

BCC Mtg. Date: September 13, 2016

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, August 2, 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, Assistant
Deputy Clerk Jessica Vaupel, Senior Minutes Coordinator Noelia
Perez, Senior Minutes Coordinator Craig Stopyra

- CALL TO ORDER, 9:09 a.m.
- INVOCATION - Reverend Laura Viau, First Presbyterian Church of Apopka
- PLEDGE OF ALLEGIANCE
- RECOGNITION
County Mayor Jacobs recognized students of the Law and Government Explorers Post
450, chartered by Orange County Bar Association.
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Emily Bonilla
- Maria Bolton-Joubert
- Katrina Shadix
- Jonathan Blount

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

- COUNTY CONSENT AGENDA
- RELINQUISHED CHAIR
County Mayor Jacobs relinquished the Chair to Vice-Mayor Nelson.

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

- Deferred action on Administrative Services Department Items 9 and 10
- Deferred action on Community, Environmental and Development Services Department Item 3

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

County Comptroller

1. Approval of the minutes of the June 14, 2016, meeting of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
 - July 15, 2016, to July 21, 2016; total of \$28,421,351.75
 - July 22, 2016, to July 28, 2016; total of \$26,530,423.78.

(Finance/Accounting)

3. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. Scrap Asset.
- b. Demolish Assets.

County Tax Collector

1. Acceptance of the Tax Collector's Recapitulation of the Tax Roll for Orange County, Florida, 2015 and acceptance and execution of Tax Collector's Certification of the Tax Roll.
2. Approval of the extension of the tax roll prior to the completion of the 2016 Value Adjustment Board hearings.

County Administrator

1. Approval and execution of Resolution 2016-B-09 for the Issuance of Multi Family Housing Mortgage Revenue Bonds, to finance the acquisition and rehabilitation of Lake Weston Point Apartments, a proposed development in Unincorporated Orange County, Florida, District 2, in an amount not to exceed \$13,000,000. (Housing Finance Authority)
2. Approval of Collective Bargaining Agreement between Florida State Lodge Fraternal Order of Police - Lieutenants and Orange County, Article 18 - Wages for

Fiscal Year 2015-2016 and wage increase to ID#106445 retroactive to October 11, 2015. (Human Resources Division)

3. Approval of budget amendments #16-48, #16-49, #16-50, and #16-51. (Office of Management and Budget)
4. Approval of Ratification of payment of Intergovernmental claims of June 23, 2016 and June 30, 2016 totaling \$569,112.05. (Risk Management Division)

Administrative Services Department

1. Approval to award Invitation for Bids Y16-1061-JS, Title Services, to the sole responsive and responsible bidder, First American Title Insurance Company, in an estimated contract award amount of \$483,750 for the initial 3-year contract term. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Administrative Services Department Real Estate Management Division] Procurement Division)
2. Approval to award Invitation for Bids Y16-1071-LC, Plumbing Services, to the low responsive and responsible bidders Frank Gay Plumbing, Inc. as the primary contractor and Ellis Mechanical Corporation as secondary contractor for an overall total estimated annual contract award amount of \$1,000,000. Further, authorized the Procurement Division to renew the contracts for two additional 1-year periods. ([Administrative Services Department Facilities Management Division] Procurement Division)
3. Approval to award Invitation for Bids Y16-1085-PD, Landscape Maintenance Roads and Drainage Division, to the low responsive and responsible bidders, Begley's Cleaning Service, Inc. dba Millennium Grounds & Waters for Lot A in the estimated contract award amount of \$902,520 for a 1-year term contract and to Lawnwalker Services, Inc. for Lots B, C and D in the estimated contract award amount of \$1,973,283.50 for a 1-year term contract. Further, authorized the Procurement Division to exercise two 1-year options. ([Public Works Department Roads and Drainage Division] Procurement Division)
4. Approval to award Invitation for Bids Y16-769-PH, Rio Pinar Water and Wastewater System Improvements Package 5, to the low responsive and responsible bidder, Prime Construction Group, Inc. for the estimated contract award amount of \$6,249,999. ([Utilities Department Engineering Division] Procurement Division)
5. Approval of Amendment Number 4, Y15-152-ZM, BDM Pharmacy Application Licensing Support and Upgrades with BDM IT Solutions, in the amount of \$36,725, for a revised total contract amount of \$135,924. ([Health Services Department] Procurement Division)
6. Approval of Purchase Order M79937, Closed-Circuit Television (CCTV) Inspection

Vehicle to Elxsi Corp dba Cues, Inc., in the amount of \$374,400. ([Utilities Department Field Services Division] Procurement Division)

7. Approval and execution of Boat Dock Restriction Agreement between Waterford Pointe Homeowners' Association, Inc. and Orange County and authorization to record instrument for Semi-Private Boat Dock on Lake Roberts (Permit # BD-15-05-067). District 1. (Real Estate Management Division)
8. Approval and execution of Easement between Orange County and Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for 18925 Lansing Street, Orlando, FL 32833. District 5. (Real Estate Management Division)
9. Approval of Donation Agreement, Sidewalk Easement, and Right of Entry from LMC Properties, Inc., successor by merger with Orlando Central Park, Inc. and Orange County and authorization to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road). District 6. (Real Estate Management Division)

(This item was deferred.)

10. Approval of Donation Agreement, Sidewalk Easement, and Right of Entry from Lockheed Martin Corporation, f/k/a Martin Marietta Corporation, f/k/a The Martin Company, f/k/a The Glenn L. Martin Company and Orange County and authorization to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road). District 6. (Real Estate Management Division)

(This item was deferred.)

11. Approval of Warranty Deed from Ashton Orlando Residential, L.L.C. to Orange County and authorization to record instrument for Latham Park South OCU Permit: 13-S-059 OCU File #: 74605. District 1. (Real Estate Management Division)
12. Approval of Utility Easement between JY-TV Associates, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Wells Fargo Bank and authorization to record instruments for Promenade Grande Lakes Parcel 8C OCU Permit: B14903551 OCU File #: 80606. District 4. (Real Estate Management Division)
13. Approval of Utility Easement between Village Lake Retail LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from SunTrust Bank and authorization to record instruments for Retail at Village Lake Road NC OCU Permit: B15903715 OCU File #: 83846. District 1. (Real Estate Management Division)

14. Approval of Conservation and Access Easement between Country Run

Development, LLC and Orange County and authorization to record instrument for Terraces at Country Run Project #CAI-14-06-019. District 2. (Real Estate Management Division)

Community, Environmental and Development Services Department

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

LC 16-0650	LC 16-0649	LC 16-0628	LC 16-0356	LC 16-0623
LC 16-0651	LC 16-0676	LC 16-0653	LC 16-0598	LC 16-0626
LC 16-0678	LC 16-0677	LC 16-0636	LC 16-0614	LC 16-0629
LC 16-0087	LC 16-0681	LC 16-0637	LC 16-0615	LC 16-0630
LC 16-0520	LC 16-0683	LC 16-0298	LC 16-0617	LC 16-0631
LC 16-0571	LC 16-0686	LC 16-0661	LC 16-0618	LC 16-0640
LC 16-0638	LC 16-0689	LC 16-0669	LC 16-0620	LC 16-0642
LC 16-0639	LC 16-0624	LC 16-0211	LC 16-0621	LC 16-0658

2. Acceptance of the Recommendation of the Environmental Protection Commission to approve the request for variance to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) for the Thompson Boat Dock Construction Permit BD-16-02-016. District 1. (Environmental Protection Division)
3. Approval of Application for Impact Fee Grant for Qualified Non-Profit Organizations in the amount of \$4,512.40 to be used for the Law Enforcement, Fire Rescue and Road Impact Fees for the United Global Outreach Inc. – Model Center. District 5. (Fiscal and Operational Support Division)

(This item was deferred.)

Family Services Department

1. Approval of Orange County Family Services Head Start Division Standard Operating Procedures. (Head Start Division)
2. Approval and execution of Meal Service Agreements between Orange County, Florida and School Board of Orange County, Florida regarding School Food Service for Aloma, Dover Shores, Englewood, Grand Avenue, Maxey, Tangelo Park, Ventura and Washington Shores Early Learning Head Start Centers. (Head Start Division)
3. Approval of the August 2016 Neighborhood Pride Capital Improvement Grant as recommended by the Neighborhood Grants Advisory Board for Emerald Forest of

Orange County HOA (\$10,000). District 1. (Neighborhood Preservation and Revitalization Division)

4. Approval of the August 2016 Sustainable Communities Grants as recommended by the Neighborhood Grants Advisory Board for Braemar HOA (\$2,050); Summerport Park (\$1,725); Wekiva Springs Estates (\$2,150); Friends of Lake LaGrange (\$3,300) and South Hiawassee Village (\$2,000). Districts 1, 2, 3 and 6. (Neighborhood Preservation and Revitalization Division)
5. Approval of August 2016 Neighborhood Pride Landscaping Grants as recommended by the Neighborhood Grants Advisory Board for Lakeview Heights at Lake Rose Shores HOA (\$2,500); The Oaks at Brandy Lake HOA (\$2,500); Bent Oak HOA (\$2,500); and Park Green Community Association, Inc. (\$2,500). Districts 1, 2 and 5. (Neighborhood Preservation and Revitalization Division)
6. Approval of August 2016 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board for Mable Bridge HOA (\$5,000); Pembroke HOA (\$5,000); Southern Acres HOA (\$5,000); Turtle Creek HOA (\$5,000) and Royal Manor Villas HOA (\$5,000). Districts 1 and 3. (Neighborhood Preservation and Revitalization Division)
7. Approval of August 2016 Neighborhood Pride Nonprofit Housing Repair Grant as recommended by the Neighborhood Grant Advisory Board for Habitat for Humanity of Seminole County and Greater Apopka, Florida, Inc. (\$11,000). District 2. (Neighborhood Preservation and Revitalization Division)
8. Approval of August 2016 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for Mt. Plymouth Lake Homes (\$5,000); Oakwood Estates Neighborhood (\$5,000) and Palm Grove Neighborhood (\$5,000). Districts 2 and 6. (Neighborhood Preservation and Revitalization Division)
9. Approval of the August 2016 Neighborhood Pride Mini-Grant as recommended by the Neighborhood Grants Advisory Board for Lake Sunset Luola Terrace (\$1,500). District 6. (Neighborhood Preservation and Revitalization Division)

Health Services Department

1. Approval and execution of the Paratransit Services License for G8D, LLC to provide wheelchair/stretchers service. The term of this license is from August 1, 2016 through August 1, 2018. There is no cost to the County. (EMS Office of the Medical Director)

Office of Regional Mobility

1. Approval and Execution of Orange County/MetroPlan Orlando (Urban Area Metropolitan Planning Organization) FY 2016-2017 Funding Agreement by and

between Orange County and MetroPlan Orlando and authorization to make payment in the amount of \$471,438 in two installments of \$235,719 to be paid in October 2016 and April 2017. All Districts.

Public Works Department

1. Approval to construct speed humps on Sloewood Drive. District 2. (Traffic Engineering)
2. Approval to install a "No Parking" zone on one side of Winding Woods Lane, Weatherford Way, and Dry Creek Lane. District 4. (Traffic Engineering)
3. Approval and execution of License Agreement For Office Trailers at 8694, 8696, 8698 Monument Parkway by and between The Lane Construction Corporation and Orange County, Florida. District 4. (Highway Construction)

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Myrtle Creek Improvement District Proposed FY 2017 Operations & Maintenance Budget.
 - b. Orange County, Florida Comprehensive Annual Financial Report For The Year Ended September 30, 2015.
 - c. Orange County, Florida Bond Disclosure Supplement For The Year Ended September 30, 2015.
 - d. Minutes of the May 14, June 9, July 9, and August 13, 2015, 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 CONSENT AGENDA (CONTINUED)

Administrative Services Department (Deferred)

9. Approval of Donation Agreement, Sidewalk Easement, and Right of Entry from LMC Properties, Inc., successor by merger with Orlando Central Park, Inc. and Orange County and authorization to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road). District 6. (Real Estate Management Division)

and

Administrative Services Department (Deferred)

10. Approval of Donation Agreement, Sidewalk Easement, and Right of Entry from Lockheed Martin Corporation, f/k/a Martin Marietta Corporation, f/k/a The Martin Company, f/k/a The Glenn L. Martin Company and Orange County and authorization to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road). District 6. (Real Estate Management Division)

Commissioner Edwards announced a conflict of interest for the following reason, as stated in a Memorandum of Voting Conflict filed in the Clerk's Office: "A measure came or will come before my agency which inured to the special gain or loss of LMC Properties, Inc., which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Agenda item D9 and D10 pertain to the donation of sidewalks easements to Orange County by LMC Properties. My law firm has represented LMC Properties in the past."

00:28:00

Motion/Second: Commissioners Clarke/Thompson

Absent: County Mayor Jacobs

Abstain: Commissioner Edwards

AYE (voice vote): Commissioners Boyd, Nelson, Clarke, Thompson, Siplin

Action: The Board approved the Donation Agreement, Sidewalk Easement, and Right of Entry from LMC Properties, Inc., successor by merger with Orlando Central Park, Inc. and Orange County and authorized to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road); and further, approved the Donation Agreement, Sidewalk Easement, and Right of Entry from Lockheed Martin Corporation, f/k/a Martin Marietta Corporation, f/k/a The Martin Company, f/k/a The Glenn L. Martin Company and Orange County and authorized to disburse funds to pay all recording fees and record instrument for International Drive Transit Lanes (Destination Parkway to Sand Lake Road).

00:28:20

Community, Environmental and Development Services Department (Deferred)

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

Commissioner Edwards discussed his concerns regarding an Application for Impact Fee Grant with United Global Outreach, Inc. in the amount of \$4,512.40 in order to build a

model tiny home. Board discussion ensued. County Administrator Lalchandani contributed to the discussion.

- MEMBER RE-ENTERED: County Mayor Jacobs

Motion/Second: Commissioners Siplin/Boyd

AYE (voice vote): All members

Action: The Board continued Community, Environmental and Development Services Department Consent Item E3 until a future Board meeting.

- REASSUMED CHAIR

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

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

- COUNTY DISCUSSION AGENDA

Commissioner's Report

1. Commissioner Boyd would like to discuss a BCC Resolution in support of Smart Irrigation.

Commissioner Boyd presented an update on Smart Irrigation Technologies and requested the Board consider adopting a resolution promoting Smart Irrigation Technologies. County staff distributed to Board members the study regarding the Smart Irrigation Controller Demonstration and Evaluation in Orange County, Florida.

County staff discussed the smart irrigation study, which considered various Smart Technologies to reduce water for the everyday citizen. The study revealed that between 18% and 43% of water was reduced with those homes that used Smart Technologies.

- MEMBER EXITED: Commissioner Edwards

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board adopted Resolution 2016-M-31 of the Orange County Board of County Commissioners regarding support for conserving our water resources through the use of industry proven Smart Irrigation Technologies; and to continue to work to advance the use of proven technologies.

Community, Environmental and Development Services Department

1. Approval and execution of 2016-2020 Orange County Consolidated Plan, Certifications, Specific CDBG Certifications, Specific HOME Certifications, ESG Certifications, and

Approval and execution of 2016-2017 One-Year Action Plan that includes Application for Federal Assistance SF-424, Certifications, Specific CDBG Certifications, Specific HOME Certifications, ESG Certifications; and

Approval and execution of 2016-2020 Analysis of Impediments to Fair Housing Choice and Certification to Affirmatively Further Fair Housing. All Districts. (Housing and Community Development Division)

County staff presented a report on Orange County's Consolidated Plans, which included Orange County's 2016-2020 Consolidated Plan, 2016-2017 One-Year Action Plan and the 2016-2020 Analysis of Impediments to Fair Housing Choice Plan. County staff provided an introduction of the plans, public participation through the process, specific goals and objectives selected in the consolidated plan, and a summary of the County's One-Year Action and Fair Housing Plans.

- MEMBER RE-ENTERED: Commissioner Edwards

Motion/Second: Commissioners Clarke/Nelson

AYE (voice vote): All members

Action: The Board approved and executed the 2016-2020 Orange County Consolidated Plan, Certifications, Specific CDBG Certifications, Specific HOME Certifications, ESG Certifications; further, approved and executed the 2016-2017 One-Year Action Plan that includes Application for Federal Assistance SF-424, Certifications, Specific CDBG Certifications, Specific HOME Certifications, ESG Certifications; and further, approved and executed the 2016-2020 Analysis of Impediments to Fair Housing Choice and Certification to Affirmatively Further Fair Housing.

County Administrator

1. Orange County United Way Campaign Update.

County staff presented an update on Orange County's successful 2015 fundraising campaign and outlined strategies and goals for the 2016 Orange County United Way Campaign.

The following person addressed the Board: County Comptroller Haynie.

Board discussion ensued.

Action: None

County Mayor

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

Action: None

- MEETING RECESSED, 10:26 a.m.

- MEETING RECONVENED, 1:58 p.m.

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

Member Absent: Commissioner Pete Clarke

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

- PRESENTATION

Employee Service Awards to Marie A. Eady (20), Community Corrections, Chiquita Camacho (20), Vanessa Miles (20), Security Operations, Terry L. Curtis (30), Inmate Administration, Corrections; Michael L. Crum (20), Youth and Family Services, Family Services; Rodney L. Estep (20), Kenneth R. Henderson (30), Fire Operations, Christopher L. Dobson (30), Fire Communications, Fire Rescue; John W. Barry (20), Jason L. Stough (30), Roads & Drainage, Public Works; Linda Ayala-Serrano (20), John Galfo (25), Field Services, Utilities.

- ANNOUNCEMENT

County Mayor Jacobs thanked the San Bernardino County Board of Supervisors for a letter of condolences and to pass along a comfort quilt. The comfort quilt was created in 2001 by first grade students at St. Hillary School in Fairlawn, Ohio for the purpose of bringing comfort to the children at St. James School in Redbank, New Jersey who suffered great losses as a result of the September 11 attacks on the World Trade Center. The comfort quilt has traveled around the United States, from community to community, as a symbol of peace and healing and to bring comfort to those suffering. The quilt was received in light of the recent Pulse Nightclub tragedy.

- MEMBER EXITED: Commissioner Thompson

- RECOMMENDATIONS

July 7, 2016 Board of Zoning Adjustment Recommendations

Motion/Second: Commissioners Nelson/Boyd

Absent: Commissioners Clarke, Thompson

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of July 7, 2016, with the exception of and authorizing a public hearing be scheduled for Case #VA-16-07-078, Vera Clark (Appeal filed) on September 13, 2016; subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Municipal Service Benefit Unit

1. Royal Legacy Estates and Royal Legacy Estates Tract M Replat, amend for streetlighting; District 1

Applicant: Ann Troutman, Special Assessments, Orange County Comptroller

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting to decrease the streetlighting inventory and reduce the special assessment at Royal Legacy Estates and Royal Legacy Estates Tract M Replat

Location: District 1; Parcel ID (multiple parcels); Section 01, Township 24, Range 27; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioners Clarke, Thompson

AYE (voice vote): All present members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for streetlighting to decrease the streetlighting inventory and reduce the special assessment at Royal Legacy Estates and Royal Legacy Estates Tract M Replat, annual cost of \$79.00 for all 169 lots for streetlighting, operational expenses and administrative fees.

Pedestrian Safety Study

2. UCF/Alafaya Trail Pedestrian Safety Study, This study is an INVEST Program Project intended to evaluate challenges and opportunities to improve bicycle/pedestrian safety within the Study corridor; District 5

This public hearing was canceled.

Planning and Zoning Commission Board-Called

3. Christopher Wrenn, DR Horton, Case # RZ-16-02-007, April 21, 2016; District 3

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 person addressed the Board: R.P. Mohnacky.

Motion/Second: Commissioners Boyd/Nelson
Absent: Commissioners Clarke, Thompson
AYE (voice vote): All present members
Action: The Board continued the public hearing until August 16, 2016, at 2 p.m.

Preliminary Subdivision Plan

4. Christina Baxter, Poulos & Bennett, LLC, Moss Park PD / Parcel C1 Preliminary Subdivision Plan, Case # PSP-15-12-369; District 4

Applicant: Christina Baxter, Poulos & Bennett, LLC, Moss Park PD / Parcel C1 Preliminary Subdivision Plan
Consideration: Moss Park PD / Parcel C1 Preliminary Subdivision Plan – Case # PSP-15-12-369, submitted in accordance with Section 34-69 Orange County Code (Subdivision Regulations); and Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct 112 single family residential dwelling units on 24.4 gross acres. The following waiver from Section 34-209 of the Orange County Code is also requested: 1. A waiver from Orange County Code Section 34-209 is requested to allow a four (4) – six (6) foot high berm, split rail fence

and landscape buffer in lieu of a six (6) foot high masonry screen wall along Moss Park Road.

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

The following person addressed the Board: Chuck Costar.

Preliminary Subdivision Plan Public Hearing D4, Moss Park PD / Parcel C1 Preliminary Subdivision Plan, was tabled.

Planning and Zoning Commission Board-Called (CONTINUED)

3. Christopher Wrenn, DR Horton, Case # RZ-16-02-007, April 21, 2016; District 3

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)

County staff indicated the District Commissioner requested Public Hearing C3, Christopher Wrenn, Case # RZ-16-02-007, be continued until September 13, 2016, at 2 p.m. and not August 16, 2016, as previously voted. Board discussion ensued.

Motion/Second: Commissioners Boyd/Nelson
Absent: Commissioners Clarke, Thompson
AYE (voice vote): All present members
Action: The Board reconsidered the vote for Planning and Zoning Commission Board-Called Public Hearing C3, Christopher Wrenn, Case # RZ-16-02-007.

Motion/Second: Commissioners Nelson/Boyd
Absent: Commissioners Clarke, Thompson
AYE (voice vote): All present members

Action: The Board continued the public hearing for Planning and Zoning Commission Board-Called Public Hearing C3, Christopher Wrenn, Case # RZ-16-02-007, until September 13, 2016, at 2 p.m.

Preliminary Subdivision Plan (TABLED)

4. Christina Baxter, Poulos & Bennett, LLC, Moss Park PD / Parcel C1 Preliminary Subdivision Plan, Case # PSP-15-12-369; District 4

Applicant: Christina Baxter, Poulos & Bennett, LLC, Moss Park PD / Parcel C1 Preliminary Subdivision Plan

Consideration: Moss Park PD / Parcel C1 Preliminary Subdivision Plan – Case # PSP-15-12-369, submitted in accordance with Section 34-69 Orange County Code (Subdivision Regulations); and Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct 112 single family residential dwelling units on 24.4 gross acres. The following waiver from Section 34-209 of the Orange County Code is also requested: 1. A waiver from Orange County Code Section 34-209 is requested to allow a four (4) – six (6) foot high berm, split rail fence and landscape buffer in lieu of a six (6) foot high masonry screen wall along Moss Park Road.

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

- MEMBER RE-ENTERED: Commissioner Thompson

Motion/Second: Commissioners Thompson/Boyd

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Moss Park PD / Parcel C1 Preliminary Subdivision Plan – Case # PSP-15-12-369 on the described property, subject to the following conditions:

1. Development shall conform to the Moss Park PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Parcel C1 Preliminary Subdivision Plan dated "Received May 31, 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 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 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. Length of stay shall be for 180 days or greater. Short term/transient rental shall be prohibited.
7. Signage shall comply with Chapter 31.5 of the Orange County Code.
8. Prior to commencement of any earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
9. 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.
10. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Moss Park PD, or shall include an update to the Moss Park PD MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
11. 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.

12. 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.
13. 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.
14. 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 construction plan submittal.
15. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
16. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
17. 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.

18. A waiver from Section 34-209 is granted to allow a 4'-6' high berm, split rail fence and landscape buffer in lieu of a 6' high masonry screen wall along Moss Park Road.
19. Prior to construction plan approval, documentation must be provided certifying that this project has legal right to tie into the master drainage system.

Shoreline Alteration/Dredge and Fill

5. Jose Vargas, Little Fish Lake, permit; District 1

Applicant: Jose Vargas

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

Location: District 1; on property located adjacent to Little Fish Lake Canal, located at 9206 Island Lake Court; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (SADF-16-03-002).

The following person addressed the Board: Jose Vargas.

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board approved the request by Jose Vargas for a Shoreline Alteration/Dredge and Fill Permit (SADF-16-03-002) to re-construct an existing seawall, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the Sheet 1 of 1 submitted by Structural Engineering Services, Inc., dated as received on June 22, 2016, by the Environmental Protection Division (EPD). The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six

(6) months or completed within a year this permit is void. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.

3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
5. 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.
6. No filling is approved with this permit, except for backfilling that may be required landward of the replacement seawall.
7. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

General Conditions:

8. 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.
9. 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.
10. 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, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

11. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
12. 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.
13. 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.
14. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
15. 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 was provided in the permit application that is later discovered to be inaccurate, or if the project may cause pollution to water bodies, cause an adverse impact to navigation, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the use and enjoyment of the waterbody by the public.

16. 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.
17. 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.
18. 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.
19. 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.
20. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
21. 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.
22. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Substantial Change

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

Applicant: Kathy Hattaway, HCI Planning & Land Development Consultants, Village F Master Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-12-381

Consideration: Substantial change request to the Village F Master PD by revising the Village Center Conceptual Block inset on the PD/LUP, expanding permitted Village Center District uses; and requesting the following

seven (7) waivers from Orange County Code, applicable to PD Parcels S-6 and N-35 only (Village Center District):

1. A waiver from Section 38-1389(b) to allow a grocery store and up to three (3) additional buildings south of the internal main street to face Seidel Road and/or Seton Creek Boulevard; in lieu of the requirement that primary building entries and façade face the internal streets of the Village Center.
2. A waiver from Section 38-1389(d)(3)(g) to allow for interior blocks, not including Seidel Road or Seton Creek Boulevard, to have a minimum of forty percent (40%) of the build-to-line of any block or parcel to be occupied by buildings and/or street-walls, and up to one-hundred percent (100%) of that requirement to be landscaped street-walls; in lieu of the requirement that a minimum of seventy percent (70%) of the build-to-line of any block or parcel be occupied by buildings and/or street-walls, and that landscaped street-walls not make up more than fifty percent (50%) of the required frontage.
3. A waiver from Section 38-1389(d)(4)(d) to allow parking adjacent to Seidel Road and Seton Creek Boulevard to span the length of the roadway frontage; in lieu of the maximum frontage for parking lots of sixty-five (65) feet along a Village Center circulator or a Village Center major local street.
4. A waiver from Section 38-1389(d)(4)(g) to allow parking lots to abut street intersections or civic use areas; in lieu of the requirement that parking lots and parking garages not abut street intersections or civic use areas.
5. A waiver from Section 38-1389(d)(4)(h) to allow parking in the front of the grocery store and buildings south of the internal main street; in lieu of the requirement that off-street parking be located to the rear or side of buildings.
6. A waiver from Section 38-1389(d)(4)(i)(i) to allow parking in the front of the grocery store; in lieu of the requirement that parking be located at the rear or side of the grocery store front façade.
7. A waiver from Section 24-5(a)(3) to allow a buffer to be less than six (6) feet in height and less than fifteen (15) feet wide; in lieu of the requirement that a buffer be completely opaque from the ground up to a height of at least six (6) feet and a minimum of fifteen (15) feet wide; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location:

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

The following persons addressed the Board:

- Kathy Hattaway
- Christa Gill
- Christopher Gorda
- Christine McCarthy
- Paul McCarthy

Board discussion ensued.

The following persons addressed the Board:

- John Monrreal
- Mary Horvath
- Matthew Seibel
- Phil Woodard

Board discussion ensued.

01:25:11

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Clarke

AYE (voice vote): All present members

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

7. Christopher P. Roper, Ackerman, LLP, Isles of Lake Hancock Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-157, amend plan; District 1

Applicant: Christopher P. Roper, Akerman, LLP, Isles of Lake Hancock Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-157

Consideration: Substantial change request for two (2) waivers from the "Original" Horizon West Village PD Code:

1. A waiver from Section 38-1384(g)(3)(b) of the "Original" Horizon West Village PD Code to eliminate the requirement to provide front porches on at least fifty (50) percent of all single family residential units, applicable to lots 21-22, 24-34, 44-60, and 62-71 only, as shown on the Isles of Lake Hancock Phase III PSP.
2. A waiver from Section 38-1384(g)(3)(d) of the "Original" Horizon West Village PD Code to eliminate the requirement that first floor elevations be at least eighteen (18) inches above the finished grade of the sidewalk, applicable to lots 21-22, 24-34, 45-60, and 62-63 only, as shown on the Isles of Lake Hancock Phase III PSP; 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 north of Porter Road and west of Fiquette Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Chris Roper.

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Clarke

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 Christopher P. Roper, Akerman, LLP, Isles of Lake Hancock Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-157 for two (2) waivers from the "Original" Horizon West Village PD Code:

1. A waiver from Section 38-1384(g)(3)(b) of the "Original" Horizon West Village PD Code to eliminate the requirement to provide front porches on at least fifty (50) percent of all single family residential units, applicable to lots 21-22, 24-34, 44-60, and 62-71 only, as shown on the Isles of Lake Hancock Phase III PSP.
2. A waiver from Section 38-1384(g)(3)(d) of the "Original" Horizon West Village PD Code to eliminate the requirement that first floor elevations be at least eighteen (18) inches above the finished grade of the sidewalk, applicable to lots 21-22, 24-34, 45-60, and 62-63 only, as shown on the Isles of Lake Hancock Phase III PSP;

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

1. Development shall conform to the Isles of Lake Hancock Planned Development / Land Use Plan (PD/LUP) dated "Received July 11, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such 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 July 11, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or

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

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

As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. A waiver from Section 38-1384(g)(3)(b) of the "Original" Horizon West Village PD Code is granted to eliminate the requirement to provide front porches on at least fifty (50) percent of all single family residential units, applicable to lots 21–22, 24–34, 44–60, and 62–71 only, as shown on the Isles of Lake Hancock Phase III PSP.
7. A waiver from Section 38-1384(g)(3)(d) of the "Original" Horizon West Village PD Code is granted to eliminate the requirement that first floor elevations be at least eighteen (18) inches above the finished grade of the sidewalk, applicable to lots 21–22, 24–34, 45–60, and 62–63 only, as shown on the Isles of Lake Hancock Phase III PSP.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 22, 2008.
 - a. A waiver from Orange County Code Section 38-1385(b)(4) is granted to allow a 70-foot minimum lot width in lieu of the 85-foot requirement in the Estate District for lots within Tract 02.
 - b. All previous applicable Conditions of Approval dated August 1, 2006, shall apply.
 - 1) Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with approval of the Master Utility Plan for this Planned Development.
 - 2) A boat ramp is not part of this infrastructure and is not approved with this plan. A boat ramp shall require additional permitting under Chapter 15, Article XV, Boat Ramps, and action by the BCC.
 - 3) Prior to platting, a Municipal Service Taxing Unit shall be established for the operation and maintenance of secondary and connector trails.
 - 4) Developer shall comply with the provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board.
 - 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 25 residential

units allowed under the zoning existing prior to the approval of the PD zoning.

The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor or assign 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.

- Developer, or its successor or assign 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 property rights.
 - Orange County shall be held harmless by the developer and its assigns 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.
 - 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. (AS MODIFIED NOVEMBER 13, 2007)
- 5) Lake Maintenance and Ownership: Prior to platting, the Isles of Lake Hancock Lake Maintenance Escrow Agreement (on the form as submitted to Assistant County Attorney Vivien Monaco on April 6, 2006) shall be recorded.
 - 6) Prior to issuance of certificates of occupancy, developer shall install a wrought-iron fence (or fence of a similar look) at least 5 feet tall on the developer-retained property along the rear of each lot located on the peninsula between the two man-made ski lakes. Such fence shall be maintained by the developer at its expense.
 - 7) All contracts for the sale of lots or homes located between the 2 two man-made ski lakes shall include a 1-page disclaimer to be initialed by each buyer at the time they enter into a contract, which disclaimer shall read, "Buyer acknowledges that this property does not have any right to use either of the man-made ski lakes located in the Isles of Lake Hancock subdivision without membership to the Lake Hancock Ski Club. Access to Lake Hancock will be available through the boat ramp and park to be owned by the Homeowners' Association.

- 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.

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.

- 9) An Adequate Public Facilities Agreement, or documentation of compliance with adequate public facilities, shall be submitted and approved prior to the approval of any preliminary subdivision/development plans.
 - 10) The developer shall obtain water, wastewater, and reclaimed water from Orange County Utilities.
 - 11) Existing lots currently served by on-site sewage treatment and disposal systems can be permitted to continue to utilize systems and not be required to connect wastewater lines unless the on-site sewage treatment and disposal systems fail or unless quality problems occur in the area.
- c. This project is limited to and shall not exceed 61 units. Prior to Preliminary Subdivision Plan approval, the applicant shall address transfer of development rights consistent with the Orange County Transfer of Development Rights Ordinance.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 16, 1999.
 - a. The areas designated Future Development within the planned development shall only be developed with the Horizon West future land use designation.

- b. The right-of-way for Porter Road shall be dedicated to Orange County at a valuation of \$22,500 per acre. Prior to subdivision plan approval, a developer's agreement shall be executed addressing impact fee credits and adequate public facilities.

8. Phillip C. Hollis, PMJS, LLC, Lake Bryan Condos Planned Development / Land Use Plan (PD / LUP), Case # LUPA-16-02-046, amend plan; District 1

Applicant: Phillip C. Hollis, PMJS, LLC, Lake Bryan Condos Planned Development / Land Use Plan (PD / LUP), Case # LUPA-16-02-046

Consideration: A PD Substantial change request to aggregate the South County PD (one parcel) into the existing Lake Bryan Condos PD in order to allow a total of 1,186 hotel rooms. Additionally, the following waiver from Orange County Code is requested:

1. A waiver from Section 38-1300 to allow for a maximum height of 295 feet above the building finished floor elevation for a hotel and timeshare only, in lieu of a maximum height of 200 feet for a hotel or timeshare; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located East of SR 535, north of Vistana Drive; Orange County, Florida (legal property description on file)

The following person addressed the Board: Phillip Hollis.

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Clarke

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 Phillip C. Hollis, PMJS, LLC, Lake Bryan Condos Planned Development / Land Use Plan (PD / LUP), Case # LUPA-16-02-046, to aggregate the South County PD (one parcel) into the existing Lake Bryan Condos PD in order to allow a total of 1,186 hotel rooms; and further, the following waiver from Orange County Code is requested:

1. A waiver from Section 38-1300 to allow for a maximum height of 295 feet above the building finished floor elevation for a hotel and timeshare only, in lieu of a maximum height of 200 feet for a hotel or timeshare;

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

1. Development shall conform to the Lake Bryan Condos Planned Development / Land Use Plan (PD/LUP) dated "Received June 22, 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 June 22, 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. 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.
7. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
8. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed water, wastewater, and reclaimed water systems have been designed to support the PD.
9. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
10. Outside sales, storage, and display shall be prohibited.
11. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 Tourist Commercial standards of the Orange County Code.
12. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan

approval 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.

13. This project shall comply with the County's International Drive Activity Center Comprehensive Plan requirement for a 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement needed for future roadway improvements. The easement areas required shall be shown all plans and conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan Approval.
14. A waiver from Orange County Code Section 38-1300 is granted to allow for a maximum height of 295 feet above the building finished floor elevation for a hotel and timeshare only, in lieu of a maximum height of 200 feet for a hotel or timeshare.
15. Except as amended, modified, and / or superseded, the following South County PD BCC Conditions of approval, dated November 28, 2000, shall apply:
 - a. A waiver is approved to reduce the westerly setback not fronting S.R. 535 to 30 feet.
16. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 10, 1995, shall apply:
 - a. With the exception of the water ski school operated by Water Sports Management, Inc. (d/b/a Buena Vista Water Sports and Paradise Cove), which, pursuant to that certain agreement entered into on June 25, 2015, by and between Lake Bryan Development, LLC and Water Sports Management, Inc., has been operating on a portion of Lake Bryan not previously subject to the prohibition on motorized water craft, motorized water craft (i.e., power boats, jet skis, etc.) shall be prohibited on Lake Bryan.
 - b. Side-yard building setbacks shall be a minimum of 30 feet per Section 38-1287(2) of the PD district.
9. Robert Paymayesh, Terra Bona Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-03-083, amend plan; District 2

Applicant: Robert Paymayesh, Terra Bona Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-03-083

Consideration: Substantial change request to increase allowable single-family detached residential units from 75 to 104 (*a net increase of 29 units*); increase the minimum lot area from 14,520 square feet to 14,750 square feet; reduce the minimum lot width from 100 feet to 90 feet;

and increase open space from 10% to 50% by clustering residential lots; 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 2; property generally located the west side of North Round Lake Road, approximately 3,600 feet northeast of North Orange Blossom Trail; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Robert Paymayesh
- Amy Frogley

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

- Exhibit 1, from Amy Frogley
- Exhibit 2, from Robert Paymayesh

Board discussion ensued.

Motion/Second: Commissioners Nelson/Boyd

Absent: Commissioner Clarke

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 Robert Paymayesh, Terra Bona Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-03-083, to increase allowable single-family detached residential units from 75 to 104 (*a net increase of 29 units*); further, increased the minimum lot area from 14,520 square feet to 14,750 square feet; further, reduced the minimum lot width from 100 feet to 90 feet; and further, increased open space from 10% to 50% by clustering residential lots; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Terra Bona Planned Development / Land Use Plan (PD/LUP) dated "Received April 15, 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 April 15, 2016" the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("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 / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
7. 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. 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).
9. 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.
10. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement approved by the Orange County School Board on 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 15 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.

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.

- 11. 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.
- 12. 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.
- 13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 13, 2005, shall apply:
 - a. This development shall connect to central water. The need to connect to wastewater and reclaimed water shall be determined with PSP approval.

Comprehensive Plan

10. Transmittal of 2016-2 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2016-2-A-1-2 (fka 2016-1-A-1-3)
Applicant/Owner: Randy June, June Engineering Consultants / Orange Lake Country Club, Inc., et al
Consideration: Growth Center-Commercial (GC-C) to Growth Center-Commercial/Medium Density Residential (GC-C/MDR)
Location: Generally described as located on the north side of W. Irlo Bronson Memorial Hwy., and the Orange County/Osceola County Line, east and west of SR 429, and south of Hartzog Rd.; Parcel ID#s: 28-24-27-0000-00-006/007/011/013/014/016 and 29-24-27-0000-00-005/006 and 33-24-27-0000-00-001/019 and 33-24-27-6377-00-002/004/005/040/050/051/052/060 and 33-24-27-6378-00-001/010/030 and 33-24-27-6379-00-006/070; 1,443.79 gross ac.

The following person addressed the Board: Jeff McNeil.

Motion/Second: Commissioners Boyd/Edwards
Absent: Commissioner Clarke
AYE (voice vote): All present members
Action: The Board made a finding of consistency with the Comprehensive Plan (see Housing Element Objective H1.1, Future Land Use Element Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.4.F, FLU1.4.4, FLU1.4.7, FLU7.4.1, FLU7.4.4, FLU7.4.6, and FLU8.2.1); further, determined that the proposed amendment is in compliance; and further, approved transmitting Privately-Initiated Future Land Use Element Map Amendment 2016-2-A-1-2 (fka 2016-1-A-1-3), Growth Center-Commercial (GC-C) to Growth Center-Commercial/Medium Density Residential (GC-C-MDR).

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT TEXT AMENDMENT

Amendment: 2016-2-P-FLUE-2
Applicant/Owner: Jim Hall, VHB, Inc., for Eastmar Commons Partnership
Consideration: Text amendment to Future Land Use Element Policy FLU8.1.4 amending the maximum density/intensity associated with the Eastmar Commons PD's adopted Planned Development-Commercial/Medium Density Residential (PD-C/MDR) Future Land Use Map designation

County staff indicated the applicant is seeking to revise Future Land Use Element Policy FLU8.1.4, which tracks the maximum densities and intensities for PD's. The change will revised part of the development program for the Eastmar Commons PD as follows:

Amendment Number	Maximum Density/Intensity
2016-2-P-FLUE-2	Multi-Family - 380 dwelling units on nineteen (19) acres
Eastmar Commons	Commercial - 45,000 sq. ft. The combined development program is limited by a maximum of 4,689 new daily trips/424 new p.m. peak hour trips, as established in the approved traffic study. Land uses shall be as established on the current PD Land Use Plan.

The following person addressed the Board: Jim Hall.

Motion/Second: Commissioners Thompson/Edwards

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.1 and FLU8.2, and Policies FLU1.4.1(B), FLU1.1.5, FLU8.1.6, FLU8.2.1, and FLU8.8.1); further, determined that the proposed amendment is in compliance; and further, approved transmitting Privately-Initiated Future Land Use Element Text Amendment 2016-2-P-FLUE-2.

REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2016-2-A-5-1 (fka 2016-1-S-5-4)

Applicant/Owner: Thomas Sullivan

Consideration: Office/Commercial/Low-Medium Density Residential (O/C/LMDR) to Planned Development-Commercial/High Density Residential (PD-C/HDR)

Location: 13645 E. Colonial Dr.; Generally described as located north of E. Colonial Dr., west of Lake Pickett Rd., and east of Bonneville Dr.; Parcel ID#s: 23-22-31-0000-00-008 (portion of), 14-22-31-6528-00-030/040/050/060/071; 11.45 gross ac.

The following persons addressed the Board:

- Tom Sullivan
- Tom Narut
- RJ Mueller

Board discussion ensued.

Motion/Second: Commissioners Edwards/Nelson

Absent: Commissioner Clarke

AYE (voice vote): Commissioners Boyd, Nelson, Edwards, Siplin

NO (voice vote): County Mayor Jacobs; Commissioner Thompson

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Objective OBJH1.1.7, Goal H1 and Policies FLU1.1.5, FLU1.4.1, FLU1.4.2, FLU2.2.15, FLU8.2, FLU8.2.1, FLU8.2.2, and FLU8.2.11); further, determined that the proposed amendment is in compliance; and further, approved transmitting Privately-Initiated Future Land Use Element Map Amendment 2016-2-A-5-1 Office (O), Commercial (C), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/High Density Residential (PD-C/HDR).

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2016-2-B-FLUE-2

Consideration: Text amendments to the Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County

Motion/Second: Commissioners Nelson/Boyd

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff Initiated Comprehensive Plan Text Amendment 2016-2-B-FLUE-2, consistent with today's actions.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2016-2-B-CP-1

Consideration: Text amendments to the Future Land Use Element, amending selected objectives and policies of Goal FLU4, Horizon West, and amendment of Map 2, Horizon West Specific Area Plan, of the Future Land Use Map Series

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff Initiated Comprehensive Plan Map and Text Amendment 2016-2-B-CP-1.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT
AMENDMENT

Amendment: 2016-2-B-TRAN-1

Consideration: Text amendments to the Transportation Element to address pedestrian safety

Motion/Second: Commissioners Boyd/Thompson

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff Initiated Comprehensive Plan Text Amendment 2016-2-B-TRAN-1.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN MAP AND TEXT
AMENDMENT

Amendment: 2016-2-B-TRAN-2

Consideration: Text and map amendments to the Transportation Element to update the Long Range Transportation Plan

Motion/Second: Commissioners Thompson/Edwards

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff Initiated Comprehensive Plan Map and Text Amendment 2016-2-B-TRAN-2.

REGULAR CYCLE STAFF-INITIATED COMPREHENSIVE PLAN TEXT
AMENDMENT

Amendment: 2016-2-B-CP-2

Consideration: Text amendments to the Transportation Element and Future Land Use Element to address transportation and land use coordination for freight

Motion/Second: Commissioners Thompson/Boyd

Absent: Commissioner Clarke

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and further, approved transmitting Staff Initiated Comprehensive Plan Text Amendment 2016-2-B-CP-2.

Ordinance

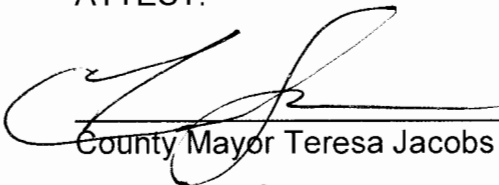
11. Repealing Orange County Code, Article VII, Chapter 38, Division 4.5, pertaining to Convention Plaza District Overlay Zone and Enacting Orange County Code, Article VII, Chapter 38, Division 4.5 creating the I-Drive District Overlay Zone - 1st hearing (2nd hearing on August 16, 2016)

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; REPEALING THE CONVENTION PLAZA DISTRICT (CPD) OVERLAY ZONE, CODIFIED AT DIVISION 4.5 OF ARTICLE VII OF CHAPTER 38 OF THE ORANGE COUNTY CODE (SECTION 38-860 THROUGH SECTION 38-875); CREATING IN ITS PLACE AN I-DRIVE DISTRICT OVERLAY ZONE AT DIVISION 4.5 OF ARTICLE VII OF CHAPTER 38; AND PROVIDING FOR AN EFFECTIVE DATE.

This public hearing was canceled.

• ADJOURNMENT, 5:06 p.m.


ATTEST:



County Mayor Teresa Jacobs
Date: SEP 13 2016

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk



Deputy Clerk

