

BCC Mtg. Date: Jun. 14, 2016

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, April 26, 2016
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: Vice-Mayor Bryan Nelson; Commissioners S. Scott Boyd, Pete
Clarke, Jennifer Thompson, Ted Edwards, Victoria P. Siplin
Member Absent: County Mayor Teresa Jacobs
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 Jennifer Lara-Klimetz

- CALL TO ORDER, 1:34 p.m.

- RELINQUISHED CHAIR

Vice-Mayor Nelson relinquished the Chair to Former Vice-Mayor Boyd.

- INVOCATION - Pastor Darrell Morgan, Word Of Life Church

- PLEDGE OF ALLEGIANCE

- PRESENTATION

Proclamation designating May 2 through May 6, 2016 as Juror Appreciation Week

- REASSUMED CHAIR

Vice-Mayor Nelson reassumed the Chair from Former Vice-Mayor Boyd.

- PRESENTATION (CONTINUED)

Proclamation designating May 1 through May 7, 2016 as National Travel and Tourism Week

- PRESENTATION

Proclamation designating the month of April as Donate Life Month

- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Carolyn Kimberley
- Macon R. Ross, Jr.
- Marilyn Hankins
- Doug Head

The material presented by the speaker was not received by the Clerk during public comment: Carolyn Kimberley.

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Vice-Mayor deleted Administrative Services Department Item 13; 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 1, 2016, meeting of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
 - April 1, 2016, to April 7, 2016; total of \$27,080,908.66
 - April 8, 2016, to April 14, 2016; total of \$30,881,010.59
 - April 15, 2016, to April 21, 2016; total of \$29,027,565.51

(Finance/Accounting)

Supervisor of Elections

1. Approval and execution of County Precinct Boundary Change Resolution 2016-M-11.

County Administrator

1. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)
2. Confirmation of Commissioner Clarke's reappointment of Michael W. Blackton, Jay Herrington, and Robert Lance with terms expiring December 31, 2017; appointment of Alvin R. Luther with a term expiring December 31, 2017; and appointment of Gary Meloon with a term expiring December 31, 2016 to the Lake Conway Water and Navigation Control District Advisory Board. (Agenda Development Office)

3. Approval of the Membership and Mission Review Board recommendations for extending the existence of the Arts and Cultural Affairs Advisory Council, Building Codes Board of Adjustments and Appeals, Commission on Aging, Disability Advisory Board, Fire and Life Safety Code Board of Adjustments and Appeals, and Public Works Advisory Board with a new sunset review date of 2019 and for the adoption of a resolution sunsetting the Underground Utility Pipeline Contractors Board of Examiners. (Agenda Development Office)
4. Approval of the Membership and Mission Review Board recommendation for extending the existence of the Citizens' Review Panel for Human Services, Educational Facilities Authority, Health Facilities Authority, Housing Finance Authority, M/WBE Advisory Committee, International Drive CRA Advisory Committee, and Neighborhood Grants Advisory Board with a new sunset review date of 2020. (Agenda Development Office)
5. Approval of the Membership and Mission Review Board recommendation for extending the existence of the Animal Services Advisory Board, Animal Services Classification Committee, Environmental Protection Commission, and Orange County Research and Development Authority with a new sunset review date of 2021. (Agenda Development Office)
6. Adoption and Execution of A Resolution 2016-M-05 of the Board of County Commissioners of Orange County, Florida approving the issuance by (i) the Orange County Health Facilities Authority of its Revenue Bonds (Adventist Health System/Sunbelt Obligated Group) in an aggregate principal amount not to exceed \$300,000,000 with respect to the New Apopka Facilities (as defined below) in Orange County, Florida, in one or more series over the longest period permitted by law, (ii) the Highlands County Health Facilities Authority of its Revenue Bonds (Adventist Health System/Sunbelt Obligated Group) in an aggregate principal amount not to exceed \$300,000,000 with respect to the New Apopka Facilities in Orange County, Florida, in one or more series over the longest period permitted by law, (iii) the Colorado Health Facilities Authority of its Revenue Bonds (Adventist Health System/Sunbelt Obligated Group) in an aggregate principal amount not to exceed \$300,000,000 with respect to the New Apopka Facilities in Orange County, Florida, in one or more series over the longest period permitted by law, and (iv) the Kansas Development Finance Authority of its Revenue Bonds (Adventist Health System/Sunbelt Obligated Group) in an aggregate principal amount not to exceed \$300,000,000 with respect to the New Apopka Facilities in Orange County, Florida, in one or more series over the longest period permitted by law, in each instance for the benefit of Adventist Health System/Sunbelt, Inc., a Florida not-for-profit corporation. (Health Facilities Authority)
7. Approval and execution of Orange County, Florida and FireSpring Fund, Inc. FY 2016 Grant Agreement and authorization to disburse \$100,000 as provided in the FY 2016-17 adopted budget. (Office of Economic, Trade and Tourism Development)

8. Approval for the Orange County Sheriff's Office to spend \$29,000 from the FY 2016 Law Enforcement Trust Fund to provide eligible contributions to 2016 Annual NAMIWalks Greater Orlando (\$1,500); Nuevo Sendero, Inc. (\$5,000); Boys & Girls Clubs of Central Florida (\$15,000); and Boy Scouts of America, Central Florida Council (\$7,500). (Office of Management and Budget)
9. Approval of budget amendments #16-37 and #16-38. (Office of Management and Budget)
10. Approval of Ratification of payment of Intergovernmental claims of February 18, 2016, March 3, 2016 and March 24, 2016 totaling \$1,497,232.70. (Risk Management Division)

County Attorney

1. Approval of Non-Exclusive Underground Transmission Pipe Utility Easement Agreement by and between Orlando Utilities Commission, City of Orlando, and Orange County, Florida, as part of the settlement in the case of Orange County v. GOAA & City of Orlando, et al., Case No. 2012-CA-7370-O, Parcel 802; (Owners – Orlando Utilities Commission and City of Orlando), South Service Area/East Service Area Water Main and Reclaimed Water Main Project (Boggy Creek Rd. to Wewahootee Rd.), and authorization for the Mayor to execute the easement agreement on behalf of Orange County upon the final settlement of the eminent domain case.
2. Authorization for the Orange County Attorney's Office to take the necessary actions to facilitate the filing of a notice of voluntary dismissal of current litigation related to juvenile detention cost sharing and the execution of a release and waiver of future claims and actions arising from detention cost sharing prior to the 2016-17 fiscal year.

Administrative Services Department

1. Approval to award Invitation for Bids Y16-172-JS, Boiler Preventative Maintenance and Repair, to the low responsive and responsible bidder, Mechanical Services of Central Florida, Inc. for a 3-year contract in the estimated contract award amount of \$1,883,250. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Administrative Services Department Facilities Management Division] Procurement Division)

2. Approval to award Invitation for Bids Y16-187-LC, Chronic Dialysis Corrections Health Services, to the low responsive and responsible bidder, Mobile Dialysis, Inc., in the estimated contract award amount of \$546,000 for a 3-year term contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Health Services Department Corrections Health Services Division] Procurement Division)
3. Approval to award Invitation for Bids Y16-1000-MG, Food and Beverage Smallwares for Orange County Convention Center, to the low responsive and responsible bidders per lot, for a 3-year term contract: Sam Tell and Son, Inc.: Lots 1, 2, 3, 9, 10, 14, 16, 18 and 20 for an estimated 3-year contract of \$965,625 and Louis Wohl & Sons, Inc.: Lots 4, 5, 6, 7, 8, 11, 12, 13, 15, 17, 19, 21 and 23 for an estimated 3-year contract of \$833,475. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Convention Center] Procurement Division)
4. Approval to award Invitation for Bids Y16-1001-MG, Overhead Door and Gate Repairs with Preventative Maintenance, to the low responsive and responsible bidder, DH Pace Company, Inc., for an estimated contract award amount of \$244,760 for a 1-year contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Administrative Services Department Facilities Management Division] Procurement Division)
5. Approval to award Invitation for Bids Y16-1032-DG, Bulk Rock Salt NOC-17F, to the single bidder, Morton Salt, Inc. in the estimated annual contract award amount of \$216,000. Further, authorized the Procurement Division to renew the contract for four additional 12-month periods. ([Utilities Department Water Division] Procurement Division)
6. Approval to award Invitation for Bids Y16-616-JS, Short Wheelbase Spotter Tractor, to the single responsive and responsible bidder, Florida Lift Systems, LLC, in the total contract award amount of \$132,275. ([Utilities Department Solid Waste Division] Procurement Division)
7. Approval of Amendment No. 4, Contract Y7-802, Engineering Design Services for Boggy Creek Road (from 375 Feet North of the Orange/Osceola County Line to 600 Feet South of S.R. 417) with DRMP, Inc. in the amount of \$265,525.06 for a revised contract amount of \$1,445,885.80. ([Public Works Department Engineering Division] Procurement Division)
8. Approval of Amendment No. 3, Y15-2052, Central Receiving Center, with Aspire Health Partners, Inc., for an additional \$264,850 for a revised total annual contract amount of \$5,805,110.20. ([Health Services Department Mental Health and Homeless Issues Division] Procurement Division)

9. Approval of Contract Y16-1048-TA, Mobile Compliance Software, with MobileGuard, for the period of February 1, 2016 through January 31, 2017, in the amount of \$147,000. Further, authorized the Procurement Division to renew the contract for two additional one year periods. ([Office of Accountability Department Information Systems and Services Division] Procurement Division)
 10. Selection of A/R/C Associates, Incorporated to provide Design Services for the Orange County Convention Center (OCCC) West Building Roof Repairs, Request for Proposals Y16-807-MM. Further, authorized negotiation and execution of the final contract by the Procurement Division within a budget of \$840,000. ([Convention Center] Procurement Division)
 11. Approval and execution of Lease Agreement, Amendment III between City of Orlando and Orange County for ground space for McLeod Road Transfer Station, Lease File #4011, 5000 L B McLeod Road, Orlando, Florida. District 6. (Real Estate Management Division)
 12. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase between Orange County and Merenceau Alexis and Clotilde Alexis, approval and execution of County Deed from Orange County to Merenceau Alexis and Clotilde Alexis and authorization to perform all actions necessary and incidental to closing for NSP Resale – 4719 Fort Knox Court, Orlando, FL 32822 (NCST). District 3. (Real Estate Management Division)
 13. ~~Approval of Donation Agreement and Warranty Deed between Bluerock Development, LLC and Orange County and authorization to perform all actions necessary and incidental to closing for Waterford Oaks PD. District 4. (Real Estate Management Division)~~
- (This item was deleted.)
14. Approval of Access and Utility Easement between Challenger Equity, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from BankUnited, N. A. and authorization to record instruments for Challenger One OCU Permit: B15900587 OCU File #: 80966. District 5. (Real Estate Management Division)

Community, Environmental and Development Services Department

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

LC 16-0144	LC 16-0114	LC 16-0193	LC 16-0221	LC 16-0125
LC 16-0148	LC 16-0117	LC 16-0199	LC 16-0228	LC 16-0131
LC 16-0173	LC 16-0136	LC 16-0200	LC 16-0006	LC 16-0132
LC 16-0353	LC 16-0139	LC 16-0210	LC 16-0054	LC 16-0133
LC 16-0035	LC 16-0140	LC 16-0214	LC 16-0068	LC 16-0134
LC 16-0044	LC 16-0142	LC 16-0215	LC 15-1668	LC 16-0154
LC 16-0106	LC 16-0146	LC 16-0264	LC 16-0081	LC 16-0175
LC 16-0109	LC 16-0150	LC 16-0265	LC 16-0097	LC 16-0176
LC 16-0110	LC 16-0152	LC 16-0286	LC 16-0107	LC 16-0184
LC 16-0111	LC 16-0153	LC 16-0103	LC 16-0119	LC 16-0188
LC 16-0112	LC 16-0156	LC 16-0170	LC 16-0120	LC 16-0194
LC 16-0113	LC 16-0157	LC 16-0218	LC 16-0123	LC 16-0230

2. Approval and execution of Air Pollution Control Specific Operating Agreement between the State of Florida Department of Environmental Protection (DEP) and Orange County. All Districts. (Environmental Protection Division)
3. Approval of permit modification for the Harold Mills Shoreline Alteration/Dredge and Fill permit (SADF-13-03-003) to eliminate the requirement for rip rap placement, with the condition that the Permittee pay mitigation in the amount of \$9,603.72 to the Conservation Trust Fund in lieu of installing rip rap within 30 days of receipt of the BCC Decision. District 1. (Environmental Protection Division)
4. Approval and execution of Resolution 2016-M-12 of the Orange County Board of County Commissioners regarding Creating the Lake Rose Advisory Board to Advise the Board of County Commissioners in the Administration and Operation of the Municipal Service Taxing Unit for Lake Rose Advisory Board. District 1. (Environmental Protection Division)
5. Approval of Request to Transfer Solid Waste Management Permit No. SW-192228-MRF-10/1511 for the American Recycling Group – Materials Recovery Facility from American Recycling Group, LLC to Russo Waste Services, Inc. District 2. (Environmental Protection Division)
6. Authorization for the Planning Manager to Prepare a Comprehensive Plan Evaluation and Appraisal Letter to the State Land Planning Agency by May 1, 2016, pursuant to Section 163.3191, Florida Statutes. All Districts. (Planning Division)
7. Approval and execution of Proportionate Share Agreement for GB Curry Pine, LLC Dean Road (from Curry Ford Road to Lake Underhill Road) by and between GB Curry Pine, LLC and Orange County for a proportionate share payment in the amount of \$152,096. District 4. (Roadway Agreement Committee)

8. Approval of Street Name Petition to rename the north/south portion of Grande Palisades Boulevard to Grove Resort Avenue and authorization to update associated records. District 1. (Zoning Division)

Family Services Department

1. Approval and execution of Florida Department of Children and Families Application for a License to operate a Childcare Facility at Callahan Head Start. This application is only executed by Orange County. (Head Start Division)
2. Receipt and filing of Head Start Policy Council Program Information and Updates March 2016 and Head Start Policy Council Meeting Minutes February 18, 2016 for the official county record. (Head Start Division)
3. Receipt and filing of Department of Economic Opportunity (DEO) Monitoring Report April 1, 2016 for the official county record. (Community Action Division)

Health Services Department

1. Approval and execution of the Paratransit Services License for Daylight Transportation to provide wheelchair/stretchers service. The term of this license is from April 30, 2016 through April 30, 2018. There is no cost to the County. (EMS Office of the Medical Director)
2. Approval and execution of the renewal Certificate of Public Convenience and Necessity for Orlando Regional Healthcare to provide Advanced Life Support Transport Service. The term of this certificate is from April 30, 2016 through April 30, 2018. There is no cost to the County. (EMS Office of the Medical Director)

Public Works Department

1. Approval and execution of State of Florida Department of Transportation County Resolution 2016-M-13 Synchronization of Grade Crossing Traffic Control Devices and Future Responsibility Financial Project ID 429239-1-57-01 and State of Florida Department of Transportation Railroad Reimbursement Agreement Synchronization of Grade Crossing Traffic Control Devices – County Financial Project No. 42923915701 by and between the State of Florida Department of Transportation, Florida Central Railroad Company, Inc. and Orange County for traffic control improvements at the Florida Central Railroad grade crossing on Hermit Smith Road at US 441 in Apopka. District 2. (Traffic Engineering Division)
2. Approval of Traffic Control Devices and "No Parking" sign installations in Ashlin Park Phase 2. District 1. (Traffic Engineering Division)
3. Approval of Traffic Control Devices and "No Parking" sign installations in Waterleigh PD Phase 1B. District 1. (Traffic Engineering Division)

4. Approval and execution of State of Florida Department of Transportation County Resolution 2016-M-14 Grade Crossing Traffic Control Devices and Future Responsibility Financial Project No. 43909915701 and State of Florida Department of Transportation Railroad Reimbursement Agreement Grade Crossing Traffic Control Devices – County Financial Project No. 43909915701 by and between the State of Florida Department of Transportation, Florida Central Railroad Company, Inc. and Orange County for traffic control improvements at the Florida Central Railroad grade crossing on Laughlin Road in Zellwood. District 2. (Traffic Engineering Division)
5. Approval and execution of Resolution 2016-M-15 of the Orange County Board of County Commissioners regarding the Locally Funded Agreement between the State of Florida Department of Transportation and Orange County, Florida for the Mast Arms Upgrade at the Intersection of State Road 436 and Old Cheney Highway and FM# 434425-1-52-02 Locally Funded Agreement between the State of Florida Department of Transportation and Orange County. District 5. (Transportation Planning Division)
6. Approval and execution of Resolution 2016-M-16 of the Orange County Board of County Commissioners regarding the Locally Funded Agreement between the State of Florida Department of Transportation and Orange County, Florida for Mast Arms Upgrade at the Intersection of State Road 535 and International Drive South and FM# 423029-1-52-02 Locally Funded Agreement between the State of Florida Department of Transportation and Orange County. District 1. (Transportation Planning Division)
7. Approval and execution of Locally Funded Agreement (LFA) (Lump-Sum Contribution) by and between the Florida Department of Transportation, Florida's Turnpike Enterprise and Orange County for Taft-Vineland Road Bridge from Orange Blossom Trail to Orange Avenue. District 4. (Engineering Division)

Utilities Department

1. Approval and execution of Cost-Share Agreement between the St. Johns River Water Management District and Orange County, DBA Orange County Utilities Contract #28475 Encumbrance #S008108 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 Wekiwa Springshed Alternative Water Supply Expansion Project for an Amount Not to Exceed \$198,000, and delegation of authority to the County Administrator to approve scheduling or other administrative changes and execute minor amendments to the agreement which do not affect the total aggregate amount of the budget or intent of the project. District 2. (Administration)

2. Approval and execution of Cost-Share Agreement between the St. Johns River Water Management District and Orange County, DBA Orange County Utilities Contract #28493 Encumbrance #S008169 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 Project/Lower Floridan Wells Phase 2 Project for an Amount Not to Exceed \$396,000, and delegation of authority to the County Administrator to approve scheduling or other administrative changes and execute minor amendments to the agreement which do not affect the total aggregate amount of the budget or intent of the project. District 1. (Administration)
3. Approval and execution of Temporary Grading and Slope Easement Agreement between City of Orlando and Orange County and K. Hovnanian at the Highlands at Summerlake Grove, LLC. District 1.
4. Approval and execution of Cost-Share Agreement between the St. Johns River Water Management District and Orange County, D/B/A Orange County Utilities Contract #28423 Encumbrance #S007965 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, which will commit Orange County to \$112,334 (50% of the cost of the project) to implement the WaterSmart Program. All Districts. (Water Division)

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Minutes of the January 21, 2016, Meeting in the Sunshine. County Mayor Teresa Jacobs, Commissioners Bryan Nelson and Pete Clarke attended the 2016 Orange County Economic Summit discussing topics that included an economic forecast, a presentation on "Positioning for the Future," and a Tech Entrepreneur Panel.
 - b. Minutes of the April 4, 2016, Meeting in the Sunshine. Commissioners Bryan Nelson and Victoria P. Siplin met with representatives from the Lion of Judah Academy to discuss the proposed Pine Hills Christmas Parade.
 - c. Florida Public Service Commission Notice of Proposed Agency Action Order Approving Amendment to Territorial Agreement by Orlando Utilities Commission and Duke Energy Florida, LLC. In re: Joint petition for approval of amendment to territorial agreement in Orange County, by Orlando Utilities Commission and Duke Energy Florida, LLC.

- d. City of Winter Garden Notice of Annexation Ordinance and Legal Description with Map; Ordinance 16-22, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 1.26 ± acres located at 14990 West Colonial Drive on the southeast corner of West Colonial Drive and Avalon Road into the City of Winter Garden Florida; redefining the City boundaries to give the City jurisdiction over said property; providing for severability; providing for an effective date.
- e. City of Belle Isle Notice of Voluntary Annexation Ordinances, Notices of Public Hearing and Reference Maps as follows:
 - Ordinance No. 16-01, An Ordinance of the City of Belle Isle , Florida related to a Voluntary Annexation; making certain findings; proposing to annex that certain property consisting of four tax parcels referenced by their Orange County Tax Parcel ID Number as follows 29-23-30-0000-00-011, 29-23-30-0000-00-018, 29-23-30-02000-00-019 and 29-23-30-0000-00-020, all as more particularly described herein, providing for severability and providing an effective date.
 - Revised Ordinance No. 16-01, An Ordinance of the City of Belle Isle , Florida related to a Voluntary Annexation; making certain findings; proposing to annex that certain property consisting of four tax parcels referenced by their Orange County Tax Parcel ID Number as follows 29-23-30-0000-00-011, 29-23-30-0000-00-018, 29-23-30-02000-00-019 and 29-23-30-0000-00-020, all as more particularly described herein, providing for severability and providing an effective date.

A second reading and public hearing to consider the future adoption of proposed Ordinance number 16-01 will be held by the City of Belle Isle City Council at its regularly scheduled meeting in the Belle Isle City Hall Council Chambers on Wednesday, March 30, 2016, beginning at 9:00 a.m., or as soon thereafter as possible.

- f. Jurisdictional Boundary Map Update in reference to the following:
 - Ordinance No. 2016-02, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land generally located north of Tyson Rd, east of Narcoossee Rd, and southwest of Lake Whippoorwill, addressed as 12873 Narcoossee Rd and comprised of 43.909 acres of land, more or less; designating the property as the Planned Development District on the City's Official Zoning Maps; providing a Development Plan and Special Land Development Regulations of the Planned Development District; providing for severability, correction of scrivener's errors and an effective date.
 - Ordinance No. 2016-05, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land

generally located north of Daubert St, east of Maltry Ave, south of Roush Ave and west of Jamajo Blvd and comprised of 1.88 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Residential Low Intensity, in part, and Industrial, in part, on the City's Official Future Land Use Maps; designating the property as the R-1 One Family Residential District along with the Aircraft Noise Overlay District, in part, and the Industrial-Commercial District along with the Aircraft Noise Overlay District, in part, on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors and an effective date.

- Ordinance No. 2016-08, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land generally located north of Old Winter Garden Rd., east of Ferguson Dr, south of W Colonial Dr, and west of Haralson Ave and comprised of 0.42 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Industrial on the City's Official Future Land Use Maps; designating the property as Industrial-General on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors and an effective date.
- Ordinance No. 2016-11, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land generally located north of Tavistock Lakes Blvd, east of Lower Harden Ave, south of Lake Nona High School and west of Narcoossee Rd., addressed as 13000 Narcoossee Rd and comprised of 14.63 acres of land, more or less; providing findings, amendment of the City's boundary description and for amendment of the City's Official Maps; providing for severability, correction of scrivener's errors and an effective date.
- Ordinance No. 2016-16, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land generally located at the southwest corner of the Intersection of S Semoran Blvd and Hoffner Ave and comprised of 0.75 acres of land, more or less, amending the City's adopted Growth Management Plan to designate the property as Community Activity Center on the City's Official Future Land Use Maps; designating the property as the AC-1 district along with the aircraft noise and Semoran Gateway Special Plan Overlay Districts on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors and an effective date.
- Ordinance No. 2016-17, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land generally located north of E. Michigan St, east of Mayer St, south of E. Crystal Lake Ave and west of S Brown Ave and comprised of 0.161 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Residential Low Intensity on the City's Official Future Land Use Maps; designating the property as the R-2A 1-2 Family

District along with the Traditional City Overlay District on the City's Official Zoning Maps; providing for amendment of City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors and an effective date.

- Ordinance No. 2016-19, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land generally located northeast of Hoffner Ave and to the west of Old Goldenrod Rd and comprised of 1.02 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Community Activity Center on the City's Official Future Land Use Maps; designating the property as the AC-1 Community Activity Center District along with aircraft noise Overlay District on the City's Official Zoning Maps; providing for amendment of City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors and an effective date.
 - Ordinance No. 2016-26, entitled An Ordinance of the City Council of the City of Orlando, Florida annexing to the corporate limits of the City certain land generally located north of Wewahatchee Rd, east of State Road 417, south of State Road 528 and west of International Park Blvd and comprised of 2,559 acres of land, more or less; providing findings, amendments of the City's boundary description and for the amendment of the City's Official Maps; providing for severability, correction of scrivener's errors and an effective date.
- g. Orange County Health Facilities Authority Member Oath of Office for Bakari F. Burns.
- h. City of Orlando Ordinances with Exhibit A (Legal Descriptions), Exhibit B (Annexation Maps), and Exhibits C & D (Future Land Use Maps and Zoning Maps), and Orlando Sentinel Notices of Proposed Enactments and Fiscal Impact Statements as follows:
- Ordinance No. 2016-10 entitled: An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located to the south and southwest of the Intersection of Narcoossee Rd. and Harbor Bend Cir., and comprised of 8.62 acres of land, more or less; amending the City's Adopted Growth Management Plan to designate the property as Office Low Intensity on the City's Official Future Land Use Maps; designating the property as the O-1 Office and Residential District along with the Aircraft Noise Overlay District on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, and an effective date.
 - Ordinance No. 2016-32 entitled: An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located north of WD Judge Dr., east of Mercy Dr., south of W. Princeton St., and west of N. John Young Pkwy., and comprised of 9.6 acres

of land, more or less; amending the City's Adopted Growth Management Plan to designate the property as Industrial on the City's Official Future Land Use Maps; designating the property as the Planned Development District along with the Wekiva Zoning Overlay District on the City's Official Zoning Maps; providing a development plan and special land development regulations of the Planned Development District; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, and an effective date.

- i. Audit Report No. 452 – Audit of the Orange County Property Appraiser's Office Procurement Card Usage
- j. Audit Report No. 453 – Audit of the Historical Society of Central Florida, Inc.

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

- COUNTY DISCUSSION AGENDA

County Administrator

1. Appointment to the Orange County Canvassing Board.

- OFFICIAL RECOGNIZED: Supervisor of Elections Bill Cowles

The Board discussed the request by Orange County Supervisor of Elections Bill Cowles to appoint one Commissioner and one alternate Commissioner to the Orange County Canvassing Board to serve through the end of 2016.

Motion/Second: Commissioners Clarke/Boyd

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board appointed Commissioner Nelson as a member; and further, appointed Commissioner Thompson as an alternate member to the Orange County Canvassing Board to serve through the end of 2016.

Administrative Services Department

1. Selection of one firm and two ranked alternates to provide Engineering Services for Econlockhatchee Trail South Segment Water and Wastewater Improvements Project, (From South of Lake Underhill Road to North of S.R. 408), Request for Proposals Y16-808-PH, from the following firms listed alphabetically:

- Atkins North America, Inc.
- Barnes, Ferland and Associates, Inc.
- CPH, Inc.

- Dewberry Engineers, Inc.
- Inwood Consulting Engineers, Inc.
- Woolpert, Inc.

Further request the Board authorize negotiation and execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$420,000. ([Utilities Department Engineering Division] Procurement Division)

Motion/Second: Commissioners Nelson/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board selected one firm, CPH, Inc., and two ranked alternates, #1 Woolpert, Inc., and #2 Barnes, Ferland and Associates, Inc., to provide Engineering Services for Econlockhatchee Trail South Segment Water and Wastewater Improvements Project, (From South of Lake Underhill Road to North of S.R. 408); and further, authorized negotiation and execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$420,000, Request for Proposals Y16-808-PH.

2. Selection of one firm and an alternate to provide Design Services for Barber Park Multipurpose Fields, Request for Proposals Y16-809-CC, from the following firms listed alphabetically:

- Cribb Philbeck Weaver Group, Inc.
- SK Consortium, Inc.

Further recommend the Board authorize negotiation and execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$200,000. ([Administrative Services Department Capital Projects Division] Procurement Division)

Motion/Second: Commissioners Nelson/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board selected one firm, Cribb Philbeck Weaver Group, Inc., and an alternate, SK Consortium, Inc., to provide Design Services for Barber Park Multipurpose Fields; and further, authorized negotiation and execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$200,000, Request for Proposals, Y16-809-CC.

Utilities Department

1. Solid Waste Collection Update. All Districts. (Solid Waste Division)

County staff presented information on the Residential Solid Waste and Recycling Transition with regards to the new residential garbage, recycling and yard waste service that began on January 1, 2016. The update reviewed the first ninety days of the 1-1-1 Automated Collection Program and the ongoing challenges of collection misses and large item collections.

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

Alyssa Simmons, NE Region Area Bear Biologist and Shannon Wright, Northeast Regional Director from Florida Fish and Wildlife Conservation Commission contributed to the discussion and presented information regarding the relationship between bear complaint calls and solid waste collection.

The following materials were presented to the Board during the discussion:

- Exhibit 1, from Alyssa Simmons
- Exhibit 2, from Alyssa Simmons

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

Action: None

- MEMBER EXITED: Commissioner Siplin
- RECOMMENDATIONS

April 7, 2016, Board of Zoning Adjustment Recommendations

Motion/Second: Commissioners Boyd/Thompson

Absent: County Mayor Jacobs; Commissioner Siplin

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of April 7, 2016; subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Municipal Service Benefit Unit

1. Colony, amend for streetlighting; District 2

Applicant: Paul Hamric, property owner

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting at Colony

Location: District 2; Parcel ID (multiple parcels); Section 1, Township 22, Range 28; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Nelson/Clarke

Absent: County Mayor Jacobs, Commissioner Siplin

AYE (voice vote): All present members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for streetlighting at Colony, annual cost of \$53.00 per lot for streetlighting for operational expenses and administrative fees.

2. Lake Preserve Phase 1 and Lake Preserve Phase 2, amend for streetlighting; District 4

Applicant: Brian Kittle, Meritage Homes of Florida, Inc., Developer

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting at Lake Preserve Phase 1 and Lake Preserve Phase 2

Location: District 4; Parcel ID (multiple parcels); Section 33, Township 24, Range 30; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Edwards

Absent: County Mayor Jacobs, Commissioner Siplin

AYE (voice vote): All present members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for streetlighting to include Lake Preserve Phase 2 subdivision to Lake Preserve Phase 1, annual cost of \$130.00 per lot for streetlighting for operational expenses and administrative fees.

3. Lakeside Village Area, amend for streetlighting; District 1

Applicant: Anil Sant, Manager, Windermere Kids, LLC, Scott T. Boyd, Manager, Lakeside II Partners, LLC, Developers

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting at Lakeside Village 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, Commissioner Siplin

AYE (voice vote): All present members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for streetlighting to include Starchild Academy and Lakeside Village Center South to the Lakeside Village Area, annual cost of \$375.00 per acre for streetlighting for operational expenses and administrative fees.

- MEMBER RE-ENTERED: Commissioner Siplin

4. Orchard Hills Phase 1 and Phase 2, amend for retention pond(s) maintenance; District 1

Applicant: David Baselice, CalAtlantic Homes, Nick Gargasz, Beazer Homes Corporation, Developers

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for retention pond(s) maintenance at Orchard Hills Phase 1 and Phase 2

Location: District 1; Multiple parcels and Sections, Townships, and Ranges; 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 an existing Municipal Service Benefit Unit for maintenance of retention pond(s) to include Orchard Hills Phase 2 subdivision to Orchard Hills Phase 1, annual cost of \$77.00 per lot for maintenance of retention pond(s).

5. Orchard Hills and Orchard Park at Stillwater Crossing Areas, amend for streetlighting; District 1

Applicant: David Baselice, CalAtlantic Homes, Nick Gargasz, Beazer Homes Corporation, Wayne Horowitz, KB Homes Orlando, LLC, Dan Edwards, KB Home Orlando, LLC, John Valantasis, KB Home Orlando, LLC, Developers

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting at Orchard Hills and Orchard Park at Stillwater Crossing Areas

Location: District 1; Parcel ID (multiple parcels); Sections 09 and 15, Township 23, 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 an existing Municipal Service Benefit Unit for streetlighting to include Orchard Hills Phase 2, Orchard Park at Stillwater Crossing, and Orchard Park at Stillwater Crossing Phase 2A subdivisions to Orchard Hills and Orchard Park at Stillwater Crossing Areas, annual cost of \$127.00 per lot for streetlighting for operational expenses and administrative fees.

6. Orchard Park at Stillwater Crossing and Orchard Park at Stillwater Crossing Phase 2 and Phase 2A, establish for retention pond(s) maintenance; District 1

Applicant: Wayne Horowitz, SVP Finance, KB Home Orlando LLC, Developer

Consideration: Establish by resolution a Municipal Service Benefit Unit for retention pond(s) maintenance at Orchard Park at Stillwater Crossing and Orchard Park at Stillwater Crossing Phase 2 and Phase 2A

Location: District 1; Parcel ID (multiple parcels); Section 09, 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 establishing a Municipal Service Benefit Unit for maintenance of retention pond(s) at Orchard Park at Stillwater Crossing, and Orchard Park at Stillwater Crossing Phase 2 and Orchard Park at Stillwater Crossing Phase 2A, annual cost of \$77.00 per lot for maintenance of retention pond(s).

7. Reserve at Sawgrass Phases 1, 2, 3, 4A and 5, amend for retention pond(s) maintenance; District 4

Applicant: Jeremy Camp, Beazer Homes Corporation, Developer

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for retention pond(s) maintenance at Reserve at Sawgrass Phases 1, 2, 3, 4A and 5

Location: District 4; Parcel ID (multiple parcels); Sections 19 and 20, Township 24, Range 30; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for maintenance of retention pond(s) to include Reserve at Sawgrass Phase 4A and Reserve at Sawgrass Phase 5 to Reserve at Sawgrass Phases 1, 2, 3, annual cost of \$77.00 per lot for maintenance of retention pond(s).

8. Sawgrass Plantation Area, amend for retention pond(s); District 4

Applicant: David Baselice, CalAtlantic Homes (Formerly The Ryland Group, Inc), Developer
Consideration: Amend by resolution an existing Municipal Service Benefit Unit for retention pond(s) maintenance at Sawgrass Plantation Area
Location: District 4; Parcel ID (multiple parcels); Section 19, Township 24, Range 30; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for maintenance of retention pond(s) to include Sawgrass Plantation Phase 1D-1 to Sawgrass Plantation Area, annual cost of \$77.00 per lot for maintenance of retention pond(s).

9. West Lake Hancock Estates Area, amend for streetlighting and for retention pond(s) maintenance; District 1

Applicant: Chris Tyree, Taylor Morrison of Florida, Inc., Developer
Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance at West Lake Hancock Estates Area
Location: District 1; Parcel ID (multiple parcels); Section 28, 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 an existing Municipal Service Benefit Unit for streetlighting and maintenance of retention pond(s) to include West Lake Hancock Estate Phase 5 subdivision to West Lake Hancock Estates Area, annual cost of \$160.00 per lot for streetlighting for operational expenses and administrative fees and \$77.00 per lot for maintenance of retention pond(s).

10. Woodland Park Phase 1A and Woodland Park Phase 2, amend for streetlighting and for retention pond(s) maintenance; District 4

Applicant: Chris Tyree, Taylor Morrison of Florida, Inc., Developer
Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance at Woodland Park Phase 1A and Woodland Park Phase 2
Location: District 4; Parcel ID (multiple parcels); Section 18, Township 24, Range 30; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for streetlighting and maintenance of retention pond(s) to include Woodland Park Phase 2 subdivision to Woodland Park Phase 1A, annual cost of \$113.00 per lot for streetlighting for operational expenses and administrative fees and \$77.00 per lot for maintenance of retention pond(s).

11. Wyndham Lakes Estates Area, amend for streetlighting and for retention pond(s) maintenance; District 4

Applicant: Patrick "Rob" Bonin, Lennar Homes, LLC, Developer

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting and retention pond(s) at Wyndham Lakes Estates Area

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

AYE (voice vote): All members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for streetlighting and maintenance of retention pond(s) to include Wyndham Lakes Estates Phase 3D subdivision to Wyndham Lakes Estates Area, annual cost of \$81.00 per lot for streetlighting for operational expenses and administrative fees and \$77.00 per lot for maintenance of retention pond(s).

Development Plan

12. Marc D. Stehli, Poulos & Bennett, LLC, Orangewood N-2 PD / Parcel 11A - Westwood Reserve at Grande Pines Development Plan, Case # DP-15-11-358; District 1

Applicant: Marc D. Stehli, Poulos & Bennett, LLC, Orangewood N-2 PD / Parcel 11A – Westwood Reserve at Grande Pines Development Plan – Case # DP-15-11-358

Consideration: Orangewood N-2 PD / Parcel 11A – Westwood Reserve at Grande Pines Development Plan submitted in accordance with Article II of the Orange County Subdivision Regulations; This request is to construct 178 multi-family dwelling units on a total of 11.92 acres.

Location: District 1, property generally located East of Westwood Boulevard / South of Harbour Vista Drive; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Jamie Poulos
- Geoff Chen
- T.C. Chen

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

- Exhibit 1, from T.C. Chen
- Exhibit 2, from Jamie Poulos

Motion/Second: Commissioners Boyd/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Orangewood N-2 PD / Parcel 11A – Westwood Reserve at Grande Pines Development Plan – Case # DP-15-11-358 on the described property, subject to the following conditions:

1. Development shall conform to the Orangewood N-2 Planned Development; Orange County Board of County Commissioners (BCC) approvals; Parcel 11A - Westwood Reserve at Grande Pines Development Plan dated "January 20, 2016"; and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("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 development plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. ~~Developer/applicant acknowledges and understands that any such changes are solely the developer's/applicant's obligation and responsibility to disclose and resolve, and that the developer's/applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.~~
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. Short term rental is prohibited. Length of stay shall be for 180 days or greater.
7. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the tourist commercial standards of Orange County Code Chapter 31.5.

8. No vertical permits will be accepted for review until the Orange County Property Appraisers Office has transferred PID and addressing information to the permitting system.
9. 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.
10. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
11. Prior to the issuance of any vertical building permits, the property shall be replatted.
12. A mandatory pre-application/sufficiency review meeting for the re-plat shall be required prior to re-plat submittal. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the re-plat to the County.
13. 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.
14. 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.
15. 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.

16. 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.
17. Prior to or concurrently with the County's approval of the re-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.
18. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water and wastewater systems have been designed to support all development within the DP, and that construction plans are consistent with an approved Master Utility Plan for the PD.
19. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

- MEMBER EXITED: Commissioner Thompson

Preliminary Subdivision Plan

13. John Prowell, VHB, Inc., Village F Master PD / Parcels N-1, N-4, N-5, N-6, N-7, N-18, N-19, & N-20 PSP, Case # PSP-15-06-173; District 1

Applicant: John Prowell, VHB, Inc., Village F Master PD / Parcels N-1, N-4, N-5, N-6, N-7, N-18, N-19 & N-20 PSP - Case # PSP-15-06-173

Consideration: Village F Master PD / Parcels N-1, N-4, N-5, N-6, N-7, N-18, N-19 & N-20 PSP - Case # PSP-15-06-173, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is to subdivide 165.74 acres in order to construct 221 single-family residential dwelling units.

Location: District 1, property generally located South of Summerlake Park Boulevard / West of Seidel Road; Orange County, Florida (legal property description on file in Planning Division)

County staff stated the proposed request for Village F Master PD are for Parcels N-1, N-4, N-5, N-6, N-7, N-17, N-18, N-19 & N-20.

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

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs; Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Village F Master PD / Parcels N-1, N-4, N-5, N-6, N-7, N-17, N-18, N-19 & N-20 PSP - Case # PSP-15-06-173 on the described property, subject to the following conditions:

1. Development shall conform to the Village F Master PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Parcels N-1, N-4, N-5, N-6, N-7, N-17, N-18, N-19 & N-20 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. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An

emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

7. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
8. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of the initial construction plans submittal.
9. 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.
10. 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.
11. As proof of satisfaction of the project's transportation concurrency obligations, the project must comply with that certain Village F Road Network Agreement recorded at O.R. Book 10591, Page 5123, 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 plat approval. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
12. 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.

13. 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.
14. Prior to commencement 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 by the developer.
15. 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.
16. 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).
17. 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.
18. 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.

19. 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.
20. Developer / Owner must enter into a Use Agreement with the county for the maintenance of all the landscaping within the retention ponds and landscaping.

Planning and Zoning Commission Board-Called

14. Tony A. Ray, Case # RZ-16-02-005, February 18, 2016; District 2

Applicant: Tony A. Ray
Case No.: Planning and Zoning Commission, Case # RZ-16-02-005; February 18, 2016
Consideration: Request to consider a rezoning of 61.67 gross acres located at 3503 and 3703 N. Orange Blossom Trail from R-CE-2 (Rural Residential District) to A-1 (Citrus Rural District), along with the following restrictions: 1) Primary site access for non-residential uses shall be limited via N. Orange Blossom Trail only, with emergency access only provided via Laughlin Road and Holly Street only.
Location: District 2, property located at 3503 and 3703 N. Orange Blossom Trail; or generally located on the east side of N. Orange Blossom Trail, south of Holly Street, and west of Laughlin Road; Orange County, Florida (legal property description on file in Planning Division)

County staff indicated the restriction on access to Laughlin and Holly Street is for residential and emergency access.

Based upon input by the District Commissioner and agreed upon by the applicant, County staff announced the following additional restrictions to read as follows:

2. Single-family and modular homes with customary accessory uses and buildings
3. Home occupations
4. Mobile homes as permanent residential dwelling unit with customary accessory uses and buildings
5. Commercial plant nurseries and greenhouses (no retail)

6. Citrus, fruit, and vegetable crop cultivation

7. Animal stock grazing

- MEMBER RE-ENTERED: Commissioner Thompson

The following persons addressed the Board:

- Tony Ray
- Janet Ondich
- Richard Parkinson

Motion/Second: Commissioners Nelson/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Tony A. Ray, Case # RZ-16-02-005, to rezone 61.67 gross acres located at 3503 and 3703 N. Orange Blossom Trail from R-CE-2 (Rural Residential District) to A-1 (Citrus Rural District), on the described property; subject to the following restrictions:

1. Primary site access for non-residential uses shall be limited via N. Orange Blossom Trail only, with residential and emergency access allowed from Laughlin Road and Holly Street.
2. Single-family and modular homes with customary accessory uses and buildings
3. Home occupations
4. Mobile homes as permanent residential dwelling unit with customary accessory uses and buildings
5. Commercial plant nurseries and greenhouses (no retail)
6. Citrus, fruit, and vegetable crop cultivation
7. Animal stock grazing

Substantial Change

15. Daniel T. O'Keefe, Shutts & Bowen, LLP, Windermere Landing Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-12-397, amend plan; District 1

Applicant: Daniel T. O'Keefe, Shutts & Bowen, LLP, Windermere Landing Planned Development / Land Use Plan (PD / LUP) – Case # CDR-15-12-397

Consideration: Substantial change request is for the following four (4) waivers from Orange County Code, which if approved, would apply only to thirty-eight (38) lots located within the Windermere Landing Preliminary Subdivision Plan (PSP) (aka "The Enclave") and controlled by Meritage Homes: 1. A waiver from Section 38-1384(d) to permit the minimum dimensions of a front porch to be not less than 4 feet deep or less than 4 feet wide, in lieu of the requirement to have minimum front porch dimensions of not less than 7 feet deep or less than 8 feet wide, and to permit porches less than ten feet wide to be constructed without railings, in lieu of the requirement that porches less than 10 feet wide include railings; 2. A waiver from Section 38-1384(g)(3)f. to allow lots 60 feet and greater to have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks of the primary structure, in lieu of the requirement that lots greater than 65 feet can have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure (Note: See sheet 5 of the Windermere Landing PD / LUP for "J load" home product and "half and half" home product elevations); 3. A waiver from Section 38-1384(g)(2) to permit the "J load" home product and the "half and half" home product in the Enclave subdivision to have front-loaded garage doors that are flush with the nearest adjacent plane of the primary structure, in lieu of the requirement that front-loaded garage doors be recessed a minimum of ten (10) feet behind the nearest adjacent plane of the primary structure (Note: See sheet 5 of the Windermere Landing PD / LUP for "J load" home product and "half and half" home product elevations); and 4. A waiver from Section 38-1384(f)(2)c. to allow first floor elevations with one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located East of Winter Garden Vineland Road / South of Chase Road; Orange County, Florida (legal property description on file)

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

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Dan O'Keefe.

Motion/Second: Commissioners Boyd/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Daniel T. O'Keefe, Shutts & Bowen, LLP, Windermere Landing Planned Development / Land Use Plan (PD / LUP) – Case # CDR-15-12-397, for the following four (4) waivers from Orange County Code, which would apply only to thirty-eight (38) lots located within the Windermere Landing Preliminary Subdivision Plan (PSP) (aka "The Enclave") and controlled by Meritage Homes:

1. A waiver from Section 38-1384(d) to permit the minimum dimensions of a front porch to be not less than 4 feet deep or less than 4 feet wide, in lieu of the requirement to have minimum front porch dimensions of not less than 7 feet deep or less than 8 feet wide, and to permit porches less than ten feet wide to be constructed without railings, in lieu of the requirement that porches less than 10 feet wide include railings;
2. A waiver from Section 38-1384(g)(3)f. to allow lots 60 feet and greater to have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks of the primary structure, in lieu of the requirement that lots greater than 65 feet can have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure (Note: See sheet 5 of the Windermere Landing PD / LUP for "J load" home product and "half and half" home product elevations);
3. A waiver from Section 38-1384(g)(2) to permit the "J load" home product and the "half and half" home product in the Enclave subdivision to have front-loaded garage doors that are flush with the nearest adjacent plane of the primary structure, in lieu of the requirement that front-loaded garage doors be recessed a minimum of ten (10) feet behind the nearest adjacent plane of the primary structure (Note: See sheet 5 of the Windermere Landing PD / LUP for "J load" home product and "half and half" home product elevations); and
4. A waiver from Section 38-1384(f)(2)c. to allow first floor elevations with one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk;

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

1. Development shall conform to the Windermere Landing Planned Development / Land Use Plan (PD/LUP) dated "Received April 1, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received April 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 at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. The following waivers from Orange County Code are granted for thirty-eight (38) lots only within the Windermere Landing PD (*to be reflected on the Windermere Landing Preliminary Subdivision Plan if and when approved*):

- a. A waiver from Section 38-1384(d) to permit the minimum dimensions of a front porch to be not less than four (4) feet deep or less than four (4) feet wide, in lieu of the requirement to have minimum front porch dimensions of not less than seven (7) feet deep or less than eight (8) feet wide; and to permit porches less than ten (10) feet wide to be constructed without railings, in lieu of the requirement that porches less than ten (10) feet wide include railings;
 - b. A waiver from Section 38-1384(g)(3)(f) to allow lots sixty (60) feet and greater to have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks of the primary structure, in lieu of the requirement that lots greater than sixty-five (65) feet can have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure (Note: See Sheet 5 of the Windermere Landing PD / LUP for "J load" home product and "half and half" home product elevations);
 - c. A waiver from Section 38-1384(g)(2) to permit the "J load" home product and the "half and half" home product in the Enclave subdivision to have front-loaded garage doors that are flush with the nearest adjacent plane of the primary structure, in lieu of the requirement that front-loaded garage doors be recessed a minimum of ten (10) feet behind the nearest adjacent plane of the primary structure (Note: See Sheet 5 of the Windermere Landing PD / LUP for "J load" home product and "half and half" home product elevations); and
 - d. A waiver from Section 38-1384(f)(2)(c) to allow first floor elevations with one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk.
5. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 20, 2015 shall apply:
- a. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - b. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.
 - c. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.

- d. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions and restrictions (CC&Rs) for the property being platted. The CC&Rs shall include a provision incorporating, verbatim, the following requirements:
- 1) The same front façade for single-family units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (2) units with different facades.
 - 2) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed forty (40) feet in length, except for wings or "L's", which are setback from the façade. In no case shall more than fifty (50) percent of the front façade of the house consist of an unobstructed block wall or garage door.
 - 3) A waiver is granted from Sec. 38-1384(d) to provide 40% of the single-family residential units with front porches in lieu of 50%. A front porch shall be a minimum of seven (7) feet in depth and cover a minimum of ten (10) feet in width or one third (1/3) of the front façade, whichever is greater.
 - 4) Flat roofs shall be prohibited.
 - 5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.
 - 6) The provisions of the CC&Rs incorporating the above-referenced requirements shall not be amended, removed, or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect. Furthermore, the CC&Rs shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.
 - 7) Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.
- e. 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.

f. Public School Capacity Enhancement Agreement:

- 1) The project contains 100 unvested units that are subject to the County's school capacity policy (a/k/a the "Martinez Doctrine".) The developer has purchased school rights / credits established under the Capacity Enhancement Agreement dated 8/29/05 ("CEA #05-019"), and amended on 11/30/2010 and on 3/12/2013. The number of school rights / credits equals the number of Unvested Units. The Developer shall comply with all provisions of the Capacity Enhancement Agreement, as amended.
 - 2) Upon the County's receipt of written notice from OCPS that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any unvested units. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and / or assign(s) under the Capacity Enhancement Agreement shall indemnify and hold the County harmless from any third party claims, suits or actions arising as a result of the cessation of the County's issuance of residential building permits resulting from such notification from OCPS.
 - 3) Developer, or its successor(s) and / or assigns 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. 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.
- g. The applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to platting. Nothing in this condition, and nothing in the decision to approve this Land Use Plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
- h. The covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification of the prior use of this property as a citrus grove / agricultural use as documented in a Phase 1 Environmental Site Assessment.

- i. If the Environmental Site Assessment indicates site contamination of soil, groundwater, surface water, or if the FDEP is currently conducting contamination remediation then the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that portions of this property have been identified with soil, groundwater, or surface water contamination.
 - j. A waiver from Orange County Code Section 38-1385.5(b)(c) is granted to decrease the minimum average lot size from 7,200 square feet to 6,500 square feet.
 - k. A waiver from Orange County Code Section 38-1385(b)(9)(a) is granted to reduce the front building setback from 20 feet to 15 feet.
 - l. A waiver from Orange County Code Section 38-1385(b)(9)(c) is granted to reduce the rear building setback from 25 feet to 20 feet.
 - m. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting on the designated internal Adequate Public Facility (APF) road to have front loaded access; and to allow lots fronting on a village or neighborhood square to have front loaded access when a proposed block face contains three (3) or less lots; and to allow lots fronting on a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square.
16. Jim Hall, VHB, Inc., Eagle Creek Planned Development / Land Use Plan (PD / LUP), Case # CDR-16-01-014, amend plan; District 4

Applicant: Jim Hall, VHB, Inc., Eagle Creek Planned Development / Land Use Plan (PD / LUP) – Case # CDR-16-01-014

Consideration: Substantial change request is for the following modifications to two (2) existing waivers from Orange County Code: 1. A waiver from Section 38-79(20)(k) to allow single-family attached structures to have a 5-foot side setback between structures in lieu of a 10-foot side setback (with a 20-foot building separation); and a four (4) foot side setback, in lieu of a ten (10) foot side setback for Village L Phase 3 only. 2. A waiver from Section 38-1254(2) to allow a 5-foot street front setback and a 10-foot street side setback for single-family attached lots and a 10-foot street front and street side setback for multi-family units in lieu of the required 20 feet; and a seven (7) foot street side setback for single-family attached lots, in lieu of the twenty (20) foot rights-of-way setback for Village L Phase 3 only; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4, property generally located East side of Narcoossee Road, south of Tyson Road, west of Kirby Smith Road, and north of Clapp

Simms Duda Road; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Jim Hall
- Frederick Dalpay

The material referenced by the speaker was not received by the Clerk prior to the close of the public hearing: Frederick Dalpay.

Motion/Second: Commissioners Thompson/Boyd

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Jim Hall, VHB, Inc., Eagle Creek Planned Development / Land Use Plan (PD / LUP) – Case # CDR-16-01-014, for the following modifications to two (2) existing waivers from Orange County Code:

1. A waiver from Section 38-79(20)(k) to allow single-family attached structures to have a 5-foot side setback between structures in lieu of a 10-foot side setback (with a 20-foot building separation); and a four (4) foot side setback, in lieu of a ten (10) foot side setback for Village L Phase 3 only.
2. A waiver from Section 38-1254(2) to allow a 5-foot street front setback and a 10-foot street side setback for single-family attached lots and a 10-foot street front and street side setback for multi-family units in lieu of the required 20 feet; and a seven (7) foot street side setback for single-family attached lots, in lieu of the twenty (20) foot rights-of-way setback for Village L Phase 3 only;

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

1. Development shall conform to the Eagle Creek Planned Development / Land Use Plan (PD/LUP) dated "Received January 19, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to

enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this land use plan and the land use plan dated "Received January 19, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.

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

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. A waiver from Orange County Code Section 38-79(20)(k) is granted to allow single-family attached structures to have a 5-foot side setback between structures, in lieu of a 10-foot side setback (with a 20-foot building separation); and a four (4) foot side setback, in lieu of a ten (10) foot side setback for Village L Phase 3 only.
7. A waiver from Orange County Code Section 38-1254(2) is granted to allow a 5-foot street front setback and a 10-foot street side setback for single-family attached lots and a 10-foot street front and street side setback for multi-family units, in lieu of the required 20 feet; and a seven (7) foot street side setback for single-family attached lots, in lieu of the twenty (20) foot rights-of-way setback for Village L Phase 3 only.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 25, 2015, shall apply:
 - a. A copy of the vested rights certificate for this project shall be presented prior to construction plan submittal.
 - b. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
 - c. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.

- d. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
- e. Outside sales, storage, and display shall be prohibited.
- f. Prior to approval of any PSP related to the Eagle Creek Southern Master Plan Area, the portion(s) of the underlying land of the north/south equestrian trail corridor, owned by Eagle Creek and GCB Associates, shall be conveyed (fee simple) to Orange County, in accordance with the Orange County Administrative Regulations. Orange County further reserves the right to refuse acceptance of either parcel at any time, for any reason. The conveyance of the land must comply with County Administrative Regulations and be at no cost to the County. A donation agreement shall accompany the property donation to ensure the rights and responsibilities of all parties, in perpetuity.
- g. The plant material to be used in the landscape program of common areas shall be comprised of native and Florida Friendly drought tolerant selections. Plant materials shall be selected and maintained using the SFWMD Xeriscape Plant Guide, or other similar resource, to the maximum extent practicable to document this compliance.
- h. Where surface runoff from the developed lots or the golf course is expected to be received directly to the lands of the upland/wetland corridor, an environmental berm and swale will be provided upland of the conservation/wetland buffer area. The conservation area impact permit for that area will document the specifications as required for standard stormwater design. Some design considerations for exceptions are detailed in the conservation area impact permit. The berm and swale will be included on the plat as a pollution abatement easement distinct from the conservation easement/tract.
- i. The Tindall Road multi-use buffer area is adjacent to the southern right-of-way of Tindall Road and includes the areas east and west of that right-of-way that serves as the boundary to the Rural Settlement Area of this modification and shall be preserved as detailed in the Conservation Area Impact permit and the ELSP. This multi-use buffer shall: accommodate a portion of the equestrian trail, preserve habitat for the Florida sandhill crane nesting and foraging and inclusion of the Sherman's Fox Squirrel habitat and the oak hammock adjacent to wetland #3, preserve separation through landscape/visual buffering from the Rural Settlement Area (RSA), allow passive recreation only, and provide drainage. The buffer area will continue this design along the areas east and west of the Tindall Road right-of-way but serving to separate Eagle Creek from the RSA and achieve the environmental goals of the original Development Order and the ELSP

- j. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
- k. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
- l. The applicant shall comply with Orange County Code Chapter 15, "Environmental Control," Article XVIII, "Environmental Land Stewardship," known as the Environmental Land Stewardship Program (ELSP). The current request is a substantial change to the PD-LUP and is therefore subject to this article (see Section 15-824, "Applicability and exemptions") and shall follow Section 15-825, "Processing of development applications."
- m. In order to minimize impacts to the roadway network, parcels within the project shall, subject to environmental constraints, be interconnected to the maximum extent feasible as determined by Orange County. The project will generally be connected to existing neighborhoods and will tie into local streets, where feasible and as deemed appropriate by Orange County. The Developer shall cooperate with any city or county supported efforts to continue roadways from or through the project with other roadway facilities that are hereafter endorsed by Orange County or Osceola County.
- n. The Developer shall provide park and ride spaces on site or, alternatively, it may purchase and construct off site spaces for use as a rideshare lot to lessen the overall impacts on regional roadways. Spaces for at least 100 vehicles shall be provided and may be shared with parking for commercial land uses. The park and ride spaces shall be proximate to the bus transit stops when established. Park and ride spaces shall be aggregated into groupings of not less than twenty (20) spaces per designated park and ride area, which shall be indicated with appropriate signage. The Developer shall coordinate with Orange County, the Florida Department of Transportation (FDOT), and LYNX to accomplish these requirements at the time of site development.
- o. Eagle Creek Development Corporation shall allow Orange County Public Schools to install the necessary crosswalk, signage, and striping with the completion of the Eagle Creek Elementary School.
- p. A waiver from Orange County Code Section 38-1258(a) is granted to allow a maximum multi-family building height of 3 stories / 50 feet for all buildings within twenty-five (25) feet to one-hundred (100) feet of single family zoned property, in lieu of maximum multi-family building height of one (1) story when

within one-hundred (100) feet of single-family zoned property, for areas designated as Future Residential only.

- q. A waiver from Orange County Code Section 38-1258(b) is granted to allow a maximum multi-family building height of 3 stories / 50 feet for all buildings within one-hundred (100) to one-hundred fifty (150) feet of single family zoned property, in lieu of the requirement that multi-family buildings located within one-hundred (100) and one-hundred fifty (150) feet of single family zoned property vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories [not to exceed forty (40) feet] in height with the remaining buildings being one (1) story or two (2) stories in height, for areas designated as Future Residential only.
- r. A waiver from Orange County Code Section 38-1258(d) is granted to allow a maximum multi-family building height (including all architectural features) of 3 stories / 50 feet when the multi-family is located above commercial buildings only, in lieu of a maximum multi-family building height of three (3) stories or forty (40) feet, for areas designated as Future Residential only.
- s. A waiver from Section 38-1501 is granted to allow a minimum lot width of thirty-two (32) feet, in lieu of forty-five (45) feet; and a minimum side yard setback of four (4) feet, in lieu of five (5) feet for the thirty-two (32) foot wide lots only, for areas designated as Future Residential only. Air conditioning units shall not be allowed within the 4' side yard setback.
- t. The following waivers from certain provisions of Orange County Code Section 31.5-67 (Ground Signs) are granted:
 - 1) Waivers from Sections 31.5-67(e) and (f) to allow a maximum number of two (2) ground signs on a "tract" with a "private right-of-way" frontage in excess of four hundred (400) linear feet within Lots 2B and 3B only, in lieu of the requirement for a maximum number of one (1) ground sign per parcel, and two (2) ground signs on a "parcel" with a right-of-way frontage in excess of four hundred (400) linear feet; and
 - 2) A waiver from Section 31.5-67(j) to allow multi-tenant ground signs to be erected within a median along Parcel N only, in lieu the requirement that a ground sign shall not be erected on unimproved property.
- u. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
- v. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in

the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.

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

stories and fifty (50) feet within PD Parcel "M" only, in lieu of three (3) stories and thirty-five feet.

- i. A waiver from Orange County Code Section 38-1272(3) is granted to allow a twenty (20) foot setback along the perimeter of a PD that is adjacent to an arterial road for office buildings within PD Parcel "M" only, in lieu of a minimum setback for general commercial development of forty (40) feet along the perimeter of a PD that is adjacent to an arterial road.
- j. A waiver from Orange County Code Section 38-79(5)(b)(2) is granted to extend the permit for the temporary sales trailer located within PD Parcel "E" an additional three (3) years from the date of the BCC waiver approval or when ninety (90) percent of the subdivision is complete (whichever comes first), in lieu of only the two (2) year period allowed by Section 38-79(5)(b)(2).
- k. A waiver from Section 38-79(20)(j) is granted to allow a minimum distance between buildings (rear-to-rear) of forty (40) feet with PD Parcel "L" only, in lieu of sixty (60) feet.

10. All previous applicable BCC Conditions of Approval, dated November 23, 2010, shall apply:

- a. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- b. A waiver from Orange County Code Section 38-1254(l) is granted to allow single-family height of 35 feet and 3 stories in lieu of 35 feet and 2 stories.
- c. A waiver from Orange County Code Section 38-1258(a) & (b) is granted to allow multi-family buildings of 3 stories and 40 feet within 25 feet of single-family in lieu of the required 100-foot / 150-foot building setback requirement.
- d. A waiver from Orange County Code Section 38-1258(d) is granted to allow multi-family buildings in Parcel M to be 45 feet in height (and to allow architectural features up to 65 feet in height) in lieu of 40 feet when the residential uses are located on top of commercial uses.
- e. A waiver from Orange County Code Section 38-1258(e) is granted to allow parking and other paved areas 5 feet from single-family zoned property in lieu of the required 25 feet.

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

- a. Architectural Review Committee. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing Covenants, Conditions, and Restrictions (CC&Rs) for the property being platted. Orange County Attorney's Office shall review and approve the proposed CC&Rs. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision for an Architectural Review Committee and incorporating the design requirements found on the LUP and the Eagle Creek Design Guidelines Booklet and all its appendices as amended and incorporated into the revised Land Use Plan.
- The provision of the CC&Rs incorporating the above-referenced requirements shall not be amended, removed, or superseded without the prior approval of the BCC, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.
 - Furthermore, the CC&Rs shall provide that the homeowners' association and any person owning property in the development have the right to enforce these requirements in the event they are violated.
 - Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.
- b. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time. In addition to complying with those minimum requirements, the declaration of covenants, conditions and restrictions required to be recorded simultaneous with the recording of the plat shall include terms requiring the establishment and maintenance of a fifth HOA account for the cost of storm debris removal from the subdivision infrastructure, consistent with the terms relating to the other four HOA accounts set forth in Section 34-290(8)a-d; and with respect to such fifth HOA account, the declaration shall provide requirements, restrictions, terms, conditions, and limitations consistent with the terms relating to the other four HOA accounts set forth in Section 34-291. Furthermore, prior to turning over control of the infrastructure to the HOA, the developer shall pre-fund this fifth HOA account in an amount sufficient to cover the estimated cost of debris removal for a single hurricane, which amount shall be approved by the County Engineer.
- c. Prior to construction plan approval, master water, stormwater, reclaimed water, and wastewater plans, including preliminary calculations, shall be approved.

- d. The "Compatibility Plan," dated "Received December 4, 2002," and the clarifications introduced at the December 11, 2001, public hearing is approved by the BCC. (Note: The Compatibility Plan has been updated and integrated into the Land Use Plan dated "Received October 22, 2012.")
12. All applicable previously-approved Conditions of Approval, including those dated December 3, 2002, shall apply:
 - a. No residential development may occur until:
 - 1) Eagle Creek Development Corporation shall comply with all the provisions of the Memorandum of Agreement (MOA) and the Comprehensive Agreement by the School Board of Orange County, Florida, and the Eagle Creek Development Corporation.
 - 2) Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the Eagle Creek Development Corporation is in default or breach of the MOA and/or the Comprehensive Agreement, the County shall immediately cease issuing building permits for any residential development in Eagle Creek DRI/PD. The County shall again begin issuing building permits upon OCPS written notice to the County that Eagle Creek Development Corporation is no longer in breach or default of the MOA and/or the Comprehensive Agreement. The Eagle Creek developer, or its successors or assigns under the MOA, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the actions of ceasing the County's issuance of residential building permits.
 - 3) Eagle Creek Development Corporation, or its successors or assign under the MOA and the Comprehensive Agreement, agrees that it shall not and is estopped from claiming in any future litigation that the County's enforcement of any of these conditions of approval to the Eagle Creek Planned Development are illegal, improper, unconstitutional, or a violation of Eagle Creek Development Corporation's property rights.
 - 4) The Eagle Creek developer shall not apply for more than 104 residential building permits until the Eagle Creek developer posts the capital contribution security with Orange County Public Schools in accordance with the MOA.
 - 5) Orange County shall be held harmless by the Eagle Creek developer or its successors or assign under the MOA and the Comprehensive Agreement, and the OCPS in any dispute between Eagle Creek developer and OCPS over any interpretation or provision of the MOA.

13. All applicable previously-approved Conditions of Approval, including those dated December 11, 2001, shall apply:

- a. Approval and execution of the right-of-way agreement between Eagle Creek Development Corporation and Orange, County, Florida.

17. Daniel T. O'Keefe, Shutts & Bowen, LLP, Village F Master Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-12-401, amend plan; District 1

Applicant: Daniel T. O'Keefe, Shutts & Bowen, LLP, Village F Master Planned Development / Land Use Plan (PD / LUP) – Case # CDR-15-12-401

Consideration: Substantial change request is for the following four (4) waivers from Orange County Code, which if approved, would apply only to one-hundred sixteen (116) lots located within Watermark Phases 1A through 2C and controlled by Meritage Homes: 1. A waiver from Section 38-1384(g)(3)f. to allow lots 60 feet and greater to have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure, in lieu of the requirement that lots greater than 65 feet can have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure; 2. A waiver from Section 38-1384(g)(2) to permit the "J load" home product and the "half and half" home product to have front-loaded garage doors that are flush with the nearest adjacent plane of the primary structure, in lieu of the requirement that front-loaded garage doors be recessed a minimum of ten (10) feet behind the nearest adjacent plane of the primary structure (Note: See Sheet No. 14 of 14 of the Village F PD for "J load" home product and "half and half" home product elevations); 3. A waiver from Section 38-1384(f)(2)c. to allow first floor elevations with one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk; and 4. A waiver from Section 38-1384(d) to permit porches less than ten feet wide to be constructed without railings, in lieu of the requirement that porches less than 10 feet wide include railings; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located North and South of Seidel Road / East of State Road 429; Orange County, Florida (legal property description on file)

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

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

- Exhibit 1, from Dan O'Keefe
- Exhibit 2, from Dan O'Keefe

Based upon input from the applicant, County staff indicated the applicant's map presented to the Board as Exhibit 1 can be applied as new condition of approval #5. As a result of this update, condition of approval #4 has been modified to include 101 lots in lieu of 116.

Based upon input from County staff and agreed upon by the applicant, new condition of approval #5 will read as follows:

5. Development shall be in accordance with Exhibit A dated April 26, 2016, as submitted by the applicant.

County staff noted with the added new condition of approval #5 all remaining conditions shall be renumbered sequentially from #6 to #15.

Clerks Note: New condition of approval #5 was presented to the Board as Exhibit 1 in the form of a plan drawing.

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Daniel T. O'Keefe, Shutts & Bowen, LLP, Village F Master Planned Development / Land Use Plan (PD / LUP) – Case # CDR-15-12-401, for the following four (4) waivers from Orange County Code, which would apply only to one-hundred sixteen (116) lots located within Watermark Phases 1A through 2C and controlled by Meritage Homes:

1. A waiver from Section 38-1384(g)(3)f. to allow lots 60 feet and greater to have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure, in lieu of the requirement that lots greater than 65 feet can have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure;
2. A waiver from Section 38-1384(g)(2) to permit the "J load" home product and the "half and half" home product to have front-loaded garage doors that are flush with the nearest adjacent plane of the primary structure, in lieu of the requirement that

front-loaded garage doors be recessed a minimum of ten (10) feet behind the nearest adjacent plane of the primary structure (Note: See Sheet No. 14 of 14 of the Village F PD for "J load" home product and "half and half" home product elevations);

3. A waiver from Section 38-1384(f)(2)c. to allow first floor elevations with one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk; and
4. A waiver from Section 38-1384(d) to permit porches less than ten feet wide to be constructed without railings, in lieu of the requirement that porches less than 10 feet wide include railings;

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

1. Development shall conform to the Village F Master Planned Development / Land Use Plan (PD/LUP) dated "Received April 1, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received April 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 at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. The following waivers from Orange County Code are granted for 101 lots within the Village F Master PD *(to be reflected on the Horizon West Village F Parcels N32, N33, N34, N36, N37, N38, S3, S4 and S5 Preliminary Subdivision Plan if and when approved)*:
 - a) A waiver from Section 38-1384(g)(3)(f) to allow lots 60 feet and greater to have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure, in lieu of the requirement that lots greater than 65 feet can have garages placed in front of the primary structure if oriented toward either side yard with windows facing the street and meeting the setbacks for the primary structure;
 - b) A waiver from Section 38-1384(g)(2) to permit the "J load" home product and the "half and half" home product to have front-loaded garage doors that are flush with the nearest adjacent plane of the primary structure, in lieu of the requirement that front-loaded garage doors be recessed a minimum of ten (10) feet behind the nearest adjacent plane of the primary structure. [NOTE: See Sheet No. 14 of 14 of the Village F PD for "J load" home product and "half and half" home product elevations.];
 - c) A waiver from Section 38-1384(f)(2)(c) to allow first floor elevations with one (1) step above the finished grade of the sidewalk on "J load" homes, in lieu of the requirement to have first floor elevations with a minimum of three (3) steps above the finished grade of the sidewalk; and
 - d) A waiver from Section 38-1384(d) to permit porches less than ten feet wide to be constructed without railings, in lieu of the requirement that porches less than 10 feet wide include railings.
5. Development shall be in accordance with Exhibit A dated April 26, 2016, as submitted by the applicant.
6. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 15, 2015 shall apply:

- a. The following waivers from Orange County Code are granted and applicable to the residential portion of PD Parcels S-6 and N-35 (Village Center District) only:
 - 1) A waiver from Orange County Code Section 38-1258(a) to allow a maximum height of three (3) stories and forty-five (45) feet for multi-family residential buildings located within one hundred (100) feet, but greater than fifteen (15) feet, from single family zoned property; in lieu of a maximum height of one single story for multi-family residential buildings located within one-hundred (100) feet of single family zoned property;
 - 2) A waiver from Orange County Code Section 38-1258(b) to allow a maximum height of three (3) stories and forty-five (45) feet for 100% of the multi-family residential buildings located between one-hundred plus (100+) feet and one-hundred fifty (150) feet from single family zoned property; in lieu of varying building heights with a maximum of 50% of the buildings being a maximum of three (3) stories and forty (40) feet and the remaining buildings being one (1) or two (2) stories;
 - 3) A waiver from Orange County Code Section 38-1389(b) to allow structures to be placed at a twenty (20) foot build-to-line from Seton Creek Boulevard, Wood Crane Drive, and defined internal / circulator corridors, and at a thirty (30) foot build-to-line from Seidel Road; in lieu of structures being brought forward to a ten (10) foot build-to-line; and
 - 4) A waiver from Orange County Code Section 38-1389(d)(3)(g) to allow all primary buildings, structures, walks, and fences to be placed along a thirty (30) foot build-to-line from Seidel Road; in lieu of the requirement that all primary buildings, structures, walks and fences be placed along a ten (10) foot build-to-line from all public street frontages.
 - 5) A waiver from Orange County Code Section 38-1389(c)(1) to allow a maximum residential land area within the Village Center District of 46%, in lieu of a maximum residential land area of 40%.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 4, 2015 shall apply:
 - a. All terms of the Village F Road Network Agreement, recorded at O.R. Book 10591, Page 5123, Public Records of Orange County, Florida, must be met for this project.
 - b. To demonstrate concurrency entitlements have been met for this project, the developer must provide a valid Assignment of Vested Trips document signed by Orange County prior to plat approval. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.

- c. The following waivers from Orange County Code are granted for a designated area within PD Parcel S-27 (Estate District) only, as depicted on the PD/LUP:
 - 1) A waiver from Section 38-1385(b)(4) to allow for a minimum lot width of fifty (50) feet, in lieu of the required minimum lot width of eighty-five (85) feet;
 - 2) A waiver from Section 38-1385(b)(2) to allow for a minimum average lot size of 6,000 square feet, in lieu of the required minimum average lot size of 10,000 square feet; and
 - 3) A waiver from Section 38-1385(b)(9) to allow for a minimum front porch setback of 15 feet, in lieu of the required minimum front porch setback of 20 feet.
- 8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 30, 2015, shall apply:
 - a. Waivers from Orange County Code Section 31.5-67(b) and Section 31.5-73(c) are granted to allow ground signage with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet, in addition to ground signs with architectural features at two (2) primary project entrances along Seidel Road with a maximum height of eight (8) feet. These heights shall be exclusive of lightning protection, with an additional two feet allowed for lightning protection. These features may include signage; however, the features shall be consistent with the locations shown on the entry features site plan (PD/LUP), with no signage exceeding forty-eight (48) square feet per sign. Such signage shall not interfere with sight triangles at Seidel Road and side street intersections.
 - b. A waiver from Orange County Code Section 38-79(114)(h) is granted to allow accessory structures in the form of entry features (such as an entry column, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of twenty-five (25) feet. These features shall be exclusive of lightning protection, with an additional two (2) feet allowed for lightning protection. The features may include signage; however, the features shall be consistent with the locations shown on the entry feature site plan (PD/LUP), with no signage exceeding forty-eight (48) square feet per sign. Such signage shall not interfere with sight triangles at Seidel Road and side street intersections.
 - c. A Level One (1) Environmental Site Assessment (ESA) shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.

9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 25, 2014, shall apply:
- a. A waiver from Orange County Code Section 38-1253(c) is granted to allow on street parking within PD Parcels S-22, S-24, S-26 and S-27 only.
 - b. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting on a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not needed to satisfy the 7.5% requirement of Code Section 38-1382(i); or where the size and configuration of an open space tract precludes it from functioning as an active gathering space. The waiver is applicable within PD Parcels S-22, S-24, S-26 and S-27 only.
 - c. The following waivers from Orange County Code Section 38-1385 (Village Home District) are granted and applicable to PD Parcel S-26 only:
 - 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;
 - 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
 - d. A waiver from Orange County Code Section 38-1387.1(a)(7) is granted to allow for a minimum 10% "common open space" within PD Parcel S-24 only (Townhome District), in lieu of a minimum 30% common open space. At a minimum, an additional 7.5% "public open space" shall also be provided, for a cumulative total of 17.5% open space within the subject parcel.
 - e. No PD development permits will be issued until TDR credits are presented to and accepted by the County.

10. The following BCC Conditions of Approval dated December 17, 2013 shall apply:

- a. A waiver from Orange County Code Section 34-152(c) is granted to remove the requirement that each lot within the Village Home and Townhome Districts that front a community mew, park, or open space tract to have a minimum access width of 20 feet to a dedicated public paved street. This waiver shall apply to PD Parcels N-23A, N-23B, N-25A, N-26A, N-26B and S-2 only.
- b. A waiver from Orange County Code Section 38-1384(b)(4) is granted to allow for an average block length range of 200 feet to 400 feet where the average lot width for single-family attached or detached developments is less than 60 feet in width; and to allow for an average block length range of 600 feet to 800 feet where the average lot width for single-family attached or detached developments is between 60 feet and 85 feet in width. This waiver shall apply to PD Parcels N-21, N-22, N-25A, N-25B, N-26A, N-26B, S-1 and S-2 only.
- c. A waiver from Orange County Code Section 38-1384(f)(3) is granted to eliminate the pedestrian path/walkway from the primary entrance to the sidewalk for lots equal to or less than 60 feet in width. This waiver shall apply to PD Parcels N-21, N-22, N-25B, N-26B, S-1 and S-2 only.
- d. A waiver from Orange County Code Section 38-1384(f)(3)(c) is granted to eliminate the requirement for three (3) steps used to elevate the finished floor of residential buildings above the sidewalk grade that are adjacent to wetlands, lakes or ponds within the limits of the Estate and Garden Home Districts. This waiver shall apply to PD Parcels N-21, N-22 and N-25B only.
- e. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not needed to satisfy the 7.5% requirement of Code Section 38-1382(i); or where the size and configuration of an open space tract precludes it from functioning as an active gathering space; or where a visual barrier and landscaped buffer median has been provided within the right-of-way. This waiver shall apply to PD Parcels N-25B, N-26B, S-1 and S-2 only.
- f. A waiver from Orange County Code Sections 38-1384(b)(4) and 38-187.1(a)(12) is granted to allow for an average block length of 400 feet for townhome lots where proposed lot widths are less than 60 feet, and to not require the minimum and maximum block width requirements of 290 feet and 310 feet, respectively. This waiver shall apply to PD Parcels N-23A, N-23B, N-24, N-25A, N-26A, N-26B and S-2 only.

- g. A waiver from Section 38-1384(f)(1) requiring that each block face contain at least two (2) district lot sizes (excluding end units); is granted to allow each block face to contain one (1) distinct lot size. This waiver applies to PD Parcels N-21, N-22, N-23B, N-25A, N-25B, N-26A, N-26B, S-1 and S-2 only.
- h. The following waivers are granted from Orange County Code Section 38-1385.7 (Garden Home District) for PD Parcels N-25A, N-25B and S-1 only:
 - 1) A waiver from Section 38-1385.7(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 6,000 square feet;
 - 2) A waiver from Section 38-1385.7(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of forty (40) feet;
 - 3) A waiver from Section 38-1385.7(b)(5) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1385.7(b)(9)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1385.7(b)(9)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- i. The following waivers are granted from Orange County Code Section 38-1386 (Village Home District) for PD Parcels N-26A, N-26B and S-2 only and Townhome District PD Parcel N-23B only:
 - 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;
 - 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;

- 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
11. All previous applicable BCC Conditions of Approval, dated August 27, 2013, shall apply:
- a. The following waivers are granted from Orange County Code Section 38-1385.7 (Garden Home District) for PD Parcels N-8 and N-11 only:
 - 1) A waiver from Section 38-1385.7(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 6,000 square feet;
 - 2) A waiver from Section 38-1385.7(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of forty (40) feet;
 - 3) A waiver from Section 38-1385.7(b)(5) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1385.7(b)(9)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1385.7(b)(9)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
 - b. The following waivers are granted from Orange County Code Section 38-1386 (Village Home District) for PD Parcels N-15 and N-16 only:
 - 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;

- 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- c. A waiver from Orange County Code Section 38-1384(i)(2) is granted to allow lots fronting on a village or neighborhood square to have front loaded access when less than 30% of the affected block face fronts the village or neighborhood square; or where the lots face an open space tract that is not needed to satisfy the 7.5% requirement of Code Section 38-1382(i), or where the size and configuration of an open space tract precludes it from functioning as an active gathering space.
12. All previous applicable BCC Conditions of Approval dated April 9, 2013, shall apply:
- a. The following waivers from Orange County Code are applicable only to PD Parcels N-32, N-33, N-34, N-35, N-36, N-37, N-38, S-3, S-4, S-5, S-6, S-7, S-10, S-15, S-16, S-18, S-19 & S-20; and are intended to provide alternative sign/architectural features and/or a greater mix of single-family detached residential lot types and larger front porches, while ensuring the desired balanced and blended residential development pattern required by the Village F Specific Area Plan (SAP) and Village Planned Development Code:
 - 1) Waivers from Section 31.5-67(b) and Section 31.5-73(c) are granted to allow a ground sign with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) primary project entrances along Seidel Road with a maximum height of forty-two (42) feet, in lieu of a ground sign with architectural features at one (1) primary project entrance along Seidel Road with a maximum height of eight (8) feet. These features shall be exclusive of lightning protection and may include signage; however, the features shall be consistent with the locations shown on the master sign plan (PD/LUP) with no signage exceeding the allowable square footage for a primary entry sign;
 - 2) Waivers from Section 31.5-67(b) and Section 31.5-73(c) are granted to allow a ground sign with architectural features (such as an entry tower, corner turret, archway, etc.) at two (2) secondary project entrances along Seidel Road with a maximum height of ten (10) feet, in lieu of a ground sign

with architectural features at one (1) secondary project entrance along Seidel Road with a maximum height of eight (8) feet. These features shall be exclusive of lightning protection and may include signage; however, the features shall be consistent with the locations shown on the master sign plan (PD/LUP) with no signage exceeding the allowable square footage for a secondary entry sign; and

- 3) A waiver from Section 38-1253(c) is granted to allow for on-street parking for recreation areas, in lieu of on-site parking.
- b. The following waivers are granted from Orange County Code Section 38-1385.7 and shall apply to a maximum of 50% of the units required in the combined and applicable Garden Home Single-Family District PD Parcels only:
- 1) A waiver from Section 38-1385.7 (b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 6,000 square feet;
 - 2) A waiver from Section 38-1385.7(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of forty (40) feet;
 - 3) A waiver from Section 38-1385.7(b)(5) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1385.7(b)(9)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1385.7(b)(9)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- c. The following waivers are granted from Orange County Code Section 38-1386 and shall apply to a maximum of 50% of the units required in the combined and applicable Village Home District PD Parcels only, and in any applicable Townhome Districts where single family detached lots are proposed:
- 1) A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 2,880 square feet, in lieu of a minimum average lot size of 4,200 square feet;
 - 2) A waiver from Section 38-1386(b)(4) to allow a minimum lot width of thirty-two (32) feet for single family detached lots, in lieu of a minimum lot width of thirty-five (35) feet;

- 3) A waiver from Section 38-1386(b)(6) to allow a minimum lot depth of ninety (90) feet for single family detached lots with alleys, in lieu of a minimum lot depth of one-hundred twenty (120) feet;
 - 4) A waiver from Section 38-1386(b)(10)(a) to allow a minimum front porch setback of seven (7) feet; in lieu of a minimum front porch setback of ten (10) feet; and
 - 5) A waiver from Section 38-1386(b)(10)(b) to allow a minimum side building setback of four (4) feet, in lieu of a minimum side building setback of five (5) feet.
- d. Excluding the primary segments of a required six foot (6') high perimeter/roadway screen wall, waivers from Section 38-1408(b) and (f) and Section 34-209 are granted to increase the wall height to fourteen (14) feet for architectural accents only (such as archways, pilasters, etc.), at not less than one-hundred (100) foot intervals along the perimeter of parcels adjacent to APF roadways.
- e. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
- 1) The same front facade for single family residential units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (2) units with different facades.
 - 2) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front facade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are setback from the facade. In no case shall more than fifty (50) percent of the front facade of the house consist of an unobstructed block wall or garage door.
 - 3) At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover minimum ten (10) feet in width or one third (1/3) of the front facade, whichever is greater.
 - 4) Flat roofs shall be prohibited.

- 5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.
 - 6) The provisions of the CC&R's incorporating the above referenced requirements shall not be amended, removed or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion and the CC&R's shall contain a statement to that effect. Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.
 - 7) Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.
13. All previous applicable BCC Conditions of Approval, dated November 13, 2012 shall apply:
- a. Prior to any PSP or DP approval for PD Parcels N-23 through N-26, an agreement shall be executed to address required right-of-way dedication for Phil Ritson Way if necessary as determined by the Development Review Committee (DRC).
 - b. Prior to any PSP or DP approval, a road agreement shall be executed to address required right-of-way dedication for Seidel Road.
 - c. Access locations and roads that impact wetlands and rare wetlands are only approximations and are not approved with this plan. The exact location will have to consider minimization and avoidance of wetland impact and rare habitat and will be determined during the Orange County conservation area determination and impact permit process.
14. All previous applicable BCC Conditions of Approval, dated August 28, 2012 shall apply:
- a. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.

- b. No activity will be permitted within the boundaries of the site that may disturb, influence or interfere with areas of soil or groundwater contamination, remediation activities, or within the hydrological zone of influence of the contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection. Such approval may include, but is not limited to: an FDEP No Further Action letter, Site Rehabilitation Completion Order (SRCO), or documentation of specific permission from FDEP. Such documentation shall be provided to the Environmental Protection Division of Orange County.
- c. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.
- d. On properties where contamination has been documented, the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the property has been identified with soil and groundwater contamination and shall state the status of the resulting remediation.
- e. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
- f. A Master Utility Plan (MUP) for Village F PD shall be submitted to Orange County Utilities prior to the approval of the first Preliminary Subdivision Plan or Development Plan. The MUP must be approved prior construction plan approval.
- g. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village F Master Utilities Plan (MUP).
- h. Prior to construction plan approval, all property owners within Village F, 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 size for Village requirements are constructed.
- i. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.

- j. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5 and Section 38-1389(d)(5).
15. All previous applicable BCC Conditions of Approval, dated September 15, 2009 (as modified) shall apply:
- a. Final configuration of the Parcel N-17 Elementary School / Park site shall be approved by both the Orange County Parks and Recreation Division and Orange County Public Schools.
 - b. There shall be a 20-foot fee simple access provided between the Parcels S-17 Park site and the Parcel S-25 Elementary School site.
 - c. A waiver from Section 38-1386(a)(2) is granted to allow Parcel N-33 to have structures and uses to serve civic (excluding education / daycare / telecommunication towers & fields) and non-commercial recreational needs without having to obtain Special Exception Approval from the Board of Zoning Adjustment.
 - d. The Garden Home and Village Home Districts may contain a mix of single family detached and single-family attached residences (within the Village F Master PD). The exact configuration of this mix shall be determined at the time of Preliminary Subdivision Plan review.
 - e. 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. A waiver from Section 38-1384(f)(1) is granted to allow each block face to contain one (1) distinct lot size in lieu of each block containing at least two (2) distinct lot sizes (excluding end units). This waiver shall apply only to block faces with five (5) or fewer lots.
 - g. The following Education Conditions of Approval shall apply:
 - 1) The Developer shall comply with all provision of Capacity Enhancement Agreements (CEAs) numbered 06-011-01, 06-011-02, 06-011-03, 06-011-05, 06-011-06-T2, 06-011-07, 06-011-08, 06-011-10, 06-011-12, 06-011-14, 06-011-15, and 06-011-16 entered into with the Orange County School Board (and Orange County) in November 2006 and recorded in the official records of the Orange County Comptroller, and all provisions of CEA OC-13-022 entered into with the Orange County School Board on November 12, 2013.

- 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 residential units allowed under the zoning existing prior to the approval of the PO zoning, as indicated in each of the CEAs listed above. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - 3) The Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of the 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) 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.
- h. The cross-section for Seidel Road is not approved with this plan. The final cross-section shall be designed to be pedestrian-oriented, with a maximum speed limit of thirty (30) miles per hour. The final design speed shall be reviewed and approved by the County Engineer.

18. Joshua Wallack, Hollywood Plaza Parking Garage Planned Development (PD), Case # CDR-16-02-050, amend plan; District 6

Applicant: Joshua Wallack, Hollywood Plaza Parking Garage Planned Development (PD), Case # CDR-16-02-050

Consideration: Substantial change request to increase the parking garage square footage from 226,502 square feet to 310,000 square feet; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 6; property located at 8050 International Drive; south of Sand Lake Road, west of International Drive; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Bill Burkett
- Joshua Wallack

Motion/Second: Commissioners Siplin/Thompson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Joshua Wallack, Hollywood Plaza Parking Garage Planned Development (PD), Case # CDR-16-02-050, to increase the parking garage square footage from 226,502 square feet to 310,000 square feet; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Hollywood Plaza Parking Garage Planned Development / Land Use Plan (PD/LUP) dated "Received March 2, 2016" and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a

condition of approval and the land use plan dated "Received March 2, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.


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

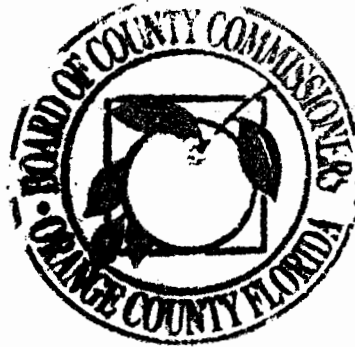
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements 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 Planned Development / Land Use Plan (PD/LUP) shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. The project shall comply with the terms of the Right-of-Way Agreement, as approved by the BCC on February 10, 2015.
7. Outside sales, storage, and display shall be prohibited.
8. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5, Tourist Commercial Standards of the Orange County Code.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 10, 2015 shall apply:
 - a. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to issuance of the initial certificate or occupancy. Nothing in this condition and nothing in the decision to approve this Planned Development shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.
 - b. A waiver is granted to use the Convention Plaza District Standards in Sec. 38-860 through Sec. 38-866 of the Orange County Code, in lieu of the PD Tourist Commercial Standards found in Sec. 38-1287, Sec. 38-1290 and Sec. 38-1300 of the Orange County Code.
 - c. Fourteen feet (14') of Right-of-Way is required for a future south bound bus lane as part of the County's International Drive Transit Lanes project. A Road Agreement for the dedication of Right-of-Way is required prior to Development Plan approval and should be coordinated through the Roadway Agreement Committee.

- d. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the PD.
- e. The developer shall obtain wastewater service from Orange County Utilities.
- f. Parking for the POA shall be addressed at the Development Plan submittal.

• ADJOURNMENT, 3:55 p.m.

ATTEST:


County Mayor Teresa Jacobs
Date: JUN 14 2016



ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk

Labele Christian
For Deputy Clerk