accident, vandalism or other occurrence. A letter shall be submitted to EPD with the survey information prior to final inspection or issuance of Certificate of Completion and following any other survey event.
8. Electrical outlets shall be prohibited within one-hundred (100) feet of the boat ramp facility.
9. No fueling is allowed at the ramp, boats with antifouling paint may not use the ramp, power loading or unloading shall be prohibited, no washing of watercraft shall be permitted at the ramp and shoreline mooring shall be prohibited.
10. The permittee shall restore any unauthorized wetland and/or littoral zone impacts within thirty (30) days of completion of the project. The restoration will be done to the satisfaction of EPD.
11. This permit does not authorize any fill in wetlands or below the NHWE of Lake Pickett necessary to construct the boat ramp facility or maintain or create navigable access from the boat ramp to the lake, other than as depicted in the approved "Construction Plans."

12. Any permit extensions or minor modifications [as determined by the Environmental Protection Officer (EPO)] for the construction of the boat ramp facility may be approved by way of Consent Agenda.
13. The ramp shall only be used by the landowner and their usual and customary guests.

General Conditions:

14. A copy of this permit, along with EPD stamped and approved drawings, should be taken to the 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.
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 any required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the EPO. 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. 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.
19. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) 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, the permittee agrees to either obtain

written consent or to remove the offending structure or encroachment 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.

20. 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. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
21. 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.
22. 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.
23. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
24. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that may cause pollution to water bodies, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the traditional use and enjoyment of the waterbody by the public.
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 notify EPD, in writing, within thirty (30) days of any sale, conveyance, or other transfer of ownership or control of the permitted system or

the real property at which the permitted system is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.

27. All excess lumber, scrap wood, trash, garbage, and similar materials shall be removed from the project area and/or surface waters immediately.
28. 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.
29. 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.
30. The 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.
31. 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 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.
32. Pursuant to Section 125.022, Florida Statutes, issuance of this construction 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 the 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.
33. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of construction.
34. Within thirty (30) days of completion of the activities authorized herein, the permittee must provide an as-built drawing on a final survey, signed and sealed by an appropriate professional licensed by the State of Florida, with the notice of completion. The signed and sealed as-built survey shall include, but is not limited to; aerial view of the project site with the location of any conservation easements, tracts, or conservation areas, the NHWE for Pickett, topographic elevations and cross sections with elevation data in the exact same area as the cross sections on the approved "Construction Plans", and complete dimensions of the companion dock and boat ramp.

and further, approved the request by Island Grove Tree Farm, LLC for a Conservation Area Impact Permit (CAI-15-05-015) for 0.015 acre of direct impacts to Class I surface waters (Lake Pickett) and adjacent Class I Wetlands in association with construction of a new private boat ramp facility, 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 period following the date of rendition of the Board of County Commissioners' (BCC) decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the BCC decision.
2. Wetland and upland buffer impacts shall be completed in accordance with the "Wetland Impact Plan" submitted by Bio-Tech Consulting, Inc., dated as received on June 10, 2016, by EPD.
3. Prior to initiating any construction within the wetlands to be impacted, EPD shall receive a Certificate of Credit purchase from the TM-Econ Mitigation Bank stating that the transaction regarding the mitigation purchase of 0.05 credits has been completed.
4. In the event that the permittee does not successfully complete the mitigation transaction, the permittee shall obtain a permit modification from the Environmental Protection Officer (EPO) to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
5. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of Lake Pickett (56.8 feet mean sea level) of sufficient length waterward to navigate to open water. The ramp and companion dock must be located within this corridor.
6. This permit does not authorize any fill in wetlands or in areas below the NHWE of Lake Pickett other than as depicted in the approved "Construction Plans.
7. Construction shall be completed within five (5) years from the date of issuance of this permit unless extended in writing. Requests for permit extension must be submitted to EPD prior to the expiration date. Operational conditions, post construction, remain in effect, in perpetuity.
8. Any permit extensions or minor modifications (as determined by the EPO) for the activities authorized herein may be approved by way of Consent Agenda.

9. The permittee shall restore any unauthorized wetland and/or littoral zone impacts within thirty (30) days of completion of the project. The restoration will be done to the satisfaction of EPD.

General Conditions:

10. 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 any required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the EPO. Notice of the revocation shall be provided to the permit holder promptly thereafter.
11. 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.
12. 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.
13. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to conduct any project permitted herein and any such project is conducted at the sole risk of the permittee. In the event that any part of the project 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, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment 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.
14. 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 X 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. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.

15. 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.
16. For one (1) acre or more of disturbed land, a National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD NPDES Administrator prior to start of construction.
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. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
19. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that may cause pollution to water bodies, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the traditional use and enjoyment of the waterbody by the public.
20. 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.
21. The permittee shall notify EPD, in writing, within thirty (30) days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
22. All excess lumber, scrap wood, trash, garbage, and similar materials, shall be removed from the project area and/or surface waters immediately.

23. 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.
24. 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.
25. The 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.
26. 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 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.
27. 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 the 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.
28. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before initiation of the project.

Shoreline Alteration/Dredge and Fill

5. Harrod Robert Wayne Trustee, Little Econlockhatchee River, permit; District 5

Applicant: Harrod Robert Wayne Trustee
 Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to install riprap along shoreline, pursuant to Orange County Code, Chapter 15, Article VI, Section 15-218(d)
 Location: District 5; on property located adjacent to the Little Econlockhatchee River, located at 4202 Rouse Road; Section 04, Township 22 South, Range 31, East; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (SADF-15-10-013).

The following persons addressed the Board:

- John Herbert
- Frank Arnall
- Michael Dugre
- Marj Holt

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

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 Marj Holt.

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): All members

Action: The Board continued the public hearing until December 13, 2016, at 2 p.m.

Board-Called Planning and Zoning Commission

6. Christopher Wrenn, DR Horton, Case # RZ-16-02-007, April 21, 2016; District 3 (Continued from August 2, 2016)

Applicant: Christopher Wrenn, DR Horton

Case No.: Planning and Zoning Commission, Case # RZ-16-02-007; April 21, 2016

Consideration: Request to consider a rezoning of 7.73 gross acres located at 1302 S. Econlockhatchee Trail from R-1AA (Single Family Residential District) to R-1 (Single Family Residential District), along with the following restrictions:

- (1) A minimum lot width of 85 feet shall be provided along the north property line;
- (2) A minimum lot area of 5,250 square feet shall be provided along the south property line; and
- (3) Preservation of key tree clusters shall be considered during subdivision plan review.

Location: District 3; property located at 1302 S. Econlockhatchee Trail; or generally located on the west side of S. Econlockhatchee Trail, approximately 650 feet north of Oriente Street; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Ben Shoemaker
- Michele Pierce
- John Calabrese
- Christopher Pierce
- Rita Griffin

- Barbara Anderson

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

Board discussion ensued.

Motion/Second: Commissioner Clarke/County Mayor Jacobs

AYE (voice vote): All members

Action: The Board denied the request by Christopher Wrenn, DR Horton, Case # RZ-16-02-007, to consider a rezoning of 7.73 gross acres located at 1302 S. Econlockhatchee Trail from R-1AA (Single Family Residential District) to R-1 (Single Family Residential District), on the described property.

Preliminary Subdivision Plan

7. Richard Wohlfarth, IBI Group (Florida) Inc., Goldenrod Reserve PD/Goldenrod Reserve Phases 1 & 2 Preliminary Subdivision Plan, Case # PSP-16-04-143; District 3

Applicant: Richard C. Wohlfarth, IBI Group (Florida) Inc., Goldenrod Reserve PD / Goldenrod Reserve Phases 1 & 2 Preliminary Subdivision Plan – Case # PSP-16-04-143

Consideration: Goldenrod Reserve PD / Goldenrod Reserve Phases 1 & 2 Preliminary Subdivision Plan, Case # PSP-16-04-143, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct 156 single-family attached residential dwelling units on 40.07 gross acres.

Location: District 3; property generally located West of S. Goldenrod Road / North of Hoffner Avenue; Orange County, Florida (legal property description on file in Planning Division)

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Goldenrod Reserve PD / Goldenrod Reserve Phases 1 & 2 Preliminary Subdivision Plan – Case # PSP-16-04-143 on the described property, subject to the following conditions:

1. Development shall conform to the Goldenrod Reserve PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Goldenrod Reserve Preliminary Subdivision Plan dated "Received July 18, 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 July 18, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and

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

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
7. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
8. 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.
9. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to 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.

10. 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.
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. 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, 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.
14. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
15. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plans approval.
16. Length of stay shall be for 180 days or greater. Short term/transient rental shall be prohibited.
17. Signage shall comply with Ch. 31.5.

18. Public utility easements shall be dedicated to the county over private roads for the water distribution system and the wastewater collection system.
19. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and / or tracts anticipated to be dedicated to the County and / or to the perpetual use of the public.

• MEMBER EXITED: Commissioner Nelson

8. Lance Bennett, Poulos & Bennett, LLC, Meadow Woods PD/ Parcel 30.1 Preliminary Subdivision Plan, Case # PSP-16-04-120; District 4

Applicant: Lance Bennett, Poulos & Bennett, LCC, Meadow Woods PD / Parcel 30.1 Preliminary Subdivision Plan – Case # PSP-16-04-120

Consideration: Meadow Woods PD / Parcel 30.1 Preliminary Subdivision Plan, Case # PSP-16-04-120, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct 206 single-family attached and detached residential dwelling units on 36.79 gross acres.

Location: District 4; property generally located East of Landstar Boulevard / North of Rhode Island Woods Circle; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Lance Bennett.

Motion/Second: Commissioners Thompson/Clarke

Absent: Commissioner Nelson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Meadow Woods PD / Parcel 30.1 Preliminary Subdivision Plan – Case # PSP-16-04-120 on the described property, subject to the following conditions:

1. Development shall conform to the Meadow Woods PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Parcel 30.1 Preliminary Subdivision Plan dated "Received June 30, 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 June 30, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

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

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

6. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
7. 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.
8. 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.
9. 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.
10. Prior to the issuance of any vertical building permits, the property shall be replatted or as otherwise allowed by Orange County Code.
11. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
12. A mandatory pre-application / sufficiency review meeting for the re-plat shall be required prior to re-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 re-plat to the County.

13. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
14. 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.
15. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
16. If public wastewater main will be located outside public right of way on property owned by an entity other than the developer, a public utility easement shall be granted to OCU and recorded prior to construction plan approval.
17. Short term rental shall be prohibited. Length of stay shall be for 180 days or greater.
9. Steve Mellich, Mellich Blenden Engineering, Inc., Landing Bay Subdivision Preliminary Subdivision Plan, Case # PSP-16-04-123; District 3

Applicant: Steve Mellich, Mellich Blenden Engineering, Inc., Landing Bay Subdivision Preliminary Subdivision Plan

Consideration: Landing Bay Subdivision Preliminary Subdivision Plan, Case # PSP-16-04-123, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is to subdivide 4.60 acres in order to construct 17 single-family residential dwelling units.

Location: District 3; property generally located North of Hoffner Avenue / East of Redditt Road; Orange County, Florida (legal property description on file in Planning Division)

- MEMBER RE-ENTERED: Commissioner Nelson

The following persons addressed the Board:

- Steve Mellich
- Charles Redditt
- Steven Redditt

Based upon input from the District Commissioner, and agreed upon by the applicant, Condition of Approval #19 was added to read as follows:

19. 8ft. vinyl fence along the east property line.

Motion/Second: Commissioners Clarke/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Landing Bay Subdivision Preliminary Subdivision Plan, Case # PSP-16-04-123 on the described property, subject to the following conditions:

1. Development shall conform to the Landing Bay Subdivision Preliminary Subdivision Plan dated "Received July 26, 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 July 26, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. 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. 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.
8. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
9. The developer shall obtain water and wastewater from Orange County Utilities.
10. 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.
11. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
12. Tract C as identified on the plan shall be dedicated by plat to Orange County as roadway right-of-way.
13. 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, if not provided by the Homeowner's Association, shall be the responsibility of the County.
14. Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street

lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

15. 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.
16. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
17. Short term/transient rental is prohibited. Length of stay shall be for 180 days or greater.
18. Tree mitigation shall be due prior to plat approval.
19. 8ft. vinyl fence along the east property line.

Rezoning

10. Christina Baxter, Poulos & Bennett, LLC, Econ Trails PD/LUP, Case # LUP-16-02-062; District 3

Applicant: Christina Baxter, Poulos & Bennett, LLC, Econ Trails Planned Development Land Use Plan (PD/LUP)-Case # LUP-16-02-062

Consideration: Request to rezone three (3) parcels containing 24.33 gross acres from R-CE to PD, in order to develop up to 184 single-family lots with attached dwelling units (townhomes). In addition, the following waivers from Orange County Code have been requested:

1. A waiver from Section 38-79(20)(j) to allow for a front-to-front or rear-to-rear minimum distance townhouse building separation of forty (40) feet, and a rear-to-rear minimum distance patio structure separation for townhomes of twenty (20) feet; in lieu of sixty (60) feet;
2. A waiver from Section 38-79(20)(l) to allow for a minimum townhouse dwelling unit width of sixteen (16) feet, in lieu of twenty (20) feet; and
3. A waiver from Section 38-79(20)(p) to allow for a minimum rear yard building setback of ten (10) feet for townhouse patio structures only, in lieu of twenty (20) feet; pursuant to Orange County Code, Chapter 30.

Location: District 3; property generally located at 109, 197, and 211 N. Econlockhatchee Trail; or generally located on the east side of N. Econlockhatchee Trail, approximately 1,000 feet south of S.R. 408; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Jim McNeil
- Rebecca Wilson

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

- Exhibit 1, from Rebecca Wilson
- Exhibit 2, from Jim McNeil

Based upon input from County Staff, and agreed upon by the applicant, Condition of Approval #16 was modified as follows:

16. ~~Where appropriate~~ If deemed appropriate by the County, the project shall interconnect to adjacent properties at the time of Preliminary Subdivision Plan (PSP) review.

Motion/Second: Commissioners Clarke/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Christina Baxter, Poulos & Bennett, LLC, Econ Trails Planned Development Land Use Plan (PD/LUP), Case # LUP-16-02-062, to rezone three (3) parcels containing 24.33 gross acres from R-CE to PD, in order to develop up to 184 single-family lots with attached dwelling units (townhomes). In addition, the following waivers from Orange County Code have been requested:

1. A waiver from Section 38-79(20)(j) to allow for a front-to-front or rear-to-rear minimum distance townhouse building separation of forty (40) feet, and a rear-to-rear minimum distance patio structure separation for townhomes of twenty (20) feet; in lieu of sixty (60) feet;
2. A waiver from Section 38-79(20)(l) to allow for a minimum townhouse dwelling unit width of sixteen (16) feet, in lieu of twenty (20) feet; and
3. A waiver from Section 38-79(20)(p) to allow for a minimum rear yard building setback of ten (10) feet for townhouse patio structures only, in lieu of twenty (20) feet;

on the described property; subject to the following conditions:

1. Development shall conform to the Econ Trails Planned Development / Land Use Plan (PD/LUP) dated "Received May 31, 2016," and shall comply with all

applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, 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 May 31, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County

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

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Right-of-way for Econlockhatchee Trail shall be dedicated at no cost to Orange County prior to or concurrently with the county's approval of the plat.
7. 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.
8. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
9. 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.
10. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.

11. The Developer shall obtain water and wastewater service from Orange County Utilities.
12. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
13. Ground and fascia signs shall comply with Chapter 31.5-73 of the Orange County Code.
14. 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 May 5, 2016.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 9 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits
 - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
 - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
15. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-79(20)(j) to allow for a front-to-front or rear-to-rear minimum distance townhouse building separation of forty (40) feet, and a rear-

to-rear minimum distance patio structure separation for townhomes of twenty (20) feet; in lieu of sixty (60) feet;

- b. A waiver from Section 38-79(20)(l) to allow for a minimum townhouse dwelling unit width of sixteen (16) feet, in lieu of twenty (20) feet; and
- c. A waiver from Section 38-79(20)(p) to allow for a minimum rear yard building setback of ten (10) feet for townhouse patio structures only, in lieu of twenty (20) feet.

16. If deemed appropriate by the County, the project shall interconnect to adjacent properties at the time of Preliminary Subdivision Plan (PSP) review.

Substantial Change

11. Mark Clayton, Chickasaw Property, LLC, Expressway Center Planned Development/Land Use Plan (PD/LUP), Case # CDR-16-03-099; District 3

Applicant: Mark Clayton, Chickasaw Property, LLC, Expressway Center Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-03-099

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

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

Court Reporter: Tracy L. Hansen, Orange Legal

The following persons addressed the Board:

- Rebecca Wilson
- Richard Sauer
- Yeline Goin
- Jeannette Gabay

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

- Exhibit 1, from Rebecca Wilson
- Exhibit 2, from Richard Sauer

- Exhibit 3, from Rebecca Wilson

Board discussion ensued.

Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board continued the public hearing until October 18, 2016, at 2 p.m.

12. Robert Grassman, Bowman Consulting, South Park Planned Development/Land Use Plan (PD/LUP), Case # CDR-16-05-184, amend plan; District 6

Applicant: Robert Grassman, Bowman Consulting, South Park Planned Development / Land Use Plan (PD / LUP) – Case # CDR-16-05-184

Consideration: Substantial change request to increase commercial entitlements from 672,236 to 674,436 square feet (an increase of 2,200 square feet); pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 6; property located at 8421 South John Young Parkway; generally located east of John Young Parkway and west of South Park Circle; Orange County, Florida (legal property description on file)

• MEMBER EXITED: Commissioner Edwards

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

Motion/Second: Commissioners Siplin/Nelson

Absent: Commissioner Edwards

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 Robert Grassman, Bowman Consulting, South Park Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-05-184, to increase commercial entitlements from 672,236 to 674,436 square feet (an increase of 2,200 square feet); which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the South Park Planned Development / Land Use Plan (PD / LUP) dated "Received August 4, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and

regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received August 4, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 6, 2015, shall apply:
 - a. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
 - b. A waiver from Orange County Code Section 38-1476 is granted to allow four (4) parking spaces for each 1,000 square feet of commercial shopping centers with over 50,000 square feet, in lieu of the requirement for 5 spaces for each 1,000 square feet of commercial for shopping centers with over 50,000 square feet.
 - c. The Developer shall obtain wastewater service from Orange County Utilities.
 - d. New pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
 - e. Outside sales, storage, and display shall be prohibited.
 - f. A liquor license is not authorized with this approval; applicant must meet applicable requirements.
13. Kurt Ardaman, Fishback Dominick, Chancellor at Windermere Planned Development/Land Use Plan (PD/LUP), Case # CDR-14-12-361, amend plan; District 1

Applicant: Kurt Ardaman, Fishback Dominick, Chancellor at Windermere Planned Development / Land Use Plan (PD/LUP) – Case # CDR-14-12-361

Consideration: A PD Substantial change request to modify existing design, architectural, and signage standards in order to provide for more specific development opportunities and end users, while maintaining existing development entitlements for 49,999 square feet of retail / office. The request would also permit restaurants without a drive through or walk-up window as an "Office" use; establish a definition for a "Farmers Market"; modify a previously approved conceptual site layout; refine building and signage elevations / dimensions; and provide for limited outdoor storage and display of retail merchandise (a C-2 use). Additionally, the applicant has requested the following waiver and variance from Orange County Code:

- 1) A waiver from Section 24-4(i) to allow a merchandise display area (garden center) to be fenced with a rural-style picket fence or split rail fence, in lieu of a vinyl coated chain-link or other decorative metal fencing.
- 2) A variance from Section 38-1415 to allow restaurants of the quality desired by the community, and located within one-thousand (1,000) feet an established school, to serve alcoholic beverages for on-premises consumption 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 located at 5799 Winter Garden Vineland Road; or generally located at the northeast intersection of Winter Garden Vineland Road (CR 535) and Fiquette Road (legal property description on file)

- MEMBER RE-ENTERED: Commissioner Edwards

The following persons addressed the Board:

- Kurt Ardaman
- Kevin Skorman
- Ricardo Cumberbatch
- Hooman Hamzehloui
- Jose Echevarria
- Michael Wytiaz
- Matthew Peach

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

County staff indicated that the Development Review Committee recommended approval excluding the variance regarding alcohol separation. The applicant concurred with Staff's recommendation to exclude the variance as part of the request.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Kurt Ardaman, Fishback Dominick, Chancellor at Windermere Planned Development / Land Use Plan (PD/LUP), Case # CDR-14-12-361, to modify existing design, architectural update, and signage standards in order to provide for more specific development opportunities and end users, while maintaining existing development entitlements for 49,999 square feet of retail / office; further, also permit restaurants without a drive through or walk-up window as an "Office" use; further, established a definition for a "Farmers Market"; further, modified a previously approved conceptual site layout; further, refined building and signage elevations / dimensions; further, provided for limited outdoor storage and display of retail merchandise (a C-2 use); and further, the applicant has requested the following waiver from Orange County Code:

1. A waiver from Section 24-4(i) to allow a merchandise display area (garden center) to be fenced with a rural-style picket fence or split rail fence, in lieu of a vinyl coated chain-link or other decorative metal fencing;

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

1. Development shall conform to the Chancellor at Windermere Planned Development / Land Use Plan (PD / LUP) dated "Received August 12, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received August 12, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving

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

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

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

6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
7. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
8. Prior to the issuance of any vertical building permits, the property shall be platted.
9. 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.
10. A current Level One (1) Environmental Site Assessment (ESA) shall be submitted to the County for review and approval, as part of the Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) initial submittal.
11. The project shall be limited to one (1) drive-through that is not associated with a restaurant.
12. Outdoor storage and display of merchandise (a C-2 use) shall be permitted during standard business hours of operation, provided that pedestrian walkways are unblocked, and provided that it lies within 20 feet of the front wall of the building in which the principal use occurs.
13. A waiver from Orange County Code Section 24-4(i) is granted to allow a merchandise display area (garden center) to be fenced with a rural-style picket fence or split rail fence, in lieu of a vinyl coated chain-link or other decorative metal fencing.
14. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 6, 2011, shall apply:
 - a. Community meetings shall be required in the event any substantial or non-substantial change is proposed for the Land Use Plan or the Development Plan(s).

- b. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5, with the exception of a waiver from Section 31.5-67 to allow for three (3) ground signs, six (6) feet in height in lieu of twelve (12) feet, with a maximum of eighty (80) square feet per sign face in lieu of one hundred twenty (120) square feet. The ground signs shall only designate the shopping center and not individual stores / businesses within the PD

Sidewalk signs shall consist of freestanding, double-sided temporary signs placed at the entrance to a business in a primarily pedestrian environment.

- 1) Sidewalk signs shall be permitted only during business hours.
 - 2) One (1) sidewalk sign shall be permitted for each business.
 - 3) Sidewalk signs shall not exceed 42 inches in height or 26 inches in width.
 - 4) Sidewalk signs shall be moved inside during high winds or other weather conditions that might pose a hazard to public safety.
- c. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 - d. Special events shall be limited to a maximum of twelve (12) per year.
 - e. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 - f. Commercial shall be limited to a maximum of 40,000 gross square feet. Office uses within the site shall be limited to a maximum of 9,999 gross square feet.
 - g. In the event that a school is constructed on the adjacent parcel, no vehicular access shall be permitted through this site to Winter Garden Vineland Road.
 - h. A waiver from Orange County Code Section 38-1603 and Section 38-1272(3)(b) is granted to reduce the street setback along Winter Garden Vineland Road to twenty (20) feet in lieu of forty (40) feet.
 - i. The text of the Land Use Plan controls in the event of a conflict with the graphics.
 - j. Two (2) checkered rows of at least three (3) inch caliper Laurel Oak trees shall be planted no more than thirty (3) feet on center adjacent to the eastern border with the Oxford Moor subdivision. A westerly third row of either Laurel Oaks or Cypress trees along this buffer is required.

14. Jim Hall, VHB, Inc., Eagle Creek Planned Development/Land Use Plan (PD/LUP), Case # CDR-16-05-185, amend plan; District 4

Applicant: Jim Hall, VHB, Inc., Eagle Creek Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-05-185

Consideration: PD substantial change request to redesignate one existing commercial tract on the PD/LUP as a residential sales center, while further limiting the types of commercial uses permitted within a separate commercial tract to uses that are "complimentary to an adjacent school" (i.e. day care, learning center, etc.). No changes to existing development entitlements 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 4; property generally located East side of Narcoossee Road, south of Tyson Road, west of Kirby Smith Road, and north of Clapp Simms Duda Road; Orange County, Florida (legal property description on file)

- RELINQUISHED CHAIR

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

- MEMBER EXITED: Commissioner Siplin

The following person addressed the Board: Jim Hall.

Motion/Second: Commissioners Thompson/Clarke

Absent: County Mayor Jacobs; Commissioner Siplin

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 Jim Hall, VHB, Inc., Eagle Creek Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-05-185, to redesignate one existing commercial tract on the PD/LUP as a residential sales center, while further limiting the types of commercial uses permitted within a separate commercial tract to uses that are "complimentary to an adjacent school" (i.e. day care, learning center, etc.). No changes to existing development entitlements 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 Eagle Creek Planned Development / Land Use Plan (PD / LUP) dated "Received July 14, 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 July 14, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of)

development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Use of the sales trailer shall be temporary and shall expire two years from the date of BCC approval.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 26, 2016, shall apply:
 - a. A waiver from Orange County Code Section 38-79(20)(k) is granted to allow single-family attached structures to have a 5-foot side setback between structures, in lieu of a 10-foot side setback (with a 20-foot building separation); and a four (4) foot side setback, in lieu of a ten (10) foot side setback for Village L Phase 3 only.
 - b. A waiver from Orange County Code Section 38-1254(2) is granted to allow a 5-foot street front setback and a 10-foot street side setback for single-family attached lots and a 10-foot street front and street side setback for multi-family units, in lieu of the required 20 feet; and a seven (7) foot street side setback for single-family attached lots, in lieu of the twenty (20) foot rights-of-way setback for Village L Phase 3 only.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 25, 2015, shall apply:
 - a. A copy of the vested rights certificate for this project shall be presented prior to construction plan submittal.
 - b. 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.

- c. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
- d. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- e. Outside sales, storage, and display shall be prohibited.
- f. Prior to approval of any PSP related to the Eagle Creek Southern Master Plan Area, the portion(s) of the underlying land of the north/south equestrian trail corridor, owned by Eagle Creek and GCB Associates, shall be conveyed (fee simple) to Orange County, in accordance with the Orange County Administrative Regulations. Orange County further reserves the right to refuse acceptance of either parcel at any time, for any reason. The conveyance of the land must comply with County Administrative Regulations and be at no cost to the County. A donation agreement shall accompany the property donation to ensure the rights and responsibilities of all parties, in perpetuity.
- g. The plant material to be used in the landscape program of common areas shall be comprised of native and Florida Friendly drought tolerant selections. Plant materials shall be selected and maintained using the SFWMD Xeriscape Plant Guide, or other similar resource, to the maximum extent practicable to document this compliance.
- h. Where surface runoff from the developed lots or the golf course is expected to be received directly to the lands of the upland/wetland corridor, an environmental berm and swale will be provided upland of the conservation/wetland buffer area. The conservation area impact permit for that area will document the specifications as required for standard stormwater design. Some design considerations for exceptions are detailed in the conservation area impact permit. The berm and swale will be included on the plat as a pollution abatement easement distinct from the conservation easement/tract.
- i. The Tindall Road multi-use buffer area is adjacent to the southern right-of-way of Tindall Road and includes the areas east and west of that right-of-way that serves as the boundary to the Rural Settlement Area of this modification and

shall be preserved as detailed in the Conservation Area Impact permit and the ELSP.

This multi-use buffer shall: accommodate a portion of the equestrian trail, preserve habitat for the Florida sandhill crane nesting and foraging and inclusion of the Sherman's Fox Squirrel habitat and the oak hammock adjacent to wetland #3, preserve separation through landscape/visual buffering from the Rural Settlement Area (RSA), allow passive recreation only, and provide drainage. The buffer area will continue this design along the areas east and west of the Tindall Road right-of-way but serving to separate Eagle Creek from the RSA and achieve the environmental goals of the original Development Order and the ELSP.

- j. 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.
- k. 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).
- l. The applicant shall comply with Orange County Code Chapter 15, "Environmental Control," Article XVIII, "Environmental Land Stewardship," known as the Environmental Land Stewardship Program (ELSP). The current request is a substantial change to the PD-LUP and is therefore subject to this article (see Section 15-824, "Applicability and exemptions") and shall follow Section 15-825, "Processing of development applications."
- m. In order to minimize impacts to the roadway network, parcels within the project shall, subject to environmental constraints, be interconnected to the maximum extent feasible as determined by Orange County. The project will generally be connected to existing neighborhoods and will tie into local streets, where feasible and as deemed appropriate by Orange County. The Developer shall cooperate with any city or county supported efforts to continue roadways from or through the project with other roadway facilities that are hereafter endorsed by Orange County or Osceola County.
- n. The Developer shall provide park and ride spaces on site or, alternatively, it may purchase and construct off site spaces for use as a rideshare lot to lessen the overall impacts on regional roadways. Spaces for at least 100 vehicles shall be provided and may be shared with parking for commercial land uses. The park and ride spaces shall be proximate to the bus transit stops when established. Park and ride spaces shall be aggregated into groupings of not less than twenty (20) spaces per designated park and ride area, which shall be

indicated with appropriate signage. The Developer shall coordinate with Orange County, the Florida Department of Transportation (FDOT), and LYNX to accomplish these requirements at the time of site development.

- o. Eagle Creek Development Corporation shall allow Orange County Public Schools to install the necessary crosswalk, signage, and striping with the completion of the Eagle Creek Elementary School.
- p. A waiver from Orange County Code Section 38-1258(a) is granted to allow a maximum multi-family building height of 3 stories / 50 feet for all buildings within twenty-five (25) feet to one-hundred (100) feet of single family zoned property, in lieu of maximum multi-family building height of one (1) story when within one-hundred (100) feet of single-family zoned property, for areas designated as Future Residential only.
- q. A waiver from Orange County Code Section 38-1258(b) is granted to allow a maximum multi-family building height of 3 stories / 50 feet for all buildings within one-hundred (100) to one-hundred fifty (150) feet of single family zoned property, in lieu of the requirement that multi-family buildings located within one-hundred (100) and one-hundred fifty (150) feet of single family zoned property vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories [not to exceed forty (40) feet] in height with the remaining buildings being one (1) story or two (2) stories in height, for areas designated as Future Residential only.
- r. A waiver from Orange County Code Section 38-1258(d) is granted to allow a maximum multi-family building height (including all architectural features) of 3 stories / 50 feet when the multi-family is located above commercial buildings only, in lieu of a maximum multi-family building height of three (3) stories or forty (40) feet, for areas designated as Future Residential only.
- s. A waiver from Section 38-1501 is granted to allow a minimum lot width of thirty-two (32) feet, in lieu of forty-five (45) feet; and a minimum side yard setback of four (4) feet, in lieu of five (5) feet for the thirty-two (32) foot wide lots only, for areas designated as Future Residential only. Air conditioning units shall not be allowed within the 4' side yard setback.
- t. The following waivers from certain provisions of Orange County Code Section 31.5-67 (Ground Signs) are granted:
 - 1) Waivers from Sections 31.5-67(e) and (f) to allow a maximum number of two (2) ground signs on a "tract" with a "private right-of-way" frontage in excess of four hundred (400) linear feet within Lots 2B and 3B only, in lieu of the requirement for a maximum number of one (1) ground sign per parcel, and two (2) ground signs on a "parcel" with a right-of-way frontage in excess of four hundred (400) linear feet; and

- 2) A waiver from Section 31.5-67(j) to allow multi-tenant ground signs to be erected within a median along Parcel N only, in lieu the requirement that a ground sign shall not be erected on unimproved property.
 - u. 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.
 - v. 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.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 8, 2013, December 3, 2002, and December 11, 2001, shall apply:
- a. The additional access driveway into the PD at Village M shall be aligned with the existing median opening and existing left turn lane at Narcoossee Road. The PSP or DP for Village M shall verify this alignment.
 - b. The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
 - c. Prior to the platting of Village L PSP, an agreement shall be executed providing for an adequate outfall from Eagle Creek to Lake Hart.
 - d. A waiver from Orange County Code Section 38-1254(1) is granted to allow a minimum twenty (20) foot setback from all boundaries of the PD for one-story and two-story residential units within PD Parcel "M" only, in lieu of a minimum twenty-five (25) foot setback.
 - e. A waiver from Orange County Code Section 38-1254(2) is granted to allow a minimum twenty (20) foot setback from an arterial street (Narcoossee Road) within PD Parcel "M" only, in lieu of a minimum fifty (50) foot setback.
 - f. A waiver from Orange County Code Section 38-1258(b) is granted to allow a maximum building height, including all architectural features, of three (3) stories and fifty (50) feet for buildings located between one-hundred (100) feet and one-hundred fifty (150) feet from single family zoned property within PD Parcel "M" only, in lieu of requiring that the buildings vary in height with a maximum of fifty percent (50%) of the buildings being three (3) stories, not exceeding forty (40) feet in height and the remaining buildings being one (1) story and two (2) stories in height.

- g. A waiver from Orange County Code Section 38-1258(c) is granted to allow a maximum building height, including architectural features, of three (3) stories and fifty (50) feet for buildings located one-hundred (100) feet or greater from single-family zoned property within PD Parcel "M" only, in lieu of three (3) stories or forty (40) feet in height for buildings located within one-hundred and fifty (150) feet of single family zoned property.
 - h. A waiver from Orange County Code Section 38-1258(d) is granted to allow a maximum building height, including architectural features, of three (3) stories and fifty (50) feet within PD Parcel "M" only, in lieu of three (3) stories and thirty-five feet.
 - i. A waiver from Orange County Code Section 38-1272(3) is granted to allow a twenty (20) foot setback along the perimeter of a PD that is adjacent to an arterial road for office buildings within PD Parcel "M" only, in lieu of a minimum setback for general commercial development of forty (40) feet along the perimeter of a PD that is adjacent to an arterial road.
 - j. A waiver from Section 38-79(20)(j) is granted to allow a minimum distance between buildings (rear-to-rear) of forty (40) feet with PD Parcel "L" only, in lieu of sixty (60) feet.
10. All previous applicable BCC Conditions of Approval, dated November 23, 2010, shall apply:
- a. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
 - b. A waiver from Orange County Code Section 38-1254(l) is granted to allow single-family height of 35 feet and 3 stories in lieu of 35 feet and 2 stories.
 - c. A waiver from Orange County Code Section 38-1258(a) & (b) is granted to allow multi-family buildings of 3 stories and 40 feet within 25 feet of single-family in lieu of the required 100-foot / 150-foot building setback requirement.
 - d. A waiver from Orange County Code Section 38-1258(d) is granted to allow multi-family buildings in Parcel M to be 45 feet in height (and to allow architectural features up to 65 feet in height) in lieu of 40 feet when the residential uses are located on top of commercial uses.
 - e. A waiver from Orange County Code Section 38-1258(e) is granted to allow parking and other paved areas 5 feet from single-family zoned property in lieu of the required 25 feet.

- f. A waiver from Orange County Code Section 38-1258(f) is granted to eliminate the 6-foot wall requirement between single-family and multi-family development.
 - g. A waiver from Orange County Code Section 38-1258(i) is granted to eliminate the fence requirement along the right-of-way when single-family is located across a right-of-way.
 - h. A waiver from Orange County Code Section 38-1258(j) is granted to allow a 20-foot building separation between 3-story height multi-family buildings in lieu of the required 40 feet.
 - i. A waiver from Orange County Code Section 38-1272(a)(3) is granted to allow commercial / office and mixed use buildings to have a 15-foot setback from non-major right-of-ways in lieu of the required 30 feet.
 - j. A waiver from Orange County Code Section 38-1272(a)(5) is granted to allow architectural features, such as corner towers, on commercial buildings to extend to a maximum height of 65 feet (3-stories) in order to achieve design flexibility in the mixed use Village Center area.
 - k. A waiver from Orange County Code Section 38-1501 is granted to allow a front porch setback of 15 feet for detached single-family and zero (0) feet for attached single-family in lieu of the required 20 feet.
 - l. A waiver from Orange County Code Section 38-1501 is granted to allow front building setbacks for attached single-family to be 5 feet in lieu of 20 feet.
 - m. A waiver from Orange County Code Section 38-1501 is granted to allow townhouses to have a second story porch balcony setback of zero (0) feet in lieu of 20 feet.
 - n. No development is permitted that will cause the cumulative external peak hour trips to exceed 1,805 until the mitigation required for Phase 2A is complete or agreed by binding agreement.
 - o. No development is permitted that will cause the cumulative external peak hour trips to exceed 2,166 until the mitigation required for Phase 2B is complete or agreed by binding agreement and until the M&M Study required for Phase 3 is completed.
11. All applicable previously-approved Conditions of Approval, including those dated December 16, 2008, shall apply:
- a. Architectural Review Committee. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing Covenants, Conditions, and Restrictions

(CC&Rs) for the property being platted. Orange County Attorney's Office shall review and approve the proposed CC&Rs. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision for an Architectural Review Committee and incorporating the design requirements found on the LUP and the Eagle Creek Design Guidelines Booklet and all its appendices as amended and incorporated into the revised Land Use Plan.

The provision of the CC&Rs incorporating the above-referenced requirements shall not be amended, removed, or superseded without the prior approval of the BCC, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.

Furthermore, the CC&Rs shall provide that the homeowners' association and any person owning property in the development have the right to enforce these requirements in the event they are violated.

Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.

- b. 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. In addition to complying with those minimum requirements, the declaration of covenants, conditions and restrictions required to be recorded simultaneous with the recording of the plat shall include terms requiring the establishment and maintenance of a fifth HOA account for the cost of storm debris removal from the subdivision infrastructure, consistent with the terms relating to the other four HOA accounts set forth in Section 34-290(8)a-d; and with respect to such fifth HOA account, the declaration shall provide requirements, restrictions, terms, conditions, and limitations consistent with the terms relating to the other four HOA accounts set forth in Section 34-291. Furthermore, prior to turning over control of the infrastructure to the HOA, the developer shall pre-fund this fifth HOA account in an amount sufficient to cover the estimated cost of debris removal for a single hurricane, which amount shall be approved by the County Engineer.
- c. Prior to construction plan approval, master water, stormwater, reclaimed water, and wastewater plans, including preliminary calculations, shall be approved.
- d. The "Compatibility Plan," dated "Received December 4, 2002," and the clarifications introduced at the December 11, 2001, public hearing is approved by the BCC. (Note: The Compatibility Plan has been updated and integrated into the Land Use Plan dated "Received October 22, 2012.")

12. All applicable previously-approved Conditions of Approval, including those dated December 3, 2002, shall apply:
 - a. No residential development may occur until:
 - 1) Eagle Creek Development Corporation shall comply with all the provisions of the Memorandum of Agreement (MOA) and the Comprehensive Agreement by the School Board of Orange County, Florida, and the Eagle Creek Development Corporation.
 - 2) Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the Eagle Creek Development Corporation is in default or breach of the MOA and/or the Comprehensive Agreement, the County shall immediately cease issuing building permits for any residential development in Eagle Creek DRI/PD. The County shall again begin issuing building permits upon OCPS written notice to the County that Eagle Creek Development Corporation is no longer in breach or default of the MOA and/or the Comprehensive Agreement. The Eagle Creek developer, or its successors or assigns under the MOA, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the actions of ceasing the County's issuance of residential building permits.
 - 3) Eagle Creek Development Corporation, or its successors or assign under the MOA and the Comprehensive Agreement, agrees that it shall not and is estopped from claiming in any future litigation that the County's enforcement of any of these conditions of approval to the Eagle Creek Planned Development are illegal, improper, unconstitutional, or a violation of Eagle Creek Development Corporation's property rights.
 - 4) The Eagle Creek developer shall not apply for more than 104 residential building permits until the Eagle Creek developer posts the capital contribution security with Orange County Public Schools in accordance with the MOA.
 - 5) Orange County shall be held harmless by the Eagle Creek developer or its successors or assign under the MOA and the Comprehensive Agreement, and the OCPS in any dispute between Eagle Creek developer and OCPS over any interpretation or provision of the MOA.
13. All applicable previously-approved Conditions of Approval, including those dated December 11, 2001, shall apply:
 - a. Approval and execution of the right-of-way agreement between Eagle Creek Development Corporation and Orange, County, Florida.

15. Miranda Fitzgerald, Lowndes, Drosdick Doster Kantor & Reed, P.A., National Spa and Resort Planned Development/Land Use Plan (PD /LUP), Case # CDR-16-04-117, amend plan; District 1

Applicant: Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., National Spa and Resort Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-117

Consideration: A PD substantial change request to add multi-family residential as a permitted use; add multi-family residential development standards; add multi-family residential and personal self-storage uses to the land use conversion table; and amend the existing development program by using the land use conversion table to convert 329 timeshare units into 286 multi-family residential dwelling units. In addition, the following waiver from Orange County Code has been requested:

1. A waiver from Section 38-1258(d) to allow for a maximum multi-family residential building height of six (6) stories / eighty-seven (87) feet, in lieu of a maximum multi-family building height of three (3) stories / forty (40) feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property located at 9200 Turkey Lake Road; generally located west of Turkey Lake Road and south of Sand Lake Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Jay Jackson.

Motion/Second: Commissioners Boyd/Thompson

Absent: County Mayor Jacobs; Commissioner Siplin

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., National Spa and Resort Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-117; further, added multi-family residential as a permitted use; further, added multi-family residential development standards; further, added multi-family residential and personal self-storage uses to the land use conversion table; further, amended the existing development program by using the land use conversion table to convert 329 timeshare units into 286 multi-family residential dwelling units; and further, the following waiver from Orange County Code was requested:

1. A waiver from Section 38-1258(d) to allow for a maximum multi-family residential building height of six (6) stories / eighty-seven (87) feet, in lieu of a maximum multi-family building height of three (3) stories / forty (40) feet;

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

1. Development shall conform to the National Spa and Resort Planned Development / Land Use Plan (PD / LUP) dated "Received July 28, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 28, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD/LUP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Pole signs and new billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
7. Short term rental shall be prohibited within the multi-family portion of the PD. Residential length of stay shall be for 180 days or greater.
8. Outside sales, storage, and display shall be prohibited.
9. 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 June 28, 2016.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 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, 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. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
 11. 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.
 12. 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 structures. Any person desiring to construct any of these structures shall apply for an Orange County Dock Construction Permit. 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 installation.
 13. A waiver from Orange County Code Section 38-1258(d) is granted to allow for a maximum multi-family residential building height of six (6) stories / eighty-seven (87) feet, in lieu of a maximum multi-family building height of three (3) stories / forty (40) feet.

14. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and / or tracts anticipated to be dedicated to the County and / or to the perpetual use of the public.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 14, 2014, shall apply:
 - a. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed waste water and reclaimed water systems have been designed to support the PD.
 - b. 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.
 - c. The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
 - d. A waiver from Orange County Section 38-1501 is granted to allow for a zero (0) foot building setback from the normal high water elevation contour of "Boo Boo Lake" in lieu of a required minimum fifty (50) foot building setback from the normal high water elevation.
 - e. A twenty (20) foot wide transit easement shall be required for Turkey Lake Road.
 - f. Project shall fully comply with the Orange County "Big Box" Ordinance, #2007-01.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 19, 1997, shall apply:
 - a. Use of motorized craft (i.e., power boats, jet skis, etc.) shall be prohibited on Big Sand Lake. Motorized vessels shall not be launched from the property.
 - b. An access at the southern boundary is approved; however, the details of this access will be reviewed at the development plan submittal.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

16. Eric Warren, Poulos & Bennett, LLC, Springhill Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-07-198, amend plan; District 1

Applicant: Eric Warren, Poulos & Bennett, LLC, Springhill Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-07-198

Consideration: A Change Determination Request (CDR) to the Springhill PD/LUP by amending the land use designation of PD Parcel 45 from Apartment District (APT) to Village Home District (VHD), and updating related site datum tables. This amendment reduces the required residential yield with the Parcel from 285 to 88 dwelling units (a net reduction of 197 dwelling units) pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located South of Seidel Road / East of Avalon Road; Orange County, Florida (legal property description on file)

and

- COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

3. Approval and execution of First Amendment to Springhill PD Adequate Public Facilities and Impact Fee Credit Agreement (Village H) by and among Lennar Homes, LLC, Columar Partnership Holding I, LLC, Spring Grove, LLC, Avalon Properties, LTD, Spring Grove Properties, LLC and Orange County. District 1. (Development Review Committee)

County staff noted that PD Parcel 45 is being reduced from 262 to 82 units.

The following person addressed the Board: Heather Himes.

- MEMBERS RE-ENTERED: County Mayor Jacobs; Commissioner Siplin

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 Eric Warren, Poulos & Bennett, LLC, Springhill Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-07-198, to a Change Determination Request (CDR) to the Springhill PD/LUP by amending the land use designation of PD Parcel 45 from Apartment District (APT) to Village Home District (VHD), and updating related site datum tables. This amendment reduces the required residential yield with the Parcel from 262 to 82 dwelling units (a net reduction of 180 dwelling units); which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Springhill Planned Development / Land Use Plan (PD/LUP) dated "Received August 24, 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 of this land use plan and the land use plan dated "Received August 24, 2015" the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan / Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must

show a legend with trip allocations by parcel identification number and phase of the development.

5. The applicant is required to coordinate with the Road Agreement Committee regarding ROW for the widening of Avalon Road.
6. All home designs and types proposed with any subsequent Preliminary Subdivision Plan (PSP) shall be submitted to the County for setback and architectural review a minimum of 90 days prior to model home requests and/or permitting.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 14, 2014:
 - a. A waiver from Orange County Code Section 38-1385.8(b)(9)(a) is granted to allow for a minimum front porch setback of seven (7) feet in the Garden Home Mixed Use District, in lieu of the required minimum front porch setback ten (10) feet.
 - b. A waiver from Orange County Code Section 38-1387.1(a)(7) is granted to allow the minimum 30% open space of each townhouse development to be distributed throughout the respective Preliminary Subdivision Plan (PSP), in lieu of having to provide the 30% open space within the townhouse development only. In no case, shall a deficit of required park and open space acreage occur collectively within the PSP land use districts.
 - c. All previous applicable BCC Conditions of Approval, dated April 9, 2013, shall apply:
 - 1) 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.
 - 2) A Master Utility Plan (MUP) consistent with Village H MUP shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.
 - 3) The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 - 4) The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PO and to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connection to the build-out points of connection approved in the Village H Master Utilities Plan (MUP).

- 5) Prior to construction plan approval, all property owners within Village H, excluding public entities, shall be required to sign an agreement between the parties, addressing their proportionate share of funds for the costs of the offsite and onsite master utilities, sized to Village H requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement, provided master utilities sized for Village requirements are constructed.
- 6) A five acre APF for a water facility and a one acre APF for a wastewater facility within Village H shall be identified prior to the approval of the first PSP within Village H and dedicated to the County prior to approval of the first construction plan set within Village H.
- 7) Payment of 500 ERUs (wastewater) and 500 ERCs (water) are due prior to construction plan approval for the first construction plan set within Village H unless previously satisfied by another Village H Parcel. Alternatively, property owners may elect to enter into an agreement with Orange County to construct, with the first set of construction plans, the utility improvements beyond what is required by the Village H Master Utility Plan.
- 8) Waivers from Orange County Code:
 - a) A waiver is granted from Section 38-1253(c) to allow for on-street parking for recreational areas in lieu of off-street parking.
 - b) A waiver is granted from Section 38-1384(f)(1) to eliminate the requirement of each block face having at least two (2) distinct lot sizes excluding the end units.
 - c) A waiver is granted from Section 38-1385.7(b)(2) within the Garden Home Mixed Use District to allow an average lot size of three thousand eight hundred and forty (3,840) feet in lieu of six thousand (6,000) feet.
 - d) A waiver is granted from Section 38-1385.7(b)(4) within the Garden Home Mixed Use District to allow a minimum lot width of thirty-two (32) feet in lieu of forty (40) feet.
 - e) A waiver is granted from Section 38-1385.7(b)(9)(b) within the Garden Home Mixed Use District to allow a four (4) foot side yard setback in lieu of five (5) feet.
 - f) A waiver is granted from Section 38-1386(b)(2) within the Village Home District to allow an average lot size of three thousand eight hundred and forty (3,840) feet in lieu of four thousand two hundred (4,200) feet.

- g) A waiver is granted from Section 38-1386(b)(4) within the Village Home District to allow a minimum lot width of thirty-two (32) feet in lieu of thirty-five (35) feet.
 - h) A waiver is granted from Section 38-1386(b)(10)(a) within the Village Home District to allow a seven (7) foot front porch setback in lieu of ten (10) feet.
 - i) A waiver is granted from Section 38-1386(b)(10)(b) within the Village Home District to allow a four (4) foot side yard setback in lieu of five (5) feet.
 - j) A waiver is granted from Section 38-1387.1(9)(a) within the Townhouse District to allow a seven (7) foot front porch setback in lieu of ten (10) feet.
- 9) At the time of approval of a plan for a single-family detached residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions, and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
- a) The same front facade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street, and shall be separated by at least 2 units with different facades.
 - b) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front facade of the main body of the house shall not exceed 40 feet in length, except for wings of "L"s which are setback from the front facade. In no case shall more than 50 percent of the front facade of a house consist of an unobstructed block wall or garage door.
 - c) At least 50 percent of all single-family residential units 75' in width or less shall have a front porch. A front porch shall be a minimum of 7 feet in depth; 8 feet in width and cover a minimum 10 feet in width or 1/3 of the front facade, whichever is greater.
 - d) Flat roofs shall be prohibited.
 - e) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet, 6 inches, and be limited to decorative wrought iron or wood picket style. The provisions of the CC&Rs incorporating the above referenced

requirements shall not be amended, removed, or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect. Furthermore, the CC&Rs shall provide that the homeowner's association and any person owning property in the development have the right to enforce these requirements in the event they are violated. Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.

- 10) Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- 11) 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 platting. Nothing in this condition, and nothing in the decision to approve this plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
- 12) The following public education-related Conditions 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 08/16/06, and amended on 4/29/08 and 06/24/08, and all future amendments.
 - 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 199 residential units allowed under the zoning existing prior to the approval of the PO zoning. The County shall begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - c) Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future

litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of 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) At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- f) An APF agreement shall be scheduled simultaneously with this Land Use Plan.

and further, approved and executed the First Amendment to Springhill PD Adequate Public Facilities and Impact Fee Credit Agreement (Village H) by and among Lennar Homes, LLC, Columnar Partnership Holding I, LLC, Spring Grove, LLC, Avalon Properties, LTD, Spring Grove Properties, LLC and Orange County.

17. Charles Whittall, Unicorp Companies, Orlando International Hotel Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-12-372, amend plan; District 6

Applicant: Charles Whittall, Unicorp Companies, Orlando International Hotel Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-12-372

Consideration: A PD substantial change request to add a helitour facility (*to be operated from atop an existing parking garage*) as a permitted use, and to modify the existing PD Master Sign Plan (MSP). The applicant has also requested the following waiver from Orange County Code:

- 1. A waiver from Section 31.5 to allow a "helicopter" architectural feature (tourist photo opportunity) without advertising copy or logo graphics; 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 6; property located at 8351 International Drive; or generally located east of International Drive, west of Universal Boulevard, and north of Via Mercado; Orange County, Florida (legal property description on file)

• REASSUMED CHAIR

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

The following persons addressed the Board:

- Chuck Whittall
- Rick Violette
- Carol Hubbard
- Alexandre Mestdagh
- Tom Shoriak
- Erika Duarte

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

- Exhibit 1, from Chuck Whittall
- Exhibit 2, from Erika Duarte

Board discussion ensued.

- MEMBER EXITED: Commissioner Boyd

Motion/Second: Commissioners Siplin/Thompson

Absent: Commissioner Boyd

AYE (voice vote): All present members

Action: The Board continued the public hearing until November 29, 2016, at 2 p.m.

Ordinance

18. Amending Orange County Code, Chapter 38, pertaining to General Amendments to Ch. 38 Zoning - 2nd hearing (1st hearing on August 23, 2016)

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, BY AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE

County staff noted the following changes to the proposed ordinance:

Page 113, beginning at line 4674

Sec. 38-1768

"(a)...(54) If the applicant is not the owner of the property, the applicant shall sign and produce a notarized statement attesting that the owner of the property has approved of or consented to the application for a permit ~~Written consent from the property owner to place the donation~~ collection bin on the property."

Page 114, beginning at line 4771:

Sec. 38-1769

"(k) A ~~donation~~ collection bin shall ~~only~~ be allowed as an accessory use in the Commercial and Industrial zoning districts. Also, until October 1, 2019, a collection bin shall be allowed as an accessory use in a multi-family zoning district where the multi-family development is gated and has at least one hundred (100) units, provided that the collection bin shall be located interior to the multi-family development and not clearly visible from the public right-of-way. On October 1, 2019, the portion of this subsection allowing collection bins in a multi-family district shall automatically expire."

Page 89, beginning at line 3876:

Sec. 38-1426

"(c) ~~(3)~~ The BZA/BCC may impose a conditions addressing compatibility, which may include prohibiting the accessory dwelling unit from being initially leased, rented or otherwise used or occupied by a nonrelative someone other than a relative. For purposes of this section, a "relative" is a lineal ascendant or lineal descendant of the owner of the lot or parcel where the primary single family dwelling is located (or of the owner's spouse). In the event a condition is imposed requiring that the accessory dwelling unit be initially occupied by a relative, the accessory dwelling unit may be occupied by a nonrelative three years after being initially occupied by a relative or after the relative has died, whichever occurs first."

Page 90, beginning at line 3920:

Sec. 38-1426

"(f)... (1) Ownership. The primary single-family dwelling unit and the accessory dwelling unit shall be under single ownership at all times. Also, ~~either~~ the primary dwelling unit or the accessory dwelling unit shall be occupied by the owner at all times. Approval of an accessory dwelling unit shall not and does not constitute approval for separate ownership ..."

Based upon input from the public, County staff noted the following changes to the proposed ordinance:

Boats and Recreational Vehicles:

Page 27, beginning at line 1199:

Sec. 38-79

(45)... b. The registered owner of the boat~~(s)~~ and/or boat trailer~~(s)~~ shall be the owner or lessee of the principal structure at the lot or parcel.

Page 28, beginning at line 1242:

Sec. 38-79

h. The owner of the recreational vehicle shall be the owner or lessee of the principal structure at the lot or parcel.

The following persons addressed the Board:

- Chuck Whittall
- Todd Pressman
- Young Chul Yim
- Marjorie Holt
- Seerina Farrell
- Admoun Dakhil
- Alex Nikitin
- Art Nicus
- Serpey Pershin (phonetic)
- Bassam Maali
- Bryan Knightly
- George Knightly
- Ashley Sarran
- Christopher Knightly
- Alan Borges
- Deborah Goodwin
- Kurt Ardaman
- Jess Bailes

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

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 Marjorie Holt.

Based upon input from Commissioner Edwards, Section 38-3 on page 8 was proposed not to be stricken but remain in the ordinance and read as follows:

Section 38-3

(h) Leasing of bedrooms. In a single-family dwelling, the leasing of bedrooms is prohibited unless the single-family dwelling is owner occupied.

Based upon input from Commissioner Nelson and noted by County staff, the following section was amended to read as follows:

Page 89, Line 3853:

Section 38-1426

(b) An accessory dwelling unit may be allowed on a lot or parcel as a special exception in any residential or agricultural zoning district (including a residential lot or parcel on an existing planned development). The accessory dwelling unit shall be an accessory use to the primary single-family dwelling unit and the primary single-family dwelling unit shall qualify as a homestead property. Only one (1) accessory dwelling unit may be permitted per lot or parcel. The accessory dwelling unit shall not be constructed prior to the construction and occupation of the primary dwelling unit.

Board discussion ensued.

Based upon consensus of the Board, Section 38-1414(b) and (c) on page 82 of the draft ordinance would not be modified and the 5,000 foot separation would remain. This issue would be tabled and discussed at a future Board meeting.

Motion/Second: Commissioners Edwards/Nelson

Absent: Commissioner Boyd

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, adopted Ordinance 2016-19, amending Orange County Code, Chapter 38, pertaining to General Amendments to Chapter 38 Zoning as presented (with permission to correct any scrivener's errors); with the following changes to the ordinance:

Page 113, beginning at line 4674:

Sec. 38-1768

"(a)...~~(54)~~ If the applicant is not the owner of the property, the applicant shall sign and produce a notarized statement attesting that the owner of the property has approved of or consented to the application for a permit ~~Written consent from the property owner to place the ~~donation~~ collection bin on the property.~~

Page 114, beginning at line 4771:

Sec. 38-1769

"(k) A ~~donation~~ collection bin shall only be allowed as an accessory use in the Commercial and Industrial zoning districts. Also, until October 1, 2019, a collection bin shall be allowed as an accessory use in a multi-family zoning district where the multi-family development is gated and has at least one hundred (100) units, provided that the collection bin shall be located interior to the multi-family development and not clearly visible from the public right-of-way. On October 1, 2019, the portion of this subsection allowing collection bins in a multi-family district shall automatically expire."

Page 89, beginning at line 3876:

Sec. 38-1426

"(c) (3) The BZA/BCC may impose a conditions addressing compatibility, which may include prohibiting the accessory dwelling unit from being initially leased, rented or otherwise used or occupied by a nonrelative someone other than a relative. For purposes of this section, a "relative" is a lineal ascendant or lineal descendant of the owner of the lot or parcel where the primary single family dwelling is located (or of the owner's spouse). In the event a condition is imposed requiring that the accessory dwelling unit be initially occupied by a relative, the accessory dwelling unit may be occupied by a nonrelative three years after being initially occupied by a relative or after the relative has died, whichever occurs first."

Sec. 38-1426

"(f)... (1) Ownership. The primary single-family dwelling unit and the accessory dwelling unit shall be under single ownership at all times. Also, either the primary dwelling unit or the accessory dwelling unit shall be occupied by the owner at all times. Approval of an accessory dwelling unit shall not and does not constitute approval for separate ownership or the division of the lot or parcel. Any request to divide the lot or parcel shall comply with and be subject to applicable laws, ordinances and regulations, including zoning regulations and access requirements."

Boats and Recreational Vehicles:

Page 27, beginning at line 1199:

Sec. 38-79

"(45)... b. The registered owner of the boat(s) and/or boat trailer(s) shall be the owner or lessee of the principal structure at the lot or parcel.

Page 28, beginning at line 1242:

Sec. 38-79

h. The owner of the recreational vehicle shall be the owner or lessee of the principal structure at the lot or parcel.

Page 8:

Section 38-3

(h) Leasing of bedrooms. In a single-family dwelling, the leasing of bedrooms is prohibited unless the single-family dwelling is owner occupied.

Page 89, Line 3853:

Section 38-1426

(b) An accessory dwelling unit may be allowed on a lot or parcel as a special exception in any residential or agricultural zoning district (including a residential lot or parcel on an existing planned development). The accessory dwelling unit shall be an accessory use to the primary single-family dwelling unit and the primary single-family dwelling unit shall qualify as a homestead property. Only one (1) accessory dwelling unit may be permitted per lot or parcel. The accessory dwelling unit shall not be constructed prior to the construction and occupation of the primary dwelling unit.

and further, directed staff to bring back recommended changes to the liquor separation component including evaluating a reciprocity revision before the end of the calendar year.

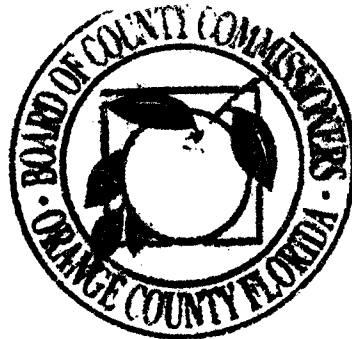
- ADJOURNMENT, 7:52 p.m.

ATTEST:



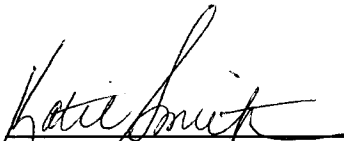
County Mayor Teresa Jacobs

Date: NOV 01 2016



ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk



Deputy Clerk