

BCC Mtg. Date: May 10, 2016

## ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, March 15, 2016  
Location: Commission Chambers, Orange County Administration Center,  
First Floor, 201 S. Rosalind Avenue, Orlando, Florida  
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd,  
Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards,  
Victoria P. Siplin  
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator  
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk  
Katie Smith, Documents Coordinator Lakela Christian

- CALL TO ORDER, 9:08 a.m.
- INVOCATION – Dr. Case Thorp, First Presbyterian Church
- PLEDGE OF ALLEGIANCE
- REASSUMED CHAIR  
County Mayor Jacobs reassumed the Chair from Vice-Mayor Nelson.
- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Clarke/Boyd  
AYE (voice vote): All members  
Action: The Mayor

- Deferred action on Community, Environmental and Development Services Department  
Item 4 for consideration with public hearing for Kathy Hattaway-Bengochea, HCI  
Planning & Land Development Consultants, Reams Road Property Planned  
Development / Land Use Plan (PD/LUP) Case # LUP-15-05-139

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

County Comptroller

1. Approval of the minutes of the January 5, 2016 and January 26, 2016, meetings 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:

- February 26, 2016, to March 3, 2016; total of \$49,569,293.74
- March 4, 2016, to March 10, 2016; total of \$28,493,334.84.

(Finance/Accounting)

3. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. Trade-in assets toward the purchase of new equipment

County Attorney

1. Approval to make payment in the amount of \$2,354,716.04 in the case of Orange County vs. Buchman, et al (Trial Case No. 2008-CA-26977 and Appellate Case No. 5D14-3544).

County Administrator

1. Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments: (Agenda Development Office)
  - A. Agricultural Advisory Board: Consideration of the reappointment of Larry B. Bean in the citrus industry representative category with a term expiring December 31, 2017 and Alexander H. Smith in the at large representative category with a term expiring December 31, 2016; the appointment of Caitlyn Glattig to succeed Joseph Chambers in the at large representative category with a term expiring December 31, 2016; and the appointment of Zachary Marimon to succeed David Dymond in the at large representative category with a term expiring December 31, 2017. Note: This would be a fourth term for Larry B. Bean and will require a supermajority vote of the Board of County Commissioners.
  - B. Animal Services Advisory Board: Consideration of the appointment of Paul L. Wean to succeed Elizabeth Bertrand in the attorney representative category with a term expiring December 31, 2016 and Lisa A. Franchina to succeed Sue N. Carpenter in the at large representative category with a term expiring December 31, 2017.
  - C. Animal Services Classification Committee: Consideration of the reappointment of Deputy Sheriff Gustavo Marinoni in the K-9 Handler representative category, Crockett Bohannon in the at large representative category, and Vanessa Bouffard in the alternate representative category with terms expiring December 31, 2017.

- D. Community Development Advisory Board: Consideration of the reappointment of Mary M. Hurley in the District 5 representative category with a term expiring June 30, 2017.
  - E. Environmental Protection Commission: Consideration of the reappointment of Sally Atwell in the Regulated Business or Municipal Representative category with a term expiring December 31, 2017.
  - F. Nuisance Abatement Board: Consideration of the reappointment of Donald L. Pittman, Steven Alexander, and Rosalind B. Johnson in the at large representative category with terms expiring January 1, 2018 and the appointment of Lindsay D. Kiley to succeed Jason G. Toll in the at large representative category with a term expiring January 1, 2018.
2. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)
  3. Approval to spend \$401,341.28 from the Law Enforcement Impact Fee fund to purchase equipment. (Office of Management and Budget)
  4. Approval to pay the third quarter billing for the Orange County Property Appraiser in the amount of \$2,932,035.61. (Office of Management and Budget)
  5. Approval of budget transfer #16C-110. (Office of Management and Budget)
  6. Approval of Ratification of payment of Intergovernmental claims of January 28, 2016 and February 11, 2016 totaling \$519,473.06. (Risk Management Division)

#### Administrative Services Department

1. Approval to award Invitation for Bids Y16-157-MA, Recycling and Waste Disposal Services, to the low responsive and responsible bidder, Disposall, Inc., for an estimated contract amount of \$2,134,872.90 for a 3-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)
2. Approval to award Invitation for Bids Y16-179-JS, Limerock Road Base, to the low responsive and responsible bidder, Dixie Lime and Stone Company, in the estimated contract award amount of \$350,000. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Utilities Department Solid Waste Division] Procurement Division)

3. Approval to award Invitation for Bids Y16-180-JS, Tree Trimming and Related Services for Parks and Recreation Division, to the low responsive and responsible bidder, Blades of Green, Inc., in the estimated annual contract amount of \$224,300. Further, authorized the Procurement Division to exercise two 1-year renewals. ([Community, Environmental and Development Services Department Parks and Recreation Division] Procurement Division)
4. Approval to award Invitation for Bids Y16-199-JS, Liquid Carbon Dioxide, to the single responsive and responsible bidder, Air Liquide Industrial U.S. LP, in the estimated annual contract award amount of \$757,000 for a 1-year term contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Utilities Department Water Division] Procurement Division)
5. Approval to award Invitation for Bids Y16-714-CH, Wildwood Area Road Network Pond C Underdrain and Slurry Trench Improvements Project, to the low responsive and responsible bidder, Cathcart Construction Company – Florida, in the estimated contract award amount of \$359,143. ([Public Works Department Engineering Division] Procurement Division)
6. Approval to award Invitation for Bids Y16-716-CC, Orange County Courthouse Generator Fuel Delivery System Retrofit & Master Controller Upgrade, to the low responsive and responsible bidder, Eau Gallie Electric, Inc., in the total contract award amount of \$390,452. ([Administrative Services Department Capital Projects Division] Procurement Division)
7. Approval to award Invitation for Bids Y16-733-CC, Regional Computing Center Roof Replacement, to the low responsive and responsible bidder, R.F. Lusa & Sons Sheetmetal, Inc. in the total contract award amount of \$294,490. ([Administrative Services Department Capital Projects Division] Procurement Division)
8. Approval to purchase the renewals of all lines of coverage (as outlined below) for the County's Commercial Insurance Program under Contract Y15-192-ZM, Insurance Broker and Consultant Services, for premiums not-to-exceed \$4,900,300. ([Office of Accountability Risk Management Division] Procurement Division)

Commercial Property Program	\$ 4,000,000
Includes Stand-alone Terrorism, Boiler & Machinery and Vehicle and Mobile Equipment Policies	
Excess Public Entity Liability	\$ 510,000
Cyber Liability & Extortion	\$ 100,000
Commercial Crime & Public Officials Bonds	\$ 15,000
Tenant User's/Vendor Liability Programs	\$ 34,500
Neighborhood Services Grants- Liability	\$ 13,000
Corporate Counsel	\$ 10,000
Corrections AD&D and Med Pay Policies	\$ 12,800

- Broker's Fee \$ 205,000
9. Approval of Purchase Order M77480 – Purchase of Siemens Signal Controller Assemblies and Clary UPS Assemblies, with Temple, Inc., for the total amount of \$809,094. ([Public Works Department Traffic Engineering Division] Procurement Division)
  10. Approval of Purchase Order M77482 – Purchase of Adaptive Signal System (InSync), with Rhythm Engineering, LLC, for the total amount of \$1,489,100. ([Public Works Department Traffic Engineering Division] Procurement Division)
  11. Approval of Purchase Order M77643 – Purchase of Siemens PLC's (Programmable Logic Controllers), Memory Cards and Power Supply Units with AWC, Inc, in the amount of \$215,798.93. ([Utilities Department Field Services Division] Procurement Division)
  12. Approval of Contract Y16-1026-TA, Inmate Management System (IMS) Maintenance and Support for the period of April 1, 2016 through March 31, 2021 with DSI-ITI, LLC, in the amount of \$2,010,670. ([Office of Accountability Information Systems and Services Division] Procurement Division)
  13. Approval to award contracts under Request for Proposals Y16-132-ZM, Civil Engineering, Planning, Vertical Construction Management and Real Estate Acquisition Staff Augmentation for Roadway Design and Right-of-Way Acquisition Engineering (Lot A) to Hill International, Inc. in the amount of \$3,965,936 and Visium Resources, Inc. in the amount of \$2,541,760; Traffic Control Engineering (Lot B) to Hill International, Inc. in the amount of \$812,344; Roadway Construction Inspection (Lot C) to Moten Tate, Inc. in the amount of \$787,446.40; Transportation Planning (Lot D) to Moten Tate, Inc. in the amount of \$517,504; Real Estate Management (Lot E) to Hill International, Inc. in the amount of \$4,013,776 and Visium Resources, Inc. in the amount of \$3,174,080 and Vertical Construction Management – Project Management (Lot F) to Hill International, Inc. in the amount of \$1,735,427.20. Further, authorized the Procurement Division to execute a 5-year contract with two additional one year periods. ([Public Works Department Engineering Division] Procurement Division)

14. Approval and execution of Lease Agreement between Orange County and Harbor House of Central Florida, Inc. and delegation of authority to the Real Estate Management Division to exercise renewal option, if necessary, for office space for Harbor House @ OC Courthouse, Lease File #5090, 425 N. Orange Avenue, 4th Floor, Orlando, Florida. District 5. (Real Estate Management Division)
15. Approval and execution of Second Amendment to Standard Shopping Center Lease between Equity One, Inc. and Orange County for Clinic Space at Alafaya Commons #2037, 11881 East Colonial Drive, Space No. 4A, Orlando, Florida. District 5. (Real Estate Management Division)
16. Approval and execution of Notice to Tax Collector of Application for Tax Deed, authorization for Comptroller to pay all fees and costs and perform all actions necessary and incidental to Tax Deed Sales for Tax Certificates Held by Orange County (properties valued over \$5,000 for Tax Year 2009). Districts 1, 2, 4, 5 and 6. (Real Estate Management Division)
17. Approval and execution of Notice to Tax Collector of Application for Tax Deed, authorization for Comptroller to pay all fees and costs and perform all actions necessary and incidental to Tax Deed Sales for Tax Certificates Held by Orange County (properties valued over \$5,000 for Tax Year 2010). Districts 1, 2, 3, 4, 5 and 6. (Real Estate Management Division)
18. Approval and execution of Access and Drainage Easement Agreement between Orange County and The School Board of Orange County and authorization to record instrument for Avalon Middle School Access (Patrick Dean Park). District 4. (Real Estate Management Division)
19. Approval and execution of Sidewalk Easement Agreement between Louis L. Huntley Enterprises, Inc. and Orange County, approval of Subordination of Encumbrances to Property Rights to Orange County from Firstatlantic Bank and authorization to record instruments for Thermo King Bachman (Permit # B14902480). District 4. (Real Estate Management Division)
20. Approval of Warranty Deed and Non-Exclusive Drainage Easement from Core Real Estate Limited LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Core Academy PD/UNP/LUP. District 1. (Real Estate Management Division)
21. Approval of General Warranty Deed from Asbury Theological Seminary, Incorporated to Orange County and authorization to perform all actions necessary and incidental to closing for Valencia College Lane (RAC) (Asbury Theological Seminary). District 3. (Real Estate Management Division)

22. Approval of Utility Easement between TPG Smoothie, Inc., Sunnyspring Enterprises, LLC and Orange County and authorization to record instrument for Pep Boys – Site Work Only OCU Permit: B14901655 OCU File #: 77766. District 4. (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 15-1493	LC 15-1458	LC 15-1272	LC 15-1352	LC 15-1487
LC 15-1544	LC 15-1561	LC 15-1523	LC 15-1387	LC 15-1510
LC 15-1675	LC 15-1609	LC 15-1582	LC 15-1412	LC 15-1511
LC 15-1160	LC 15-1624	LC 15-1608	LC 15-1419	LC 15-1557
LC 15-1177	LC 15-1666	LC 16-0178	LC 15-1433	LC 15-1586
LC 15-1179	LC 15-1667	LC 16-0180	LC 15-1475	LC 15-1633
LC 15-1209	LC 15-1677	LC 16-0229	LC 15-1476	LC 15-1649
LC 15-1251	LC 15-1679	LC 15-1573	LC 15-1480	LC 15-1662

2. Approval and execution of DEP Agreement No. S0484 Amendment No. 4 between the State of Florida Department of Environmental Protection (FDEP) and Orange County, Florida for the Petroleum Restoration Program to expand Orange County's area of responsibility under the program to include Lake County. Program to be fully funded by FDEP. All Districts. (Environmental Protection Division)
3. Approval and execution of Multi-Family Affordable Housing Developer's Agreement for Impact Fee Subsidy by and between Orange County, Florida and Brixton Landing, Ltd., in the amount of \$75,000. District 2. (Housing and Community Development Division)
4. Approval and execution of Right of Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD by and between Mattamy Orlando LLC and Orange County for the conveyance of 1.75 acres of APF Land providing \$39,375 in Transportation Impact Fee Credits and for the satisfaction of an APF Deficit fee in the amount of \$79,879.82. District 1. (Roadway Agreement Committee)

(This item was deferred.)

5. Approval and execution of Second Amendment to Town Center East Road Network Agreement Hamlin Groves Trail; Porter Road by and among SLF IV/Boyd Horizon West JV, LLC, Orange County, Florida, and Orlando Health Central, Inc. to adjust the performance thresholds needed for vested trips to be allocated and the timing of award of transportation impact fee credits. District 1. (Roadway Agreement Committee)

#### Family Services Department

1. Approval and execution of License Agreement between Orange County, Florida and City of Winter Garden regarding the use of Orange County's Community Centers for the Maxey Community Center. (Community Action Division)
2. Receipt and filing of Head Start Policy Council Program Information and Updates February 2016 and Head Start Policy Council Meeting Minutes January 21, 2016 for the official county record. (Head Start Division)
3. Approval of the February 2016 Business Assistance for Neighborhood Corridors Program Grants for Aloma Kids Academy (\$1,200) and Pine Hills Preschool and Childcare Center (\$1,866). Districts 5 and 6. (Neighborhood Preservation and Revitalization Division)

#### Health Services Department

1. Approval and execution of the Paratransit Services License for Reliable Non-Emergency Medical Transportation to provide wheelchair/stretchers service. The term of this license is from March 31, 2016 through March 31, 2018. There is no cost to the County. (EMS Office of the Medical Director)

#### Public Works Department

1. Approval and execution of Resolution 2016-M-10 of the Orange County Board of County Commissioners regarding the Adoption of the Orange County Title VI Nondiscrimination Policy and Plan for compliance with the Title VI Requirements of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Other Nondiscrimination Authorities and approval of Title VI Nondiscrimination Policy and Plan. All Districts. (Transportation Planning Division)
2. Authorization to record the plat of Curry Ford Market Square. District 3. (Development Engineering Division)
3. Approval and execution of Acknowledgement of Joint Maintenance and Use Agreement (Curry Ford Market Square-Lot 1) by and between Wal-Mart Stores East, LP and Orange County, Florida. District 3. (Development Engineering Division)



• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
  - a. City of Apopka Annexation Ordinances and Vicinity Maps as follows:
    - Ordinance No. 2459 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by JTD Land At Rogers Rd., LLC, located at 2303 Rogers Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
    - Ordinance No. 2460 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Huy Tran and Hai Anh Nguyen, located at 904 Schopke Lester Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
    - Ordinance No. 2461 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Property Industrial Enterprises, LLC, located at 300 West 2nd Street; providing for directions to the City Clerk, severability, conflicts, and an effective date.
    - Ordinance No. 2462 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Debra Evans Cargil, located at 202 South Hawthorne Avenue; providing for directions to the City Clerk, severability, conflicts, and an effective date.
    - Ordinance No. 2463 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Apopka Clear Lake Investments, LLC, located south of Peterson Road and West of Binion Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
    - Ordinance No. 2465 entitled: An Ordinance of the City of Apopka, Florida to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Jerry Kirkland and Lannette Kirkland, LLC, located 3707 Rock Springs Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - b. Minutes of the November 23, 2015, East Park Community Development District meeting.

- c. City of Orlando Ordinances with Exhibit A (Legal Descriptions), Exhibit B (Annexation Maps), and Exhibits C & D (Future Land Use Maps and Zoning Maps), Fiscal Impact Statements and Orlando Sentinel Notices of Proposed Enactment as follows:
- Ordinance No. 2016-12 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. Harding St., east of S. Fern Creek Ave., south of E. Kaley St., and west of Kasper Ct., and comprised of 0.15 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 the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, and an effective date.
  - Ordinance No. 2016-3 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 Dickson Ave., south of E. Jersey Ave., and west of Ives Ave., addressed as 1730 E. Jersey Ave., and comprised of 0.324 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 mixed use corridor medium intensity, in part, on the City's Official Future Land Use Maps; designating the property as the MU-1 Medium Intensity mixed use corridor district along with the traditional city overlay district, in part, and the R-2A 1-2 family district along with the traditional city 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.
- d. City of Orlando Voluntary Annexation Request – Starwood Property - ANX2015-00013, ANX2015-000119, ANX2015-00020. Notice of Proposed Enactment. On February 29, 2016, the Orlando City Council will consider proposed Ordinance #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 Wewahootee Rd., east of State Road 417, south of State Road 528, and west of International Corporate Park Blvd., and comprised of 2,559 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. A public hearing on this Ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida.
- e. Florida Public Service Commission Consummating Order. In re: Petition to approve revision to Tariff Sheets Nos. 6.2811, 6.282, and 6.284 rate schedule LS-1 – Lighting Service, by Duke Energy Florida, LLC.

\*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. Approval and execution of Orange County, Florida Amended and Restated Water and Wastewater Utility Revenue Bond Resolution and approval and execution of Resolution of the Orange County Board of County Commissioners regarding authorization for Water and Wastewater Utility Revenue Bonds, Series 2016. (Fiscal and Business Development Division)

County Staff presented to the Board an outline regarding two Resolutions pertaining to Water and Wastewater Utility Revenue Bonds. The presentation included 2016 Bond Proceeds and Projects, and 2016 Resolutions.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board approved and executed Resolution 2016-B-02 of Orange County, Florida Amended and Restated Water and Wastewater Utility Revenue Bond.

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): All members

Action: The Board approved and executed Resolution 2016-B-03 of the Orange County Board of County Commissioners regarding authorization for Water and Wastewater Utility Revenue Bonds, Series 2016.

Administrative Services Department

1. Selection of one firm and two alternates; Request for Proposals Y16-806-CC, Design Services for a Fire Station Prototype, from the following firms listed alphabetically. Further, arecommend the Board authorize execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$300,000

- Architects Design Group/ADG, Inc.
- Bentley Architects + Engineers, Inc.
- C.T. HSU + Associates, P.A.

([Administrative Services Department Capital Projects Division] Procurement Division)

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board selected one firm, Architects Design Group/ADG, Inc., and two ranked alternates, #1 C.T. HSU + Associates, P.A., and #2 Bentley Architects + Engineers, Inc., Design Services for a Fire Station Prototype; and further, authorized execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$300,000, Request for Proposals Y16-806-CC.

2. Selection of one firm to provide Centralized Community Resource/Case Management Software Application, Request for Proposals Y15-143-ZM, from the following firms listed alphabetically:

- Cocentrix, Inc.
- Social Solutions
- Spirit, Inc.

Request authority for the Procurement Division to negotiate and execute a 5-year contract within the budget of \$398,925. ([Health Services Department] Procurement Division)

Motion/Second: Commissioners Edwards/Clarke

AYE (voice vote): All members

Action: The Board selected one firm, Spirit, Inc., to provide Centralized Community Resource/Case Management Software Application; and further, authorized the Procurement Division to negotiate and execute a 5-year contract within a budget of \$398,925, Request for Proposals Y15-143-ZM.

Community, Environmental and Development Services Department

1. Public Speaker Automation System. All Districts. (Planning Division)

County staff provided the Board with a presentation regarding a proposed Public Speaker Automation System. The presentation included a project timeline and implementation components.

Board discussion ensued.

Action: None

- WORK SESSION AGENDA

Community, Environmental and Development Services Department

1. Sustainable Land Development Code Update. All Districts. (Planning Division)

County staff presented to the Board an update regarding the Sustainable Land Development Code. The focus of the update was on creating a graphical, calibrated, and sustainable code that will produce more predictable development patterns than can be achieved through the County's current regulatory mechanisms.

- RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice-Mayor Nelson

Action: None

- MEETING RECESSED, 10:13 a.m.

- MEETING RECONVENED, 2:05 p.m.

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

Others Present: County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Deputy Clerk Katie Smith, Documents Coordinator Lakela Christian

- RECOMMENDATIONS

February 18, 2016 Planning and Zoning Commission Recommendations

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of February 18, 2016, with the exception of and authorizing a public hearing be scheduled for Case # RZ-16-02-005, Tony A. Ray; subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Municipal Service Benefit Unit

1. Ashlin Park Phases 1 and 2, amend for streetlighting and for retention pond(s); District 4

Applicant: John Reny, Ashton Woods Homes – Florida Developer.  
Consideration: Amend by resolution a Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance to include Ashlin Park Phase 2 subdivision at Ashlin Park Phases 1 and 2  
Location: District 1; Parcel ID (multiple parcels); Section 25, Township 23, Range 27; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board adopted a resolution amending a Municipal Service Benefit Unit for streetlighting and maintenance of retention pond(s) at Ashlin Park Phases 1 and 2, annual cost of \$54.00 per lot for streetlighting for operational expenses and administrative fees and \$77.00 per unit, per lot for maintenance of retention pond(s).

2. Avalon Town Center, Avalon Town Center Phases 2A and 2B, amend for retention pond(s) maintenance; District 4

Applicant: John Suglio, Anchor Development Group, LLC Developer.

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for retention pond(s) maintenance to include Avalon Town Center Phase 2B subdivision at Avalon Town Center, Avalon Town Center Phases 2A and 2B

Location: District 4; Parcel ID (multiple parcels); Section 06, Township 23, Range 32; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for the maintenance of retention pond(s) at Avalon Town Center, Avalon Town Center Phases 2A and 2B, annual cost of \$77.00 per lot, per year for maintenance of retention pond(s).

3. Avalon Park Area Master Roads, amend for streetlighting; District 4

Applicant: John Suglio, Anchor Development Group, LLC Developer.

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting to include Avalon Town Center – Phase 2B subdivision at Avalon Park Area Master Roads

Location: District 4; Multiple parcels and Sections, Townships, and Ranges; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for streetlighting at Avalon Park Area Master Roads, annual cost of \$25.00 per lot for streetlighting for operational expenses and administrative fees.

4. Countrywalk Units 4 and 5, Phases 1, 2, 3, 3 Replat and 4, amend for streetlighting and the retention pond(s) maintenance; District 4

Applicant: Craig C. Harris, Manager JTD Land Company, LLC Developer.

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for retention pond(s) maintenance and streetlighting to include Countrywalk Units 4 and 5 Phase 3 Replat and Countrywalk Units 4 and 5 Phase 4 subdivisions at Countrywalk Units 4 and 5, Phases 1, 2, 3, 3 Replat and 4

Location: District 4; Parcel ID (multiple parcels); Section 32, Township 22, Range 31; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board adopted a resolution amending a Municipal Service Benefit Unit for streetlighting and maintenance of retention pond(s) at Countrywalk Units 4 and 5, Phases 1, 2, 3, 3 Replat and 4, annual cost of \$70.00 per lot, per year for streetlighting for operational expenses and administrative fees and \$77.00 per lot for maintenance of retention pond(s).

5. Estates at Wekiva and Estates at Wekiva Phase 2, amend for streetlighting and for retention pond(s) maintenance; District 2

Applicant: Daniel A. Kaiser, Land Development Director, K Hovnanian Homes Developer

Consideration: Amend by resolution an existing Municipal Service Benefit Unit for streetlighting and retention pond(s) maintenance to include Estates at Wekiva Phase 2 subdivision at Estates at Wekiva and Estates at Wekiva Phase 2

Location: District 2; Parcel ID (multiple parcels); Section 36, Township 20, Range 28; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Nelson/Boyd

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) at Estates at Wekiva and Estates at Wekiva Phase 2, annual cost of \$184.00 per lot, per year for streetlighting for operational expenses and administrative fees and \$77.00 per lot for maintenance of retention pond(s).

6. Isleworth Fourth, Fifth and Seventh Amendments, amend for retention pond(s) maintenance; District 1

Applicant: Jefferson R. Voss, Isleworth Land Company, Developer  
Consideration: Amend by resolution an existing Municipal Service Benefit Unit for retention pond(s) maintenance to include Isleworth Fifth Amendment and Isleworth Seventh Amendment subdivisions at Isleworth Fourth, Fifth and Seventh Amendments  
Location: District 1; Parcel ID (multiple parcels); Section 16, Township 23, Range 28; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board adopted a resolution amending an existing Municipal Service Benefit Unit for the maintenance of retention pond(s) at Isleworth Fourth, Fifth and Seventh Amendments, annual cost of \$77.00 per lot, per year for maintenance of retention pond(s).

7. 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 to include Lake Preserve – Phase 2 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)

(This public hearing was cancelled.)

#### Preliminary Subdivision Plan

8. Dennis Seliga, Boyd Horizon West, LLC, Hamlin PD / UNP / CCM – 7 Preliminary Subdivision Plan, Case # PSP-15-04-101; District 1

Applicant: Dennis Seliga, Boyd Horizon West, LLC, Hamlin PD / UNP / CCM - 7 Preliminary Subdivision Plan – Case # PSP-15-04-101  
Consideration: Hamlin PD / UNP / CCM – 7 Preliminary Subdivision Plan, Case # PSP-15-04-101, submitted in accordance with Section 34-69 Orange County Code (Subdivision Regulations); and Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct 115 single family residential dwelling units on 37.26 gross acres in two (2)



phases; The following waivers from Chapter 38 of the Orange County Code are also requested:

1. A waiver from Orange County Code Section 38-1384(F)(2) is granted to eliminate the required pedestrian path or walkway from the primary entrance to the sidewalk, in lieu of all lots with alleys or lots sixty feet (60') in width or less requiring a pedestrian path or walkway from the primary entrance to the sidewalk.
2. A waiver from Orange County Code Section 38-1384(G)(B) is granted to allow for double wide garage entries on front-loaded lots that are less than sixty-five feet (65') in width, but greater than fifty feet (50') in width, specifically on lots 4, 8, 25, 33, 37, 42, 61, 67, 72, 82, 86, 92, 99, 104, 111; in lieu of the requirement that prohibits double-wide garage entries on all front-loaded lots less than sixty-five feet (65') in width.
3. A waiver from Orange County Code Section 38-1384(G)(3) is granted to allow side-loaded/ courtyard entry garages to be placed in front of the primary structure on lots equal to or greater than fifty feet (50') in width (subject to applicable design standards), specifically on lots 2, 13, 14, 29, 30, 50, 51, 58, 59, 63, 64, 79, 80, 94, 95, 112, 113; in lieu of only lots greater than sixty-five feet (65') in width to allow side-loaded / courtyard entry garages to be placed in front of the primary structure.
4. A waiver from Orange County Code Section 38-1390.54(A)(4) is granted to eliminate the requirement for three (3) steps to elevate the finished floor of residential buildings above the adjacent sidewalk grade, where side-loaded/courtyard entry garages are proposed, in lieu of the requirement that residential building finished floor elevations shall be elevated a minimum of three (3) steps above the adjacent sidewalk grade

Location: District 1; property generally located South of Porter Road / West of Hamlin Groves Trail; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board continued the public hearing until April 5, 2016, at 2 p.m.

9. Rick Merkel, Highland Engineering, LLC, Boggy Creek Crossings PD – Boggy Creek Crossings PSP, Case # PSP-15-01-031; District 4

Applicant: Rick Merkel, Highland Engineering, Inc., Boggy Creek Crossings PD – Boggy Creek Crossings PSP, Case # PSP-15-01-031

Consideration: Boggy Creek Crossings PD – Boggy Creek Crossings PSP, Case # PSP-15-01-031, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; this request is to subdivide 16.78 acres into

four (4) lots for a maximum of 170,000 square feet of C-1 (retail commercial) uses.

Location: District 4; property generally located West of Boggy Creek Road / North of Simpson Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Rick Merkel.

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Rick Merkel, Highland Engineering, Inc., Boggy Creek Crossings PD – Boggy Creek Crossings PSP, Case # PSP-15-01-031 on the described property, subject to the following conditions:

1. Development shall conform to the Boggy Creek Crossings PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Boggy Creek Crossings Preliminary Subdivision Plan dated "Received January 11, 2016," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received January 11, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to

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

4. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
5. Outside sales, storage, and display shall be prohibited.
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. Prior to the issuance of any vertical building permits, the property shall be platted.
8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
9. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
10. 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.
11. 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.

12. 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.
13. 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.
14. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
15. 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.
16. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of Construction Plan initial submittal.

Preliminary Subdivision Plan/Development Plan

10. Dennis Seliga, Boyd Horizon West, LLC, Hamlin PD / UNP / Lakewalk at Hamlin Preliminary Subdivision Plan / Development Plan, Case # PSP-15-08-222; District 1

Applicant: Dennis Seliga, Boyd Horizon West, LLC, Hamlin PD / UNP / Lakewalk at Hamlin Preliminary Subdivision Plan / Development Plan, Case # PSP-15-08-222

Consideration: Hamlin PD / UNP / Lakewalk at Hamlin Preliminary Subdivision Plan / Development Plan, Case # PSP-15-08-222, submitted in accordance with Section 34-69 Orange County Code (Subdivision Regulations);

and Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct 316 multi-family residential dwelling units on 21.96 gross acres in one (1) phase; The following waiver from Chapter 38 of the Orange County Code is also requested:

1. A waiver from Orange County Section 38-1890.51 Table 4-1 and Section 38-1390.55 (C)(10) is granted to allow a minimum setback of zero (0) feet for the locations identified on the PSP-DP, in lieu of ten (10) feet.

Location: District 1; property generally located South of New Independence Parkway / East of Hamlin Groves Trail; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Siplin

AYE (voice vote): All members

Action: The Board continued the public hearing until April 5, 2016, at 2 p.m.

Rezoning

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

11. Kathy Hattaway-Bengochea, HCI Planning & Land Development Consultants, Reams Road Property Planned Development / Land Use Plan PD/LUP, Case # LUP-15-05-139; District 1

Applicant: Kathy Hattaway-Bengochea, HCI Planning & Land Development Consultants, Reams Road Property Planned Development / Land Use Plan (PD/LUP) Case # LUP-15-05-139

Consideration: Request to rezone four (4) parcels containing 100.20 gross acres from A-1 (Citrus Rural District), A-2 (Farmland Rural District), and R-CE-2 (Rural Residential District) to PD (Planned Development District), in order to construct 161 single family residential dwelling units, including 47 single family detached homes and 114 attached townhomes; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located Southwest side of Reams Road, approximately 600 feet northwest of Jayme Drive; Orange County, Florida (legal property description on file)

and

- COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

4. Approval and execution of Right of Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD by and between Mattamy Orlando LLC and Orange County for the conveyance of 1.75 acres of APF Land providing \$39,375 in Transportation Impact Fee Credits and for the satisfaction of an APF Deficit fee in the amount of \$79,879.82. District 1. (Roadway Agreement Committee)

The following persons addressed the Board:

- Kathy Hattaway
- Kathryn Pease
- Don Kendzior
- John Miklos
- Marc Stehli

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Don Kendzior

Board discussion ensued.

Motion/Second: Commissioners Boyd/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive; and further, approved the request by Kathy Hattaway-Bengochea, HCI Planning & Land Development Consultants, Reams Road Property Planned Development / Land Use Plan (PD/LUP) Case # LUP-15-05-139 to rezone four (4) parcels containing 100.20 gross acres from A-1 (Citrus Rural District), A-2 (Farmland Rural District), and R-CE-2 (Rural Residential District) to PD (Planned Development District), in order to construct 161 single family residential dwelling units, including 47 single family detached homes and 114 attached townhomes; on the described property; subject to the following conditions:

1. Development shall conform to the Reams Road Property Planned Development / Land Use Plan (PD/LUP) dated "Received July 8, 2015," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or

intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 8, 2015," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. A Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review, as part of the Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
5. 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.
6. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
7. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a CEL or a CRC.

8. This project is subject to, and shall comply with, the terms of a Right-of-Way Conveyance and Adequate Public Facilities (APF) Agreement addressing the conveyance of right-of-way needed for Reams Road improvements and satisfaction of APF requirements.
9. The following Education Condition of Approval shall apply:
  - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement approved by the Orange County School Board on May 12, 2015.
  - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 5 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
10. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD, including hydraulically dependent parcels outside the PD boundaries; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.



11. 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).
12. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board approved and executed the Right of Way Conveyance and Adequate Public Facilities Agreement Reams Road Property PD by and between Mattamy Orlando LLC and Orange County for the conveyance of 1.75 acres of APF Land providing \$39,375 in Transportation Impact Fee Credits and for the satisfaction of an APF Deficit fee in the amount of \$79,879.82.

#### Substantial Change

12. Thomas Sullivan, Gray-Robinson, Vineland Pointe Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-05-145, amend plan; District 1 (Continued from December 15, 2015 and February 9, 2016)

Applicant: Thomas Sullivan, Gray-Robinson, Vineland Pointe Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-05-145

Consideration: Substantial change request to amend the Vineland Pointe PD by increasing PD Phase I development entitlements from 440 residential units to 680 residential units and 50,000 square feet of commercial, and by adding "Tourist Commercial" as a permitted use within PD Phase I; 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 Darryl Carter Parkway, approximately 2,000 feet north of S. International Drive; Orange County, Florida (legal property description on file)

Based upon input from the District Commissioner, County staff proposed the following modification to Condition of Approval #7:

Developer to meet terms of the Vineland Point Road Impact Fee Agreement and ~~construct Vineland widening~~ (OR Book 07703 / Page 1210).

Based upon input from the District Commissioner and agreed upon by the applicant, County staff proposed new Condition of Approval #12:

Any Development Plan for Commercial or residential in excess of 440 units in Phase 1 shall require a community meeting and a public hearing by the Board of County Commissioners.

Due to the new condition, existing Condition of Approval #12 was renumbered to Condition of Approval #13.

The following persons addressed the Board:

- Tom Sullivan
- Jeff Deacon
- Jerry Aldrich

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Jeff Deacon

Board discussion ensued.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Thomas Sullivan, Gray-Robinson, Vineland Pointe Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-05-145, to amend the Vineland Pointe PD by increasing PD Phase I development entitlements from 440 residential units to 680 residential units and 50,000 square feet of commercial, and by adding "Tourist Commercial" as a permitted use within PD Phase I; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Vineland Pointe Planned Development / Land Use Plan (PD/LUP) dated "Received August 6, 2015" and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities and intensities described in such Land Use Plan, subject to those uses, densities and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance 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 zoning and the land use plan dated "Received August 6, 2015" the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and/or Development Plan (DP) submittal.
5. 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.
6. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
7. Developer to meet terms of the Vineland Point Road Impact Fee Agreement (OR Book 07703, Page 1210).
8. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan / preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

9. The following Education Condition of Approval shall apply:
  - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board and effective on November 20, 2015.
  - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 440 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
  - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
  - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
10. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval, and include main sizes supporting demands.
11. Right-of-way for Lake Street shall be dedicated to Orange County as depicted on the Land Use Plan, prior to approval of the first PSP / DP.
12. Any Development Plan for Commercial or residential in excess of 440 units in Phase 1 shall require a community meeting and public hearing by the Board of County Commissioners.

13. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 20, 2013 shall apply:

a. Pole signs and new billboards shall be prohibited. Existing billboard may remain, as stipulated in the Agreement dated August 14, 2000, and amended on June 18, 2013, and August 20, 2013.

b. The following BCC Conditions of approval dated April 19, 2005 shall apply:

- 1) Outdoor storage and display shall be prohibited.
- 2) Project shall conform to the Lake Willis Guidelines.
- 3) No access to Lake Willis Drive or the East Road.

13. Harry Brumley, HB Associates, LLC, Orangewood Center Planned Development (PD) Land Use Plan (LUP), Case # CDR-15-10-325, amend plan; District 1

Applicant: Harry Brumley, HB Associates, LLC, Orangewood Center Planned Development / Land Use Plan (PD / LUP), Case# CDR-15-10-325

Consideration: A substantial change to the Orangewood Center Planned Development / Land Use Plan (PD/LUP) to accommodate two (2) proposed hotels with a combined total of 315 rooms, and 25,090 square feet of tourist commercial uses. More specifically, proposed changes would create a Phase 3 (comprised of proposed PD Parcels 1, 2 and 3); allow Tourist Commercial Uses within PD Parcels 1-3; establish a maximum development intensity of 60 rooms per acre and a maximum building height of 200 feet for hotels within PD Parcels 2 and 3; add setbacks for the residential portion of the PD; add notes addressing transit, and required landscape, pedestrian and utility easements along Central Florida Parkway; add transportation concurrency vested rights information; and establish a phased trip generation table; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 1; property generally located South side of Central Florida Parkway and east of International Drive; Orange County, Florida (legal property description on file)

The following persons addressed the Board: Harry Brumley.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Harry Brumley, HB Associates, LLC, Orangewood Center Planned Development / Land Use Plan (PD / LUP), Case#

CDR-15-10-325, to accommodate two (2) proposed hotels with a combined total of 315 rooms, and 25,090 square feet of tourist commercial uses. More specifically, proposed changes would create a Phase 3 (comprised of proposed PD Parcels 1, 2 and 3); allow Tourist Commercial Uses within PD Parcels 1-3; establish a maximum development intensity of 60 rooms per acre and a maximum building height of 200 feet for hotels within PD Parcels 2 and 3; add setbacks for the residential portion of the PD; add notes addressing transit, and required landscape, pedestrian and utility easements along Central Florida Parkway; add transportation concurrency vested rights information; and establish a phased trip generation table; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Orangewood Center Planned Development / Land Use Plan (PD/LUP) dated "Received January 11, 2016," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such 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 January 11, 2016," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or

undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. The required 15-foot transit easement and a separate 20-foot landscape, pedestrian and utility easement for future roadway shall be shown on the plan and shall be conveyed concurrently at time of platting or dedicated to the County via separate instrument prior to Development Plan (DP) approval.
5. The developer shall obtain water, wastewater and reclaimed water from Orange County Utilities.
6. 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.
7. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with the Tourist Commercial standards of Chapter 31.5 of the Orange County Code.
8. Outside sales, storage, and display shall be prohibited.
9. All proposed vertical structures shall be located a minimum of 20 feet from the centerline of any Utilities transmission main with a diameter of 16-inches or more.
10. 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. The applicant is herein notified that this conservation area determination may result in a reduction and/or reconfiguration of some of the developable areas as shown on the Land Use Plan. Limits of any designated conservation area shall be flagged in a clear and obvious manner before and during the clearing process. The conservation area and required buffers shall be designated as separate tracts/easements as required by code, with development rights dedicated to Orange County at the time of platting.
11. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X. "Wetland Conservation Area", prior to Construction Plan approval, no conservation area or buffer encroachments, alterations or removal shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 22, 1988, shall apply:

- a. A six (6) foot high masonry wall shall be provided along the entire northern property boundary, east of the conservation area.
- b. Commercial uses shall be limited to those permitted in the Tourist Commercial uses. Portable signs, billboards and adult entertainment uses shall be prohibited. The project shall meet the Tourist Commercial performance standards.
- c. The Development Plan for the recreation area shall be submitted concurrently with the Development Plan for the multi-family tract.

d. Building setbacks shall be as follows:

	Tourist Commercial	Residential
North Property Line	25 FT	50 FT
South Property Line	25 FT	25 FT
Conservation Area	50 FT	50 FT
International Drive ROW	50 FT	--
Orangewood Boulevard ROW		50 FT
Central Florida Parkway ROW	50 FT	--

- e. Prior to Development Plan submittal for the tourist/commercial tract, verification from Florida Power Corporation and Orlando Utilities Commission shall be provided to the County, specifying they have no objection to any proposed development within the easements.
- f. The developer will be responsible for all access improvements as determined by the County Engineer, including the intersection of International Drive and Central Florida Parkway.
- g. Prior to approval of any Development Plans for multi-family sites, a secondary access shall be provided to either north or south.
- h. Compensating storage shall be provided for all fill below the 100 year flood elevation of 81.0.
- i. Signage for the residential tract shall be consistent with Article XXII of the Zoning Resolution. Tourist Commercial sign standards shall apply to the commercial tract.
- j. Recreation facilities shall be provided consistent with Article XXIX of the Zoning Resolution.
- k. A 25 foot wide landscape buffer shall be provided along International Drive, Orangewood Boulevard, and Central Florida Parkway.



14. Christopher J. Allen, Dewberry, Savona Planned Development (PD) Land Use Plan (LUP), Case # CDR-15-11-335, amend plan; District 1

- Applicant: Christopher J. Allen, Dewberry, Savona Planned Development / Land Use Plan (PD / LUP) / Case# CDR-15-11-335
- Consideration: Substantial change request for the following three (3) waivers from Orange County Code:
1. A waiver from Section 38-1254(2)(d) to allow for a 50-foot setback from an Expressway (*in conjunction with a 14-foot high wall*), in lieu of a 75-foot setback from an Expressway.
  2. A waiver from Section 38-1408(f)(2) to allow for a wall with a maximum height of 14 feet, in lieu of a wall with a maximum height of 8 feet, in the rear yard of lots that abut the Florida Turnpike only; and
  3. A waiver from Orange County Code Section 38-1501 (*the applicable R-1AA District Standards*) to allow for a minimum 5-foot side yard building setback, in lieu of a minimum 7.5-foot side yard building setback; 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 side of South Apopka Vineland Road, north of Courtleigh Drive, and south and west of the Florida Turnpike; Orange County, Florida (legal property description on file)

The following person addressed the Board: Sarah Meyer (phonetic).

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Christopher J. Allen, Dewberry, Savona Planned Development / Land Use Plan (PD / LUP) / Case# CDR-15-11-335, for the following three (3) waivers from Orange County Code:

1. A waiver from Section 38-1254(2)(d) to allow for a 50-foot setback from an Expressway (*in conjunction with a 14-foot high wall*), in lieu of a 75-foot setback from an Expressway.
2. A waiver from Section 38-1408(f)(2) to allow for a wall with a maximum height of 14 feet, in lieu of a wall with a maximum height of 8 feet, in the rear yard of lots that abut the Florida Turnpike only; and
3. A waiver from Orange County Code Section 38-1501 (*the applicable R-1AA District Standards*) to allow for a minimum 5-foot side yard building setback, in lieu of a minimum 7.5-foot side yard building setback

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

1. Development shall conform to the Savona Planned Development / Land Use Plan (PD/LUP) dated "Received January 7, 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 January 7, 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 Education Condition of Approval shall apply:
  - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of March 31, 2014.

- b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 48 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
        - c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
        - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
        - e. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
5. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) prior to approval of the plat. Nothing in this condition, and nothing in the decision to approved 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.
6. Site development activity shall comply with State recommended Best Management Practices to protect soils during clearing, earthwork and construction. Fugitive dust emissions shall not be allowed from any activity including: vehicular movement, transportation of materials, construction, alteration, loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions include application of water, dust suppressants, and other measures defined in Orange County Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 2 Rules, Section 15-89.1 Air Pollution Prohibited.
7. The following waivers from Orange County Code are granted:

- a. A waiver from Section 38-1254(2)(d) to allow for a 50-foot setback from an Expressway (in conjunction with a 14-foot high wall), in lieu of a 75-foot setback from an Expressway;
  - b. A waiver from Section 38-1408(f)(2) to allow for a wall with a maximum height of 14-feet, in lieu of a wall with a maximum height of 8-feet, in the rear yard of lots that abut the Florida Turnpike only; and
  - c. A waiver from Orange County Code Section 38-1501 (the applicable R-1AA District Standards) to allow for a minimum 5-foot side yard building setback, in lieu of a minimum 7.5-foot side yard building setback.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 8, 2014, shall apply:
- a. The CC&Rs shall reflect the presence of a water and reclaimed water storage and pumping facility adjacent to the lots located on the south side of this development.
  - b. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
  - c. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities prior to Construction Plan submittal. The MUP must be approved prior to Construction Plan approval.
  - d. Approval of this PD shall void the Savona Cluster PSP.
  - e. 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.
  - f. In order to accommodate a unified development, provide a potential connection to the property to the north for a potential future connection, if deemed necessary.

15. Abdul Alkadry, Harris Civil Engineers, LLC, Lake Olivia Reserve Preliminary Subdivision Plan (PSP), - Substantial Change - Case # CDR-15-09-256, amend plan; District 1

Applicant: Abdul Alkadry, Harris Civil Engineers, LLC, Lake Olivia Reserve Preliminary Subdivision Plan (PSP) – Substantial Change – Case # CDR-15-09-256

Consideration: Substantial change request to increase the number of proposed lots from eight (8) to twelve (12) on a total of 26.07 acres; pursuant to Sections 34-69 and 30-89, Orange County Code.

Location: District 1; property generally located South of Gotha Road / West of Florida's Turnpike; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Abdul Alkadry.

Board discussion ensued.

Based upon input from the District Commissioner and agreed upon by the applicant, County staff proposed the following new Condition of Approval #16:

Landscaping plan shall be submitted to and approved by the Development Review Committee prior to construction plan approval.

Due to the new condition, existing Condition of Approval #16 was renumbered to Condition of Approval #17.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Abdul Alkadry, Harris Civil Engineers, LLC, Lake Olivia Reserve Preliminary Subdivision Plan (PSP) – Substantial Change – Case # CDR-15-09-256, to increase the number of proposed lots from eight (8) to twelve (12) on a total of 26.07 acres; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Lake Olivia Reserve Preliminary Subdivision Plan dated "Received January 19, 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 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 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.

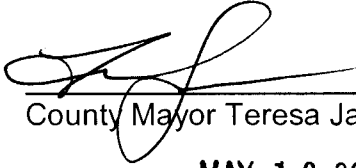
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit 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. 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.
5. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of initial re-plat submittal.
6. 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.
7. This property shall be re-platted.
8. 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 any other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall first apply for a permit, prior to installation. 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.
9. 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.

10. 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.
11. 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.
12. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
13. The Developer shall obtain water from Orange County Utilities.
14. Construction plans within this PSP 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.
15. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan approval and must apply for and obtain a capacity reservation certificate prior to approval of the re-plat. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
16. Landscaping plan shall be submitted to, and approved by, the Development Review Committee prior to construction plan approval.
17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 5, 2001, shall apply:

- a. Two six-inch (6") diameter breast height (DBH) live oak trees shall be required for each oak tree removed from the project's entrance.

• ADJOURNMENT, 3:01 p.m.


ATTEST:

  
\_\_\_\_\_  
County Mayor Teresa Jacobs  
Date:     MAY 10 2016    



ATTEST SIGNATURE:

Martha O. Haynie  
County Comptroller as Clerk

*for*   
\_\_\_\_\_  
Deputy Clerk