

BCC Mtg. Date: September 13, 2016

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, July 12, 2016
Location: Commission Chambers, Orange County Administration Center, First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: Commissioners S. Scott Boyd, Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards, Victoria P. Siplin; County Mayor Teresa Jacobs joined the meeting where indicated.
Others Present: Chief Deputy Comptroller Margaret A. McGarrity, as Clerk, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk Katie Smith, Senior Minutes Coordinator Noelia Perez

- CALL TO ORDER, 9:04 a.m.
- INVOCATION – Eddie Ingram, Orange County Communications Division
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Proclamation designating July as Lakes Appreciation Action Month
- OFFICIAL RECOGNIZED: City of Oviedo Mayor Dominic Persampiere

The following material was received by the Clerk. Submittal 1, from the City of Oviedo Mayor Dominic Persampiere.

- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Christine Cabanero Lauria
- Jonathan Sebastain Blout
- Trini Quiroz

- COUNTY CONSENT AGENDA

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

- Deferred action on Community, Environmental and Development Services Department Item 2 for consideration with public hearing for The Grow Planned Development-Regulating Plan, Case LUP-16-01-002

- Deferred action on Community, Environmental and Development Services Department Item 4 for consideration with public hearing for Miranda Fitzgerald, Lake Austin Planned Development Land Use Plan, Case # LUP-16-01-027
- Deferred action on Community, Environmental and Development Services Department Item 5 for consideration with public hearing for James G. Willard, Wincey Groves Planned Development Unified Neighborhood Plans, Case # LUP-15-11-342
- Deferred action on Community, Environmental and Development Services Department Item 6 for consideration with public hearing for The Grow Planned Development-Regulating Plan, Case LUP-16-01-002

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

County Comptroller

1. Approval of the minutes of the May 24, 2016, meeting of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
 - June 24, 2016, to June 30, 2016; total of \$36,703,424.53.
 - July 1, 2016, to July 7, 2016; total of \$30,763,245.95

(Finance/Accounting)

County Sheriff

1. Approval and execution of A Resolution 2016-M-22 of the Board of County Commissioners of Orange County, Florida, approving the execution and delivery by the Orange County Sheriff's Office, on behalf of the County, as lessee, of a Master Lease Agreement with JPMorgan Chase Bank, N.A., as lessor; providing for certain other matters in connection therewith; and providing an effective date.

County Administrator

1. Confirmation of Commissioner Boyd's appointment of David A. Winslow to the Big Sand Lake Advisory Board with a term expiring December 31, 2016. (Agenda Development Office)
2. Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments: (Agenda Development Office)
 - A. Animal Services Advisory Board: Appointment of Dr. Nanette Parratto-Wagner to succeed Dr. John Wight in the veterinarian representative category and the

appointment of Thomas E. Mortimer to succeed William F. Gouveia in the at large representative category with terms expiring December 31, 2017.

- B. Citizens' Review Panel for Human Services: Reappointment of Elizabeth Nelson in the at large representative category and the appointment of Jentri Casaberry to succeed Rev. Evers Robinson in the at large representative category with terms expiring December 31, 2018 and the appointment of Brent D. Hartman to succeed Laurie Stern in the youth advocate representative category with a term expiring December 31, 2017.
 - C. International Drive CRA Advisory Committee: Appointment of Thomas D. Smith to succeed Terry W. Prather in the International Drive Chamber of Commerce representative category with a term expiring January 1, 2018.
 - D. Parks and Recreation Advisory Board: Reappointment of Mark A. Arias in the District 3 representative category and the appointment of Kurt Saba to succeed Jacqueline A. Blake in the Mayor's at large representative category with terms expiring June 30, 2018.
3. Confirmation of the County Mayor's staff reappointments for the third quarter FY 2015-2016. (Human Resources Division)

James W. Becker, Manager, Solid Waste, Utilities

Yolanda S. Brown, Manager, Fiscal and Operational Support, Family Services

Deodat Budhu, Manager, Roads and Drainage, Public Works

Mitchell L. Glasser, Manager, Housing and Community Development, Community, Environmental and Development Services

Joseph C. Kunkel, Deputy Director, Public Works

Dil D. Luther, Manager, Animal Services, Health Services

Julie R. Naditz, Manager, Highway Construction, Public Works

Renzo A. Nastasi, Manager, Transportation Planning, Community, Environmental and Development Services

Kurt N. Petersen, Manager, Office of Management and Budget, Office of Accountability

William R. Powell, Manager, Correctional Facility, Corrections

Joel D. Prinsell, Deputy County Attorney, County Administration

Teresa Remudo-Fries, Deputy Director, Utilities

Anthony Rios, Division Chief, Fire Rescue

Todd P. Swingle, Deputy Director, Utilities

Jacqueline W. Torbert, Manager, Water Operations, Utilities

- 4. Approval for the Orange County Sheriff's Office to spend \$1,500 from the FY 2016 Law Enforcement Trust Fund to provide an eligible contribution to the Early Learning Coalition of Orange County (\$1,500). (Office of Management and Budget)
- 5. Approval of budget amendments #16-44, #16-45, #16-46, and #16-47. (Office of Management and Budget)
- 6. Approval of budget transfer #16-000001141. (Office of Management and Budget)

Administrative Services Department

1. Approval to award Invitation for Bids Y16-1066-DG, Class III Landfill for Disposal of Construction, Demolition & Vegetative Yard Waste Materials, to the low responsive and responsible bidder, Hubbard Construction Company, in the estimated contract award amount is \$809,600. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
2. Approval to award Invitation for Bids Y16-1075-LC, Fence Installation and Repair, to the low responsive and responsible bidder, All Rite Fence Services, Inc. for Lots A and B for a 1-year term contract. The total contract award amount for Lot A is \$1,428,120.00 and the total contract award amount for Lot B is \$427,912.50. Further authorized the Procurement Division to renew the contracts for two additional 1-year periods. (Procurement Division)
3. Approval to award Invitation for Bids Y16-1077-PD, Fill Dirt and Natural Sand, to the low responsive and responsible bidder, G. W. Trucking, Inc., in the estimated contract award amount of \$412,500 for a 1-year term. Further authorized the Procurement Division to exercise option years one and two. ([Public Works Department Stormwater Management Division] Procurement Division)
4. Approval to award Invitation for Bids Y16-1078-PD, Interior Painting Services, to the low responsive and responsible bidder, Silva's Painting & General Services, LLC, in the estimated contract award amount of \$446,200 for a 1-year term. Further authorized the Procurement Division to renew the contract for four additional one-year terms. ([Administrative Services Department Facilities Management Division] Procurement Division)
5. Approval to award Invitation for Bids Y16-764-PH, Vistana Water Supply Facility Improvements, to the low responsive and responsible bidder, Wharton-Smith, Inc., in the total contract award amount of \$2,566,000. ([Utilities Department Engineering Division] Procurement Division)
6. Approval of Purchase Order M79564, Upgrades to Utilities Customer Service Billing System, with First Data Government Solutions in the amount of \$135,184. ([Utilities Department Customer Service Division] Procurement Division)
7. Approval of Contract Y16-1104, Truck Scale Planned Maintenance and Repairs for Landfill, Porter and L.B. McLeod Transfer Stations, with Mettler-Toledo, LLC in the total contract award amount of \$134,907 for a 1-year term. Further, authorized the Procurement Division to renew the contract for four additional one-year terms.([Utilities Department Solid Waste Division] Procurement Division)

8. Approval of Contracts Y16-1094 with Hydra Service, Inc. for ABS Brand Submersible Pumps, Parts and Repairs in the estimated contract amount of \$1,400,000 for a 3-year term and Contract Y16-1095 with Xylem Water Solutions U.S.A., Inc. for Flygt Brand Submersible Pumps, Parts and Repairs in the estimated contract amount of \$3,000,000 for a 3-year term. Further, authorized the Procurement Division to renew the contracts for two additional 1-year terms. ([Utilities Department Field Services Division] Procurement Division)
9. Approval of Contract Y16-2066, On-Line Medical Control Agreement for EMS, with Orlando Health Central, Inc. in the annual contract award amount of \$189,000 for a 1-year period. Further, authorized the Procurement Division to renew the contract for four additional 1-year periods. ([Health Services Department] Procurement Division)
10. Selection of Public Safety Corporation, Request for Proposals Y16-107-MA to provide a False Alarm Billing System. Further, authorized the Procurement Division to negotiate and execute a 5-year contract within a budget amount of \$185,865. ([Fire Rescue Department Planning and Technical Services Division] Procurement Division)
11. Approval and execution of Resolution 2016-M-23 and County Deed from Orange County to the School Board of Orange County, Florida and authorization to record instrument for Summerlake PD – APF School Dedication Site #85-E-W-4. District 1. (Real Estate Management Division)
12. Approval and execution of Distribution Easement between Orange County and Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for Eastern Regional Water Supply Facility. District 4. (Real Estate Management Division)
13. Approval and execution of Utility Easement between the School Board of Orange County, Florida and Orange County and authorization to record instrument for Bay Lake ES (Site 117-E-SW-4) Permit No. 15-E-045. District 1. (Real Estate Management Division)
14. Approval and execution of Temporary License Agreement for Construction Access between Orange County and Taylor Morrison of Florida, Inc. and delegation of authority to the County Administrator to exercise extensions if necessary for Hidden Springs Repump Facility Property – Construction Access. District 1. (Real Estate Management Division)
15. Approval and execution of First Amendment to Conservation and Access Easement between Greenway Somerset Park, LLC, Greenway Park DRI, LLC and Orange County with Joinders and Consents of Association to First Amendment to Conservation and Access Easement from Greenway Park DRI Property Owners Association, Inc. and Somerset Park Homeowners' Association, Inc. and authorization to record instrument for Greenway Park DRI, LLC (CAIP #09-015).

District 4. (Real Estate Management Division)

16. Approval and execution of Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for Dominish Estates Tract A, Retention. District 2. (Real Estate Management Division)
17. Approval and execution of Amendment To Non-Exclusive Drainage Easement between Ancora International, LLC and Orange County, approval of Subordination of Encumbrances to Property Rights to Orange County from Wells Fargo Bank, N. A. and authorization to record instruments for Ancora Apartments (Permit #B15902294). District 1. (Real Estate Management Division)
18. Approval and execution of Non-Exclusive Underground Transmission Pipe Utility Easement Agreements between Orlando Utilities Commission, City of Orlando and Orange County and authorization to disburse funds to pay purchase price, attorney fees, recording fees and record instruments for Innovation Place Project (a.k.a. Storey Park Utilities). District 4. (Real Estate Management Division)

Community, Environmental and Development Services Department

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

LC 16-0492	LC 16-0563	LC 16-0607	LC 16-0514	LC 16-0548
LC 16-0480	LC 16-0565	LC 16-0430	LC 16-0530	LC 16-0550
LC 16-0483	LC 16-0567	LC 16-0517	LC 16-0531	LC 16-0551
LC 16-0533	LC 16-0572	LC 16-0411	LC 16-0534	LC 16-0552
LC 16-0535	LC 16-0495	LC 16-0447	LC 16-0544	LC 16-0553
LC 16-0560	LC 16-0555	LC 16-0449	LC 16-0545	LC 16-0558
LC 16-0561	LC 16-0559	LC 16-0454	LC 16-0546	LC 16-0580
LC 16-0562	LC 16-0581	LC 16-0511	LC 16-0547	LC 16-0594

2. Approval and execution of Adequate Public Facilities Agreement for The Grow PD (A/K/A) Lake Pickett South) by and among Banksville of Florida, Inc., Nivesa of Florida, Inc., New Ideas Incorporated, Margot H. Lopez, and Orange County. District 5. (Development Review Committee)

(This item was deferred.)

3. Acceptance of the Recommendation of the Environmental Protection Commission to approve the request for variances to Orange County Code, Chapter 15, Article IX, Section 15-342(e) (roof height) and Section 15-342(g) (enclosed dock); and

approve the waiver to Section 15-343(b) (side setback) for the Kapadia Dock Construction Permit BD-16-01-009. District 1. (Environmental Protection Division)

4. Adoption and execution of Order Approving Rescission of Grand Palisades Resort Development of Regional Impact Corrected Development Order. District 1. (Planning Division)

(This item was deferred.)

5. 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)

(This item was deferred.)

6. Approval and execution of Road Network and Mitigation Agreement (The Grow (a/k/a Lake Picket South) S.R. 50 (FDOT Project No. 239203-7) and Chuluota Road by and among American Land Investments of Orange County, LLC, Banksville of Florida, Inc., Nivesa of Florida, Inc., New Ideas Incorporated, and Margot H. Lopez, as Successor Trustee of the Chris-Anna Irrevocable Trust under Trust Agreement dated September 1, 1982, and Orange County to fund transportation improvements and provide for a road network to mitigate the traffic impacts for The GROW Development. District 5. (Roadway Agreement Committee)

(This item was deferred.)

7. Approval of Street Name Petition to rename Swaying Cypress Way to Los Feliz Drive and authorization for County staff to update associated records. District 1. (Zoning Division)

Family Services Department

1. Approval and execution of State of Florida Department of Economic Opportunity Agreement Number: 16WX-0G-06-58-08-025, Federally Funded Subgrant Agreement Weatherization Assistance Program for Low-Income Persons between the State of Florida, Department of Economic Opportunity and Orange County in the amount of \$488,355 and approval for the Mayor or designee to sign future modification agreements. The Agreement period will end on March 31, 2017. All Districts. (Community Action Division)
2. Approval of Orange County Family Services Head Start Division Standard Operating Procedures. (Head Start Division)

3. Approval of July 2016 Neighborhood Pride Landscaping Grant as recommended by the Neighborhood Grants Advisory Board for Lake Nally Woods HOA (\$2,500). District 1. (Neighborhood Preservation and Revitalization Division)
4. Approval of July 2016 Neighborhood Pride Nonprofit Housing Repair Grants as recommended by the Neighborhood Grants Advisory Board for The Morning After Center for Hope and Healing, Inc. (\$20,000) and Rebuilding Together Orlando (\$20,000). Districts 1 and 2. (Neighborhood Preservation and Revitalization Division)
5. Approval and execution of Resolution 2016-M-24 of the Orange County Board of County Commissioners regarding the Application of Rebuilding Together of Orlando as a Designated Project of the Enterprise Zone Community Contribution Tax Credit Program. Districts 2, 3, 5, and 6. (Neighborhood Preservation and Revitalization Division)
6. Approval of July 2016 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for Magnolia Hills at Lake Gandy (\$5,000) and Silver Star Estates (\$5,000). Districts 2 and 6. (Neighborhood Preservation and Revitalization Division)
7. Approval of July 2016 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board for Lake Rose HOA (\$5,000); Lyme Bay Colony Condominium Association (\$5,000) and Silver Pines Pointe Phase 1 and 2 (\$5,000). Districts 3 and 6. (Neighborhood Preservation and Revitalization Division)
8. Approval of the July 2016 Sustainable Communities Grant as recommended by the Neighborhood Grants Advisory Board for Watermill Cove HOA (\$3,000). District 5. (Neighborhood Preservation and Revitalization Division)

Health Services Department

1. Approval and execution of the renewal Certificate of Public Convenience and Necessity for Winter Park Fire Rescue to provide Advanced Life Support Transport Service. The term of this certificate is from July 31, 2016 through July 31, 2018. There is no cost to the County. (EMS Office of the Medical Director)
2. Approval and execution of the renewal Certificate of Public Convenience and Necessity for Orange County Fire Rescue, Operations to provide Advanced Life Support Transport Service. The term of this certificate is from July 31, 2016 through July 31, 2018. There is no cost to the County. (EMS Office of the Medical Director)
3. Approval and execution of the renewal Paratransit Services License for Mid-Florida Patient Transport, Inc., to provide wheelchair/stretchers service. The term of this

License is from July 31, 2016 through July 31, 2018. There is no cost to the County.
(EMS Office of the Medical Director)

Public Works Department

1. Approval to remove the "No Parking" zones in the Willowbrook Cove Subdivision. District 3. (Traffic Engineering Division)
2. Approval to construct speed humps on Marcia Drive. District 5. (Traffic Engineering Division)
3. Approval to construct speed humps on Abalone Boulevard. District 5. (Traffic Engineering Division)

Utilities Department

1. Approval and execution of Utility Construction Reimbursement Agreement for Dowden Road, Connector Road, and Innovation Way South (Part B) by and between Orange County and Lennar Homes, LLC, in the not-to-exceed amount of \$1,569,339. District 4. (Engineering Division)

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Orange County, Florida Declaration of State of Local Emergency Executive Order No. 16-01 regarding a shooting at a commercial establishment known as "Pulse", dated June 12, 2016.
 - b. City of Orlando Voluntary Annexation Request: South Gate - ANX2015-00022. Notice of Proposed Enactment. On July 11, 2016, the Orlando City Council will consider proposed Ordinance #2016-13, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located north of Butler Dr., east of S. Orange Ave., south of E. Pineloch Ave., and west of Center St. and Oak Pl., and comprised of 10.678 acres of land, more or less; amending the City's Official Zoning Maps to designate the newly annexed land along with land already existing within the corporate limits of the city as the AC-2 Urban Activity Center District, in part, and the AC-2 Urban Activity Center District along with the Orange/Michigan Special Plan Overlay District, in part, such land comprised of 11.391 acres of land, more or less; providing for severability, correction of scrivener's errors, and an effective date. The public hearing and request for the second reading of this ordinance is scheduled for the City Council meeting on July 11, 2016 beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange

Ave., Orlando, Florida.. The first reading of this ordinance was approved on May 9, 2016.

- c. City of Orlando Economic Development Department Majorca Property Annexation Study Report with attachments and exhibits. The annexation study area comprises 11.263 acres consisting of 4 parcels (26-23-28-5411-00010, 26-23-28-5411-00-020, 26-23-28-5410-00-002 and 26-23-28-5410-00-001) and a portion of a fifth parcel (26-23-28-5411-00-030). Exhibit 1 - Majorca Study Area Map; Exhibit 2 - Majorca Study Area County Future Land Use Map (current and proposed); Exhibit 3 - Majorca Study Area County Zoning Map (current and proposed); Exhibit 4 - Statement certifying that the area to be annexed meets the criteria in S. 171.043, F.S.
- d. Jurisdictional Boundary Map Update in reference to Ordinance No. 2016-44, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land generally located south of State Road 417, North of Tyson Road and East of Narcoossee Road, addressed as 10123 William Carey Drive and 12345 Narcoossee Road and comprised of 54.16 acres of land, more or less; providing for consent to the Municipal Services Taxing Unit for Lake Whippoorwill; providing for severability, correction of scrivener's errors, and an effective date.

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

• COUNTY DISCUSSION AGENDA

Administrative Services Department

1. Selection of one firm and an alternate to provide Tennis Management Services at Lake Cane Tennis Center at Shadow Bay Park, Request for Proposals Y16-1053-JS, from the following firms, listed alphabetically:

- Central Florida Tennis Management Associates, LLC
- M.G. Tennis Shop, Inc.

Further request authority for Procurement to negotiate and execute a 3-year term contract, with two 1-year renewal terms, with revenue to be generated in the amount of \$162,000 during the initial 3-year term. ([Community, Environmental and Development Services Department Parks and Recreation Division] Procurement Division)

Motion/Second: Commissioners Edwards/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board selected one firm, M.G. Tennis Shop, Inc., and an alternate, Central Florida Tennis Management Associates, LLC, to provide Tennis Management Services at Lake Cane Tennis Center at Shadow Bay Park; and further, authorized negotiation and execution of a 3-year term contract, with two 1-year renewal terms, with revenue to be generated in the amount of \$162,000 during the initial 3-year term, Request for Proposals Y16-1053-JS.

Health Services Department

2. Approval and execution of Resolution of the Orange County Board of County Commissioners regarding certain services fees charged by Orange County Health Department and authorizing revisions to the schedule of fees to take effect immediately. (Health Services Department)

Motion/Second: Commissioners Clarke/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved and executed Resolution 2016-M-25 of the Orange County Board of County Commissioners regarding certain fees charged by the Orange County Health Department; further, authorized revision to the schedule of fees; and further, requested staff bring back the second page of fee schedule for further discussion at a future Board meeting.

Office of Regional Mobility

1. MetroPlan Orlando Board Meeting Briefing.

County staff provided an overview of the Agenda for the upcoming MetroPlan Orlando Board meeting.

Board discussion ensued.

Action: None

County Mayor

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

Commissioner Nelson discussed with the Board planting a Rainbow Eucalyptus Tree at one of the local parks as a memorial to the victims of the Pulse nightclub tragedy.

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Commissioner Bryan Nelson.

Action: None

- MEMBER ENTERED: Mayor Jacobs

Health Services Department

1. Approval to move forward with the design and construction of both the Animal Services Building 300 Ventilation Upgrade project and the adjacent Interaction Yard Shade and Turf project.

County staff presented to the Board a study regarding the results of an air conditioning assessment for the Animal Services Building. The study focused on the concerns and addressed potential solutions for ventilation and cooling systems within a portion of the facility.

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board approved to move forward with the design and construction of both the Animal Services Building 300 Ventilation Upgrade project and the adjacent Interaction Yard Shade & Turf project.

- MEETING RECESSED, 11:09 a.m.

- MEETING RECONVENED, 2:11 p.m.

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

Others Present: County Administrator Ajit Lalchandani, Deputy County Attorney Joel Prinsell, Deputy Clerk Katie Smith, Senior Minutes Coordinator Noelia Perez

- PUBLIC HEARINGS

Petition to Vacate

1. Chris Sousa, on behalf of Atlantic Civil Holdings, LLC, Petition to Vacate # 16-02-002, portion of an unopened and unimproved right-of-way; District 6

Applicant: Chris Sousa, on behalf of Atlantic Civil Holdings, LLC

Consideration: Resolution granting Petition to Vacate # 16-02-002, vacating a portion of an unopened and unimproved 60 ft wide right-of-way known as Ginger Avenue (fka Smith Avenue), containing approximately 0.376 acres.

Location: District 6; The parcel address is 402 Tremont Avenue; S30/T22/R29; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Siplin/Thompson

AYE (voice vote): All members

Action: The Board adopted a resolution granting Petition to Vacate # 16-02-002 vacating a portion of an unopened and unimproved 60 ft wide right-of-way known as Ginger Avenue (fka Smith Avenue), containing approximately 0.376 acres, on the described property.

2. Thomas V. Infantino, on behalf of RJ Realty, LLC, Petition to Vacate # 15-03-006, portion of an unopened and unimproved unnamed right-of-way; District 1

Applicant: Thomas V. Infantino, on behalf of RJ Realty, LLC

Consideration: Resolution granting Petition to Vacate # 15-03-006, vacating a portion of an unopened and unimproved 16 ft wide unnamed right-of-way containing approximately 0.073 acres.

Location: District 1; Three of the parcel addresses are 11305 S. Apopka Vineland Road, 11337 S. Apopka Vineland Road, and 8652 2nd Street. The remaining parcel is unaddressed; S15/T24/R28; Orange County, Florida (legal property description on file)

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 adopted a resolution granting Petition to Vacate # 15-03-006 vacating a portion of an unopened and unimproved 16 ft wide unnamed right-of-way containing approximately 0.073 acres, on the described property.

Board of Zoning Adjustment Appeal

3. Margaret Rogers, Case # VA-15-12-118, May 5, 2016; District 2

Applicant: Margaret Rogers

Consideration: Request for a variance to construct a 2nd floor addition to an existing single family home 2 ft. from the side (west) property line in lieu of 10 ft.

Location: District 2; property generally located South Side of Lake Ola Dr., approximately 125 ft. east of Lake St., and approximately .3 miles east of North OBT (legal property description on file in Zoning Division)

The following persons addressed the Board:

- Archibald Tanner Schofield III
- Nancy McDonald

Motion/Second: Commissioners Nelson/Thompson

AYE (voice vote): All members

Action: The Board continued the public hearing until September 20, 2016, at 2 p.m.

Development Plan

4. Heather Isaacs, Windermere Property Holdings, LLC, Isleworth - Four Corners PD/The Grove at Isleworth PSP/The Grove at Isleworth Parcel 4 Development Plan, Case # DP-15-08-224; District 1

Applicant: Heather Isaacs, Windermere Property Holdings, LLC, Isleworth – Four Corners PD / The Grove at Isleworth PSP / The Grove at Isleworth Parcel 4 Development Plan – Case # DP-15-08-224

Consideration: Isleworth – Four Corners PD / The Grove at Isleworth PSP / The Grove at Isleworth Parcel 4 Development Plan submitted in accordance with Article II of the Orange County Subdivision Regulations; Request to construct a two (2) story building with 15,000 square feet of commercial / retail / restaurant uses on the first floor and 16,500 square feet of professional office uses on the second floor. The cumulative proposed square footage is 31,500; pursuant to Orange County Code, Section 38-1344(3)d.

Location: District 1, property generally located on the Southwest corner of the intersection of Conroy Windermere Road and Apopka Vineland Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Chris Roper.

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 Isleworth – Four Corners PD / The Grove at Isleworth PSP / The Grove at Isleworth Parcel 4 Development Plan – Case # DP-15-08-224 on the described property, subject to the following conditions:

1. Development shall conform to the Isleworth - Four Corners Planned Development; Orange County Board of County Commissioners (BCC) approvals; The Grove at Isleworth Preliminary Subdivision Plan; BCC approvals; The Grove at Isleworth Parcel 4 Development Plan dated "Received May 5, 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.

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. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this 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. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that the existing drainage system and pond have the capacity to accommodate this development and that this project is consistent with the approved master drainage plan (MDP) for this PD.
7. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
9. Prior to commencement of any earthwork or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
10. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the DP, and that construction plans are consistent with an approved Master Utility Plan for the PD.
11. Outside sales, storage, and display shall be prohibited.
12. Signage shall comply with Orange County Code Chapter 31.5-192 Community Village Center.
13. The allowed uses on the second floor shall be restricted to Professional Office (P-O) uses.

Preliminary Subdivision Plan

5. Miranda F. Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Kerina Parkside PD/Parkside Tract 11 Preliminary Subdivision Plan, Case # PSP-15-07-220; District 1

Applicant: Miranda F. Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Kerina Parkside PD / Parkside Tract 11 Preliminary Subdivision Plan - Case # PSP-15-07-220

Consideration: Kerina Parkside PD / Parkside Tract 11 Preliminary Subdivision Plan, Case # PSP-15-07-220, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is to subdivide 79.79 acres in order to construct 229 single-family residential dwelling units.

Location: District 1, property generally located West of Apopka Vineland Road / North of Fenton Street; Orange County, Florida (legal property on file in Planning Division)

The following persons addressed the Board:

- Miranda Fitzgerald
- Alexis Paredes
- Ishalid Ahmed
- Maria Bolton-Joubert
- Juliet Rynear
- Marjorie Holt

The following material was received by the Clerk prior to the close of the public hearing. The material referenced by the speaker was presented to the Board: Submittal 1, from Julie Rynear.

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 Kerina Parkside PD / Parkside Tract 11 Preliminary Subdivision Plan - Case # PSP-15-07-220 on the described property, subject to the following conditions:

1. Development shall conform to the Kerina Parkside PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Tract II Preliminary Subdivision Plan dated "Received April 11, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received April 11, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation,

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

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. 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/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. The stormwater management system shall be designed to retain the 100-year / 24-hour storm event onsite, unless documentation with supporting calculations is

submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year / 24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

7. A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
8. 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. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
10. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan approval and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
11. 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.
12. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
13. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply for an Orange County Dock Construction Permit. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction prior to installation.

14. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
15. 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.
16. 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.
17. 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).
18. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
19. Additional required right-of-way for Fenton Street will be identified and conveyed prior to or concurrently with the county's approval of the plat.

Shoreline Alteration/Dredge and Fill

6. Jennifer Gohlke and Muhammed Khan, Pocket Lake, after-the-fact permit; District 1

Applicant: Jennifer Gohlke and Muhammed Khan
Consideration: Request for an After-the-fact Shoreline Alteration/Dredge and Fill Permit to construct a seawall on the property, pursuant to Orange

County Code, Chapter 33, Article IV, Windermere Water and Navigation Control District; Section 33-129(d).

Location: District 1; on property located adjacent to Pocket Lake, located at 8866 Darlene Drive; Orange County, Florida (legal property description on file in Environmental Protection Division)

• MEMBER EXITED: Commissioner Edwards

County staff identified this permit as (SADF-15-10-014).

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

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board approved the request by Jennifer Gohlke and Muhammed Khan for an After-the-fact Shoreline Alteration/Dredge and Fill Permit (SADF-15-10-014) to construct a seawall on the property, 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 Site Plans submitted by Specialty Marine Contractors, dated December 22, 2015, and January 13, 2016. 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 one year this permit is void.
3. Any permit extensions 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 that which is necessary for the actual construction of the seawall.
5. The permittee must install riprap at a 2 (Horizontal): 1 (Vertical) slope along the entire length of the seawall.
6. The permittee is required to maintain turbidity and sedimentation barriers during seawall construction.

7. The permittee may maintain a clear access corridor below the Normal High Water Elevation (98.48' '88 NAVD), not to exceed thirty (30) feet in width, of sufficient length waterward from the shoreline, to allow access to open water.
8. 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.
9. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Building Division in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.

General Conditions:

10. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of 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.
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.
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 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 this 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.

Rezoning

7. Allison Turnbull, Holland & Knight, Orlando Airport Park PD/LUP, Case # LUPA-16-03-088; District 4

Applicant: Allison Turnbull, Holland & Knight, Orlando Airport Park PD/LUP, Case # LUPA-16-03-088

Consideration: Request to aggregate and rezone 11.15 gross acres located within portions of three (3) adjacent parcels into the existing Orlando Airport Park Planned Development (PD). The subject property would be rezoned from I-1 / I-5 to PD. The request also includes a proposed modification to existing Condition of Approval #3 dated January 23, 2007, which addresses project setback and landscape requirements. No changes to the existing Orlando Airport Park PD development program are proposed; pursuant to Orange County Code, Chapter 30.

Location: District 4; property generally located north and south of Wetherbee Road, south of Airport Park Drive and Boggy Creek Road, east of Airport Park Drive, and west of Boggy Creek Road; Orange County, Florida (legal property description on file)

(This request was withdrawn.)

8. Constance Owens, Buena Vista Commons PD/LUP, Case # LUPA-15-08-240; District 1

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)

• MEMBER RE-ENTERED: Commissioner Edwards

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board continued the public hearing until July 19, 2016, at 2 p.m.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

9. James G. Willard, Wincey Groves PD/UNP, Case # LUP-15-11-342; District 1

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)

The following person addressed the Board: James Willard.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board continued the public hearing until July 19, 2016, at 2 p.m.

and

COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES (DEFERRED

5. 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)

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board continued this item until July 19, 2016, at 2 p.m.

10. Jim Hall, Kurtyka PD/LUP, Case # LUP-14-03-069; District 3

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)

Motion/Second: Commissioners Clarke/Thompson

AYE (voice vote): All members

Action: The Board continued the public hearing until July 19, 2016, at 2 p.m.

Substantial Change

11. Chuck Whittall, Venetian Isles at Horizon West, LLC, North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP) - Substantial Change, Case # CDR-16-05-168, amend plan; District 1

Applicant: Chuck Whittall, Venetian Isles at Horizon West, LLC, North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP) – Substantial Change – Case # CDR-16-05-168

Consideration: Substantial change request to amend the September 15, 2015, BCC Condition of Approval #9 on the approved Westside Preliminary Subdivision Plan to allow vertical building permits prior to plat; pursuant to Sections 34-69 and 30-89, Orange County Code

Location: District 1; property generally located West side of Winter Garden Vineland Road (C.R. 535) / immediately north of Lakeside Village Lane; Orange County, Florida (legal property description on file in Planning Division)

(This request was withdrawn.)

12. Chuck Whittall, Venetian Isles at Horizon West, LLC, North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP) / Lots 1 & 2 - Westside Shoppes Development Plan (DP) - Substantial Change, Case # DP-15-11-344, amend plan; District 1

Applicant: Chuck Whittall, Venetian Isles at Horizon West, LLC, North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP) / Lots 1 & 2 – Westside Shoppes Development Plan (DP) – Substantial Change – Case # DP-15-11-344

Consideration: Substantial change request to amend the August 12, 2015, BCC Condition of Approval #4 on the approved Lots 1 & 2 Westside Shoppes DP to allow vertical building permits prior to plat, to eliminate Condition of Approval # 19, and add a 3,187 square foot fast food restaurant with a drive-thru and a 12,065 square foot retail building within Lot 1; pursuant to Sections 34-69 and 30-89, Orange County Code

Location: District 1; property generally located West side of Winter Garden Vineland Road (C.R. 535) / immediately north of Lakeside Village Lane; Orange County, Florida (legal property description on file in Planning Division)

(This request was cancelled.)

13. Matthew Gourlay, Grandeville at Avalon Park, LTD, Colonial Sunflower Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-04-151, amend plan; District 4

Applicant: Matthew Gourlay, Grandeville at Avalon Park, LTD, Colonial Sunflower Planned Development / Land Use Plan (PD / LUP), - Case # CDR-16-04-151

Consideration: Substantial change request to grant the following "after-the-fact" waiver from Orange County Code to recognize five (5) buildings that are inconsistent with the applicable building separation development standards: 1. A waiver from Section 38-1258(j), and applicable to PD Parcel B – Grandeville at Avalon Park DP, Buildings 13 through 17 only, to allow a minimum multi-family residential building separation of 25 feet for two-story buildings where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, window or other openings; in lieu of a minimum separation of 30 feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4, property located at 525 Loyola Circle; generally located on the west side of North Alafaya Trail, north of Avalon Reserve

Boulevard and south of East Colonial Drive; Orange County, Florida
(legal property description on file)

The following person addressed the Board: Terry Delahunty (phonetic).

Motion/Second: Commissioners Thompson/Boyd

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 Matthew Gourlay, Grandeville at Avalon Park, LTD, Colonial Sunflower Planned Development / Land Use Plan (PD / LUP), - Case # CDR-16-04-151, to grant the following "after-the-fact" waiver from Orange County Code to recognize five (5) buildings that are inconsistent with the applicable building separation development standards:

1. A waiver from Section 38-1258(j), and applicable to PD Parcel B – Grandeville at Avalon Park DP, Buildings 13 through 17 only, to allow a minimum multi-family residential building separation of 25 feet for two-story buildings where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, window or other openings; in lieu of a minimum separation of 30 feet;

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

1. Development shall conform to the Colonial Sunflower Planned Development / Land Use Plan (PD/LUP) dated "Received May 17, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such LUP, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received May 17, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or

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

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

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

6. A waiver from Section 38-1258(j), applicable to PD Parcel B – Grandeville at Avalon Park DP, Buildings 13 through 17 only, is granted to allow a minimum multi-family residential building separation of 25 feet for two-story buildings 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 a minimum separation of 30 feet.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 4, 2015, shall apply:
 - a. 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.
 - b. Short term rental for a period of less than 180 days is prohibited.
 - c. 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.
 - 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. 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).
 - f. The following waivers from Orange County Code, applicable to "PD Parcel J" only, are granted:
 - 1) A waiver from Section 38-79(20)(f) to allow a maximum of 50 percent of the buildings to be four (4) units, in lieu of a maximum of 25 percent of the buildings to be four (4) units; and

- 2) A waiver from Section 38-79(20)(j) to allow a minimum distance of 40 feet rear-to-rear between buildings, in lieu of a minimum distance of 60 feet rear-to-rear between buildings.
 - g. An updated Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
 - h. 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.
 - i. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 4, 2005, shall apply:
- a. The developer shall obtain water and wastewater services from Orange County Utilities.
 - b. The master stormwater management plan shall be modified to include this additional property.
 - c. Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of September 23, 2003 (executed October 16, 2003), and is on file with the Orange County Planning Division.
- 1) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Public Education Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 2 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 Public Education Agreement. The developer and its successor or assign under the Public Education 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 or assign under the Public Education Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.
 - 3) Orange County shall be held harmless by the developer and its assigns under the Public Education Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Public Education Agreement.
- d. The following modifications to the existing Colonial Sunflower PD shall also be granted:
- 1) Convert 40 mobile home units within the Colonial Sunflower PD West Village to 40 units of multi-family.
 - 2) Reduce approved commercial square footage from 196,000 square feet to 164,445 square feet.
 - 3) Change institutional zoning (Parcel 3 and 4) to commercial zoning without increasing overall commercial building square footage.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 5, 2001, shall apply:
- a. All multi-family development in Parcel E shall be restricted to single story within 100 feet of single-family construction.
 - b. A 25-foot buffer shall be maintained along the southern boundary line of Parcel E.
 - c. No access through the Deerwood Mobile Home Park shall be permitted without written approval.
10. Except as amended, modified, and / or superseded, the following BCC Condition of Approval, dated March 2, 1999, shall apply:
- a. The landscape berm shall be ten feet (10') wide by three feet (3') high and shall have a six foot (6') PVC solid fence on top.
11. Except as amended, modified, and / or superseded, the following BCC Condition of Approval, dated August 26, 1997, shall apply:
- a. A landscaped berm, ten feet (10') wide by eight feet (8') high, 80 percent opaque and irrigated, shall be placed along the southwest portion of the property.

12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 27, 1995, shall apply:

- a. In the event that this is not a certified affordable housing project, the minimum lot size in Villages G and H shall be ½ acre.
- b. Uses within the commercial tract shall be limited to C-1 uses only. Outside storage and/or display shall be prohibited.
- c. Building setbacks from Old Cheney Highway shall be a minimum of 55 feet from center line or 35 feet from the right-of-way line, whichever is greater.
- d. Building setbacks from State Road 50 shall be a minimum of 150 feet from the centerline or 50 feet from the right-of-way line, whichever is greater.
- e. The commercial Tract fronting on Colonial Drive shall be limited to 15 acres and a maximum of 196,000 square feet.
- f. Recreation facilities shall provide construction concurrent with each phase of development for the central park facility prior to the 600th unit.
- g. A minimum 25 foot setback shall be provided along the perimeter of the Planned Development unless a more restrictive setback would apply.

• MEMBER EXITED: Commissioner Thompson

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

14. Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Lake Austin Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-01-027, amend plan; District 1

Applicant: Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Lake Austin Planned Development / Land Use Plan (PD / LUP) - Case # CDR-16-01-027

Consideration: Substantial change request to incorporate the following changes to the Planned Development / Land Use Plan (PD/LUP), concurrent with a request to rescind the Grande Palisades Resort Development of Regional Impact / Development Order (DRI / DO): a) revise the use description from "Timeshare" to "Short Term Rental" and increase entitlements from 4,159 units to 4,831 units (consistent with DRI/DO); b) modify project phasing dates and amount of development per phase; c) revise traffic generation calculations; d) expand list of approved recreational facilities; e) identify previously dedicated road right-of-way; f) add two (2) parcel identification numbers not previously identified; g) modify and renumber existing

notes on the plan; h) add Notes 11-22, some of which transfer DRI / DO environmental and transportation conditions; and, i) to add a Master Sign Plan. In addition, the request includes the following three (3) waivers from Orange County Code, that primarily relate to signage: 1. A waiver from Section 31.5-67(f) to allow for three additional proposed signs, in lieu of the allowed two signs based on a right-of-way frontage in excess of four hundred (400) linear feet. 2. A waiver from Section 38-1287(1)(b) to allow for a minimum building setback of forty (40) feet from C.R. 545, in lieu of sixty (60) feet, for the primary sign structure. 3. A waiver from Section 38-1287(1)(c) to allow for a minimum building setback of thirty-five (35) feet from the south property line, in lieu of forty (40) feet, for the primary sign structure; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located West of C.R. 545 / Avalon Road, east of the Orange / Lake County line, and north of U.S. 192; Orange County, Florida (legal property description on file)

The following person addressed the Board: Miranda Fitzgerald.

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 Miranda Fitzgerald, Lowndes Drosdick Doster Kantor & Reed, P.A., Lake Austin Planned Development / Land Use Plan (PD / LUP) - Case # CDR-16-01-027, to incorporate the following changes to the Planned Development / Land Use Plan (PD/LUP), concurrent with a request to rescind the Grande Palisades Resort Development of Regional Impact / Development Order (DRI / DO):

- A) revise the use description from "Timeshare" to "Short Term Rental" and increase entitlements from 4,159 units to 4,831 units (consistent with DRI/DO);
- B) modify project phasing dates and amount of development per phase;
- C) revise traffic generation calculations;
- D) expand list of approved recreational facilities;
- E) identify previously dedicated road right-of-way;
- F) add two (2) parcel identification numbers not previously identified;
- G) modify and renumber existing notes on the plan;
- H) add Notes 11-22, some of which transfer DRI / DO environmental and transportation conditions; and,
- I) to add a Master Sign Plan;

the request includes the following three (3) waivers from Orange County Code, that primarily relate to signage:

1. A waiver from Section 31.5-67(f) to allow for three additional proposed signs, in lieu of the allowed two signs based on a right-of-way frontage in excess of four hundred (400) linear feet.
2. A waiver from Section 38-1287(1)(b) to allow for a minimum building setback of forty (40) feet from C.R. 545, in lieu of sixty (60) feet, for the primary sign structure.
3. A waiver from Section 38-1287(1)(c) to allow for a minimum building setback of thirty-five (35) feet from the south property line, in lieu of forty (40) feet, for the primary sign structure;

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

1. Development shall conform to the Lake Austin Planned Development / Land Use Plan (PD/LUP) dated "Received April 29, 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 29, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

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

Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.

8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
9. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply for an Orange County Dock Construction Permit. Application shall be made to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction prior to installation.
10. 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.
11. 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.
12. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code, unless otherwise waived.
13. Outside sales, storage, and display shall be prohibited.
14. Length of stay shall not exceed 180 days.
15. Permitting of any development on this site will be subject to review and approval under the capacity constraints of the county's Transportation Concurrency Management System and an approved capacity encumbrance letter will be required prior obtaining a building permit.
16. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 31.5-67(f) to allow for three additional proposed signs, in lieu of the allowed two signs based on a right-of-way frontage in excess of four hundred (400) linear feet.
 - b. A waiver from Section 38-1287(1)(b) to allow for a minimum building setback of forty (40) feet from C.R. 545, in lieu of sixty (60) feet, for the primary sign structure.

- c. A waiver from Section 38-1287(1)(c) to allow for a minimum building setback of thirty-five (35) feet from the south property line, in lieu of forty (40) feet, for the primary sign structure.
17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 26, 2010, shall apply:
- a. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
 - b. 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 certificate of occupancy. However, nothing in this condition and nothing in the decision to approve this development plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
 - c. No permanent school-aged children shall be generated as a result of this development.
 - d. A Tree Survey Mitigation Plan for the undeveloped property (phase two) will be required at PSP/DP submittals.
 - e. A minimum building setback of 25 feet from the PD perimeter shall be maintained.
 - f. Maximum impervious area shall be limited to 65 percent. The project shall have a minimum open space requirement of 35 percent.
18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 10, 2006, shall apply:
- a. The development shall have minimum open space of 35 percent.
 - b. Phase II shall have a maximum building height of 7 stories (100 feet). Phase I shall have a maximum building height of 4 stories.
 - c. All previous conditions of approval shall apply.
19. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 2, 2004, shall apply:
- a. Master stormwater management, water and wastewater plans including preliminary calculations, shall be required to be submitted for review and approval prior to submission of construction plans.

- b. The commercial component shall comply with the Commercial Design Standards Ordinance.
- c. At the development plan stage the applicant shall demonstrate compliance with the Future Land Use Element Policies 1.2.6 through 1.2.6.10.

and

COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT
(DEFERRED)

- 4. Adoption and execution of Order Approving Rescission of Grand Palisades Resort Development of Regional Impact Corrected Development Order. District 1. (Planning Division)

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board adopted and executed the Order Approving Rescission of Grand Palisades Resort Development of Regional Impact Corrected Development Order.

- 15. Monica Feldman, Tricon Real Estate, Inc., Shoppes at Lake Avenue Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-10-317, amend plan; District 1

Applicant: Monica Feldman, Tricon Real Estate, Inc., Shoppes at Lake Avenue Planned Development / Land Use Plan (PD / LUP) - Case # CDR-15-10-317

Consideration: Substantial change request to incorporate a Master Sign Plan (MSP) into the Land Use Plan in order to accommodate a monument sign with two (2) waivers from Orange County Code as follows: 1. A waiver from Section 31.5-195(1) to allow a monument ground sign as identified on the Master Sign Plan (MSP) to have a maximum copy area of one-hundred fifty (150) square feet; in lieu of a maximum copy area of ninety-six (96) square feet. 2. A waiver from Section 31.5-195(1) to allow monument ground signs as identified on the Master Sign Plan (MSP) to have a maximum height of fifteen (15) feet; in lieu of a maximum height of eight (8) feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located North of Lake Street / East of Apopka Vineland Road; Orange County, Florida (legal property description on file)

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

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 Monica Feldman, Tricon Real Estate, Inc., Shoppes at Lake Avenue Planned Development / Land Use Plan (PD / LUP) - Case # CDR-15-10-317, to incorporate a Master Sign Plan (MSP) into the Land Use Plan in order to accommodate a monument sign with two (2) waivers from Orange County Code as follows:

1. A waiver from Section 31.5-195(1) to allow a monument ground sign as identified on the Master Sign Plan (MSP) to have a maximum copy area of one-hundred fifty (150) square feet; in lieu of a maximum copy area of ninety-six (96) square feet.
2. A waiver from Section 31.5-195(1) to allow monument ground signs as identified on the Master Sign Plan (MSP) to have a maximum height of fifteen (15) feet; in lieu of a maximum height of eight (8) feet;

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

1. Development shall conform to the Shoppes at Lake Avenue PD Land Use Plan dated "Received May 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 of this land use plan and the land use plan dated "Received May 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 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. 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. The following waivers are hereby granted from Orange County Code:
 - a. A waiver from Orange County Code Section 31.5-195 (1) to allow monument ground sign as identified on the Master Sign Plan to have a maximum copy area

of one-hundred fifty (150) square feet; in lieu of a maximum copy area of Ninety-Six (96) square feet.

- b. A waiver from Orange County Code Section 31.5-195 (1) to allow monument ground sign as identified on the Master Sign Plan to have a maximum height of fifteen (15) feet; in lieu of a maximum copy area of Eight (8) feet.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 6, 2000 shall apply:
- a. Master water and wastewater plans including preliminary calculations shall be approved prior to approval of construction plans.
 - b. Billboards and pole signs shall be prohibited.
 - c. To the extent required to comply with the consistency provisions of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:
 - 1) Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center.
 - 2) If the housing linkage program is in place prior to development plan approval, the development of nonresidential development shall be conditioned upon either the development of residential units within the area designated Activity Center Residential on the Future Land Use map or the payment into the housing linkage fund.
 - 3) The development guidelines of Orange Center shall apply to the subject property if they are established prior to development plan submittal, including but not limited to lighting standards, sign regulations, open space requirements, trip reduction program, access management controls, transit access design standards, building orientation, and location of parking lots. If the foregoing guidelines are in conflict with the guidelines for the Shops of Lake Avenue as set forth herein, then the Shops of Lake Avenue guidelines shall apply.
 - 4) The property shall be required to participate in a property owners' association upon its creation.
 - 5) Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
 - 6) A ten-foot-wide (10') pedestrian/landscape/utility easement shall be provided along CR 435 and shall be included in the development plan.

- 7) The development plan shall provide for interconnection of existing adjacent commercial development by either cross access easement or public right-of-way.
- 8) Electrical distribution lines shall be underground.
- 9) Participation in a shuttle service connecting area attractions, major transportation centers and on site development shall be required.
- d. There shall be a 20-foot setback on Lake Ruby Road, a ten-foot (10') setback on 10th street, and a ten-foot (10') setback from the southeast corner.
- e. A master stormwater drainage system shall be submitted and approved prior to construction plan approval.
- f. Prior to construction plan submittal, a developer's agreement addressing the ownership, maintenance, and landscaping of the retention system shall be approved.
- g. The following design standards shall be incorporated into this project:
 - 1) No visible flat roofs shall be permitted.
 - 2) No visible equipment on the roofs, i.e., duct work, antennas, machinery, or air conditioning units shall be permitted within 100 feet of a public right-of-way.
 - 3) Dumpsters shall be fully enclosed and hidden from view by block enclosures.
 - 4) All illumination shall be limited to nine-foot (9') candles at storefronts, gradually decreasing to two-foot (2') candles at the perimeter.
 - 5) All visible roofs shall be tile.
 - 6) Exterior lighting shall be directed away from street traffic lanes. No lights in excess of 25 feet shall be permitted.
 - 7) A comprehensive landscape plan shall be required open development plan submittal.
 - 8) Loading platforms shall be reasonably obstructed from view by landscaping.

- 9) No overnight parking of truck or motor vehicles defined as exceeding 24-hour period; no free-standing storage-type containers, and no free-standing concession stands or building structures of less than 750 square feet shall be permitted.
- 10) No portable blinking curbside signs shall be used anywhere on the development due to their potential hazard to traffic.
- 11) No cellular telephone towers, microwave towers, or other transmission towers shall be permitted within the Planned Development.
- 12) Notice of any proposed Comprehensive Plan amendment, Planned Development amendment, or development plan application shall be provided to the Dr. Phillips Preservation Association, Southwest Orange County Homeowners' Association, Emerald Forest Homeowners' Association, Diamond Cove Homeowners' Association, and Turtle Creek Homeowners' Association.
- 13) The following signage standards drawn from the Hilton Head, Longboat Key, and Sanibel Land Development Code Signage Design Standards shall be implemented:
 - a) The amount of information on signs shall be no more than necessary to provide reasonable identification of the business.
 - b) The signage design shall be included in the Planned Development. The signage design must ensure that signs are similar in shape and consistent in material.
 - c) Pole signs are prohibited. Ground signs must be monument style.
 - d) Signs on the building façade may be internally lighted. However, there shall be no external neon signs. The total area of façade sign shall occupy no more than 25 percent of the area façade. Façade signs must be contained within a single wall panel, window, door, or other architectural components upon which they are placed. No façade sign shall be on or over the roof of any building.
 - e) No part of any sign shall move or give the appearance of movement or emit any sounds, odors, or visible matter such as smoke or vapor.
 - f) There shall be no billboards, "community boards," or any other form of off-site advertising.
 - g) There shall be no inflatable sign or balloons of any type.

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

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)

• MEMBER RE-ENTERED: Commissioner Thompson

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board continued the public hearing until July 19, 2016, at 2 p.m.

Ordinance/Comprehensive Plan

17. Amending Orange County Code, Adopting 2015-2 Regular Cycle State-Expedited Amendment to the 2010-2030 Comprehensive Plan (CP) (Continued from June 14, 2016)

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

STATE-EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED TEXT
AMENDMENT (LAKE PICKETT STUDY AREA POLICIES) AND FUTURE LAND
USE MAP AMENDMENT

Amendment: 2015-2-P-FLUE-1
Applicants: Dwight Saathoff, Project Finance and Development, and Sean Froelich, Columnar Holdings, LLC
Owner: New Ideas, Inc.; Banksville of Florida, Inc.; Byrdley Realty Co., LP; Robert Lopez Trust; Nivesa of Florida and Rolling R. Ranch LTD; Mary R. Lamar; Eloise A. Rybolt Revocable Trust; and Lake Pickett North, LLC
Consideration: Text amendments to Future Land Use Element establishing FLU OBJ6.8, FLU OBJ6.9, and associated policies related to the Lake Pickett Study Area, and corresponding amendments to various Comprehensive Plan policies. Establishment of Map 22 of the Future Land Use Map Series depicting the Lake Pickett Study Area. Text amendment to intergovernmental Coordination Element establishing Policy ICE 1.18.5 related to the Lake Pickett Study Area that will also have countywide applicability

County staff indicated the newly proposed policies were modified as follows:

Revise Policy FLU6.8.2:

T4 Center: Consists of lands developed with a mix of residential (single-family attached, and vertically integrated uses) and non-residential uses, including commercial, office, service, and civic uses that serve a Lake Pickett community as well as the surrounding area. Residential density and non-residential intensity shall be calculated on the net developable acreage (gross acreage less natural waterbodies and wetlands). The average residential density within the overall T4 Center shall not exceed 6.0 units per acre, and the average non-residential intensity within the overall T4 Center shall not exceed a 0.15 Floor Area Ratio (FAR). Although density and intensity within specific T4 development tracts may exceed the maximum average of the overall T4 Center, higher concentrations of development ~~A minimum average density of is 5DU/residential tract acre and a maximum average density of 12 DU/acre shall be provided within all designated residential tracts. A maximum FAR of 1.0 shall be provided within all non-residential tracts. Higher density residential uses, as well as commercial, office, and service uses, shall be located in the most southerly portion of the Lake Pickett Study Area, adjacent to SR 50, at a maximum FAR of 1.0. Multi-family complexes shall be prohibited.~~

Revise Policy FLU6.9.2(B):

B. Development Program: The proposed community development program shall show unit counts and average densities and intensities by Transect Zone and their phasing, if applicable, and it shall be included and adopted as part of a Lake Pickett PD-RP and their totals incorporated into Policy FLU8.1.4. The development program shall be substantially consistent with the program submitted with a CRP and approved with a LP FLUM amendment, with revisions necessary to reflect any changes to the Transect Zones boundaries or as required for consistency with the provisions of the Regulating Plan and required Agreements. Any request to increase the development totals for a Lake Pickett PD-RP, as listed in FLU8.1.4, must be approved through an application to amend the Comprehensive Plan.

New Policy FLU6.9.6:

In an effort to preserve the existing Chuluota Road buffer to the maximum extent possible, in the event the existing buffer is adversely impacted by County roadway expansion the County shall, in accordance with its usual policies and procedures, endeavor to provide a buffer between the expanded roadway and adjoining communities. In the event such buffer does not reasonably shield the roadway from view of adjoining communities, the County shall act to reasonably shield the expanded roadway from view. Such shielding shall, to the extent reasonably possible, be accomplished through the use of trees, enhanced landscaping, and/or other vegetation. For other roadway improvements in the Lake Pickett Overlay, the County will endeavor to maintain existing buffers and will consider similar compatibility measures on a case by case basis.

FLUM Series – Map 22 Changes:

The boundary of the study area map was adjusted to exclude the adjacent rural settlements and to allow it to follow recognizable roadway edges.

The following persons addressed the Board:

- Dwight Saathoff
- Sean Snaith
- Katie Pickett
- Jim Hall
- Larry Frankel
- Daisy Morales
- Eric Rollings
- Bobby Beagles
- Dave Ottersen
- Judy Chubb
- Bob Saunders
- Susan John
- Debra Pierre

- **RELINQUISHED CHAIR**

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

The following persons addressed the Board:

- Joe Roberts
- Diana Schmuck
- Justine Cowan
- Susan Eberle
- Deborah Schafer
- Frank Kujawa

- **REASSUMED CHAIR**

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

The following persons addressed the Board:

- David Siegel
- Nick Mesiano
- Robert Blood
- Tim McKinney
- Sara Isaac
- Shawn Bartelt
- Marty Sullivan
- Maria Bolton-Joubert
- Mark Bernhardt
- Tanin Teston
- Daniel Teston
- Marj Holt

- **RELINQUISHED CHAIR**

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

The following persons addressed the Board:

- Ed Misicka
- RJ Mueller
- Jay Zembower

- **REASSUMED CHAIR**

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

The following persons addressed the Board:

- Dan Washburn
- Nick Rodites

- Richard Nopelman
- Jerry Hardestin
- Bob Carrigan
- Alan Ashlock
- Orlando Emora
- Colin O'Malley
- Jerry Hardesty
- Marty Berman
- Andre Vidrine
- Donna DeGregory
- Kathy Glover
- Philip Arroyo
- Michael Parker
- Josephine Balzac
- Chuck O'Neal
- Emily Bonilla
- Katrina Shadix
- John Lina
- Ariel Horner
- John E. Fauth
- Steven Micciche
- Bill Lutz
- Larry Simmons
- Ronald Brooke

• **RELINQUISHED CHAIR**

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

The following persons addressed the Board:

- Robert Banks
- John Stanley

• **REASSUMED CHAIR**

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

The following persons addressed the Board:

- Maria Martinez
- Cecil Tucker
- William Pons
- Kelly Semrad
- Tom Narut
- Tom Glover
- Jimmy McKnight
- Jeanne McKnight

- Thomas Hawkins
- Kenneth Pinson
- Umut Kocaman
- Francheska Markus
- Robert Agrusa
- Eric Cress
- Michael Story
- Gary Capuano
- Paul Linder

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

- Exhibit 1, from Dwight Saathoff
- Exhibit 2, from Jim Hall
- Exhibit 3, from Susan Eberle
- Exhibit 4, from Debrah Schafer
- Exhibit 5, Nick Mesiano
- Exhibit 6, from Marjorie Holt
- Exhibit 7, from RJ Mueller
- Exhibit 8, from Jay Zembower
- Exhibit 9, Bob Kerrigan
- Exhibit 10, from Orlando Zamora
- Exhibit 11, from Josephine Balzac
- Exhibit 12, from Emily Bonilla
- Exhibit 13, from Katrina Shadix
- Exhibit 14, from John Lina
- Exhibit 15, from John Fauth
- Exhibit 16, from Ariel Horner
- Exhibit 17, from Bill Lutz
- Exhibit 18, from Ronald Brook
- Exhibit 19, from Robert Banks
- Exhibit 20, from John Stanley
- Exhibit 21, from Maria Martinez
- Exhibit 22, from Kelly Semrad
- Exhibit 23, from Tom Narut
- Exhibit 24, from Jimmy McKnight
- Exhibit 25, from Kenneth Pinson
- Exhibit 26, from Umut Kocaman
- Exhibit 27, from Paul Linder

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

- Submittal 1, from David Saathoff
- Submittal 2, from Debra Pierre

- Submittal 3, Justine Cowan
- Submittal 4, Marjorie Holt
- Submittal 5, Emily Bonilla
- Submittal 6, John Lina
- Submittal 7, John Fauth
- Submittal 8, Steven Micciche
- Submittal 9, Jeanne McKnight

The following speakers referenced materials that were not received by the Clerk prior to the close of the public hearing.

- Bobby Beagles
- Robert Blood
- Mark Bernhardt
- Ariel Horner
- John Stanley

Motion/Second: Commissioners Edwards/Nelson

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

NO (voice vote): County Mayor Jacobs; Commissioners Clarke, Thompson

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the proposed amendment is in compliance; and adopted Privately-Initiated Text Amendment 2015-2-P-FLUE-1.

and

STATE-EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED TEXT
AMENDMENT AND FUTURE LAND USE MAP AMENDMENT AND
CONCURRENT REZONING REQUEST (THE GROW PD-RP)

Amendment: 2015-2-A-5-1 (fka 2015-1-A-5-1 & 2014-2-A-5-1)

Applicant/ Dwight Saathoff, Project Finance & Development for New Ideas, Inc.; Banksville of Florida, Inc.; Robert Lopez Trust; and Nivesa of Florida;

Consideration: Rural (R) to Lake Pickett (LP)

Location: Generally described as located south of Lake Pickett Rd., north of E. Colonial Dr., east of S. Tanner Rd., and west of Chuluota Rd; Parcel ID#'s 08-22-32-0000-00-005 (portion of); 17-22-32-0000-00-002; 18-22-32-0000-001/025; 19-22-32-0000-00-001; 20-22-32-0000-00-002; 1,187.50 gross ac.

County staff indicated the request is change the Future Land Use from Rural 1/10 (R) to Lake Pickett (LP).

Motion/Second: Commissioners Edwards/Nelson

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

NO (voice vote): County Mayor Jacobs; Commissioners Clarke, Thompson

Action: The Board made a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU6, OBJ FLU6.8, Policies FLU6.8.1 – 6.8.15, OBJ FLU 6.9, Policies 6.9.1 – 6.9.4, FLU1.4.2, FLU8.2.1 and FLU8.2.11); further, determined that the proposed amendment is in compliance; and further, adopted Privately-Initiated Future Land Use Map Amendment 2015-2-A-5-1, Rural 1/10 (R) to Lake Pickett (LP) (a proposed new Future Land Use Map designation).

and

ORDINANCE REGULAR CYCLE STATE-EXPEDITED/COMPREHENSIVE PLAN PUBLIC HEARING

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

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

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

NO (voice vote): County Mayor Jacobs; Commissioners Clarke, Thompson

Action: The Board made a finding of consistency with the Comprehensive Plan; further, determined that the amendments are in compliance; and further, adopted the Regular Cycle Comprehensive Plan Amendment Ordinance 2016-17, consistent with today's actions, including a correction of Appendix A of the ordinance to reference Amendment 2015-2-A-5-1, and approving the proposed Future Land Use Map and Text Amendments.

and

REZONING PUBLIC HEARING

Applicant: Dwight Saathoff

Consideration: Request to rezone A-2 (Farmland Rural District), R-CE-5 (Rural Country Estate Residential District), and PD (Planned Development District) (Walker Cove PD) to The GROW PD-RP (Planned Development-Regulating Plan). The rezoning request is to allow for the consideration of a mix-use project consisting of up to 2,078 residential dwelling units and 172,000 non-residential square feet; and featuring an elementary school, community park, community gardens, working farm and equestrian facility.)

Location: Generally described as located south of Lake Pickett Rd., north of E. Colonial Dr., east of S. Tanner Rd., and west of Chuluota Rd; Parcel ID#'s 08-22-32-0000-00-005 (portion of); 17-22-32-0000-00-002; 18-22-32-0000-001/025; 19-22-32-0000-00-001; 20-22-32-0000-00-002; 1,187.50 gross ac. The acreage includes a 182.60-acre portion of parcel 08-22-32-0000-00-005 that is being removed from the existing Walker Cove PD and added to the proposed project

Motion/Second: Commissioners Edwards/Boyd

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

NO (voice vote): County Mayor Jacobs; Commissioners Clarke, Thompson

Action: The Board continued the public hearing until September 20, 2016, at 2 p.m.

and

PLANNING AND ZONING COMMISSION APPEAL

Appellant: Larry Frankel, Bryrdley Realty Co., LLC

Applicant: Dwight Saathoff, Project Finance & Development, The Grow Planned Development (PD)

Case: Planning and Zoning Commission Case # LUP-16-01-002; April 21, 2016

Consideration: This request is to consider an appeal of the April 21, 2016 Planning and Zoning Commission (PZC) Recommendation of Approval for Case # LUP-16-01-002 (The Grow PD), in the name of Dwight Saathoff, to rezone 1,187.5 gross acres from A-2 (Farmland Rural District), R-CE-5 (Rural Country Estate Residential District), and PD (Walker Cove - Planned Development District) to PD (The Grow - Planned Development District), in order to develop up to 2,078 residential units, 172,000 square feet of non-residential uses, various agricultural uses, recreational amenities; and adequate public facilities (school, community park, and utility tract).

Location: District 5; property generally located South of Lake Pickett Road, north of E. Colonial Drive, east of S. Tanner Road, and west of Chuluota Road; Orange County, Florida (legal property description on file at Planning Division)

County staff announced this public hearing is continued until September 20, 2016, at 2 p.m.

Comprehensive Plan

18. Amending Orange County Code, Transmittal 2016-1 Regular Cycle State-Expedited Amendment to the 2010-2030 Comprehensive Plan (CP) (Continued from June 14, 2016)

STATE-EXPEDITED REGULAR CYCLE PRIVATELY-INITIATED FUTURE LAND USE MAP AMENDMENT (SUSTANY, FKA LAKE PICKETT NORTH)

Amendment: 2016-1-A-5-1 (fka 2015-1-A-5-2 & 2014-2-A-5-2)
Applicant/Owner: Sean Froelich, Columnar Holdings, LLC, for various property owners
Consideration: Rural (R) to Lake Pickett (LP)
Location: Generally described as located north of Lake Pickett Rd., south of Orange County boundary line, east of N. Tanner Rd., and west of Chuluota Rd; Parcel ID#'s: 05-22-32-0000-00-001/002/006/007/011/012/013/014; 06-22-32-0000-00-002; 07-22-32-0000-00-001/020; 08-22-32-0000-00-001/018; 1,417.75 gross ac.

County staff indicated the request is change the Future Land Use from Rural 1/10 (R) to Lake Pickett (LP).

The following person addressed the Board: Dan O'Keefe.

• RELINQUISHED CHAIR

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

The following persons addressed the Board:

- John Nicholas
- Thomas Chapman
- Rebecca Hammock

• REASSUMED CHAIR

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

The following persons addressed the Board:

- Seminole County Commissioner Bob Dallari
- Debra Pierre
- Susan Eberle
- Deborah Schafer
- David Siegel
- Tanin Teston
- Dan Teston
- John Fauth
- Jay Zembower
- Karli Mair
- Nathan Wade
- Phillip Arroyo
- Josephine Balzac
- Emily Bonilla
- Chris Bischoff
- Maria Martinez
- Russell Shaw Jr.
- Marj Holt
- Carolyn Canada
- Ruth Behrle
- Patricia Tice
- Carson Good
- Ken Clayton
- Max Perlman
- Eugene Stoccardo

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

- Exhibit 1, from Dan O'Keefe
- Exhibit 2, from Rebecca Hammock
- Exhibit 3, from Susan Eberle
- Exhibit 4, from John Fauth
- Exhibit 5, Jay Zembower
- Exhibit 6, Patricia Tice

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

- Submittal 1, from Debra Pierre
- Submittal 2, from Susan Eberle
- Submittal 3, from Debra Schafer

Motion/Second: Commissioners Edwards/Nelson
AYE (voice vote): Commissioners Boyd, Nelson, Edwards, Siplin
NO (voice vote): County Mayor Jacobs; Commissioners Clarke, Thompson
Action: The Board Make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU6, proposed Objective FLU6.8 and associated Policies FLU6.8.1 – 6.8.15, proposed Objective FLU6.9 and associated Policies FLU6.9.1 – 6.9.4, and Future Land Use Element Objective FLU8.2 and Policies FLU1.4.2, FLU8.2.1, and FLU8.2.11); further, determined that the proposed amendment is in compliance; and further, transmitted Privately-Initiated Future Land Use Map Amendment 2016-1-A-5-1, Rural 1/10 (R) to Lake Pickett (LP).

• ADJOURNMENT, 1:22 a.m.

ATTEST:



County Mayor Teresa Jacobs

Date: SEP 13 2016

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk



Deputy Clerk

