

BCC Mtg. Date: Jun. 28, 2016

## ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, May 10, 2016  
Location: Commission Chambers, Orange County Administration Center,  
First Floor, 201 S. Rosalind Avenue, Orlando, Florida  
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd,  
Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards,  
Victoria P. Siplin  
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator  
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk  
Katie Smith, Documents Coordinator Lakela Christian

- CALL TO ORDER, 9:07 a.m.
- INVOCATION - Pastor Marcos Diaz, Kaleo Ministries
- PLEDGE OF ALLEGIANCE
- OFFICIALS RECOGNIZED: Florida Senator Geraldine Thompson
- OFFICIAL RECOGNIZED: City of Orlando Mayor Buddy Dyer
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Timothy Johnson
- Evelyn Perez
- RJ Mueller
- Doug Head

### • COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Mayor deleted Community, Environmental and Development Services Department Item 4; and further, the Board approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the March 15, 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 over expended accounts. Periods are as follows:

- April 22, 2016, to April 28, 2016; total of \$39,128,785.05
- April 29, 2016, to May 05, 2016; total of \$41,297,745.36.

(Finance/Accounting)

3. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. Return leased equipment to vendor
- b. Scrap assets

County Administrator

1. Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments: (Agenda Development Office)
  - A. Environmental Protection Commission: Appointment of Mark A. Ausley to succeed John Miklos in the conservation organization representative category with a term expiring December 31, 2017.
  - B. International Drive CRA Advisory Committee: Reappointment of Philip Caronia in the Mayor's representative category and the appointment of Melanie Becker to succeed Thomas D. Smith in the Universal Boulevard Property Owners Association, Inc. representative category with terms expiring January 1, 2018.
2. Confirmation of the appointment of Paul D. Seago to the Membership and Mission Review Board as the District 2 representative with a term expiring December 31, 2016. (Agenda Development Office)
3. Approval of the revisions and additions to the current Orange County Policy 405 Use of County Property and Information. (Human Resources Division)
4. Approval and execution of Resolution 2016-B-06 of the Board of County Commissioners of Orange County, Florida approving for the purposes of Sections 125.01(1)(z) and 159.47(1)(F) of the Florida Statutes, as amended, the issuance of Orange County Industrial Development Authority Refunding Revenue Bonds (Faith Assembly of God of Orlando, Inc. Project), Series 2016 in an aggregate principal amount not to exceed \$14,000,000; and providing for an effective date. (Industrial Development Authority)

5. Approval of Ratification of payment of Intergovernmental claims of March 31, 2016 and April 14, 2016 totaling \$832,688.24. (Risk Management Division)

#### Administrative Services Department

1. Approval to award Invitation for Bids Y16-190-PD, Right-of-Way Mowing – Apopka Area, Section I, to the low responsive and responsible bidder, Groundtek of Central Florida, LLC, in the estimated annual contract award amount of \$262,400. 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 Y16-191-PD, Right-of-Way Mowing – Apopka Area, Section II, to the low responsive and responsible bidder, Groundtek of Central Florida, LLC, in the estimated annual contract award amount of \$280,400. Further, authorized the Procurement Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
3. Approval to award Invitation for Bids Y16-1008-PD, Rental of Rigging Equipment, to the sole responsive and responsible bidder, Christie Lites Orlando, LLC, for an estimated contract amount of \$160,000 for a 1-year term. Further, authorized the Procurement Division to renew the contract for four additional 1-year terms. ([Convention Center] Procurement Division)
4. Approval to award Invitation for Bids Y16-1013-JS, Hydrofluosilicic Acid, to the low responsive and responsible bidder, Harcros Chemicals, Inc., in the estimated contract award amount of \$191,380 for a 1-year term contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Utilities Department Water Division] Procurement Division)
5. Approval to award Invitation for Bids Y16-1014-JS, Sodium Hypochlorite, to the low responsive and responsible bidder, Allied Universal Corporation, in the estimated contract award amount of \$1,120,000 for a 1-year contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms ([Utilities Department Water Division] Procurement Division)
6. Approval to award Invitation for Bids Y16-1033-TA, Supply and Delivery of Sod, to the low responsive and responsible bidder, Travis Resmondo Sod, Inc., in the estimated contract award amount of \$436,000 for a 1-year contract. Further, authorized the Procurement Division to renew the contract for four additional 1-year periods. ([Public Works Department Roads and Drainage Division] Procurement Division)

7. Approval to award Invitation for Bids Y16-1045-JS, Emergency and Temporary HVAC Equipment Rental and Installation Services, to the low responsive and responsible bidder, Portable Air, LLC, in the estimated contract award amount of \$188,982 for a 1-year term contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Administrative Services Department Facilities Management Division] Procurement Division)
8. Approval to award Invitation for Bids Y16-732-CC, Barnett Park Administration Building Skylight Replacement, to the low responsive and responsible bidder, Close Construction, LLC, in the total contract award amount of \$266,445 (Alternate Bid). ([Administrative Services Department Capital Projects Division] Procurement Division)
9. Approval to award Invitation for Bids Y16-744-RM, Orange County Convention Center West Building Dining Hall C Renovations, to the low responsive and responsible bidder, Axios Construction Services, LLC in the total contract award amount of \$1,194,948. ([Convention Center Capital Planning Division] Procurement Division)
10. Approval of Purchase Order M78336, for the Jerome H2S Monitoring Systems, which includes all software, radios, filters and anemometers, with Arizona Instrument LLC, in the amount of \$116,875. ([Utilities Department Solid Waste Division] Procurement Division)
11. Approval of renewal of Software Support and Annual Maintenance for Oracle Applications and Databases, with Oracle USA, Inc., in the amount of \$541,339 for the period of May 31, 2016 through May 30, 2017. ([Office of Accountability Information Systems and Services Division] Procurement Division)
12. Selection of Atlantic Housing Partners, L.L.L.P. / Southern Affordable Development L.L.C. for negotiation and award of a Multi-Family Affordable Housing Developers Agreement, under RFP Y16-613-PD, for the Housing and Community Development Division. Further, approval of the Procurement Division to execute the Developers Agreement and to negotiate terms of the loan within a budgeted amount of \$1,000,000 from Orange County's INVEST program and \$1,000,000 from the State Housing Initiative Partnership (SHIP) program. ([Community, Environmental and Development Services Department Housing and Community Development Division] Procurement Division)
13. Approval and execution of First Amendment to Ground Lease between Orange County and State of Florida, Department of Juvenile Justice and delegation of authority to the Real Estate Management Division to exercise renewal option, if needed, for ground space for Juvenile Justice Facility, Lease #5022, 3150 39th Street, Orlando, Florida. District 6. (Real Estate Management Division)

14. Approval of Agreement and Utility Easement between Kimzay of Florida, Inc. and Orange County and authorization to disburse funds to pay all recording fees and record instrument for Pump Station No. 3201 (Old Cheney Hwy). District 5. (Real Estate Management Division)
15. Approval of Subordination of Encumbrances to Property Rights to Orange County from Bank of America, N.A. and authorization to disburse funds to pay recording fees and record instrument for Sea World Water Meter Easement. District 1. (Real Estate Management Division)
16. Approval of Contract for Sale and Purchase and Special Warranty Deed from the University of Florida Foundation, Inc. to Orange County and authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Fire Station 68 (Invest). District 3. (Real Estate Management Division)

Community, Environmental and Development Services Department

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

LC 15-1623	LC 16-0259	LC 16-0357	LC 16-0306	LC 16-0248
LC 16-0165	LC 16-0262	LC 16-0224	LC 16-0090	LC 16-0249
LC 16-0167	LC 16-0311	LC 16-0274	LC 16-0121	LC 16-0253
LC 16-0197	LC 16-0313	LC 16-0291	LC 16-0185	LC 16-0256
LC 16-0207	LC 15-1685	LC 16-0300	LC 16-0187	LC 16-0278
LC 16-0213	LC 16-0069	LC 16-0303	LC 16-0233	LC 16-0281
LC 16-0237	LC 16-0295	LC 16-0304	LC 16-0241	LC 16-0282
LC 16-0238	LC 16-0299	LC 16-0305	LC 16-0247	LC 16-0285

2. Acceptance of Recommendation of the Environmental Protection Commission to approve the request for an after-the-fact variance to Section 15-342(g) (enclosed dock) for Faye H. Stanford, After-the-Fact Dock Construction Permit BD-14-09-110. District 1. (Environmental Protection Division)
3. Approval and execution of Developer's Agreement for Construction of a Semi-Private Boat Ramp Facility by and among Orange County, Florida and Independence Community Association, Inc., and execution of Exhibit "D" Escrow Agreement. District 1. (Environmental Protection Division)

- ~~4. Approval and execution of First Amendment to Adequate Public Facilities Agreement for Zanzibar PD by and between Zanzibar Properties, LLC and Orange County. District 1. (Planning Division)~~

(This item was deleted.)

5. Approval and execution of Proportionate Share Agreement for Windermere Business Plaza Reams Road Improvements: From Center Drive (f/k/a Cast Drive) to Taborfield Avenue by and between Windermere Business Plaza, LLC and Orange County for a proportionate share payment in the amount of \$53,015. District 1. (Roadway Agreement Committee)
6. Approval and execution of Proportionate Share Agreement for Bank of America, Lakeside Village South PD Reams Road Improvements: From Center Drive (f/k/a Cast Drive) to Taborfield Avenue by and between Lakeside II Partners, LLC and Orange County for a proportionate share payment in the amount of \$53,015. District 1. (Roadway Agreement Committee)
7. Approval and execution of Second Amendment to Amended and Restated 2006 Innovation Way/Beachline Interchange Agreement Innovation Way and Beachline Expressway by and among Suburban Land Reserve, Inc., Orange County, Florida and Central Florida Expressway Authority to modify the terms. District 4. (Roadway Agreement Committee)

#### Family Services Department

1. Acceptance of University of Florida's appointment of Ms. Amy Vu as Orange County Extension Agent I, Residential Horticulture. All Districts. (Cooperative Extension Division)
2. Approval of May 2016 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for Chatham Woods (\$3,500) and Dommerich Hills 4<sup>th</sup> Addition (\$5,000). Districts 2 and 5. (Neighborhood Preservation and Revitalization Division)
3. Approval of the May 2016 Neighborhood Pride Mini-Grant as recommended by the Neighborhood Grants Advisory Board for Shenandoah Park (\$1,500). District 3. (Neighborhood Preservation and Revitalization Division)
4. Approval of the May 2016 Neighborhood Pride Capital Improvement Grant as recommended by the Neighborhood Grants Advisory Board for Skycrest Civic Association, Inc. (\$10,000). District 3. (Neighborhood Preservation and Revitalization Division)

5. Approval of the April 2016 Business Assistance for Neighborhood Corridors Program grants for Florida Van Rentals, Inc. (\$5,000), Delice Services and Insurance (\$4,156), Ruby's Little Creations (\$5,000), and Little Angels Childcare and Learning Center (\$5,000). Districts 3 and 6. (Neighborhood Preservation and Revitalization Division)
6. Approval of May 2016 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board for Woodbury Park HOA (\$3,000) and Oak Park HOA of Orange County, Inc. (\$2,500). Districts 4 and 6. (Neighborhood Preservation and Revitalization Division)

#### Public Works Department

1. Authorization to record the plat of Lake Hart Storage and Nona Car Wash Facility. District 4. (Development Engineering Division)
2. Approval to construct speed humps on Mendelin Street. District 2. (Traffic Engineering Division)
3. Approval to install a "No Parking" zone on both sides of Sandy Lane Drive from Hiawassee Road to 2267 Sandy Lane Drive. District 6. (Traffic Engineering Division)
4. Approval and execution of Homeowner's Association Agreement for Turnbury Woods Subdivision Traffic Control Devices by and between Turnbury Woods Homeowners Association, Inc. and Orange County, Florida, that provides for the Association to maintain decorative street name and traffic control signposts. District 1. (Traffic Engineering Division)

#### Utilities Department

1. Approval and execution of First Amendment to the Agreement Between the St. Johns River Water Management District and Orange County, D/B/A Orange County Utilities for Malcom Road Minimized Impact/Lower Floridan Wells Project Contract #28087 Amendment #1 by and between the Governing Board of the St. Johns River Water Management District and Orange County, Florida, a Charter County and Political Subdivision of the State of Florida D/B/A Orange County Utilities for the Malcolm Road Minimized Impact/Lower Floridan Wells Project, and delegation of authority to the County Administrator to approve scheduling or other administrative changes and execute any further minor amendments to the agreement which do not affect the total aggregate amount of the budget or intent of the project. District 1. (Administration)

2. Approval and execution of Utility Adjustment Agreement by and between Orange County and the Central Florida Expressway Authority for necessary reclaimed water utility work as part of construction project #528-313 (SR 528 Innovation Way Interchange) in the amount of \$2,014,008. District 4. (Administration)

- INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
  - a. Notice of Application for Transfer Utility Assets and Water Certificate given on April 5, 2016, by Oak Springs MHC, LLC.
  - b. Minutes of the January 25, 2016, East Park Community Development District.
  - c. Florida Public Service Commission Final Order Acknowledging Corporate Reorganization and Approving Name Change. In re: Joint application for acknowledgement of corporate reorganization and request for approval of name changes on water and/or wastewater certificates of Cypress Lakes Utilities, Inc. in Polk County; Utilities, Inc. of Eagle Ridge in Lee County; Utilities, Inc. of Florida in Marion, Orange, Pasco, Pinellas, and Seminole Counties; Labrador Utilities, Inc. in Pasco County; Lake Placid Utilities, Inc. in Highlands County; Lake Utility Services, Inc. in Lake County; Utilities, Inc. of Longwood in Seminole County; Mid County Services, Inc. in Pinellas County; Utilities, Inc. of Pennbrooke in Lake County; Utilities, Inc. of Sandalhaven in Charlotte County; Sanlando Utilities Corporation in Seminole County; and Tierra Verde Utilities, Inc. in Pinellas County, to Utilities, Inc. of Florida.
  - d. Orange County Water Utilities System, Orange County, Florida Annual Financial Report for the years ended September 30, 2015 and 2014.
  - e. Audit Report No. 456 – Audit of the Air Pollution Control Trust Fund

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

- WORK SESSION AGENDA

County Administrator

1. Tourist Development Tax Issues and Update.

County staff presented to the Board a three-part report regarding Tourist Development Tax Issues and Updates. The report addressed the Charter process for the amendment evaluating TDT uses, the adoption of an Ordinance for that evaluation, Central Florida



Hotel and Lodging Association spending proposal, Convention Center Capital Improvements Project & Campus Master Plan, and Arts & Culture Funding.

The following persons addressed the Board:

- County Comptroller Martha Haynie
- Florida Senator Geraldine Thompson
- City of Orlando Mayor Buddy Dyer
- Flora Maria Garcia
- RK Kelley

• RELINQUISHED CHAIR

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

The following person addressed the Board: Kenneth Brown.

• REASSUMED CHAIR

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

The following persons addressed the Board:

- Bob Finfrock
- Michel Champagne
- Wes Naylor
- Eva Saravia
- JoAnn Newman
- Ann Marotta
- Edwin Ocasio
- Isabelle Pride
- Cole NeSmith
- N.Y. Nathiri
- Kathy Ramsberger
- Maria Triscari
- Dr. Bahiyyah Maroon
- Shirley Cannon
- John Casebier
- Kevin Dermody
- Arcadian Broad
- Myrna Maysonet

Board discussion ensued.

Action: None

- MEETING RECESSED, 12:33 p.m.
- MEETING RECONVENED, 2:08 p.m.

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

Others Present: County Comptroller Martha Haynie as Clerk, Chief Deputy Comptroller Margaret A. McGarrity, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator Noelia Perez, Documents Coordinator Lakela Christian

## COUNTY DISCUSSION AGENDA

### County Administrator

1. Appointment of two Board members and one citizen member to the 2016 Value Adjustment Board and the designation of two alternate Board members and one alternate citizen member.

Motion/Second: County Mayor Jacobs/Commissioner Thompson

AYE (voice vote): All members

Action: The Board appointed Commissioners Boyd and Clarke as Board members and Commissioners Nelson and Siplin as alternate Board members to the 2016 Value Adjustment Board.

Motion/Second: County Mayor Jacobs/Commissioner Boyd

AYE (voice vote): All members

Action: The Board appointed David Robinson as the citizen member and Robert Caldwell as the alternate citizen member to the 2016 Value Adjustment Board.

### County Comptroller

1. Selection of one firm and two ranked alternates to provide Audit Services under Request for Proposals, from the following firms, listed in Audit Committee ranking order. Further recommend the Board authorize negotiation and execution of the final contract by the Procurement Division within budget for a contract term of one year with five 1-year renewals.

#1 ranked – Cherry Bekaert, LLP

#2 ranked – Moore Stephens Lovelace, PA

#3 ranked – Carr, Riggs & Ingram, LLC

The following person addressed the Board: Chief Deputy Comptroller Margaret A. McGarrity.

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board selected one firm, Cherry Bekaert, LLP, and two ranked alternates, #1 Moore Stephens Lovelace, PA, and #2 Carr, Riggs & Ingram, LLC, to provide Audit Services; and further, authorized negotiation and execution of the final contract by the Procurement Division within budget for a contract term of one year with five 1-year renewals, Requests for Proposals Y16-184.

#### 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 Clarke discussed with the Board a request, on behalf of Douglas Thomas, for a waiver of a variance fee in the amount of \$638.00.

Board discussion ensued.

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board approved the waiver of a BZA variance fee in the amount of \$638.00.

• WORK SESSION AGENDA (CONTINUED)

County Administrator (Continued)

2. Community Development District - The Grove Resort. District 1.

County staff presented to the Board a request to establish a Community Development District (CDD) for The Grove Resort. County staff provided an overview of the project's land use approvals, the legal and procedural requirements for approving a CDD; along with final implications and potential issues associated with the request. Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed and Mike Eckert, Hopping Green

& Sams contributed to the discussion with a presentation regarding the proposed project along with an overview of what the funds will be used for.

Board discussion ensued.

Action: None

Community, Environmental And Development Services Department

1. UCF Alafaya Trail Pedestrian Safety Study. (Transportation Planning Division)

County staff presented to the Board an overview regarding the UCF Alafaya Trail Pedestrian Safety Study. The study is intended to evaluate challenges and opportunities to improve bicycle/pedestrian safety within the study corridor. The focus of the overview was on the scope of the study, public involvement activities, data collection and analysis, vision for corridor transformation, recommended improvements, and plans moving forward to improve pedestrian safety.

- RELINQUISHED CHAIR

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

- REASSUMED CHAIR

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

- MEMBER EXITED: Commissioner Siplin

Board discussion ensued.

Action: None

- RECOMMENDATIONS

April 21, 2016 Planning and Zoning Board Recommendations

Motion/Second: Commissioners Clarke/Edwards

Absent: Commissioner Siplin

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of April 21, 2016, with the exception of and authorizing a public hearing be scheduled for Case # RZ-16-02-007, Christopher Wrenn; subject to the usual right of appeal by any aggrieved party.

- RELINQUISHED CHAIR

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

• PUBLIC HEARINGS

Municipal Service Benefit Unit

1. Meadow Woods Planned Development, amend for streetlighting; District 4

Applicant: Rob Bonin, Director of Land Central Florida Division Lennar Homes, LLC, Developer

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting to include Wyndham Lakes Estates Phase 3D at Meadow Woods Planned Development

Location: District 4; Parcel ID (multiple parcels); Section 32, Township 24, Range 30; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Boyd

Absent: County Mayor Jacobs; Commissioner Siplin

AYE (voice vote): All present members

Action: The Board adopted a resolution amending a Municipal Service Benefit Unit for streetlighting to include Wyndham Lakes Estates Phase 3D at Meadow Woods Planned Development, annual cost of \$11.00 per lot for streetlighting for operational expenses and administrative fees.

2. Summerport Area, amend for streetlighting; District 1

Applicant: James Bagley, Encore Summerport Builders LLC, Developer

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting to include Summerport Trail Phase 2 at Summerport Area

Location: District 1; Parcel ID (multiple parcels); Section 14, Township 23, Range 27; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs; Commissioner Siplin

AYE (voice vote): All present members

Action: The Board adopted a resolution amending a Municipal Service Benefit Unit for streetlighting to include Summerport Trail Phase 2 at Summerport Area, annual cost of \$90.00 per lot for streetlighting for operational expenses and administrative fees.

3. Summerport Trail and Summerport Trail Phase 2, amend for retention pond(s) maintenance; District 1

Applicant: James Bagley, Encore Summerport Builders, LLC, Developer

Consideration: Amend by resolution a Municipal Service Benefit Unit for retention pond(s) maintenance at Summerport Trail and Summerport Trail Phase 2

Location: District 1; Parcel ID (multiple parcels); Section 14, Township 23, Range 27; Orange County, Florida (legal property description on file)

- MEMBER RE-ENTERED: Commissioner Siplin

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution amending a Municipal Service Benefit Unit for maintenance of retention pond(s) at Summerport Trail and Summerport Trail Phase 2, annual cost of \$77.00 per lot for maintenance of retention pond(s).

4. Watermark Area, amend for streetlighting and for retention pond(s) maintenance; District 1

Applicant: Clint Szubinski, Division President, Meritage Homes Developer

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance to include Watermark 1B, Watermark Phase 2A and Watermark Phase 2B1 at Watermark Area

Location: District 1; Parcel ID (multiple parcels); Section 04, Township 24, Range 27; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution amending a Municipal Service Benefit Unit for streetlighting and maintenance of retention pond(s) at Watermark Area, annual cost of \$178.00 per lot for streetlighting for operational expenses and administrative fees and \$77.00 per lot for maintenance of retention pond(s).

5. Windermere Trails Area, amend for streetlighting and for retention pond(s) maintenance; District 1

Applicant: Jeremy Camp, Director, Land Development, Beazer Homes Corporation; Clint Szubinski, Division President, Meritage Homes of Florida, Inc., Developers

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance to include Windermere Trails Phase 3B, Windermere Trails Phase 4A and Clubhouse at Windermere Trails Area to Windermere Trails Area

Location: District 1; Parcel ID (multiple parcels); Section 36, Township 23, Range 27; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution amending a Municipal Service Benefit Unit for streetlighting and maintenance of retention pond(s) to include Windermere Trails Phase 3B, Windermere Trails Phase 4A and Clubhouse at Windermere Trails Area at Windermere Trails Area, annual cost of \$92.00 per lot for streetlighting for operational expenses and administrative fees and \$77.00 per lot for maintenance of retention pond(s).

#### Conservation Area Impact

6. Gary T. Randall Revocable Trust, Moss Park Road and Innovation Way Intersection, permit; District 4

Applicant: Gary T. Randall Revocable Trust

Consideration: Request for an After-the-fact Conservation Area Impact Permit for Gary T. Randall Revocable Trust for the Moss Park Road and Innovation Way Intersection Project

Location: District 4; property generally located at 11001 Moss Park Road, Orlando, FL ; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (CAI-15-11-039).

- REASSUMED CHAIR

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

The following person addressed the Board: Darla Miller.

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board approved the request by Gary T. Randall Revocable Trust for an After-the-fact Conservation Area Impact Permit (CAI-15-11-039) for Gary T. Randall Revocable Trust for the Moss Park Road and Innovation Way Intersection Project, on the described property; subject to the following conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day period following the date of rendition of the BCC decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.
2. The operational phase of this permit is effective upon the completion of the construction phase and continues in perpetuity.
3. The wetland impacts were completed in accordance with "Figure 5 – Wetland Impact Maps", prepared by Modica & Associates, Inc., as dated as received by EPD on April 7, 2016.

4. This permit will be valid for a period of one year from permit issuance. Requests for permit extension must be submitted to EPD prior to the expiration date.
5. Within 6 months of the BCC Decision date, EPD shall receive a Certificate of Credit purchase from the Hatchineha Ranch Mitigation Bank stating that the transaction regarding the transfer of 0.23 mitigation credits has been completed.
6. In the event that the permittee does not successfully obtain 0.23 credits from the Hatchineha Ranch Mitigation Bank, the permittee shall obtain a permit modification from the Environmental Protection Officer (EPO) to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
7. The Moss Park Road right-of-way, and adjacent parcels owned by the Orange County Board of County Commissioners (BCC), OUC, or any other third party, are not subject to this application.

General Conditions:

8. For one (1) acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
9. All excess lumber, scrap wood, trash, garbage and similar materials shall be removed from the adjacent conservation area/s immediately.
10. Filling within the 100-year flood zone may require a Flood Plain Permit from the Orange County Stormwater Management Division authorizing the fill.
11. The permittee shall notify EPD, in writing, within thirty (30) days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
12. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may



be revoked immediately by the EPO. Notice of the revocation shall be provided to the permit holder promptly thereafter.

13. Prior to further construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
14. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to further activity associated with the project. The complete permit shall be available upon request by Orange County staff.
15. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty (60) days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
16. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article X of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
17. 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.

18. 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.
19. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
20. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
21. 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.
22. 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.
23. 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.
24. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
25. 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 exists 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.
26. Pursuant to Section 125.022, Florida Statutes, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain the requisite approval or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in violation of state or federal law.
27. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits prior to further construction.

## Shoreline Alteration/Dredge and Fill

### 7. Robert Renard, between Fish Lake and Pocket Lake, permit, District 1

Applicant: Robert Renard

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

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

County staff indicated the request is to excavate a boat basin and construct a vinyl seawall; and further, identified this permit as (SADF-16-01-000).

- MEMBER EXITED: Commissioner Thompson

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

MEMBER EXITED: Commissioner Nelson

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioners Nelson, Thompson

AYE (voice vote): All present members

Action: The Board approved the request by Robert Renard for a Shoreline Alteration/Dredge and Fill Permit (SADF-16-01-000) to excavate a boat basin and construct a vinyl seawall, on the described property, subject to the following conditions:

#### Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the 'Construction Plan' submitted by Streamline Permitting, Inc., dated as received on March 21, 2016, by the Environmental Protection Division (EPD). The permitted work must be commenced within six (6) months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.

3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. All dredged debris material shall be removed to an approved upland location.
5. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
6. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Building Division in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.
7. No filling is approved with this permit.

General Conditions:

8. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
9. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
10. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
11. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written

consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

12. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
13. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
14. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
15. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
16. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that was provided in the permit application that is later discovered to be inaccurate, or if the project may cause pollution to water bodies, cause an adverse impact to navigation, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the use and enjoyment of the waterbody by the public.
17. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.

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

#### Land Use Plan Amendment

8. Daryl M. Carter, New Independence Planned Development (PD), Case # LUPA-16-01-005; District 1

Applicant: Daryl M. Carter, New Independence Planned Development (PD), Case # LUPA-16-01-005

Consideration: Request to aggregate and rezone a portion of one (1) adjacent parcel comprising 0.37 acre into the existing New Independence PD; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located on the west side of S.R. 429 (Western Beltway), north of New Independence Parkway, and west of C.R. 545 (Avalon Road); Orange County, Florida (legal property description on file)

County staff indicated this request is to rezone A-1 (Citrus Rural District) to PD (Planned Development District).

The following person addressed the Board: Mark Stehli.

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioners Nelson and Thompson

AYE (voice vote): All present members

Action: The Board approved the request by Daryl M. Carter, New Independence Planned Development (PD), Case # LUPA-16-01-005 to aggregate and rezone a portion of one (1) adjacent parcel comprising 0.37 acre into the existing New Independence PD, on the described property; subject to the following conditions:

1. Development shall conform to the New Independence Planned Development / Unified Neighborhood Plan (PD/UNP) dated "Received February 15, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Unified Neighborhood 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 UNP dated "Received February 15, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("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/UNP shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
7. The following Education Condition of Approval shall apply:
  - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of June 8, 2015.



- b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 7 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
8. Prior to or concurrently with County's approval of the plat, a dedicated right of way/ public access will be provided to the Avalon Property (Parcel ID 20-23-27-0000-00-001).
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 6, 2015, shall apply:
- a. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
  - b. Signage shall comply with the Horizon West Village Center standards.
  - c. Based on the Concurrency Management System database dated 02-18-15, capacity is available to be encumbered for this project. This information is dated and is subject to change.
  - d. 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).

- e. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
- f. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- g. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
- h. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
- i. Prior to construction plan approval, all property owners within the Town Center Village, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
- j. The following Education Condition of Approval shall apply:
  - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board on June 8, 2015.
  - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity

Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the seven (7) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- 3) Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - 5) 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.
- k. The proposed development is adjacent to an existing and permitted City of Orlando / Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
  - l. A Level One (1) 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.
  - m. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this PD/UNP, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

- n. A Road Network Agreement shall be in place prior to PSP / DP approval for the New Independence PD pursuant to the BCC-approved Town Center West Term Sheet.

#### Preliminary Subdivision Plan

9. John Prowell, VHB, Inc., Lake Avalon Planned Development (PD) / Lake Avalon Preliminary Subdivision Plan (PSP), Case # PSP-15-11-365; District 1

Applicant: John Prowell, VHB, Inc., Lake Avalon Planned Development (PD) / Lake Avalon Preliminary Subdivision Plan (PSP)

Consideration: Lake Avalon Planned Development (PD) / Lake Avalon Preliminary Subdivision Plan (PSP), Case # PSP-15-11-365, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; The request is to subdivide 66.20 acres in order to construct 46 detached single-family residential dwelling units. The request also includes the following waiver from the Orange County Code:

1. A waiver is requested from Section 34-171(7) to allow the streets not fronting lots to be developed without sidewalks in lieu of requiring four (4) foot concrete sidewalks on both sides of all streets in a subdivision.

Location: District 1; property generally located North of Avalon Road / West of State Road 429; Orange County, Florida

The following persons addressed the Board:

- John Prowell
- Carol Johnson

Motion/Second: Commissioners Boyd/Edwards

Absent: Commissioners Nelson, Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan, and further, approved John Prowell, VHB, Inc., Lake Avalon Planned Development (PD) / Lake Avalon Preliminary Subdivision Plan (PSP), Case # PSP-15-11-365; on the described property, subject to the following conditions:

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

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

any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. Prior to 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.
7. Owner shall comply with the terms of the Transportation Impact Fee Agreement, Lake Avalon PD /Avalon Road (County Road 545), Document #20160078549, as approved by the Board of County Commissioners.
8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
9. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division (EPD) of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
10. The site shall be stabilized following grubbing, clearing, earth work, or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans, a letter of credit or cash escrow acceptable to the County shall

be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.

11. Prior to commencement of any earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
12. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
13. 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.
14. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
15. Signage shall comply with Orange County Code Chapter 31.5-73.
16. A mandatory pre-application/sufficiency review meeting for the re-plat shall be required prior to re-plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the re-plat to the County.
17. 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.
18. 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 initial construction plan submittal.

19. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
  20. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory (meeting dark sky lighting requirement) including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
  21. A waiver is granted from Section 34-171(7) to allow the streets not fronting lots to be developed without sidewalks in lieu of requiring four-foot concrete sidewalks on both sides of all streets in a subdivision.
10. Adam Smith, VHB, Inc., Waterleigh PD / Waterleigh Phases 2A & 2B Parcels 14 (portion of), 20, 21 (portion of), 24 (portion of), & APF Road Preliminary Subdivision Plan, Case # PSP-15-11-360; District 1

Applicant: Adam Smith, VHB Inc., Waterleigh PD / Waterleigh Phases 2A & 2B Parcels 14 (portion of), 20, 21 (portion of), 24 (portion of), & APF Road Preliminary Subdivision Plan (PSP)

Consideration: Waterleigh PD / Waterleigh Phases 2A & 2B Parcels 14 (portion of), 20, 21 (portion of), 24 (portion of), & APF Road Preliminary Subdivision Plan (PSP), Case # PSP-15-11-360, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is to subdivide 166.15 acres in order to construct 361 single-family residential dwelling units; The request also includes the following waiver from the Orange County Code: 1. A waiver is requested from Section 34-152(c) to allow lots to front a mew. Legal access to these lots shall be through a platted ingress/egress easement in lieu of 20 feet fee simple as required by code.



Location: District 1; property generally located South of Seidel Road / West of C.R. 545 (Avalon Road); Orange County, Florida (legal property description on file in Planning Division)

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

MEMBER RE-ENTERED: Commissioner Thompson

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Nelson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Adam Smith, VHB Inc., Waterleigh PD / Waterleigh Phases 2A & 2B Parcels 14 (portion of), 20, 21 (portion of), 24 (portion of), & APF Road Preliminary Subdivision Plan (PSP) Case # PSP-15-11-360 on the described property, subject to the following conditions:

1. Development shall conform to the Waterleigh PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Waterleigh Phases 2A & 2B Parcels 14 (Portion of), 20, 21(Portion of), 24(Portion of) & APF Road Preliminary Subdivision Plan dated "Received February 15, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received February 15, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly

made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Park Tract P-4 shall have DP approval and shall be constructed prior to issuance of a certificate of completion for that phase.
7. Signage shall comply with Chapter 31.5 and with the approved PD Land Use Plan.

8. All home designs/types proposed for this PSP shall be submitted to the County for setback & architectural review a minimum of 90 days prior to model home requests and/or permitting.
9. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
10. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
11. A 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.
12. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any construction plans submittal.
13. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

14. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners of the following: Homeowners own and maintain their individual water services which extend to their homes from public water meters located adjacent to public road right-of-way. Any privately-owned water services for affected lots shall extend to those units through the HOA-owned green space fronting those homes. Owners of such affected lots shall be granted access to the HOA tracts fronting their homes for the purpose of maintaining their water services.
15. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP, including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
16. 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.
17. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village H Road Network Agreement recorded at O.R. Book 10525, Page 6172, Public Records of Orange County, Florida, the developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, concurrently with or prior to Preliminary Subdivision Plan/Development Plan submittal. In addition, the Preliminary Subdivision Plan and each subsequent Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
18. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
19. 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.

20. 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.
21. 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.
22. 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).
23. 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.
24. A waiver from Sec.34-152 (c) is granted to allow lots to front a mew. Legal access to these lots shall be through a platted ingress/egress easement in lieu of 20 feet fee simple as required by code.
11. Adam Smith, VHB, Inc., Zanzibar Property PD / Zanzibar Property Phase 1 Preliminary Subdivision Plan (PSP), Case # PSP-15-07-200; District 1

Applicant: Adam Smith, VHB, Inc., Zanzibar Property PD / Zanzibar Property Phase 1 Preliminary Subdivision Plan (PSP)

Consideration: Zanzibar Property PD / Zanzibar Property Phase 1 Preliminary Subdivision Plan (PSP), Case # PSP-15-07-200, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This

request is to subdivide 141.57 acres in order to construct 213 single-family residential dwelling units.

Location: District 1; property generally located North of Old YMCA Road / West of State Road 429; Orange County, Florida (legal property description on file in Planning Division)

- MEMBER RE-ENTERED: Commissioner Nelson

County staff noted this public hearing was cancelled, will be re-advertised and is rescheduled for June 14, 2016 at 2 p.m.

### Substantial Change

12. Brian Kittle, Meritage Homes of Florida, Inc., Kerina Parkside PD / Parkside Tract 2 Preliminary Subdivision Plan (PSP), Case # CDR-15-12-385, amend plan; District 1

Applicant: Brian Kittle, Meritage Homes of Florida, Inc., Kerina Parkside Planned Development (PD) / Parkside Tract 2 Preliminary Subdivision Plan – Substantial Change – Case # CDR-15-12-385

Consideration: Substantial change request to convert public infrastructure to private, create a gated private subdivision, and add entry and perimeter hardscape / landscape features; pursuant to Sections 34-69 and 30-89, Orange County Code.

Location: District 1; property generally located East of South Apopka Vineland Road / South of Buena Vista Woods Boulevard; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Chad Moorhead
- Jessica Walker
- Cherile Sturat (phonetic)
- Denver Marlow (phonetic)

Motion/Second: Commissioners Boyd/Nelson

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

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

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Brian Kittle, Meritage Homes of Florida, Inc., Kerina Parkside Planned Development (PD) / Parkside Tract 2 Preliminary Subdivision Plan – Substantial Change – Case # CDR-15-12-385, to convert public infrastructure to private, create a gated private subdivision, and add entry and perimeter hardscape / landscape features; which constitutes a substantial change to the development 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; Parkside Tract 2 Preliminary Subdivision Plan dated "Received February 18, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received February 18, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and/or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer/Applicant has a continuing obligation and responsibility from the date of approval of this Preliminary Subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and

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

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. 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.
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 the initial construction plans submittal.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 3, 2014, shall apply:
  - a. A waiver from Section 34-171(2) is granted to allow the use of FDOT Type F or Type D curb on medians, in lieu of median curb as required by the code.
  - b. Roads and drainage system, including the retention ponds, will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association.



- c. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevation, if none exists, shall be submitted to the Development Engineering Division for review and approval.
- d. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
- e. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is vested and/ or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
- f. 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 platting. Nothing in this condition and nothing in the decision to approve this preliminary subdivision plan. shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
- g. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
- h. Prior to performance of any earth work or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System ( NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
- i. 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 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, approval

of mass grading or construction plans, a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit.

- j. Prior to construction plan submittal, provide an addendum to the Master Utility Plan (MUP) for the Parkside PD including hydraulic calculations for the mains to be constructed within this PSP. The update shall be consistent with the Parkside MUP; otherwise an update to the MUP shall be included in the submittal.
- k. Signage shall comply with Ch. 31.5.
- l. The entire pond shall be conveyed to Orange County in fee simple prior to or concurrent with the plat.
- m. A six (6) foot high PVC fence shall be provided 5' from the rear property lines of lots 24 through 38 and provided within a fence and landscape easement with landscaping plans submitted with construction plans. The landscaping shall preserve as much natural plantings as possible.

#### Board of Zoning Adjustment Appeal

14. Save A Life Pet Rescue, Inc., Case # SE-16-01-143, March 3, 2016; District 5

Applicant: Save A Life Pet Rescue, Inc.  
Case No: Board of Zoning Adjustment, Case # SE-16-01-143; March 3, 2016  
Consideration: Request for a special exception in A-2 zoning district to construct a 3,600 sq. ft. pet rescue shelter and parking variances.  
Location: District 5; property generally located East side of S. West Christmas Rd., 200 ft. north of E. Colonial Dr., 1/4 mile west of S. Fort Christmas Rd.; Orange County, Florida (legal property description on file in Zoning Division)  
Court Reporter: Loretta Mazol, Orange Legal

County staff indicated the applicant's request includes two parking variances as follows:

- 2) Variance: To allow unpaved parking in lieu of paved; and
- 3) Variance: To allow 4 parking spaces in lieu of 12.

The following persons addressed the Board:

- Brent Spain
- Laura Dedenbach
- Bill Griffy

- Rick Penberthy
- Paul Linder
- Bobby Beagles
- Sue McLeod
- Kathy Glover
- Colette Penberthy

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

- Exhibit 1, from Brent Spain
- Exhibit 2, from Brent Spain
- Exhibit 3, from Brent Spain
- Exhibit 4, from Bobby Beagles

Board discussion ensued.

Motion/Second: Commissioners Edwards/Siplin

AYE (voice vote): All members

Action: The Board overruled the decision of the Orange County Board of Zoning Adjustment; further, denied the request by Save A Life Pet Rescue, Inc. for a special exception in A-2 zoning district to construct a 3,600 sq. ft. pet rescue shelter; and further, denied the two parking variances to allow unpaved parking in lieu of paved; and to allow 4 parking spaces in lieu of 12; on the described property.

Ordinance

13. Amending Orange County Code, Article V, Chapter 23, Section 34-155, pertaining to school impact fees and associated student generation rates.

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA RELATING TO SCHOOL IMPACT FEES AND ASSOCIATED STUDENT GENERATION RATES; AMENDING THE ORANGE COUNTY SCHOOL IMPACT FEE ORDINANCE CODIFIED AT ARTICLE V, CHAPTER 23, OF THE ORANGE COUNTY CODE; AMENDING SECTION 34-155 OF THE ORANGE COUNTY SUBDIVISION REGULATIONS TO REFLECT UPDATED STUDENT GENERATION RATES; AND PROVIDING FOR AN EFFECTIVE DATE.

County staff recommended the following revisions to the proposed Ordinance as follows:

Section 23-144, ("Alternative School Impact Fee Calculation"), Line 286 : Characteristics or limitations of the specific residential construction development proposed...

Section 23-144(c): The proposed alternative school impact fee shall be submitted to the county which, after consultation with the superintendent and any applicable municipality,...

Section 23-144(d): If the county, after consultation with the superintendent and any applicable municipality,...

Section 23-144(e): If the county, after consultation with the superintendent and any applicable municipality,...

Section 23-144(g): Any applicant or owner who submits a proposed alternative school impact fee pursuant to this section and desires the immediate issuance of a building permit shall pay, prior to the issuance of the building permit, the applicable school impact fee pursuant to section 23-141, Orange County Code. Such payment shall be paid to the county or any applicable municipality and shall be noted in writing as "paid under protest" and shall not be construed as a waiver of any review rights. Any difference between the amount paid and the amount due, as determined by the county or applicable municipality, shall be refunded to the applicant or owner by the governmental entity holding the funds. The county, any applicable municipality, or school board shall not pay interest on the funds paid under protest and subsequently refunded unless interest has been earned on such funds.

#### Section 23-163 Workforce and affordable housing

Any single family residential unit, multi-family dwelling unit, or townhouse, or mobile home within a project that has been certified as a workforce or affordable housing development ~~or that has received a certificate of affordability from~~ by the Orange County Housing and Community Development Division or the City of Orlando may be eligible for financial incentives ~~pursuant to Orange County Administrative Regulation 4.08~~ to help offset school impact fees. A housing unit that is granted incentives under this section to help offset school impact fees shall remain affordable.

The terms ~~"workforce housing development,"~~ "affordable," "low income," ~~and "very low income,"~~ and "workforce housing" shall be as defined in Orange County Administrative Regulation 4.08, as it may be amended or replaced from time to time.

The board ~~shall adopt administrative regulations and guidelines~~ amend Administrative Regulation 4.08 as may be necessary to implement this section and to ensure that a housing unit that is granted incentives by Orange County to help offset school impact fees remains affordable.

Section 5: On or before May 16, 2016, the Community, Environmental, and Development Services Department shall post notice in the Building Safety Division, and in the appropriate location on the County website, stating that the Board has adopted this Ordinance imposing new and increased school impact fees, effective August 15, 2016.

The following persons addressed the Board:

- Orange County Public Schools Chairman Bill Sublette
- Woody Rodriguez
- Hal Kantor
- Rebecca Wilson
- Doug Head
- Adrianna Sekula
- Lucy Gallo
- Ben Shoemaker
- Max Perlman
- Charles Fout
- Miranda Fitzgerald
- Steve Ogier
- Michael Mullhall
- John Zeledon
- Jay Curran
- Nilgun Kamp
- Eileen Fernandez
- Julie Salvo

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

- Exhibit 1, from Hal Kantor
- Exhibit 2, from Rebecca Wilson
- Exhibit 3, from Rebecca Wilson
- Exhibit 4, from Lucy Gallo
- Exhibit 5, from Adrianna Sekula
- Exhibit 6, from Ben Shoemaker
- Exhibit 7, from Charles Fout
- Exhibit 8, from Charles Fout

Board discussion ensued regarding imposing the school impact fee collection and effective date. Based upon input from the Board, County staff recommended the following revisions to the proposed Ordinance as follows:

Section 23-141. ("Imposition")

- (b) Effective from May 16, 2016, until September 30, 2016, A all residential construction occurring within the county, for which building permits are issued ~~on and before May 12, 2011~~, both within the unincorporated area and ~~within the municipal boundaries of the cities~~ various municipalities, shall pay the following school impact fee:

- (c) Effective from October 1, 2016, until December 31, 2016, A all residential construction occurring within the county, for which building permits are issued on and after May 13, 2011, both within the unincorporated area and within the municipal boundaries of the cities various municipalities, shall pay the following school impact fee:

**School Impact Fee Schedule**

<b>Land Use Type</b>	<b>Impact Fee</b>
<b>Single Family Detached</b>	<u>\$6,525,655.00</u>
<b>Multi-family</b>	<u>3,921,920.00</u>
<b>Townhouse</b>	<u>5,426.00</u>
<b>Mobile Home</b>	<u>-4,345,217.00</u>

Effective January 1, 2017, all residential construction occurring within the county, for which building permits are issued within the unincorporated area and the boundaries of the various municipalities, shall pay the following school impact fee:

**School Impact Fee Schedule**

<b>Land Use Type</b>	<b>Impact Fee</b>
<b>Single Family Detached</b>	<u>\$6,525,784.00</u>
<b>Multi-family</b>	<u>3,921,919.00</u>
<b>Townhouse</b>	<u>6,930.00</u>
<b>Mobile Home</b>	<u>-4,345,088.00</u>

Section 4: On or before May 16, 2016, the Community, Environmental, and Development Services Department shall post notice in the Building Safety Division, and in the appropriate location on the County website, stating that the Board has adopted this Ordinance imposing new and increased school impact fees, effective October 1, 2016.

Section 5: The ordinance shall take effect on May 16, 2016.

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan (CP); further, allowed staff to correct any non-substantial grammatical or scrivener's errors; and further, adopted Ordinance 2016-08, affecting the use of land in Orange County, Florida, relating to school impact fees and associated student generation rates; amending the Orange County School Impact Fee Ordinance codified at Article V, Chapter 23 of the Orange County Code; amending Section 34-155 of the Orange County Subdivision Regulations to reflect updated student generation rates, consistent with today's Board actions, and providing an effective date; with the following changes:

Section 23-144 ("Alternative School Impact Fee Calculation"), Line 286 : characteristics or limitations of the specific residential construction development proposed..

Section 23-144(c): The proposed alternative school impact fee shall be submitted to the county which, after consultation with the superintendent and any applicable municipality...

Section 23-144(d): If the county, after consultation with the superintendent and any applicable municipality...

Section 23-144(e): If the county, after consultation with the superintendent and any applicable municipality...

Section 23-144(g): Any applicant or owner who submits a proposed alternative school impact fee pursuant to this section and desires the immediate issuance of a building permit shall pay, prior to the issuance of the building permit, the applicable school impact fee pursuant to section 23-141, Orange County Code. Such payment shall be paid to the county or any applicable municipality and shall be noted in writing as "paid under protest" and shall not be construed as a waiver of any review rights. Any difference between the amount paid and the amount due, as determined by the county or applicable municipality, shall be refunded to the applicant or owner by the governmental entity holding the funds. The county, any applicable municipality, or school board shall not pay interest on the funds paid under protest and subsequently refunded unless interest has been earned on such funds.

Section 23-163 Workforce and affordable housing.

Any single family residential unit, multi-family dwelling unit, or townhouse, or mobile home within a project that has been certified as a workforce or affordable housing development or that has received a certificate of affordability from by the Orange County Housing and Community Development Division or the City of Orlando may be eligible for financial incentives pursuant to Orange County Administrative Regulation 4.08 to help offset school impact fees. A housing unit that is granted incentives under this section to help offset school impact fees shall remain affordable.

The terms "~~workforce housing development,~~" "affordable," "low income," ~~and~~ "very low income," and "workforce housing" shall be as defined in Orange County Administrative Regulation 4.08, as it may be amended or replaced from time to time.

The board shall ~~adopt administrative regulations and guidelines~~ amend Administrative Regulation 4.08 as may be necessary to implement this section and to ensure that a housing unit that is granted incentives by Orange County to help offset school impact fees remains affordable.

Section 23-141. ("Imposition")

- (b) Effective from May 16, 2016, until September 30, 2016, A all residential construction occurring within the county, for which building permits are issued on and before May 12, 2011, both within the unincorporated area and within the municipal boundaries of the cities various municipalities, shall pay the following school impact fee:
- (c) Effective from October 1, 2016, until December 31, 2016, A all residential construction occurring within the county, for which building permits are issued on and after May 13, 2011, both within the unincorporated area and within the municipal boundaries of the cities various municipalities, shall pay the following school impact fee:

**School Impact Fee Schedule**

<b>Land Use Type</b>	<b>Impact Fee</b>
<b>Single Family Detached</b>	<u>\$6,5257,655.00</u>
<b>Multi-family</b>	<u>3,9214,920.00</u>
<b>Townhouse</b>	<u>5,426.00</u>
<b>Mobile Home</b>	<u>4,3455,217.00</u>

Effective January 1, 2017, all residential construction occurring within the county, for which building permits are issued within the unincorporated area and the boundaries of the various municipalities, shall pay the following school impact fee:

**School Impact Fee Schedule**

<b>Land Use Type</b>	<b>Impact Fee</b>
<b>Single Family Detached</b>	<u>\$6,5258,784.00</u>
<b>Multi-family</b>	<u>3,9215,919.00</u>
<b>Townhouse</b>	<u>6,930.00</u>
<b>Mobile Home</b>	<u>4,3456,088.00</u>

Section 4: On or before May 16, 2016, the Community, Environmental, and Development Services Department shall post notice in the Building Safety Division, and in the appropriate location on the County website, stating that the Board has adopted this Ordinance imposing new and increased school impact fees, effective October 1, 2016.

Section 5: The ordinance shall take effect on May 16, 2016.



Motion/Second: County Mayor Jacobs/Commissioner Thompson  
AYE (voice vote): County Mayor Jacobs; Commissioners Nelson, Clarke, Thompson  
NO (voice vote): Commissioners Boyd, Edwards, and Siplin  
Action: The Board amended the main motion to impose fifty percent of the new and increased school impact fees for each category on October 1, 2016; and further, imposed the full increase of the impact fee for each category on January 1, 2017.

- ADJOURNMENT, 7:14 p.m.

ATTEST:

  
\_\_\_\_\_  
County Mayor Teresa Jacobs

Date: JUN 28 2016



ATTEST SIGNATURE:

Martha O. Haynie  
County Comptroller as Clerk

  
\_\_\_\_\_  
Deputy Clerk