

BCC Mtg. Date: September 13, 2016

## ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, July 19, 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, Chief Deputy  
Comptroller Margaret A. McGarrity, Assistant Comptroller Barry  
Skinner, County Administrator Ajit Lalchandani, Deputy County  
Administrator Eric Gassman, Assistant County Administrator Randy  
Singh, Office of Management and Budget Manager Kurt Petersen,  
Deputy Clerk Katie Smith, Senior Minutes Coordinator Craig  
Stopyra

- CALL TO ORDER, 9:08 a.m.
- INVOCATION – Pastor Maria Cruz, Administrative Assistant, County Administration
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Andre Perez
- Jonathan Blount

- FOR THE RECORD

County Mayor Jacobs addressed concerns from a representative from Orange County Fire Fighters Association pertaining to the Municipal Service Taxing Unit mileage rate, employee attrition and salary increases for fire fighters. Board discussion ensued. County Administrator Lalchandani and Deputy County Administrator Gassman contributed to the discussion.

- OFFICIAL RECOGNIZED: Orange County Tax Collector Scott Randolph
- BUDGET WORKSESSION
- CONSTITUTIONAL OFFICERS

Ninth Judicial Circuit Court of Florida

Ninth Judicial Circuit Court Chief Judge Frederick Lauten addressed the Board.

Board discussion ensued.

Action: None

Orange County Tax Collector's Office

Orange County Tax Collector Scott Randolph addressed the Board.

Action: None

Public Defender of the Ninth Judicial Circuit

Public Defender of the Ninth Judicial Circuit Bob Wesley addressed the Board.

Board discussion ensued. County Administrator Lalchandani and Deputy County Administrator Gassman contributed to the discussion.

The following person addressed the Board: Orange County Comptroller Martha Haynie.

Action: None

Orange County Comptroller

Orange County Comptroller Martha Haynie addressed the Board.

Action: None

- ORANGE COUNTY SHERIFF'S OFFICE

Orange County Sheriff Jerry Demings presented an update and budget report.

Board discussion ensued.

Action: None

- BOARD BUDGET DISCUSSION

County Mayor Jacobs addressed the Board regarding any outstanding budget items the Board would like to address.

Action: None

- BUDGET WORK SESSION CONSENT AGENDA

Motion/Second: Commissioners Clarke/Nelson

AYE (voice vote): All members

Action: The Board approved the Budget Consent Agenda items as follows:

1. Approval of the 2017 medical plan design and premium structure; and approval of the employer engagement contribution to be paid from each department's personnel services budget.
2. Approval and execution of Resolution 2016-M-28 of the Orange County Board of County Commissioners regarding Certain Services Fees charged by the Environmental Protection Division of the Orange County Community, Environmental and Development Services Department, to take effect on October 1, 2016.
3. Approval of fee Resolution 2016-M-29 of the Orange County Board of County Commissioners regarding certain services fees charged by Orange County Fire Rescue Department to include updated certain fire fees to take effect on October 1, 2016.
4. Approval of *INVEST* District Projects.

- BUDGET WORK SESSION APPROVAL OF PROPOSED MILLAGES

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board approved the Tentative Millages for Fiscal Year 2016/2017 and Countywide Budget for Fiscal Year 2016/2017.

- ANNOUNCEMENT

County Mayor Jacobs announced the first public hearing to approve the tentative budget is scheduled for Thursday, September 8, and the final public hearing to approve the budget is on Thursday, September 22 and both public hearings will begin at 5:01 p.m. in the BCC Chambers.

- MEETING RECESSED, 11:24 a.m.

- MEETING RECONVENED, 2:06 p.m.

Members Present: Commissioners S. Scott Boyd, Bryan Nelson, Pete Clarke, Jennifer Thompson, Victoria P. Siplin; County Mayor Teresa Jacobs and Commissioner Ted Edwards joined the meeting where indicated.

Others Present: County Comptroller Martha Haynie as Clerk, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Assistant

County Attorney Roberta Alfonso, Deputy Clerk Katie Smith, Senior  
Minutes Coordinator Craig Stopyra

- MEMBER JOINED: County Mayor Jacobs

- COUNTY CONSENT AGENDA

- REASSUMED CHAIR

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

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Mayor

- Deferred action on Community, Environmental and Development Services Department Item 2 for consideration with Rezoning public hearing D10 Dennis Seliga, Boyd Development Corporation for Beth A. Wincey, Case # LUPA-15-12-384
- Deferred action on Community, Environmental and Development Services Department Item 5 for consideration with Rezoning public hearing D8 Eric Warren, Poulos & Bennett, LLC, Spring Grove - Jaffers PD/LUP, Case # LUP-15-07-218
- Deferred action on Community, Environmental and Development Services Department Item 6 for consideration with Rezoning public hearing D7 Eric Warren, Poulos & Bennett, LLC, Spring Grove - Northeast PD/LUP, Case # LUP-15-03-065
- Deferred action on Community, Environmental and Development Services Department Item 7 for consideration with Rezoning public hearing D9 James G. Willard, Wincey Groves PD/UNP, Case # LUP-15-11-342

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

County Comptroller

1. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Period as follows: July 8, 2016, to July 14, 2016; total of \$30,246,996.32. (Finance/Accounting)

County Administrator

1. Confirmation of Commissioner Boyd's appointment to the Lake Rose Advisory Board of Thomas Moore, Valerie Deneen, and Ty R. Oppenlander with terms expiring December 31, 2017 and Rick Arnold and Paige Bertini with terms expiring December 31, 2018. (Agenda Development Office)

2. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)
3. Authorization to pay the Florida Retirement System Invoice #220095 in the amount of \$31,451.49. (Human Resources Division)

#### Administrative Services Department

1. Approval to award Invitation for Bids Y16-1040-CH, Supply and Installation of Traffic Signal Equipment, to the low responsive and responsible bidder, Chinchor Electric, Inc., in the estimated contract award amount of \$4,222,606.72 for a 1-year term. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Traffic Engineering Division] Procurement Division)
2. Approval to award Invitation for Bids Y16-1083-JS, Provision, Installation and Repair of Stormwater Inlet Baskets to the sole responsive and responsible bidder, Cathcart Construction Company-FL, LLC, in the estimated contract award amount of \$746,590 for a 1-year term. Further, authorized the Procurement Division to renew the contract for two 1-year terms. ([Community, Environmental and Development Services Department Environmental Protection Division] Procurement Division)
3. Approval to award Invitation for Bids Y16-768-MM, Orange County Convention Center West Building Concourse D Restroom Renovations, to the low responsive and responsible bidder, Axios Construction Services, LLC, for the lump sum contract award of \$1,747,667, inclusive of Additives 1, 2 and 3. ([Convention Center Capital Planning and Building Systems Division] Procurement Division)
4. Approval of Purchase Order M74350, Renewal of Software Support and Annual Maintenance for the Land Development and Management System (LDMS), with CSDC Systems, Inc., in the amount of \$250,672 for the period of July 31, 2016 through July 30, 2017. ([Community, Environmental and Development Services Department Fiscal and Operational Support Division] Procurement Division)
5. Approval of Purchase Order M79695, Purchase of six new Air Handler Units (AHUs) for the West Concourse D and Independent Distribution Facility (IDF) Rooms, from Trane U.S. Inc. in the total amount of \$294,232.77. ([Convention Center Capital Planning Division and Building Systems] Procurement Division)
6. Approval to award Invitation for Bids Y16-763-RM, Orange County Public Works Intersection Improvements at Lake Pickett Road & S.R. 50 (North Odyssey Lake Way), to the low responsive and responsible bidder, Atlantic Civil Constructors Corporation in the total contract award amount of \$458,601.70. ([Public Works Department Highway Construction Division] Procurement 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. Districts 1, 2, 3, 5, and 6. (Code Enforcement Division)

LC 16-0647	LC 16-0608	LC 16-0481	LC 16-0575	LC 16-0596
LC 16-0556	LC 16-0610	LC 16-0508	LC 16-0584	LC 16-0597
LC 16-0564	LC 16-0379	LC 16-0513	LC 16-0585	LC 16-0599
LC 16-0566	LC 16-0576	LC 16-0515	LC 16-0586	LC 16-0600
LC 16-0605	LC 16-0583	LC 16-0532	LC 16-0587	LC 16-0601
LC 16-0646	LC 16-0403	LC 16-0538	LC 16-0588	LC 16-0602
LC 16-0557	LC 16-0464	LC 16-0549	LC 16-0591	LC 16-0632
LC 16-0582	LC 16-0477	LC 16-0569	LC 16-0593	LC 16-0643

2. Approval and execution of First Amendment to Adequate Public Facilities Agreement for Hamlin West PD/UNP by and between Hamlin Retail Partners West, LLC and Orange County. District 1. (Development Review Committee)

(This item was deferred.)

3. Acceptance of Recommendation of the Environmental Protection Commission to deny the requests for waivers to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform) and Section 15-343(b) (side setback) for the Bower After-the-Fact Boat Dock Construction Permit BD-15-12-132. The dock must be returned to the pre-construction (grandfathered) dimensions within 90 days of the Board's Decision. District 2. (Environmental Protection Division)

4. Approval and execution of Grant Agreement State of Florida Department of Economic Opportunity Agreement #HL047 by and between the State of Florida, Department of Economic Opportunity and Orange County, Florida for the East Orange Regional Recreation Center in the amount of \$1,000,000 to construct a 5,000 square foot Recreation Center. District 5. (Parks and Recreation Division)

5. Approval and execution of Adequate Public Facilities Agreement for Horizon West – Village I – West Neighborhood Spring Grove – Jaffers PD by and between Spring Grove, LLC, and Orange County. District 1. (Development Review Committee)

(This item was deferred.)

6. Approval and execution of Adequate Public Facilities and Right of Way Agreement for Village I, Spring Grove-Northeast Planned Development (County Road 545) by and among Spring Grove, LLC, Columnar Partnership Holding I, LLC, and Orange

County for the conveyance of 2.76 acres of APF right-of-way, a 25-acre school site and a minimum 2.0-acre utility tract in return for corresponding impact fee credits. District 1. (Roadway Agreement Committee)

(This item was deferred.)

7. Approval and execution of Adequate Public Facilities Agreement for Wincey Groves PD (New Independence Parkway Extension) by and between Hamlin Retail Partners West, LLC and Orange County for the conveyance of 7.56 acres of APF Land providing \$170,100 in Transportation Impact Fee Credits and for the APF Surplus of 0.21 acres of APF Land. District 1. (Roadway Agreement Committee) Page 165-178

(This item was deferred.)

8. Approval of Streamlined Annual PHA Plan U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB No. 2577-0226, and approval and execution of Certifications of Compliance with PHA Plans and Related Regulations, Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan, and Civil Rights Certification for the Housing Choice Voucher Program. All Districts. (Housing and Community Development Division)

#### Family Services Department

1. Receipt and filing of Head Start Policy Council Program Information and Updates June 2016, Head Start Policy Council Meeting Minutes May 19, 2016 and Head Start Policy Council Special Call Meeting/Grant Review Minutes June 1, 2016 for the official county record. (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 Ventura and Dover Shores Head Start. (Head Start Division)

#### Public Works Department

1. Approval and execution of Resolution 2016-M-30 of the Orange County Board of County Commissioners regarding the State of Florida Department of Transportation Supplemental Agreement #2 and approval and execution of State of Florida Department of Transportation Local Agency Program Supplemental Agreement FPN 428047-1-58/68-01 for the Pine Hills Trail Construction from Alhambra Drive to Silver Star Road between the State of Florida Department of Transportation and Orange County. District 6. (Transportation Planning)

- MEMBER JOINED: Commissioner Edwards

- PUBLIC HEARINGS

Agreement

1. Restated Joint Planning Area Agreement between Orange County and Town of Oakland; District 1

Consideration: Restated Joint Planning Area Agreement between Orange County and The Town of Oakland

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board approved the Restated Joint Planning Area Agreement between Orange County and the Town of Oakland.

Board discussion ensued.

Shoreline Alteration/Dredge

2. Michael Stopperich, 10424 Pocket Lane, Pocket Lake and Fish Lake, permit; District 1

Applicant: Michael Stopperich

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to modify the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake to Fish Lake; pursuant to Orange County Code, Chapter 33, Article IV. Windermere Water and Navigation Control District; Section 33-129(d).

Location: District 1, on a canal that connects Pocket Lake and Fish Lake, located at 10424 Pocket Lane; Orange County, Florida (legal property description on file at Environmental Protection Division)

County staff identified this permit as (SADF-15-06-006).

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

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board approved the request by Michael Stopperich (10424 Pocket Lane), for a Shoreline Alteration/Dredge and Fill Permit Modification (SADF-15-06-006), to the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake to Fish Lake, 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 'Construction Plan' submitted by Streamline Permitting, Inc., dated as received on May 17, 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. All dredged debris material shall be removed to an approved upland location.
5. 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.
6. 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.
7. No filling is approved with this permit.
8. 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:

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.

23. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Michael Stopperich, 10408 Pocket Lane, Pocket Lake and Fish Lake, permit; District 1

Applicant: Michael Stopperich

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to modify the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake to Fish Lake; pursuant to Orange County Code, Chapter 33, Article IV. Windermere Water and Navigation Control District; Section 33-129(d).

Location: District 1, on a canal that connects Pocket Lake and Fish Lake, located at 10408 Pocket Lane; Orange County, Florida (legal property description on file at Environmental Protection Division)

County staff identified this permit as (SADF-15-06-007).

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

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board approved the request by Michael Stopperich (10408 Pocket Lane), for a Shoreline Alteration/Dredge and Fill Permit Modification (SADF-15-06-007), to the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake to Fish Lake, 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 'Construction Plan' submitted by Streamline Permitting, Inc., dated as received on May 17, 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. All dredged debris material shall be removed to an approved upland location.
5. 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.
6. 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.
7. No filling is approved with this permit.
8. 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:

9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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.
15. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Robert Renard, Fish Lake and Pocket Lake, permit; District 1

Applicant: Robert Renard

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to modify the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake and Fish Lake; pursuant to Orange County Code, Chapter 33, Article IV. Windermere Water and Navigation Control District; Section 33-129(d).

Location: District 1, on the canal between Fish Lake and Pocket Lake, located at 10416 Pocket Lane; Orange County, Florida (legal property description on file at Environmental Protection Division)

County staff identified this permit as (SADF-16-01-000).

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



Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board approved the request by Robert Renard for a Shoreline Alteration/Dredge and Fill Permit Modification (SADF-16-01-000), to the existing permit in order to extend the seawall across the entire shoreline on a canal that connects Pocket Lake and Fish Lake, 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 'Construction Plan' submitted by Streamline Permitting, Inc., dated as received on May 17, 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. All dredged debris material shall be removed to an approved upland location.
5. 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.
6. 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.
7. No filling is approved with this permit.

General Conditions:

8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.

23. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

5. Underwood Holdings, LLC, Lake Holden, permit, SADF #16-02-001; District 3

Applicant: Underwood Holdings, LLC.

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit SADF # 16-02-001 to construct a seawall, pursuant to Orange County Code, Chapter 15, Article VI, Section 15-218(d)

Location: District 3; on property located adjacent to Lake Holden, located at 913 Springwood Drive, Orlando, FL 32839; Section 11, Township 23 South, Range 29, East; Orange County, Florida (legal property description on file at Environmental Protection Division)

County staff identified this permit as (SADF-16-02-001) and the request is to construct a new seawall.

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

Motion/Second: Commissioners Clarke/Nelson

AYE (voice vote): All members

Action: The Board approved the request by Underwood Holdings, LLC. for a Shoreline Alteration/Dredge and Fill Permit (SADF-16-02-001) to construct a new 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 the filing of the BCC determination with the Clerk of the Board, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the "Construction Plans" submitted by Streamline Permitting, Inc., dated as received on April 14, 2016, by EPD. The permitted work must be commenced within six (6) months and completed within one (1) 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, unless a timely extension request has been received by EPD.

3. Any requests for permit extension must be received by EPD within one (1) year of permit issuance. Any permit extension for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. This permit does not authorize any dredging or filling, except for the actual construction of the seawall. This permit does not authorize any dredging or filling which may be necessary to provide maintenance or creation of a navigable access from the seawall to the open water.
5. The permittee may maintain a clear access corridor below the Normal High Water Elevation (91.0 msl 1929 NGVD) of Lake Holden, not to exceed thirty (30) feet in width, of sufficient length waterward from the shoreline, to allow access to open water. Any structures, such as a boat dock, must be located within this corridor.
6. Native vegetation, including but not limited to, pickerelweed (*Pontederia cordata*) and duck potato (*Sagittaria lancifolia*), may not be removed from the shoreline outside of the specified access corridor, specific to the project.
7. The permittee must install riprap at a 2 (Horizontal): 1 (Vertical) slope as depicted on the "Construction Plans" submitted by Streamline Permitting, Inc., dated as received on April 14, 2016, by EPD.
8. All dredged debris material shall be removed to an upland location.

General Conditions:

9. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer (EPO). Notice of the revocation shall be provided to the permit holder promptly thereafter.
10. 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.
11. 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.

12. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty (60) days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
13. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency, the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit, and any other permit or approval.
14. 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.
15. 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.
16. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
17. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.

18. 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.
19. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
20. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
21. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
22. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
23. Pursuant to Section 125.022, Florida Statutes, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
24. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

#### Preliminary Subdivision Plan

6. Selby Weeks, Klima Weeks Civil Engineering, Inc., Orlando Health Central Porter Road Medical Campus PD / Orlando Health Horizon West Phase 1 Preliminary Subdivision Plan / Development Plan, Case # PSP-16-02-047; District 1

Applicant: Selby Weeks, Klima Weeks Civil Engineering, Inc., Orlando Health Central Porter Road Medical Campus PD / Orlando Health Horizon West Phase 1 Preliminary Subdivision Plan / Development Plan

Consideration: Orlando Health Central Porter Road Medical Campus PD / Orlando Health Horizon West Phase 1 Preliminary Subdivision Plan / Development Plan, Case # PSP-16-02-047, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is

proposing to create one (1) commercial lot and construct an 81,000 square foot emergency department / medical office building and a 5,800 square foot central energy plant on 73.59 acres.

Location: District 1; property generally located South of Porter Road / East of County Road 545; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Jay Klima
- R.P. Mohnacky

Condition of Approval #16 was modified as follows:

A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal; ~~but after approval of the site and concurrent with~~ construction plans submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Orlando Health Central Porter Road Medical Campus PD / Orlando Health Horizon West Phase 1 Preliminary Subdivision Plan / Development Plan, Case # PSP-16-02-047, on the described property, subject to the following conditions:

1. Development shall conform to the Orlando Health Central Porter Road Medical Campus PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Orlando Health Horizons West Phase I Preliminary Subdivision Plan/Development 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/development plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).



6. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
7. The covenants, conditions, and restrictions (CC&Rs) shall contain notification to potential purchasers, builders or tenants of this development of the proximity of the West Orange & 545 solid waste disposal facilities that are located 0.2 miles to the southwest.
8. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division (EPD) of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
10. 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.
11. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

12. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the Orlando Health Central PD, and that construction plans are consistent with the approved Horizon West Town Center Master Utility Plan (MUP) or shall include an update to the Village MUP to incorporate any revisions. Any Town Center MUP updates must be submitted at least 30 days prior to construction plan submittal and must be approved prior to construction plan approval.
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 as part of the construction plan initial submittal.
15. Prior to the issuance of any vertical building permits, the property shall be platted.
16. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal and concurrent with construction plan submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
17. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Town Center East Road Network Agreement recorded at O.R. Book 10306, Page 1364, Public Records of Orange County, Florida, as amended by that certain First Amendment to Town Center East Road Network Agreement recorded at O.R. Book 10411, Page 0542, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document concurrently with or prior to plat approval. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
18. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when

loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, the applicant shall coordinate with OCU to obtain information on the mounding produced by the RIBS, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.

19. Porter Road improvements shall be substantially complete with associated left turn lanes to the site prior to Certificate of Occupancy.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

#### Rezoning

7. Eric Warren, Poulos & Bennett, LLC, Spring Grove - Northeast PD/LUP, Case # LUP-15-03-065; District 1

Applicant: Eric Warren, Poulos & Bennett, LLC, Spring Grove – Northeast PD/LUP - Case # LUP-15-03-065

Consideration: Request to rezone two (2) parcels containing 103.05 acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 136 single-family detached residential dwelling units, 217 multi-family residential dwelling units, and a middle school. The request also includes a waiver from Orange County Code Section 38-1755 to allow a middle school site with a minimum net lot area of 23.74 acres, in lieu of a minimum net lot area of 25 acres; pursuant to Orange County Code, Chapter 30.

Location: District 1, property located at 11900 Avalon Road; or generally located on the east side of County Road 545 / Avalon Road, north of Flemings Road, south of Flamingo Crossings Boulevard, east of the Orange / Lake County line, and west of State Road 429 (Western Beltway); Orange County, Florida (legal property description on file)

and

#### • COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

6. Approval and execution of Adequate Public Facilities and Right of Way Agreement for Village I, Spring Grove-Northeast Planned Development (County Road 545) by and among Spring Grove, LLC, Columnar Partnership Holding I, LLC, and Orange County for the conveyance of 2.76 acres of APF right-of-way, a 25-acre school site and a minimum 2.0-acre utility tract in return for corresponding impact fee credits. District 1. (Roadway Agreement Committee)

The following person addressed the Board: Eric Warren.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the request by Eric Warren, Poulos & Bennett, LLC, Spring Grove – Northeast PD/LUP - Case # LUP-15-03-065 to rezone two (2) parcels containing 103.05 acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 136 single-family detached residential dwelling units, 217 multi-family residential dwelling units, and a middle school; further, included a waiver from Orange County Code Section 38-1755 to allow a middle school site with a minimum net lot area of 23.74 acres, in lieu of a minimum net lot area of 25 acres, on the described property; subject to the following conditions:

1. Development shall conform to the Spring Grove – Northeast Planned Development / Land Use Plan (PD/LUP) dated "Received August 31, 2015," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received August 31, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on

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

4. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
5. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
6. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
7. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
8. This project is subject to, and shall comply with, the terms of an APF / Right-of-Way Conveyance road agreement addressing the conveyance of right-of-way needed for CR 545 / Avalon Road improvements and other APF facilities.
9. The following Education Condition of Approval shall apply:
  - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of April 26, 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 5 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the

County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- 10. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
  - 11. Prior to approval of the first PSP in Village I, the developer shall submit a Village-wide MUP including water, wastewater and reclaimed water transmission main layouts, sizing, and supporting hydraulic calculations.
  - 12. 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 Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
  - 13. A two acre APF tract with a thirty foot (30') wide access to a county right-of-way for a water facility within Village I near Village I's southern boundary shall be identified prior to the approval of the first PSP within Village I and dedicated to the County prior to approval of the first construction plan set within Village I. The tract shall have a minimum width of 150 feet, have an elevation above the 100 year flood plain, be located outside of wetlands and no more than 1,000 feet from Avalon Road.
  - 14. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
  - 15. Prior to construction plan approval, all property owners within the Village I, excluding public entities, shall be required to sign an agreement between the

parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.

16. The lot grading plan for 32-foot wide single-family detached lots (and similar narrow lots) shall include design features to ensure positive drainage from the side yard to the front roadway or rear alley. These design features may include: (a) A/C units on same side of homes so that A/C units are not located adjacent to each other; (b) A/C units on same side placed at the high elevation point of side yard so that drainage flows away from the A/C units to the front roadway and rear alley; (c) A/C units located behind the home when the garage is detached from the home with courtyard; and/or (d) other lot grading plan features approved by the County Engineer.
17. 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.
18. A waiver from Orange County Code Section 38-1755 is granted to allow a middle school site with a minimum net lot area of 23.74 acres, in lieu of a minimum net lot area of 25 acres.
19. On July 28, 2015, the Board of County Commissioners transmitted an amendment to Comprehensive Plan Policy FLU4.3.10 (the "Policy"). Such Policy, among other things, contemplated that any project that has submitted an application for a Planned Development prior to November 10, 2015, may proceed with development without entering into a Road Network Agreement pursuant to a Global Road Network Term Sheet for Village I; provided, however, that such development shall be required to obtain at least one development permit for vertical construction other than a model home within thirty (30) months from the date of approval of the Planned Development. It is currently anticipated that the Policy will be considered for adoption by the Board in November of 2015; this project shall be subject to the Policy, including any time limitations on permitting, as it is adopted by the board, whenever such adoption may occur.

and further, approved and executed the Adequate Public Facilities and Right of Way Agreement for Village I, Spring Grove-Northeast Planned Development (County Road 545) by and among Spring Grove, LLC, Columnar Partnership Holding I, LLC, and Orange County for the conveyance of 2.76 acres of APF right-of-way, a 25-acre school site and a minimum 2.0-acre utility tract in return for corresponding impact fee credits.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

8. Eric Warren, Poulos & Bennett, LLC, Spring Grove - Jaffers PD/LUP, Case # LUP-15-07-218; District 1

Applicant: Eric Warren, Poulos & Bennett, LLC, Spring Grove – Jaffers PD/LUP - Case # LUP-15-07-218

Consideration: Request to rezone one (1) parcel containing 133.39 acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to develop 264 single-family residential dwelling units; pursuant to Orange County Code, Chapter 30.

Location: District 1, property located at 17776 Flemings Road; or generally located on the south side of Flemings Road, east of the Orange / Lake County line, and west of County Road 545 (Avalon Road); Orange County, Florida (legal property description on file)

Clerk's Note: The Notice of Public Hearing advertisement indicated that the request was to rezone from A-2 (Farmland Rural District) to PD (Planned Development), however, the request considered during this public hearing was to rezone from A-1 (Citrus Rural District) and A-2 (Farmland Rural District) to PD (Planned Development).

and

• COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

5. Approval and execution of Adequate Public Facilities Agreement for Horizon West – Village I – West Neighborhood Spring Grove – Jaffers PD by and between Spring Grove, LLC, and Orange County. District 1. (Development Review Committee)

The following person addressed the Board: Eric Warren.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the request by Eric Warren, Poulos & Bennett, LLC, Spring Grove – Jaffers PD/LUP - Case # LUP-15-07-218, to rezone one (1) parcel containing 133.39 acres from A-1 (Citrus Rural District) and A-2 (Farmland Rural District) to PD (Planned Development District) in order to develop 264 single-family residential dwelling units, on the described property; subject to the following conditions:

1. Development shall conform to the Spring Grove - Jaffers Planned Development / Land Use Plan (PD/LUP) dated "Received October 22, 2015," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming



with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received October 22, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. 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.
5. The following Education Condition of Approval shall apply:
  - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board [and Orange County] as of April 26, 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 3 residential units allowed under the zoning

existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- 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. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
  - 9. Prior to approval of the first PSP in Village I, the developer shall submit a Village-wide MUP including water, wastewater and reclaimed water transmission main layouts, sizing, and supporting hydraulic calculations.
  - 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 Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

11. Prior to construction plan approval, all property owners within the Village I, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
12. A two-acre APF tract for a water facility within Village I near Village I's southern boundary shall be identified prior to the approval of the first PSP within Village I and dedicated to the County prior to approval of the first construction plan set within Village I. The tract shall have a minimum width of 150 feet, have an elevation above the 100 year flood plain, be located outside of wetlands and no more than 1,000 feet from Avalon Road with a 30-foot minimum utility access easement or tract connection to public right-of-way.
13. 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.
14. The lot grading plan for 32-foot wide single-family detached lots (and similar narrow lots) shall include design features to ensure positive drainage from the side yard to the front roadway or rear alley. These design features may include: (a) A/C units on same side of homes so that A/C units are not located adjacent to each other; (b) A/C units on same side placed at the high elevation point of side yard so that drainage flows away from the A/C units to the front roadway and rear alley; (c) A/C units located behind the home when the garage is detached from the home with courtyard; and/or (d) other lot grading plan features approved by the County Engineer.
15. This project is subject to, and shall comply with, the terms of an Adequate Public Facilities (APF) Agreement addressing the dedication of right-of-way needed for Fleming Road improvements and an APF deficit.
16. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

and further, approved and executed the Adequate Public Facilities Agreement for Horizon West – Village I – West Neighborhood Spring Grove – Jaffers PD by and between Spring Grove, LLC, and Orange County.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

9. James G. Willard, Wincey Groves PD/UNP, Case # LUP-15-11-342; District 1  
(Continued from July 12, 2016)

Applicant: James G. Willard, Shutts & Bowen, LLP, Wincey Groves PD/UNP,  
Case # LUP-15-11-342  
Consideration: Request to rezone 53.60 acres from A-1 (Citrus Rural District) to PD  
(Planned Development District) in order to construct up to 209  
residential dwelling units (including 34 bonus units). No waivers from  
Orange County Code have been requested; pursuant to Orange  
County Code, Chapter 30.  
Location: District 1; property generally located south of McKinney Road and  
west of C.R. 545 (Avalon Road); Orange County, Florida (legal  
property description on file)

and

• COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

7. Approval and execution of Adequate Public Facilities Agreement for Wincey  
Groves PD (New Independence Parkway Extension) by and between Hamlin  
Retail Partners West, LLC and Orange County for the conveyance of 7.56 acres of  
APF Land providing \$170,100 in Transportation Impact Fee Credits and for the  
APF Surplus of 0.21 acres of APF Land. District 1. (Roadway Agreement  
Committee)

County staff stated the proposal is for 209 single family units both attached and  
detached. Furthermore, the staff report also indicates the request is to rezone the  
53.60-acre subject parcel from A-1 (Citrus Rural District) to PD (Planned Development  
District) in order to construct one hundred seventy five (175) lots with single-family  
detached and attached residential dwelling units, or up to two hundred nine (209)  
residential dwelling units (using 34 bonus units).

The following persons addressed the Board:

- Jim Willard
- R.P. Mohnacky

00:32:33

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further,

approved the request by James G. Willard, Shutts & Bowen, LLP, Wincey Groves PD/UNP, Case # LUP-15-11-342 to rezone 53.60 acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct one hundred seventy-five (175) lots with single-family detached and attached residential dwelling units, or up to two hundred nine (209) residential dwelling units (using 34 bonus units); No waivers from Orange County Code have been requested, on the described property, subject to the following conditions:

1. Development shall conform to the Wincey Groves Planned Development / Unified Neighborhood Plan (PD/UNP) dated "Received February 25, 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 this Unified Neighborhood Plan dated "Received February 25, 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 Unified Neighborhood 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. Signage shall comply with Orange County Section 38-1389 (d)(5)(c).
7. 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.
8. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
9. The following Education Condition of Approval shall apply:

- a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of April 26, 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 3 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
10. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
  11. The applicant must comply with the terms and conditions of the Winkey PD APF Agreement.
  12. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
  13. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for this PD; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP



for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.

14. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utility Plan.
15. Prior to construction plan approval, all property owners within the Town Center Village, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
16. The proposed development is adjacent to an existing and permitted City of Orlando / Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
17. The CC&Rs shall describe the presence of a regional reclaimed water storage and pumping facility adjacent to the northern and western boundaries of this PD, and shall list the specific lots potentially affected by proximity to this facility which utilizes large pumps and generators.

and further, approved and executed the Adequate Public Facilities Agreement for Wincey Groves PD (New Independence Parkway Extension) by and between Hamlin Retail Partners West, LLC and Orange County for the conveyance of 7.56 acres of APF Land providing \$170,100 in Transportation Impact Fee Credits and for the APF Surplus of 0.21 acres of APF Land.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

10. Dennis Seliga, Boyd Development Corporation, for Beth A. Wincey, Case # LUPA-15-12-384; District 1 (Continued from June 28, 2016)

Applicant:	Dennis Seliga, Boyd Development Corporation, Beth A. Wincey, Hamlin West Planned Development / Unified Neighborhood Plan (PD / UNP), Case # LUPA-15-12-384
Consideration:	Request to rezone from A-1 (Citrus Rural District) to PD (Planned Development District)



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

Clerk's Note: The staff report indicates the request is to aggregate and rezone 9.36 acres located on the west side of County Road 545, into the existing Hamlin PD and reallocate 40,000 square feet of non-residential entitlements from PD Parcel CCM-10 into proposed PD Parcel RW-4b.

and

## COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

2. Approval and execution of First Amendment to Adequate Public Facilities Agreement for Hamlin West PD/UNP by and between Hamlin Retail Partners West, LLC and Orange County. District 1. (Development Review Committee)

The following person addressed the Board: Jim Willard.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the request by Dennis Seliga, Boyd Development Corporation for Beth A. Wincey, Case # LUPA-15-12-384, to aggregate and rezone, from A-1 (Citrus Rural District) to PD (Planned Development), 9.36 acres located on the west side of County Road 545 (Avalon Road) into the existing Hamlin West PD, while also reallocating 40,000 square feet of non-residential entitlements from PD Parcel CCM-10 into proposed PD Parcel RW-4b. The overall PD development entitlements are unchanged; on the described property; subject to the following conditions:

1. Development shall conform to the Hamlin West Planned Development / Unified Neighborhood Plan (PD/UNP) dated "Received February 2, 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 Unified Neighborhood Plan dated "Received February 2, 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 Unified Neighborhood 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/UNP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
7. Owners shall comply with the Hamlin West Road Network Agreement for the conveyance of right-of-way required for New Independence Parkway and for C.R. 545 (Avalon Road).
8. 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 capacity encumbrance letter or a capacity reservation certificate.
9. Except as amended, modified, and/or superseded, the following previous BCC Conditions of Approval, dated September 15, 2015, shall apply:
  - a. 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.
  - b. Outside sales, storage, and display shall be prohibited.
  - c. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

- d. 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.
- e. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- f. 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 Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
- g. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the buildout points of connection approved in the Master Utilities Plan (MUP).
- h. Prior to construction plan approval, all property owners within the Town Center Village, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
- i. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
- j. Interconnectivity to the property to the south shall be addressed during subsequent PSP/DP reviews.

and further, approved and executed the First Amendment to Adequate Public Facilities Agreement for Hamlin West PD/UNP by and between Hamlin Retail Partners West, LLC and Orange County.

11. Clarence Hoenstine for Richard and LauWanda Van Lanen, Case # RZ-16-05-016; District 4 (Continued from June 28, 2016)

Applicant: Clarence Hoenstine for Richard and LauWanda Van Lanen, Case # RZ-16-05-016  
Consideration: Request to rezone from R-1 (Single-Family Dwelling District) to C-1 (Retail Commercial District)  
Location: 9461 1st Ave.; Generally described as located on the east side of 1st Avenue, south of 3rd Street, north of 4th Street, and west of 2nd Avenue; Parcel ID#: 01-24-29-8516-30-803; 0.17 gross ac.

The following person addressed the Board: Former Orange County Commissioner Clarence Hoenstine.

Based upon input from the District Commissioner and agreed upon by the applicant, the following new restriction was added:

5. Development of the subject property shall be restricted to C-1 uses, with Pawn Shops, Cash Checking Stores, Tattoo Parlors, and Liquor / Packaging Stores strictly prohibited.

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Clarence Hoenstine for Richard and LauWanda Van Lanen, Case # RZ-16-05-016, to rezone from R-1 (Single-Family Dwelling District) to C-1 (Retail Commercial District), on the described property; subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited;
- 2) A Type "C" buffer, consisting of a completely opaque 6-foot high masonry wall, fence, berm, planted and/or existing vegetation (or any combination thereof), shall be provided along all property lines abutting residentially-zoned parcels;
- 3) No property owner, tenant, occupant, or business shall use any public right-of-way for the purposes of parking or standing of vehicles; and
- 4) The applicant/developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping) prior to the expansion of any existing structures or new site improvements to accommodate C-1 uses.
- 5) Development of the subject property shall be restricted to C-1 uses, with Pawn Shops, Cash Checking Stores, Tattoo Parlors, and Liquor / Packaging Stores strictly prohibited.

12. Constance Owens, Buena Vista Commons PD/LUP, Case # LUPA-15-08-240; District 1 (Continued from July 12, 2016)

Applicant: Constance Owens, Tri3 Civil Engineering Design Studio, Inc., Buena Vista Commons PD/LUP, Case # LUPA-15-08-240

Consideration: Request to rezone fourteen (14) adjacent parcels containing 2.59 gross acres from R-CE (Country Estate District) to PD (Planned Development), while aggregating them into the existing Buena Vista Commons PD in order to provide a parking lot and two dual-purpose residential / office buildings totaling 3,800 sq. ft., that are associated with an existing religious institution (temple). The request also includes an amendment to an existing Master Sign Plan (MSP), and the following three (3) parking-related waivers from Orange County Code: 1) A waiver request from Section 38-1272(d) to permit sixty-six (66) grass (unimproved) parking spaces on Lot 3 for Religious Institutions and Religious Institution Ancillary uses; 2) A waiver request from Section 38-1477 to allow for shared parking between Lots 1, 2 and 3 of the PD, in lieu of the requirement that parking spaces for a land use be provided on the same lot or within 300 feet of the principal entrance as measured along the most direct pedestrian route; and 3) A waiver request from Section 38-1479(a) to permit sixty-six (66) grass (unimproved) parking spaces on Lot 3 for Religious Institutions and Religious Institution Ancillary uses; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located west of South Apopka Vineland Road between 2nd Street and 3rd Street; Orange County, Florida (legal property description on file)

The following person addressed the Board: Constance Owens.

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

Board discussion ensued.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the request by Constance Owens, Tri3 Civil Engineering Design Studio, Inc., Buena Vista Commons PD/LUP, Case # LUPA-15-08-240 to rezone fourteen (14) adjacent parcels containing 2.59 gross acres from R-CE (Country Estate District) to PD (Planned Development), while aggregating them into the existing Buena Vista Commons PD in order to provide a parking lot and two dual-purpose residential / office buildings totaling 3,800 sq. ft., that are associated with an existing religious institution (temple); further, the request also includes an amendment to an existing Master Sign

Plan (MSP); and further, the following three (3) parking-related waivers from Orange County Code:

- 1) A waiver request from Section 38-1272(d) to permit sixty-six (66) grass (unimproved) parking spaces on Lot 3 for Religious Institutions and Religious Institution Ancillary uses;
- 2) A waiver request from Section 38-1477 to allow for shared parking between Lots 1, 2 and 3 of the PD, in lieu of the requirement that parking spaces for a land use be provided on the same lot or within 300 feet of the principal entrance as measured along the most direct pedestrian route; and
- 3) A waiver request from Section 38-1479(a) to permit sixty-six (66) grass (unimproved) parking spaces on Lot 3 for Religious Institutions and Religious Institution Ancillary uses;

on the described property, subject to the following conditions:

1. Development shall conform to the Buena Vista Commons Planned Development / Land Use Plan (PD/LUP) dated "March 14, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 14, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the



County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. 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.

7. The following waivers from Orange County Code are granted:
  - a. A waiver from Section 38-1272(d) to permit sixty-six (66) grass (unimproved) parking spaces on PD Lot 3 for Religious Institutions and Religious Institution Ancillary uses; however, the drive isles shall be paved.
  - b. A waiver from Section 38-1477 to allow for shared parking between Lots 1, 2 and 3 of the PD, in lieu of the requirement that parking spaces for a land use be provided on the same lot or within 300 feet of the principal entrance as measured along the most direct pedestrian route.
  - c. A waiver from Section 38-1479(a) to permit sixty-six (66) grass (unimproved) parking spaces on PD Lot 3 for Religious Institutions and Religious Institution Ancillary uses; however, the drive isles shall be paved.
8. PD Lot 3 shall be used for ancillary religious uses and shared parking only.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 21, 2015, shall apply:
  - a. The following waivers from Buena Vista North District Standards found in Orange County Code Chapter 38, Division 9, Subdivision II (Site Development) and Subdivision V (Signage) are granted:
    - 1) A waiver from Orange County Code Section 38-1392.1 to allow a minimum zero (0) foot side setback (internal to the PD) from a thoroughfare roadway facility for existing building #1 only as identified on the Master Sign Plan; in lieu of the required ten (10) foot side setback and twenty (20) foot setback from a thoroughfare roadway facility;
    - 2) A waiver from Orange County Code Section 38-1395.2(1) to allow monument Ground Sign #1 as identified on the Master Sign Plan to have a maximum copy area of one-hundred fifty-two (152) square feet; in lieu of a maximum copy area of ninety-six (96) square feet;
    - 3) A waiver from Orange County Code Section 38-1385.2(2) to allow wall signage on both the eastern and western side of buildings #1 and #2 as identified on the Master Sign Plan, by considering both sides to be primary facades; in lieu of only allowing wall signage on the western side of the buildings, where the customer entrances are located.

- b. The following waivers from Orange County Code Section 31.5-67(g) related to minimum ground sign right-of-way setbacks are granted:
- 1) A waiver to allow Ground Sign #1 as identified on the Master Sign Plan to have a minimum one (1) foot right-of-way setback from 3rd Street and a minimum eight (8) foot right-of-way setback from S. Apopka Vineland Road; in lieu of a minimum ten (10) foot right-of-way setback;
  - 2) A waiver to allow the relocated temple sign as identified on the Master Sign Plan to have a minimum eight (8) foot right-of-way setback from S. Apopka Vineland Road; in lieu of a minimum ten (10) foot right-of-way setback; and
  - 3) A waiver to allow Ground Sign #3 as identified on the Master Sign Plan to have a minimum five (5) foot right-of-way setback from 3rd Street, in lieu of a minimum ten (10) foot right-of-way setback.
  - 4) A waiver from Orange County Code Section 31.5-67(i) is granted to allow multi-tenant Ground Sign #1 as identified on the Master Sign Plan to have a minimum of ten (10) square feet of copy area per tenant; in lieu a minimum of twelve (12) square feet of copy area per tenant.
- c. Wall signage shall only be externally lit by goose neck type lighting fixtures on buildings 1 and 2 facing Apopka Vineland Road.
- d. Wall signage on Apopka-Vineland Road shall be limited to eighteen (18) inch letter size.
- e. All internal lit signs shall only be lit from dusk to 11:00 p.m.
- f. There shall be no wall signage allowed on the west face of building 4 (side facing residential Hidden Valley).
- g. Approval of this PD/LUP (lot reconfiguration) will constitute approval of a lot split.
- h. No permits shall be issued for sign #1 until the property has been re-configured through Orange County Property Appraiser's office to match the lot split that adjusts the lot line for the existing temple building back from the right-of-way line and the existing Temple sign relocation.
- i. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan, Buena Vista North and Chapter 31.5 Code unless waivers have been explicitly granted by the Board of County Commissioners.

j. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 14, 2014, shall apply:

- 1) The restaurant shall not be occupied before 6:00 a.m. and after 11:00 p.m. (7 days per week). The hours of operation for any child care facility shall be limited to 6:00 am - 8:00pm (7 days per week).
- 2) Development shall be limited to Professional Office (PO) uses and the following four (4) uses: Church, Restaurant (no drive-thru), Community Center, Fitness Center, Martial Arts and Miscellaneous Aerobic Type Instruction.
- 3) Pursuant to the approval of a non-substantial change to the PD by the Development Review Committee (DRC) on December 19, 2012, a total of 213 shared parking spaces may be provided.
- 4) A 6' PVC fence (on the berm) 10' from the west property line next to the Hidden Valley Mobile Home Park. The 10' buffer shall be planted with a hedge 30" in height at planting, and canopy trees (not oak trees) planted 40' on center. A 6' PVC fence shall be provided along the north property line next to the residential and planted with canopy trees planted 40' on center. A 6' PVC fence shall be provided along 5th Street. Landscaping shall be irrigated and maintained by the owner or Property Owners' Association of this center.

k. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 24, 2011, shall apply:

- 1) A Master Utility Plan (MUP) shall be submitted to Orange County Utilities prior to approval of the first (Preliminary Subdivision Plan/Development Plan) PSP/DP. The MUP must be approved prior to Construction Plan approval.
- 2) The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- 3) Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- 4) Outdoor sales, storage and display shall be prohibited.
- 5) Developer to provide a fifty (50) foot natural buffer to be maintained along the existing residence located to the northwest of the subject

property and south of 3rd Street, until the said residential is rezoned to a non-residential use.

- 6) Full access shall be maintained at 5th Street and Apopka-Vineland Road.
- 7) Developer shall work with the property owner to the west (on 3rd Street) to limit access issues.

13. Jim Hall, Kurtyka PD/LUP, Case # LUP-14-03-069; District 3 (Continued from July 12, 2016)

Applicant: Jim Hall, VHB, Inc., Kurtyka PD/LUP, Case # LUP-14-03-069  
Consideration: Request to rezone one (1) parcel containing 17.59 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) with a development program consisting of 43 conventional single-family detached residential dwelling units. No waivers from the Orange County Code have been requested; pursuant to Orange County Code, Chapter 30.  
Location: District 3; property located at 2004 Gregory Road; or generally located on the west side of Gregory Road, approximately 1,300 feet south of Berry Dease Road; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Jim Hall
- Randy Whiting
- Joyce Canty
- Ana Garcia
- Cynthia Heaney
- Maria Bolton-Joubert
- Nalini Heran
- Jacqueline Simmons
- Katwyn Liberti
- Lori Parks
- Barbara Browning
- Craig Parks

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

- Exhibit 1, from Craig Parks
- Exhibit 2, from Jim Hall

The following material was received by the Clerk prior to the close of the public hearing. The material referenced by the speaker was not presented to the Board: Submittal 1, from Maria Bolton-Joubert.

Board discussion ensued.

Motion/Second: Commissioner Clarke/County Mayor Jacobs

AYE (voice vote): All members

Action: The Board continued the public hearing until November 15, 2016, at 2 p.m.

#### Substantial Change

14. Sarah M. Maier, Dewberry, West Lake Hancock Estates PD / West Lake Hancock Estates Preliminary Subdivision Plan / Development Plan – Substantial Change, Case # CDR-16-05-174, amend plan; District 1

Applicant: Sarah M. Maier, Dewberry, West Lake Hancock Estates PD / West Lake Hancock Estates Preliminary Subdivision Plan / Development Plan – Substantial Change – Case # CDR-16-05-174

Consideration: Substantial change request to add a dock and boat launch area on Tract JJ within Phase 2; pursuant to Sections 34-69 and 30-89, Orange County Code

Location: District 1; property generally located East of Porter Road along the Southwest side of Lake Hancock; Orange County, Florida (legal property description on file in Planning Division)

- MEMBER EXITED: Commissioner Thompson

The following person addressed the Board: Sarah Maier.

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Sarah M. Maier, Dewberry, West Lake Hancock Estates PD / West Lake Hancock Estates Preliminary Subdivision Plan / Development Plan – Substantial Change – Case # CDR-16-05-174, to add a dock and boat launch area on Tract JJ within Phase 2; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the West Lake Hancock Estates Planned Development; Orange County Board of County Commissioners (BCC) approvals; West Lake Hancock Preliminary Subdivision Plan dated "Received May 26, 2016" and to the following conditions of approval. 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 and 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 actual preliminary subdivision plan dated "Received May 26, 2016" the condition of approval shall control to the extent of such conflict or inconsistency.

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

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
7. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
8. 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.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 11, 2012 shall apply:
  - a. Roads and drainage system, including the retention ponds, will be owned and maintained by Orange County with an MSBU established for stormwater

system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association.

- b. 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 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.
- c. 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 streetlighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section 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 Department. 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.
- d. A left turn lane into the project off old Porter Road shall be required if the new road has not been constructed that has a left turn lane.
- e. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with approved Master Utility Plan for this PD.
- f. Development Plans shall be required for the recreational area tracts. The amenities shall be in place prior to Certificate of Completion of the PSP(s).
- g. At the time of approval of a plan for a single-family detached residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions, and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:



- 1) The same front facade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street, and shall be separated by at least 2 units with different facades.
- 2) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front facade of the main body of the house shall not exceed 40 feet in length, except for wings or "L"s which are setback from the facade. In no case shall more than 50 percent of the front facade of a house consist of an unobstructed block wall or garage door.
- 3) At least 50 percent of all single-family residential units 75' in width or less shall have a front porch. A front porch shall be a minimum of 7 feet in depth or 8 feet in width and cover a minimum 10 feet in width or 1/3 of the front facade, whichever is greater.
- 4) Flat roofs shall be prohibited.
- 5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet, 6 inches, and be limited to decorative wrought iron or wood picket style. The provisions of the CC&Rs incorporating the above referenced requirements shall not be amended, removed, or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.

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

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

15. John Prowell, VHB, Inc., Waterleigh Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-03-089, amend plan; District 1 (Continued from July 12, 2016)

Applicant: John Prowell, VHB, Inc., Waterleigh Planned Development / Land Use Plan (PD / LUP), - Case # CDR-16-03-089

Consideration: Substantial change request to reconfigure the boundary between PD Parcels 10 and 11, revise and add access points, reduce the residential units within PD Parcel 11 from 508 to 504, and increase

the residential units within PD Parcel 13 from 402 to 406. Additionally, the following five (5) waivers from Orange County Code are requested for Parcels 10 & 11: 1. A waiver from Section 38-1258(c) to allow a maximum height of five (5) stories and sixty-five (65) feet for multi-family residential buildings located within one hundred fifty (150) feet from single family zoned property, in lieu of a maximum height of three stories and forty (40) feet for multi-family residential buildings located within one-hundred fifty (150) feet of single-family zoned property. 2. A waiver from Section 38-1258(f) to eliminate the requirement of constructing a six (6) foot high masonry, brick, or block wall whenever a multi-family development is located adjacent to a single-family zoned property. 3. A waiver from Section 38-1258(g) to allow multi-family development to access any right-of-way serving single-family residential development. 4. A waiver from Section 38-1258(i) to eliminate the requirement of a multi-family development located adjacent to a right-of-way to be fenced whenever single-family zoned property is located across the right-of-way. 5. A waiver from Section 38-1258(j) to allow a minimum twenty (20) feet of building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet of separation for two-story buildings, and in lieu of forty (40) feet of separation for building three (3) stories or higher; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located south of Old YMCA Road and west of Avalon Road / County Road 545; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- John Prowell
- Margo Napoli Bryant

- MEMBER RE-ENTERED: Commissioner Thompson

Board discussion ensued.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by John Prowell, VHB, Inc., Waterleigh Planned Development / Land Use Plan (PD / LUP), - Case # CDR-16-03-089, to reconfigure the boundary between PD Parcels 10 and 11, revise and add access points, reduce the residential units within PD Parcel 11 from 508 to 504, and increase the

residential units within PD Parcel 13 from 402 to 406; additionally, the following five (5) waivers from Orange County Code are requested for Parcels 10 & 11:

1. A waiver from Section 38-1258(c) to allow a maximum height of five (5) stories and sixty-five (65) feet for multi-family residential buildings located within one hundred fifty (150) feet from single family zoned property, in lieu of a maximum height of three stories and forty (40) feet for multi-family residential buildings located within one-hundred fifty (150) feet of single-family zoned property.
2. A waiver from Section 38-1258(f) to eliminate the requirement of constructing a six (6) foot high masonry, brick, or block wall whenever a multi-family development is located adjacent to a single-family zoned property.
3. A waiver from Section 38-1258(g) to allow multi-family development to access any right-of-way serving single-family residential development.
4. A waiver from Section 38-1258(i) to eliminate the requirement of a multi-family development located adjacent to a right-of-way to be fenced whenever single-family zoned property is located across the right-of-way.
5. A waiver from Section 38-1258(j) to allow a minimum twenty (20) feet of building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet of separation for two-story buildings, and in lieu of forty (40) feet of separation for building three (3) stories or higher;

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

1. Development shall conform to the Waterleigh Planned Development / Land Use Plan (PD/LUP) dated "Received April 5, 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 5, 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. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
7. The covenants, conditions and restriction (CC&Rs) shall contain notification of the proximity of solid waste management facilities within one-mile of development activity in this project area.
8. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
9. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
10. The following waivers from Orange County Code are granted for PD Parcels 10 and 11 only:
  - a. A wavier from Orange County Code Section 38-1258(c) to allow a maximum height of five (5) stories and sixty-five (65) feet for multi-family residential buildings located within one hundred fifty (150) feet from single family zoned property, in lieu of a maximum height of three stories and forty (40) feet for multi-family residential buildings located within one-hundred fifty (150) feet of single-family zoned property.
  - b. A waiver from Orange County Code Section 38-1258(f) to eliminate the requirement of constructing a six (6) foot high masonry, brick, or block wall whenever a multi-family development is located adjacent to a single-family zoned property.
  - c. A waiver from Orange County Code Section 38-1258(g) to allow multi-family development to access any right-of-way serving single-family residential development.

- d. A waiver from Orange County Code Section 38-1258(i) to eliminate the requirement of a multi-family development located adjacent to a right-of-way to be fenced whenever single-family zoned property is located across the right-of-way.
  - e. A waiver from Orange County Code Section 38-1258(j) to allow a minimum twenty (20) feet of building separation where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet of separation for two-story buildings, and in lieu of forty (40) feet of separation for building three (3) stories or higher.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 19, 2015, shall apply:
- a. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
  - b. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
  - c. Payment of 500 ERUs (wastewater) and 500 ERCs (water) are due prior to construction plan approval for the first construction plan set within Village H unless previously satisfied by another Village H parcel. Alternatively, property owners may elect to enter into an agreement with Orange County to construct, with the first set of construction plans, the utility improvements beyond what is required by the Village H Master Utility Plan.
  - d. The five-acre APF tract for a water facility identified in this PD shall be dedicated to the County in accordance with the Waterleigh PD APF Agreement approved by BCC, as may be amended.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated April 9, 2013 and February 12, 2013, shall apply:

- a. Prior to construction plan approval, a phased master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the Development Engineering Division for review and approval.
- b. Concurrent with the approval of this PD, a Road Network Agreement shall be approved by the BCC.
- c. Prior to the approval of the first PSP or DP for this PD, a driveway access spacing plan, consistent with the preliminary study included as part of the Road Network Agreement, for CR 545, Old YMCA Road, and the internal loop road shall be submitted to and approved by the County Engineer.
- d. The APF Agreement shall be approved by BCC concurrent with the PD Land Use Plan.
- e. The developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of 08-16-2006, and amended on 04-29-2008 and 06-24-2008.
  - 1) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 199 residential units allowed under the zoning existing prior to the approval of the 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(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.\
  - 2) Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.\
  - 3) 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. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

- f. A Master Utility Plan (MUP) consistent with Village H MUP shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.
- g. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
- h. Prior to construction plan approval, all property owners within Village H, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
- i. Billboards and pole signs shall be prohibited. Signage within the Neighborhood Commercial and Village Center shall comply with Section 38-1389(d)(5). All other signage shall comply with Section 31.5.
- j. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
- k. Outdoor sales, storage, and display shall be prohibited within any district that allows commercial / office uses.
- l. The following waivers are from Orange County Code Section 38-1258 (Multi-Family Development Compatibility):
  - 1) A waiver is granted from Section 38-1258(a) to allow multi-family buildings located within twenty-five (25) feet of single-family zoned property to be developed at a maximum height of five (5) stories and sixty-five (65) feet, in lieu of single-story maximum within one-hundred (100) feet of single-family zoned property.
  - 2) A waiver is granted from Section 38-1258(b) to allow multi-family buildings between twenty-five (25) feet to one-hundred and fifty (150) feet of single family zoned property to be developed at a maximum height of five (5) stories and sixty-five (65) feet in height for one-hundred (100) percent of the buildings, in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property varying in height with a maximum of fifty percent (50%) of the buildings being three (3) stories [not to exceed forty (40) feet] in height with the remaining buildings being one (1) story or two (2) stories in height.



- 3) A waiver is granted from Section 38-1258(e) to allow for ten (10) foot paving setbacks adjacent to single-family zoned property, in lieu of a twenty-five (25) foot minimum paving setback.
- m. A waiver is granted from Orange County Code Section 38-1384(f)(l) [General Residential Development Standards] to allow each block face with more than five (5) lots with or without alleys to contain one (1) distinct lot size (excluding end units), in lieu of at least two (2) distinct lot sizes (excluding end units).
  - n. The following waivers are from the development guidelines under Orange County Code Sections 38-1385.8 (Garden Home Mixed Use District) and 38-1386 (Village Home District):
    - 1) A waiver is granted from Section 38-1385.8(b)(2) to decrease the minimum average lot size to three-thousand eight-hundred and forty (3,840) square feet for single-family lot sizes less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of six-thousand (6,000) square feet.
    - 2) A waiver is granted from Section 38-1385.8(b)(4) to allow for a minimum lot width of thirty-two (32) feet for single-family detached units, in lieu of forty (40) feet for single-family detached units.
    - 3) A waiver is granted from Section 38-1385.8(b)(9)(a) to allow a seven (7) foot front porch setback for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a ten (10) foot front porch setback.
    - 4) A waiver is granted from Section 38-1385.8(b)(9)(b) to allow a minimum side yard setback of four (4) feet for lots less than forty (40) feet in width [and corner lots less than fifty (50) feet in width], in lieu of a five (5) foot side yard setback.
    - 5) A waiver is granted from Section 38-1386(b)(2) to decrease the minimum average lot size to three-thousand eight-hundred and forty (3,840) square feet for single-family lots sizes less than thirty-five (35) feet in width [and corner lots less than forty-five (45) feet in width], in lieu of four-thousand two-hundred (4,200) square feet.
    - 6) A waiver is granted from Section 38-1386(b)(4) to allow for a minimum lot width of thirty-two (32) feet for single-family detached units, in lieu of thirty-five (35) feet for single-family detached units.
    - 7) A waiver is granted from Section 38-1386(b)(10)(a) to allow a seven (7) foot front porch setback for lots less than forty (40) feet in width [and

corner lots less than fifty (50) feet in width], in lieu of a ten (10) foot front porch setback.

- 8) A waiver is granted from Section 38-1386(b)(10)(b) to allow a minimum side yard setback of four (4) feet for lots less than thirty-five (35) feet in width [and corner lots less than forty-five (45) feet in width], in lieu of a five (5) foot side yard setback.
- o. A waiver is granted from Orange County Code Sections 38-1387.2(a)(8)(c) [Apartment District] and 38-1387.3(b)(3)(h)(3) [Condominium District] to correct the referenced code section to reflect "garage setbacks per section 38-1384(g)", in lieu of "garage setbacks per section 38-1384(i)".
- p. A waiver is granted from Orange County Code Section 38-1388(e)(i) [Neighborhood Center District] to eliminate the maximum fifty (50) foot lot width.
- q. The Development Standards and Guidelines for this PD shall be consistent with Orange County Code Chapter 38 (New Village PD Code) unless expressly and explicitly waived by the Board of County Commissioners.
- r. Multi-use trails / bike paths shall be maintained by the HOA. Funding of this maintenance expense shall be the responsibility of the HOA unless the County approves a MSBU or other funding mechanism for this purpose.
- s. Prior to the first PSP/DP an agreement addressing development and maintenance of the APF Park land shall be entered into with the developer and the County.
- t. Waivers to any development standard of Chapter 38 of the Orange County Code may be granted by the Board of County Commissioners at a public hearing in conjunction with the approval of any PSP for a parcel(s) of land within the Waterleigh PD, except as may be provided to the contrary in Section 38-1207 regarding substantial changes to a PD Land Use Plan. A revised PD noting the requested waivers (applicable to the specific PSP) shall be submitted with the PSP application. Notification of waiver requests prior to the public hearing shall be the same as that required for a substantial change to a PD Land Use Plan, e.g., including notice to owners of property within 300 feet of the perimeter of the PD.

#### • NONAGENDA

County staff presented an update on low THC marijuana, which had been previously presented to the Board as a worksession. The Board during the worksession, instructed staff to wait on preparing an Ordinance until the legislature finished their session. After their session ended, the legislature included medical marijuana with the Right to Try Act. County staff's update included information regarding litigation associated with

issuance of permits from the Department of Health and the upcoming November ballot initiative pertaining to medical marijuana. County staff requested the Board consider directing staff to prepare and present an ordinance imposing a moratorium within unincorporated Orange County prohibiting any and all medical cannabis activities for nine months, or until the Board adopts an ordinance regulating such activities within unincorporated Orange County.

Board discussion ensued.

Motion/Second: County Mayor Jacobs/Commissioner Clarke

AYE (voice vote): All members

Action: The Board directed staff to prepare and present, as soon as practicable, a proposed ordinance imposing a moratorium within unincorporated Orange County prohibiting any and all medical cannabis activities for nine months, or until the Board adopts an ordinance regulating such activities within unincorporated Orange County.

ADJOURNMENT, 4:22 p.m.

ATTEST:

  
County Mayor Teresa Jacobs

Date: SEP 13 2016

ATTEST SIGNATURE:

Martha O. Haynie  
County Comptroller as Clerk

  
Deputy Clerk

