

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, November 27, 2012
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: Vice Mayor Jennifer Thompson; Commissioners S. Scott Boyd,
Fred Brummer, John Martinez, Ted Edwards, Tiffany Russell
Member Absent: County Mayor Teresa Jacobs
Others Present: County Comptroller Martha Haynie as Clerk, Chief Deputy
Comptroller Jim Moye as Clerk, County Administrator Ajit
Lalchandani, County Attorney Jeffrey J. Newton, Assistant Deputy
Clerk Katie Smith

- CALL TO ORDER, 9:06 a.m.
- REMEMBRANCE
For the passing of Vernon Seitz, father of County Mayor Jacobs.
- OFFICIAL RECOGNIZED: Orange County District 3 Commissioner-Elect Pete Clarke
- INVOCATION - Pastor Riva Tims, Majestic Life Church of Orlando
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Lucy Martin
- Mercedes Tamayo

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Russell/Martinez
Absent: County Mayor Jacobs
AYE (voice vote): All present members
Action: The Board deferred Administrative Services Department Items 8 and 11; and
further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:

- November 9, 2012, to November 15, 2012; total of \$32,030,600.44
- November 16, 2012, to November 20, 2012; total of \$8,311,327.66.

(Finance/Accounting)

County Administrator

1. Confirmation of Commissioner Edwards' reappointment to the Lake Killarney Advisory Board of Michael Gorenflo, Conrad Necrason, and V. David Hunter with terms expiring December 31, 2013 and John Mitchell and Carl Jenne with terms expiring December 31, 2014.
-and-
Confirmation of Commissioner Edwards' reappointment to the Lake Price Advisory Board of Robert Marant with a term expiring December 31, 2013 and Lee Lacy with a term expiring December 31, 2014. (Agenda Development Office)
2. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official Board record. (Agenda Development Office)
3. Approval of School Concurrency Mitigation Agreement OC-12-005 Project Name: Windermere Botanical Gardens/Casabella Parcel ID#: 12-23-27-0000-00-008; 12-23-27-0000-00-009 between Orange County, The School Board of Orange County, and REDUS Florida Land, LLC, a Delaware Limited Liability Company. District 1.
4. Approval of Change Order 9, Contract Y9-722 with Honeywell Building Solutions in the amount of \$178,760, for a revised contract amount of \$3,061,241. (Convention Center)
5. Approval of Orange County, Florida and Digital Risk, LLC Economic Development Grant Agreement Digital Risk, LLC Quick Action Closing Fund. (Office of Economic, Trade and Tourism Development)
6. Approval of Orange County, Florida and National Center for Simulation FY 2013 Grant Agreement and authorization to disburse \$35,000 as provided in the FY 2012-13 adopted budget. (Office of Economic, Trade and Tourism Development)
7. Approval of Orange County, Florida and Hispanic Business Initiative Fund of Florida, Inc. FY 2013 Grant Agreement and authorization to disburse \$123,472 as provided in the FY 2012-13 adopted budget. (Office of Economic, Trade and Tourism Development)
8. Approval of a) Orange County, Florida and Black Business Investment Fund of Central Florida, Inc. FY 2013 Grant Agreement and authorization to disburse \$135,724 as provided in the FY 2012-13 adopted budget; and b) Orange County, Florida and Black Business Investment Fund of Central Florida, Inc. FY 2013

Microloan Grant Agreement for Fiscal Year 2013 and authorization to disburse \$75,000 as provided in FY 2012-13 adopted budget. (Office of Economic, Trade and Tourism Development)

9. Approval of budget amendments #13-05, #13-06, #13-07, and #13-08. (Office of Management and Budget)
10. Approval of budget transfer #12-1721. (Office of Management and Budget)

Administrative Services Department

1. Approval of Change Order #7, Contract Y11-778, with APM Construction Corporation in the amount of \$154,232.63, for the Coalition for the Homeless Men's Service Center construction project. The revised total contract amount will be \$5,865,242.07. (Capital Projects Division)
2. Approval to award Invitation for Bids Y12-1100-DG, Water Watch and Mobile Irrigation Lab Audit Program, to the low responsive and responsible bidder, East Central Florida Resource Conservation and Development Council, Inc., a not-for-profit corporation, for a 36-month term contract in the estimated contract award amount of \$304,808. Further, authorized the Purchasing and Contracts Division to renew the contract for two additional twelve month periods. ([Utilities Department Water Division] Purchasing and Contracts Division)
3. Approval to award Invitation for Bids Y13-111-LC, Chronic Dialysis Corrections Health Services, to the single responsive and responsible bidder, Fresenius Medical Care Healthcare, in the estimated contract award amount of \$367,500 for a 3-year term contract renewable for two additional 1-year periods by the Purchasing and Contract Division. ([Health Services Department EMS Office of the Medical Director Division] Purchasing and Contracts Division)
4. Approval to award Invitation for Bids Y12-7025-EZ, Randolph Avenue Phase II Outfall Pipe from Control Structure to Lake Conway, to the low responsive and responsible bidder, C.E. James, Inc., in the estimated contract award amount of \$418,325.85. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
5. Approval to award Invitation for Bids Y12-7036-PH, Hidden Springs Water Supply Facility Improvements, to the low responsive and responsible bidder, Brasfield and Gorrie, LLC, in the total contract award amount of \$3,624,000. ([Utilities Department Engineering Division] Purchasing and Contracts Division)
6. Approval of Contract Y13-2050-LC, Family Drug Court Substance Abuse Treatment and Case Management Program with The Center for Drug Free Living, Inc. in the estimated contract award amount of \$250,000 for a 1-year period. ([Ninth Judicial Circuit Court Orange County Drug Court] Purchasing and Contracts Division)

7. Approval and execution of Amendment Number One to Sublease Number 4599-01 between the State of Florida Department of Environmental Protection, Division of Recreation and Parks, Successor in Interest to State of Florida Department of Environmental Protection, Office of Greenways and Trails and Orange County for Cady Way Trail. District 5. (Real Estate Management Division)
8. Approval of Purchase Agreement and Warranty Deed between Florida Power Corporation d/b/a Progress Energy Florida, Inc. and Orange County, authorization to disburse funds to pay purchase price and recording fees and perform all actions necessary and incidental to closing for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail). District 3. (Real Estate Management Division)

(This item was deferred.)

9. Approval of Conservation and Access Easement between Jen Florida V, LLC and Orange County and authorization to record instrument for Bridgewater Crossings Boulevard Extension ((Conservation Area Impact Permit) CAIP #12-02-002). District 1. (Real Estate Management Division)
10. Approval of Utility Easement between Chugin (U.S.A), Inc. and Orange County and authorization to record instrument for International Plaza Sitework – Utility File #71665. District 5. (Real Estate Management Division)
11. Approval and delegation of authority to the Director of Administrative Services Department to execute a Lease and Funding Agreement between Orange County and the Central Florida YMCA (Young Men's Christian Association). This agreement will allow the YMCA to extend their existing Billboard Lease with Clear Channel Outdoor Services for three years and require them to assign the Billboard Lease to Orange County by January 1, 2013. The agreement will also provide for funding to the YMCA from the Billboard Lease revenue in an annual amount of \$184,000 for three years. (Real Estate Management Division)

(This item was deferred.)

Community, Environmental and Development Services Department

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

LC 12-0912	LC 12-0915	LC 12-0956	LC 12-0991	LC 12-1131
LC 12-1195	LC 12-1263	LC 12-1267	LC 12-1269	LC 12-0945
LC 12-1029	LC 12-1037	LC 12-1068	LC 12-1139	LC 12-1245
LC 12-1275	LC 12-1278	LC 12-1317	LC 12-0952	LC 12-1205

LC 12-1247	LC 12-0948	LC 12-1089	LC 12-1295	LC 12-1407
LC 12-1190	LC 12-1216	LC 12-0993	LC 12-1106	LC 12-1129
LC 12-1141	LC 12-1151	LC 12-1156	LC 12-1171	LC 12-1176
LC 12-1193	LC 12-1196	LC 12-1230	LC 12-1237	LC 12-1291

2. Approval of Resolution 2012-M-50 of the Orange County Board of County Commissioners regarding a Resolution Supporting Central Florida's "Open for Business" Initiative to Promote Business Climate, Great Service, Job Creation, and Business Investment; and Providing an Effective Date. All Districts. (Community, Environmental and Development Services Department)
3. Approval of State of Florida Department of Transportation Joint Participation Agreement Amendment Number 1 to Contract No: APS17 (Financial Management Number) FM# 422615-2-58-01 between the State of Florida Department of Transportation and Orange County for the Lake Mary Jess Drainage and Water Quality Improvement Project, to extend the expiration date to December 31, 2013. District 4. (Environmental Protection Division)

Corrections Department

1. Approval of the U.S. Department of Justice, Bureau of Justice Assistance under the State Criminal Alien Assistance Program for FY 2012 in the amount of \$137,647 for reimbursement of costs incurred for the incarceration of undocumented criminal aliens. No local match is required.

Family Services Department

1. Approval of the Orange County Family Services Department, Head Start Division Standard Operating Procedures for Program Performance Standards. (Head Start Division)

Office of Regional Mobility

1. Approval of Service Funding Agreement by and between Orange County, Florida and LYNX (Central Florida Regional Transportation Authority) for FY 2012-13. All Districts.

- INFORMATIONAL ITEMS FILED FOR THE RECORD IN THE ORANGE COUNTY COMPTROLLER CLERK'S OFFICE*

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Minutes of the October 3, 2012, Meeting in the Sunshine with County Mayor Teresa Jacobs and Commissioners John Martinez and Jennifer Thompson along with the Mayors of City of Orlando and Windermere, and the Chairmen of Brevard and Seminole Counties attending a meeting regarding the Central Florida Branding Summit.
 - b. Florida Public Service Commission Consummating Order Suspending Water and Wastewater Rates and Holding Interim Revenues Subject to Refund with Interest re: Application for increase in water and wastewater rates in Orange County by Pluris Wedgefield, Inc.

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

- ADMINISTRATIVE SERVICES DEPARTMENT CONSENT AGENDA ITEM 8 DEFERRED

Approval of Purchase Agreement and Warranty Deed between Florida Power Corporation d/b/a Progress Energy Florida, Inc. and Orange County, authorization to disburse funds to pay purchase price and recording fees and perform all actions necessary and incidental to closing for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail). District 3. (Real Estate Management Division)

Commissioner Edwards announced a conflict of interest for the following reason, as stated in a Memorandum of Voting Conflict filed in the Clerk's Office: "A measure came or will come before my agency which inured to the special gain or loss of Progress Energy Florida, Inc.; client of Foley & Lardner, my employer, by whom I am retained. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I. CONSENT AGENDA

C. ADMINISTRATIVE SERVICES DEPARTMENT

8. Approval of Purchase Agreement and Warranty Deed between Florida Power Corporation d/b/a Progress Energy Florida, Inc. and Orange County, authorization to disburse funds to pay purchase price and recording fees and perform all actions necessary and incidental to closing for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail). District 3. (Real Estate Management Division)

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Motion/Second: Commissioners Boyd/Martinez

Absent: County Mayor Jacobs

Abstain: Commissioner Edwards

AYE (voice vote): Vice Mayor Thompson; Commissioners Boyd, Brummer, Martinez, Russell

Action: The Board approved the Purchase Agreement and Warranty Deed between Florida Power Corporation d/b/a Progress Energy Florida, Inc. and Orange County, and authorized to disburse funds to pay purchase price and recording fees and perform all actions necessary and incidental to closing for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail).

• ADMINISTRATIVE SERVICES DEPARTMENT CONSENT AGENDA ITEM 11 DEFERRED

Approval and delegation of authority to the Director of Administrative Services Department to execute a Lease and Funding Agreement between Orange County and the Central Florida YMCA (Young Men's Christian Association). This agreement will allow the YMCA to extend their existing Billboard Lease with Clear Channel Outdoor Services for three years and require them to assign the Billboard Lease to Orange County by January 1, 2013. The agreement will also provide for funding to the YMCA from the Billboard Lease revenue in an annual amount of \$184,000 for three years. (Real Estate Management Division)

Commissioner Martinez announced an appearance of a conflict of interest for the following reason, as stated in a Memorandum of Voting Conflict filed in the Clerk's Office: "A measure came or will come before my agency which inured to the special gain or loss of YMCA, by where I serve on the Board of Directors. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Florida Statute 112.313(3) - Doing Business with one's Agency.

I. Consent Agenda

C. Administrative Services

11. Approval and delegation of authority to the Director of Administrative Services Dept. to execute a lease and funding agreement between Orange County and the Central Florida YMCA."

Commissioner Boyd announced an appearance of a conflict of interest for the following reason, as stated in a Memorandum of Voting Conflict filed in the Clerk's Office: "The measure before my agency and the nature of my conflicting interest in the measure is as follows: I sit on two boards that make recommendations to the Dr. Phillips YMCA and Roper YMCA that impact membership and financial guidelines. As I do not have a direct conflict with the YMCA Aquatic Center I refrained from voting as I felt the perception of a conflict would exist."

Motion/Second: Commissioners Edwards/Russell

Absent: County Mayor Jacobs

Abstain: Commissioners Boyd, Martinez

AYE (voice vote): Vice Mayor Thompson; Commissioners Edwards, Russell

NO (voice vote): Commissioner Brummer

Action: The Board approved delegation of authority to the Director of Administrative Services Department to execute a Lease and Funding Agreement between Orange County and the Central Florida YMCA (Young Men's Christian Association). This agreement will allow the YMCA to extend their existing Billboard Lease with Clear Channel Outdoor Services for three years and require them to assign the Billboard Lease to Orange County by January 1, 2013. The agreement will also provide for funding to the YMCA from the Billboard Lease revenue in an annual amount of \$184,000 for three years.

- COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT
DISCUSSION AGENDA ITEM 1

Adoption of the Orange County Trails Master Plan by the Board of County Commissioners. All Districts. (Parks and Recreation Division)

The following person addressed the Board: David Barth.

Motion/Second: Commissioners Edwards/Russell

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted the Orange County Trails Master Plan by the Board of County Commissioners with direction to staff to proceed with determining the feasibility of acquiring right-of-way and reporting back to the Board.

- COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT
DISCUSSION AGENDA ITEM 2

Acceptance of Regulatory Streamlining Task Force Final Report transmitting the recommendations of the Task Force. All Districts.

The following person addressed the Board: Miranda Fitzgerald.

Motion/Second: Commissioners Edwards/Russell

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board accepted the Regulatory Streamlining Task Force Final Report transmitting the recommendations of the Task Force with the understanding that staff, when it comes back, will have some kind of role for the Streamlining Task Force moving forward with implementation, whenever that should occur.

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 1

Board direction regarding amending the Zoning Code to allow for the implementation of the Florida Cottage Food Act.

Action: None

- ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Courthouse Space Needs Report.

Action: None

- FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Board direction on staff's recommendations on the use of revenue from the County's Tree Replacement Trust Fund to enhance tree plantings in the County. (Cooperative Extension Service Division)

- MEMBER EXITED: Commissioner Martinez

Motion/Second: Commissioners Edwards/Boyd

Absent: County Mayor Jacobs; Commissioner Martinez

AYE (voice vote): All present members

Action: The Board approved staff's recommendations on the use of revenue from the County's Tree Replacement Funds to enhance tree plantings in the County excluding the four EPD (Environmental Protection Division) projects, subject to further review by the Board on those EPD projects.

- MEETING RECESSED, 12:11 p.m.

- MEETING RECONVENED, 2:13 p.m.

Members Present: Vice Mayor Jennifer Thompson; Commissioners Fred Brummer, John Martinez, Tiffany Russell; Commissioner Ted Edwards joined the meeting where indicated

Members Absent: County Mayor Teresa Jacobs; Commissioner S. Scott Boyd

Others Present: County Administrator Ajit Lalchandani, Deputy County Attorney Joel Prinsell

- BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS, NOVEMBER 1, 2012

- MEMBER JOINED: Commissioner Edwards

Motion/Second: Commissioners Martinez/Edwards

Absent: County Mayor Jacobs; Commissioner Boyd

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of November 1, 2012, with the exception of and authorizing a public hearing be scheduled for Case VA-12-11-081, CBS Outdoor, on January 8, 2013; subject to the usual right of appeal by any aggrieved party.

- SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: David C. Lowe, DRMP, Inc., Hunter's Creek Planned Development (PD) Land Use Plan (LUP) (Case #CDR-12-09-181)

Consideration: Substantial change request to grant the following waivers:

- 1) Waiver from Section 38-1258(c) to increase the building height to 55' in lieu of 40' for Tract 330, Lot 2 only;
- 2) Waiver from Section 38-1258(d) to increase the building stories from four (4) stories in lieu of two (2) stories and to decrease the building setbacks from 150' to 135' for Tract 330, Lot 2 only;
- 3) Waiver from Section 1258(f) to eliminate the six (6) foot masonry wall for Tract 330, Lot 2 only; and
- 4) Waiver from Section 38-1477 to allow for thirty-three (33) parking spaces to be located on Hunter's Park Lane, a private right-of-way, subject to HOA approval in lieu of all required parking spaces to be located on the same lot; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located east of Town Loop Boulevard, south of Hunters Park Lane; Parcel ID 29-24-29-3208-00-022; S/T/R: 29/24/29; Orange County, Florida (legal property description on file)

Clerk's Note: After the Notice of Public Hearing published in the newspaper and landowners' notifications were distributed, the request was modified by County staff as follows:

To grant the following four (4) waivers from Orange County Code Sections 38-1258 and 38-1477, applicable to PD Tract 330, Lot 2 only:

- 1) A w~~Waiver~~ from Section 38-1258(~~db~~) to allow all multi-family buildings located within one hundred thirty-five (135) feet of single-family zoned property to be increase the building stories from four (4) stories in height (not to exceed 55 feet), in lieu of three (3) two (2) stories and 40' to be located to decrease the building setbacks from 150' from single-family property to 135' for Tract 330, Lot 2 only;

- 2) ~~A w~~A waiver from Section 38-1258(c) ~~to allow a maximum height of increase the building height to fifty-five (55) feet for all multi-family buildings, in lieu of a maximum building height of forty (40) feet for Tract 330, Lot 2 only;~~
- 3) ~~A w~~A waiver from Section 1258(f) to eliminate the requirement to construct a six (6) foot masonry wall whenever a multi-family development is located adjacent to single-family zoned property for Tract 330, Lot 2 only; and
- 4) ~~A w~~A waiver from Section 38-1477 to allow for thirty-three (33) parking spaces to be located on Hunter's Park Lane, a private right-of-way, subject to HOA approval in lieu of all required parking spaces to be located on the same lot.

The applicant was present and in concurrence with staff's recommendation.

Motion/Second: Commissioners Edwards/Russell

Absent: County Mayor Jacobs; Commissioner Boyd

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by David C. Lowe, DRMP, Inc., Hunter's Creek Planned Development (PD) Land Use Plan (LUP), (Case #CDR-12-09-181), to grant:

- 1) A waiver from Section 38-1258(b) to allow all multi-family buildings located within one hundred thirty-five (135) feet of single-family zoned property to be four (4) stories in height (not to exceed 55 feet), in lieu of three (3) stories and 40' to be located 150' from single-family property;
- 2) A waiver from 38-1258(c) to allow a maximum height of fifty-five (55) feet for all multi-family buildings, in lieu of a maximum building height of forty (40) feet;
- 3) A waiver from Section 1258(f) to eliminate the requirement to construct a six (6) foot masonry wall whenever a multi-family development is located adjacent to single-family zoned property; and
- 4) A waiver from Section 38-1477 to allow for thirty-three (33) parking spaces to be located on Hunter's Park Lane, a private right-of-way, subject to HOA approval, in lieu of all required parking spaces to be located on the same lot;

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

1. Development shall conform to the PD Land Use Plan dated "April 16, 2008" 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 "April 16, 2008," 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. The following waivers from Orange County Code Sections 38-1258 and 38-1477 are granted to address multi-family residential building setbacks, height, buffering/screening and parking standards for PD Tract 330 – Lot 2 only:
 - a. A waiver from Section 38-1258(b) to allow all multi-family buildings located within one hundred thirty-five (135) feet of single-family zoned property to be four (4) stories in height (not to exceed 55 feet), in lieu of three (3) stories and 40' to be located 150' from single-family property;
 - b. A waiver from Section 38-1258(c) to allow a maximum height of fifty-five (55) feet for all multi-family buildings, in lieu of a maximum building height of forty (40) feet;
 - c. A waiver from Section 38-1258(f) to eliminate the requirement to construct a six (6) foot masonry wall whenever a multi-family development is located adjacent to single-family zoned property; and
 - d. A waiver from Section 38-1477 to allow thirty-three (33) parking spaces to be located on Hunter's Park Lane, a private right-of-way, subject to (Home Owners' Association) HOA approval, in lieu of all required parking spaces to be located on the same lot.
4. Additional access to Hunter Park Lane on the NE corner on lot 2 shall obtain approval from the Master HOA to access the private road.

5. All previous applicable BCC Condition of Approval shall apply: November 22, 1983, April 23, 1990, February 12, 1991, December 8, 1992, May 21, 1996, August 26, 1997, May 13, 2003, July 29, 2008, and February 17, 2009.

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Boggy Creek Enclave Planned Development / Boggy Creek Enclave Preliminary Subdivision Plan Case # PSP-11-10-232 submitted in accordance with Orange County Code Article II, Section 34-27; This project is proposing to construct 336 single-family units, on a total of 134.26 acres.

Location: District 4; property generally located West of Boggy Creek Road / South of S.R. 417; Parcel IDs 33-24-30-0000-00-05; S33/T24/R30; Orange County, Florida (legal property description on file in Development Engineering Division)

Clerk's Note: After the Notice of Public Hearing published in the newspaper and landowners' notifications were distributed, the request was modified by County staff as follows:

Consideration: Boggy Creek Enclave Planned Development / Boggy Creek Enclave Preliminary Subdivision Plan Case # PSP-11-10-232 submitted in accordance with Orange County Code Article II, Section 34-27; This project is proposing to construct 336 single-family units residential units with a minimum living area of 1,500 square feet on a total of 134.26 acres.

The County Mayor noted the applicant present and in concurrence with the recommendation.

The following persons addressed the Board:

- Juanita Wicker
- Joe Kolb
- R.P. Mohnacky

Motion/Second: Vice Mayor Thompson/Commissioner Edwards

Absent: County Mayor Jacobs; Commissioner Boyd

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Boggy Creek Enclave Planned Development / Boggy Creek Enclave Preliminary Subdivision Plan (PSP) Case # PSP-11-10-232, on the described property, subject to the following conditions:

1. Development shall conform to the Boggy Creek Enclave Planned Development; Orange County Board of County Commissioners (BCC) approvals; Boggy Creek

Enclave Preliminary Subdivision Plan dated "Received June 25, 2012," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received June 25, 2012," 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. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the Development Engineering Division for review and approval.
4. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
5. Roads and drainage system, including the retention pond, will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association.
6. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in

this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a Letter of Commitment prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

7. Prior to issuance of the Certificate of Completion for this project, any offsite roadway, drainage and utility improvements deemed necessary in the Preliminary Subdivision Plan must be substantially complete.
8. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this preliminary subdivision plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
9. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
10. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
11. Prior to 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.
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 70% coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, approval of mass grading or construction plans, a letter of

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

13. A Master Utility Plan and connection points shall be approved prior to Construction Plan approval.
14. This property lies within Airport Noise Land Use Control Zone "E" as defined in Section 9-603. A waiver of claim is required at platting.
15. Right-of-way along Boggy Creek Road shall be dedicated at no cost to the County with the plat or via separate instrument. Such dedication shall occur prior to December 31, 2013.
16. As soon as practicable after the issuance of the Certificate of Completion for the Stonewyck Street Extension improvements and prior to issuance of any vertical building permits, the right-of-way for Stonewyck Street Extension shall be conveyed to the County at no cost to the County.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Bob Ziegenfuss, Z Development Services, Waterford Commons Planned Development (PD) Land Use Plan (LUP), (Case #CDR-12-10-209)

Consideration: Substantial change request to:

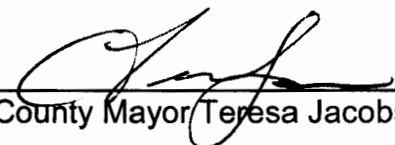
- 1) Grant a waiver from Section 38-1287(2) to reduce the minimum side building setback from the east property line (for the existing convenience store only) to five (5) feet, in lieu of a minimum side building setback of thirty (30) feet;
- 2) Grant a waiver from Section 38-1287(2) to reduce the minimum side building setback from the west property line (for the Helipad sales office only) to five (5) feet, in lieu of a minimum side building setback of thirty (30) feet;
- 3) Grant a waiver from Section 38-1287(4) to reduce the minimum paving setback from the east property line (for the existing convenience store parking area only) to zero (0) feet, in lieu of a minimum paving setback of seven and one-half (7.5) feet;
- 4) Grant an extension of the temporary sales trailer with a new expiration date of February 13, 2014; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located south of International Drive South, East of Vineland Avenue; Parcel IDs 23-24-28-0000-00-014, 23-24-28-0000-00-017, 23-24-28-0000-00-018; S/T/R: 23/24/28; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Martinez/Russell
Absent: County Mayor Jacobs; Commissioner Boyd
AYE (voice vote): All present members
Action: The Board continued the public hearing until January 8, 2013, at 2 p.m.

- OFFICIAL RECOGNIZED: Orange County District 3 Commissioner-Elect Pete Clarke
- ADJOURNMENT, 2:40 p.m.

ATTEST:


County Mayor Teresa Jacobs
Date: JAN 15 2013

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk


Assistant Deputy Clerk

