

JAN 08 2013 N/P/CAS

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, November 13, 2012
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, Fred
Brummer, John Martinez, Jennifer Thompson, Ted Edwards
Member Absent: Commissioner Tiffany Russell
Others Present: 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.
- INVOCATION - Dr. Robert P. Hines, Jr., Oakland Presbyterian Church
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Art in the Chambers
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Maria Bolton-Joubert
- Maria McCluskey
- Holly Fussell
- Tatiana Torres
- Brook Hines

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Edwards/Martinez
Absent: Commissioner Russell
AYE (voice vote): All present members
Action: The Board deleted County Comptroller Item 4; and further, approved the
balance of the County Consent Agenda items as follows:

County Mayor

1. Confirmation of the following managerial appointments: Otto Drozd III as Fire Chief
(including the terms outlined in this memo), Alberto A. Vargas as Planning
Manager, and Sara Flynn-Kramer as Capital Projects Manager.

County Comptroller

1. Approval of the minutes of the September 6, 11, 18, 20, and October 2, 2012, meetings of the Board of County Commissioners. (Clerk's Office)
2. Approval of the minutes of the September 10, and September 18, 2012, meetings of the Orange County Library District Governing Board. (Clerk's Office)
3. 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:
 - October 26, 2012, to November 1, 2012; total of \$40,472,077.69
 - November 2, 2012 to November 8, 2012; total of \$16,699,329.81.

(Finance/Accounting)

4. Disposition of Intangible and Tangible Personal Property as follows: (Property/Accounting)
 - a. Internally sell land and structure from Fire Rescue to Public Works for \$30,000.
 - b. Trade assets for allowance toward maintenance of equipment.

(This item was deleted.)

County Sheriff

1. Approval of the Florida Department of Law Enforcement FY12 Edward Byrne Memorial Justice Assistance Grant in the amount of \$225,782 for the period of October 1, 2012 through September 30, 2013; Certificate of Acceptance of Subgrant Award (2013-JAGC-ORAN-9-D7-094); Certificate of Acceptance of Subgrant Award (2013-JAGC-ORAN-11-D7-139); Certificate of Acceptance of Subgrant Award (2013-JAGC-ORAN-8-D7-145); Certificate of Acceptance of Subgrant Award (2013-JAGC-ORAN-10-D7-183).

County Administrator

1. Approval of the Membership and Mission Review Board recommendations for advisory board appointments/reappointments: (Agenda Development Office)
 - a. Civic Facilities Authority: Appointment of Richard A. Furman to succeed Melissa M. Hernandez in the Orange County representative category with a term expiring December 31, 2014.
 - b. Neighborhood Grants Advisory Board: Appointment of Karen Sue Willis to succeed Benjamin B. Pierce in the District 5 representative category with a term expiring June 30, 2014 and Mike D. Houlihan to succeed Rev. Evers

Robinson in the District 6 representative category with a term expiring June 30, 2013.

2. Approval of Resolution 2012-M-45 of the Orange County Board of County Commissioners regarding The Florida Governmental Utility Authority Acquisition of the Tangerine Water Utility Assets located in Orange County owned by Aqua America, Inc. and Interlocal Agreement between Orange County, Florida and the Florida Governmental Utility Authority relating to the Acquisition by the Florida Governmental Utility Authority of Certain Water System Assets of Aqua Utilities Florida, Inc. in Orange County. District 2.
3. Approval for the Orange County Sheriff's Office to spend \$4,500 from the Law Enforcement Trust Fund to provide eligible contributions to the Arthur Jackson Midnight Basketball of Florida (\$1,000), Frontline Outreach (\$1,000), and Harbor House (\$2,500). (Office of Management and Budget)
4. Approval of budget transfer #12-1690. (Office of Management and Budget)
5. Approval of payment of Intergovernmental claims of September 13, 2012, September 27, 2012, and October 4, 2012, in the total amount of \$758,884.08. (Risk Management Division)

Administrative Services Department

1. Approval to award Invitation for Bids Y13-106-ZM, Appliances for Neighborhood Stabilization Program (NSP), to the low responsive and responsible bidder, Southeast Steel Sales Co., Inc., in the estimated contract award amount of \$308,100 for a 1-year contract. Further, authorized the Purchasing and Contracts Division to renew the contract for two additional 1-year terms. ([Community, Environmental and Development Services Department Housing and Community Development Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y12-748-CH, Rouse Road Widening Project (from Lake Underhill Road to South of East Colonial Drive), to the low responsive and responsible bidder, Jr. Davis Construction Company, Inc., in the estimated contract award amount of \$10,311,292.40. District 2 ([Public Works Department Engineering Division] Purchasing and Contracts Division)
3. Approval to award Invitation for Bids Y12-7027-RM, Orange County Corrections Booking and Release Center 1st, 2nd, 3rd, 4th Floors HVAC (Heating, Ventilating, and Air Conditioning), Building Automation System and Fire Alarm System Retrofit, to the low responsive and responsible bidder, General Mechanical Corporation, in the total contract amount of \$883,300. ([Administrative Services Department Capital Projects Division] Purchasing and Contracts Division)

4. Approval to award Invitation for Bids Y12-7031-CH, Drake Drive and Monahan Road Sidewalk Improvements, to the low responsive and responsible bidder, Parthenon Construction Company, in the estimated contract award amount of \$562,768.02. ([Public Works Department Engineering Division] Purchasing and Contracts Division)
5. Approval to award Invitation for Bids Y12-7032-CH, Forsyth Road Sidewalk Improvements (from Heather Road to Old Cheney Highway), to the low responsive and responsible bidder, Parthenon Construction Company, in the estimated contract award amount of \$184,412.67. ([Public Works Department Engineering Division] Purchasing and Contracts Division)
6. Approval of contract Y13-109-DG, Inspection and Repair of Defibrillators and Monitors, to Physio Control, Inc., in the total amount of \$485,250 for a 36-month term contract. ([Fire Rescue Department Logistics Division] Purchasing and Contracts Division)
7. Approval of Contract Y13-2046-LC, Adult Drug Court Substance Abuse Treatment and Case Management Program, with The Center for Drug Free Living, Inc. in the estimated contract award amount of \$725,750 for a 9-month period. ([Ninth Judicial Circuit Court] Purchasing and Contracts Division)
8. Approval to enter into a contract with the only known source, the United States Postal Services/CMRS-PBP (Computer Meter Resetting System-Postage by Phone), a subsidiary of Pitney Bowes, for the purchase of Metered Postage for FY 12-13, in the estimated amount of \$769,645; this amount will fluctuate depending on actual usage. ([Administrative Services Department] Purchasing and Contracts Division)
9. Approval and execution of Easement Agreement between Walt Disney Parks and Resorts U.S., Inc. and City of St. Cloud, Tohopekaliga Water Authority, Orange County, Polk County and Reedy Creek Improvement District and authorization to disburse funds to pay all recording fees and record instrument for Water Supply Monitoring Program (STOPR Site 11). District 1 and Osceola County. (Real Estate Management Division)
10. Approval and execution of Easement Agreement between Walt Disney Parks and Resorts U.S., Inc. and City of St. Cloud, Tohopekaliga Water Authority, Orange County, Polk County and Reedy Creek Improvement District and authorization to disburse funds to pay all recording fees and record instrument for Water Supply Monitoring Program (STOPR Site 12). District 1 and Osceola County. (Real Estate Management Division)
11. Approval and execution of Easement Agreement between The Celebration Company and City of St. Cloud, Tohopekaliga Water Authority, Orange County, Polk County and Reedy Creek Improvement District and authorization to record

instrument for Water Supply Monitoring Program (STOPR Site 13). Osceola County. (Real Estate Management Division)

12. Approval and execution of Easement Agreement between Walt Disney Parks and Resorts U.S., Inc. and City of St. Cloud, Tohopekaliga Water Authority, Orange County, Polk County and Reedy Creek Improvement District and authorization to disburse funds to pay all recording fees and record instrument for Water Supply Monitoring Program (STOPR Site 24). District 1. (Real Estate Management Division)
13. Approval and execution of Easement Agreement between Walt Disney Parks and Resorts U.S., Inc. and City of St. Cloud, Tohopekaliga Water Authority, Orange County, Polk County and Reedy Creek Improvement District and authorization to disburse funds to pay all recording fees and record instrument for Water Supply Monitoring Program (STOPR Sites 25 & 26). District 1. (Real Estate Management Division)
14. Approval and execution of Resolution 2012-M-46, Exchange Agreement and County Deeds (Instrument #'s 153.1A and 158.1A) between Orange County and the City of Orlando, approval of City Deed, Access Easement, Access, Utility, and Drainage Easement between the City of Orlando and Orange County, authorization to disburse funds to pay recording fees and record instruments for Southwest Water Supply Facility and Southwest Water Reclamation Facility and Southwest Effluent Disposal Site a/k/a Water Conserv II - Ribsites (Lake County). District 1. (Real Estate Management Division)
15. Approval and execution of Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for Apopka-Vineland Rd. (Conroy Rd to Old Winter Garden Rd) District 1. (Real Estate Management Division)
16. Approval and execution of Drainage Easement from Orange County to Kerina Schoolside, LLC, Kerina Palms, LLC, Kerina Parkside, LLC, Kerina Village, LLC, and Meritage Homes of Florida, Inc. and authorization to record instrument for Parkside (Planned Development) PD (Dr. P. Phillips Community Park). District 1. (Real Estate Management Division)
17. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase and Addendum to Contract between Orange County and Janetta M. Moore, approval and execution of County Deed from Orange County to Janetta M. Moore and authorization to perform all actions necessary and incidental to closing for NSP (Neighborhood Stabilization Program) Resale – 5549 Park Hurst Drive, Orlando, FL 32808. District 2. (Real Estate Management Division)

18. Approval and execution of County Deed from Orange County to Gary T. Randall, as trustee and not individually, approval of Temporary Stormwater Drainage Easement between Gary T. Randall, as trustee and not individually and Orange County and authorization to record instruments for Innovation Way South. District 4. (Real Estate Management Division)
19. Approval of Temporary Utility Easement between Gary T. Randall, as trustee and not individually and Orange County and authorization to record instrument for Innovation Way South. District 4. (Real Estate Management Division)
20. Approval of Agreement and Utility Easement between Millenium Orlando, L.L.C. and Orange County, Subordination of Encumbrances to Property Rights to Orange County from First National Bank of Louisiana and authorization to disburse funds to pay all recording fees and record instruments for Pump Station #3194 (Treehouse). District 6. (Real Estate Management Division)

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. Districts 1, 2, 3, 4, 5 and 6. (Code Enforcement Division)

LC 12-0926	LC 12-1147	LC 12-1113	LC 12-0947	LC 12-1142
LC 12-0954	LC 12-1202	LC 12-1124	LC 12-0961	LC 12-1144
LC 12-0958	LC 12-0931	LC 12-0873	LC 12-1092	LC 12-1165
LC 12-0990	LC 12-1024	LC 12-0874	LC 12-1240	LC 12-1167
LC 12-1004	LC 12-1042	LC 12-0877	LC 12-1241	LC 12-1210
LC 12-1039	LC 12-1058	LC 12-0929	LC 12-0994	LC 12-1232
LC 12-1045	LC 12-1077	LC 12-0972	LC 12-1070	LC 12-1234
LC 12-1115	LC 12-1097	LC 12-1120	LC 12-1133	LC 12-1288

2. Approval of State Financial Assistance Agreement (Department of Environmental Protection) DEP Agreement No. LP6745 Orange County Amendment No. 6 between the Florida Department of Environmental Protection and Orange County for the Little Wekiva River Water Quality Improvement Initiative to extend the grant completion date to May 31, 2015 and to add the Bay Lake Stormwater Retrofit Project. District 2. (Environmental Protection Division)
3. Approval of Project Administration Agreements between Orange County and various public service agencies regarding the Community Development Block Grant Program FY 2012-2013 or regarding the Emergency Solutions Grant Program Fiscal Year 2012-2013. All Districts. (Housing and Community Development Division)

Project Administration Agreements regarding Community Development Block Grant Program Fiscal Year 2012-2013 are between Orange County and the following agencies:

- Boys and Girls Clubs of Central Florida, Inc.
- Center for Independent Living in Central Florida, Inc.
- Coalition for the Homeless of Central Florida, Inc.
- Community Coordinated Care for Children, Inc.
- Harbor House of Central Florida
- Health Care Center for the Homeless, Inc.
- Homeless Services Network, Inc.
- Jewish Family Services of Greater Orlando, Inc.
- Quest
- Lighthouse Central Florida, Inc.
- Primrose Center, Inc.
- Seniors First, Inc. (Meals on Wheels)
- The Center for Drug Free Living, Inc.
- Seniors First, Inc. (H.E.A.R.T. Program)

Project Administration Agreements regarding The Emergency Solutions Grant Program Fiscal Year 2012-2013 are between Orange County and the following agencies:

- Coalition for the Homeless of Central Florida, Inc.
- Harbor House of Central Florida, Inc.
- Covenant House of Florida, Inc.
- Family Promise of Greater Orlando, Inc.
- Heart of Florida United Way, Inc.
- The Salvation Army
- Homeless Services Network of Central Florida, Inc.

4. Approval of First Amendment to the Village F Master PD (Planned Development) Adequate Public Facilities and Impact Fee Credit Agreement (Diamond Bay Investments, Inc.) between VF Horizon Investments, LLC and Orange County to adjust the net developable acreage, the acreage to be dedicated for Seidel Road and the Stormwater area, the total APF (Adequate Public Facilities) Deficit amount and the total amount of road impact fee credits to be provided. District 1. (Roadway Agreement Committee)
5. Approval of First Amendment to the Village F Master PD (Planned Development) Adequate Public Facilities and Impact Fee Credit Agreement (IEA Horizon, LLC) between VF Horizon Investments, LLC and Orange County to adjust the net developable acreage, the acreage to be dedicated for Seidel Road, the total APF (Adequate Public Facilities) Surplus amount and the total amount of road impact fee credits to be provided. District 1. (Roadway Agreement Committee)

6. Approval of Right-of-Way Agreement WAWA Avalon PD (Planned Development) Avalon Road between Wawa, Inc. and Orange County to dedicate 6509.05 square feet of right-of-way for \$67,989.67 in road impact fee credits. District 1. (Roadway Agreement Committee)
7. Approval of Right of Way Agreement Wawa Site Goldenrod Road ((State Road) SR 551) and Valencia College Lane between Goldenrod & Valencia College, LLC and Orange County for the dedication of right-of-way at no cost to County and reimbursement to Owner in road impact fee credits for the design fees paid for the design of intersection improvements to Valencia College Lane and Goldenrod Road. District 3. (Roadway Agreement Committee)
8. Approval of Hold Harmless and Indemnification Agreement Parcel ID 31-22-28-7353-01-080 between Thomas and Ines Kovatch and Orange County to construct a single family residence located at 1208 Lake Whitney Drive. District 1. (Zoning Division)
9. Approval of Hold Harmless and Indemnification Agreement Parcel ID 10-23-27-0600-00-140 between Harold F. Zeigler III and Maryann T. Sullivan and Orange County to construct a pool and pool deck located at 3202 W. Orange Country Club Drive. District 1. (Zoning Division)

Public Works Department

1. Approval of Hatchineha Ranch Mitigation Bank Credit Purchase Agreement between The Nature Conservancy, Hatchineha Ranch, LLC, and Orange County. District 1. (Engineering Division)
2. Approval of Proportionate Share Agreement for Villagio at Waterford Lakes PD (Planned Development) Woodbury Road: from Lake Underhill Road to Colonial Drive between Fund Waterford Lakes, LLC and Orange County, Florida regarding a proportionate share payment in the amount of \$52,963. District 4. (Public Works Department)

Utilities Department

1. Approval of: a) Resolution 2012-M-47 of the Orange County Board of County Commissioners regarding the State Revolving Fund Loan Program, pursuant to Section 403.1835, Florida Statutes, authorizing low interest loan assistance to local governments for construction of utility lines to provide improved water or wastewater services; Adopting a Utilities Plan to carry out this program for the International Drive Forcemain and Reclaimed Water Main Improvement Project: Little Lake Bryan Parkway South to Pump Station #3597, in Orange County; b) Resolution 2012-M-48 of the Orange County Board of County Commissioners regarding the State Revolving Fund Loan Program; and c) Resolution 2012-M-49 of the Orange County Board of County Commissioners regarding the Declaration of

Official Intent of the County to reimburse itself from proceeds of a loan from the State Revolving Fund Loan Program for expenses to be incurred by the County with respect to the International Drive Forcemain and Reclaimed Water Main Improvement Project: Little Lake Bryan Parkway South to Pump Station #3597; and related matters. District 1. (Engineering Division)

• 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. Amendment to Interlocal Agreement Creating Florida Municipal Power Agency among the City of Winter Park.
- b. City of Ocoee Notification of Petition for Annexation and Initial Zoning for Property located within the Ocoee-Orange County JPA (Joint Planning Area). The City has received an application for voluntary annexation and initial zoning to "R-1A" (Single Family Dwelling) for a parcel of land located on the west side of 1st Street approximately 900 feet south of Silver Star Road (SR 438). The parcel ID number is 17-22-28-0000-00-025; which has a physical street address of 216 1st Street. Tentative public hearing dates are November 13, 2012 (P&Z Commission) and December 18, 2012 (City Commission).
- c. City Council of the City of Orlando annexing ±9.40 acres generally located north of the Beachline (SR 528), south of Lee Vista Blvd and east of Narcoossee Road; amending the City's adopted Growth Management Plan to designate the property as industrial on the City's Official Future Land Use Map; providing for severability, correction of scrivener's errors and an effective date.
- d. City of Ocoee Ordinance 2012-009 (Annexation Ordinance for Hancock Property), Tax Parcel ID #: 17-22-28-0000-00-119; Case No. AX-07-12-35: Hancock Parcel Annexation. An ordinance of the City of Ocoee, Florida, annexing into the corporate limits of the City of Ocoee, Florida, certain real property containing approximately 2.04 acres located on the north side of E Silver Star Road, approximately 900 feet west of the intersection of Woodson Avenue and E Silver Star Road; pursuant to the application submitted by the property owner, finding said annexation to be consistent with the Ocoee Comprehensive Plan, the Ocoee City Code, and the Joint Planning Area Agreement; providing for and authorizing the updating of official City Maps; providing direction to the City Clerk; providing for severability; repealing inconsistent ordinances; providing for an effective date.
- e. Minutes of the September 10, 2012, Request for Proposals Y12-182-GJ, Inmate Food-Staff Dining Services and Culinary Arts, Re-entry and Community Outreach Initiative, protest meetings with Commissioner John Martinez; Trinity Services Group, Inc. and Aramark Correctional Services, LLC.
- f. Minutes of the September 10, 2012, Request for Proposals Y12-182-GJ, Inmate Food-Staff Dining Services and Culinary Arts, Re-entry and Community

- Outreach Initiative, protest meeting with Commissioner Tiffany Russell; Trinity Services Group, Inc. and Aramark Correction Services, LLC.
- g. Minutes of the September 10, 2012, Request for Proposals Y12-182-GJ, Inmate Food-Staff Dining Services and Culinary Arts, Re-entry and Community Outreach Initiative, protest meetings with Commissioner Thompson; Trinity Services Group, Inc. and Aramark Correction Services, LLC.
 - h. Minutes of the September 10, 2012, Request for Proposals Y12-182-GJ, Inmate Food-Staff Dining Services and Culinary Arts, Re-entry and Community Outreach Initiative, protest meetings with Commissioner Brummer; Trinity Services Group, Inc. and Aramark Correction Services, LLC.
 - i. Minutes of the September 10, 2012, Request for Proposals Y12-182-GJ, Inmate Food-Staff Dining Services and Culinary Arts, Re-entry and Community Outreach Initiative, protest meeting with Commissioner Edwards; Trinity Services Group, Inc. and Aramark Correction Services, LLC.
 - j. Minutes of the September 10, 2012, Request for Proposals Y12-182-GJ, Inmate Food-Staff Dining Services and Culinary Arts, Re-entry and Community Outreach Initiative, protest meeting with Commissioner Boyd; Trinity Services Group, Inc. and Aramark Correction Services, LLC.

*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 DISCUSSION AGENDA ITEM 1

Selection of one firm and an alternate to provide Construction Engineering and Inspection Services for Orange County Advanced Traffic Management System (ATMS) Phase 2B, under Request for Proposals Y12-818-CH, from the following firms, listed alphabetically:

- Metric Engineering, Inc.
- URS Construction Services, Inc.

Further request the Board authorize the Purchasing and Contracts Division to negotiate and award a contract provided that it does not exceed the budget of \$808,081.00.

([Public Works Department Traffic Engineering Division] Purchasing and Contracts Division)

Motion/Second: Commissioners Martinez/Thompson

Absent: Commissioner Russell

AYE (voice vote): All present members

Action: The Board selected one firm, Metric Engineering, Inc., and an alternate, URS Construction Services, Inc., to provide Construction Engineering and Inspection Services for Orange County Advanced Traffic Management System (ATMS) Phase 2B; and further, authorized the Purchasing and Contracts Division to negotiate and award a

contract provided that it does not exceed the budget of \$808,081.00, Request for Proposals Y12-818-CH.

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

Board direction regarding establishment of criteria to allow single-family residential districts the ability to raise chickens on detached single-family residential home sites. All Districts. (Community, Environmental and Development Services Department)

Action: None

- OFFICE OF REGIONAL MOBILITY DISCUSSION AGENDA ITEM 1

MetroPlan Orlando Board Meeting Briefing.

Action: None

- COUNTY ADMINISTRATOR WORKSESSION AGENDA ITEM 1

Electronic Communications and Public Records Update..

Action: None

- MEETING RECESSED, 12:37 p.m.

- MEETING RECONVENED, 2:07 p.m.

Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Fred Brummer, John Martinez, Jennifer Thompson; Commissioners Ted Edwards and Tiffany Russell joined the meeting where indicated.

Others Present: Chief Deputy Comptroller Jim Moya as Clerk, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Assistant Deputy Clerk Katie Smith

- OFFICE OF REGIONAL MOBILITY WORKSESSION AGENDA ITEM 1 DEFERRED

Regional Transportation Authority.

- MEMBERS JOINED: Commissioner Edwards and Commissioner Russell

Action: None

- PLANNING AND ZONING COMMISSION RECOMMENDATIONS, OCTOBER 18, 2012

Motion/Second: Commissioners Thompson/Martinez

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of October 18, 2012; subject to the usual right of appeal by any aggrieved party.

- ANNOUNCEMENT

County Mayor Jacobs announced the following: "Atlantic Gulf Colonial Properties LLC has requested that Orange County designate certain property located at 18800 East Colonial Drive as a Brownfield Area. Section 376.80(2)(a), Florida Statutes, requires the County to announce a public hearing regarding this request. Therefore, a public hearing for the Colonial Brownfield ROCC Resolution will be held at 6 p.m. or soon thereafter on November 19, 2012, at the Bithlo Community Park located at 18501 Washington Street in Bithlo."

- ORDINANCE PUBLIC HEARING CONTINUED FROM SEPTEMBER 11, 2012

Consideration: AN ORDINANCE PERTAINING TO AND PROPOSING AN AMENDMENT TO THE ORANGE COUNTY CHARTER; PROVIDING LEGISLATIVE FINDINGS REGARDING THE REGULATION OF EMPLOYER-EMPLOYEE RELATIONSHIPS, INCLUDING EMPLOYEE BENEFITS; AMENDING SECTION 603 OF THE ORANGE COUNTY CHARTER TO PROTECT JOBS AND PROHIBIT COUNTY ORDINANCES THAT REGULATE, REQUIRE, OR RESTRICT PRIVATE-SECTOR EMPLOYEE BENEFITS AND TO RENDER ALL SUCH COUNTY ORDINANCES VOID AND UNENFORCEABLE; CALLING FOR A REFERENDUM ON THE AMENDMENT TO SECTION 603 OF THE CHARTER TO BE HELD AT THE GENERAL ELECTION ON NOVEMBER 6, 2012; PROVIDING THE BALLOT TITLE AND SUMMARY FOR THE REFERENDUM; PROVIDING EFFECTIVE DATES.

Motion/Second: Commissioners Thompson/Brummer

AYE (voice vote): All members

Action: The Board cancelled the public hearing.

- SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Heather Middleton, Narcoossee Land Holding Two, Inc., Isleworth Four Corners Planned Development (PD) Land Use Plan (LUP)/ The Grove at Isleworth/Master Sign Plan, (Case #CDR-12-08-153)

- Consideration: Substantial change request to:
- 1) Request a waiver from Section 38-1354(2) to allow an increase in the maximum copy area for monument signs from forty (40) square feet to seventy-six (76) square feet per the Master Sign Plan;
 - 2) Request a waiver from Section 38-1354(2) to allow an increase in the maximum height of monument signs from ten (10) feet to eleven feet six inches (11.6) per the Master Sign Plan;
 - 3) Request to amend a previously approved waiver from Section 38-1354(2) to allow an increase in the maximum number of tenant names on monument signs from three (3) names to five (5) names per the Master Sign Plan;
 - 4) Request a waiver from Section 38-1354(4) to allow no more than two (2) signs paralleling the store front in lieu of one (1) for Parcels 1-3, and 5-8 per the Proposed Overall Copy Area Chart on the Master Sign Plan;
 - 5) Request a waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and eighty-eight (188) square feet of copy area in lieu of one hundred and eight-five point five (185.5) of a combined copy area on Parcel One (1) per the Proposed Overall Copy Area Chart on the Master Sign Plan;
 - 6) Request a waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and ninety-five (195) square feet of copy area in lieu of one hundred and six point seventeen (106.17) square feet on Parcel Two (2) per the Proposed Overall Copy Area Chart on the Master Sign Plan; and
 - 7) Request a waiver from Section 38-1354(4) to allow a total combined copy area of three hundred and thirty-two (332) square feet of copy area in lieu of a combined square footage of two hundred (200) square feet on Parcel Seven (7) per the Proposed Overall Copy Area Chart on the Master Sign Plan; pursuant to Orange County Code, Chapter 30, Section 38-1207
- Location: District 1; property generally located south of Conroy-Windermere Road, west of S. Apopka-Vineland Road; Parcel ID Multiple Parcels; S/T/R: 16/23/28; Orange County, Florida (legal property description on file)

The County Mayor noted the applicant concurred with the recommendation and waived time to address the Board.

Motion/Second: Commissioners Boyd/Thompson

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 Heather Middleton, Narcoossee

Land Holding Two, Inc., Isleworth Four Corners Planned Development (PD) Land Use Plan (LUP)/ The Grove at Isleworth/Master Sign Plan, (Case #CDR-12-08-153), to:

- 1) Request a waiver from Section 38-1354(2) to allow an increase in the maximum copy area for monument signs from forty (40) square feet to seventy-six (76) square feet per the Master Sign Plan;
- 2) Request a waiver from Section 38-1354(2) to allow an increase in the maximum height of monument signs from ten (10) feet to eleven feet six inches (11.6) per the Master Sign Plan;
- 3) Request to amend a previously approved waiver from Section 38-1354(2) to allow an increase in the maximum number of tenant names on monument signs from three (3) names to five (5) names per the Master Sign Plan;
- 4) Request a waiver from Section 38-1354(4) to allow no more than two (2) signs paralleling the store front in lieu of one (1) for Parcels 1-3, and 5-8 per the Proposed Overall Copy Area Chart on the Master Sign Plan;
- 5) Request a waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and eighty-eight (188) square feet of copy area in lieu of one hundred and eight-five point five (185.5) of a combined copy area on Parcel One (1) per the Proposed Overall Copy Area Chart on the Master Sign Plan;
- 6) Request a waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and ninety-five (195) square feet of copy area in lieu of one hundred and six point seventeen (106.17) square feet on Parcel Two (2) per the Proposed Overall Copy Area Chart on the Master Sign Plan; and
- 7) Request a waiver from Section 38-1354(4) to allow a total combined copy area of three hundred and thirty-two (332) square feet of copy area in lieu of a combined square footage of two hundred (200) square feet on Parcel Seven (7) per the Proposed Overall Copy Area Chart on the Master Sign Plan;

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

1. Development shall conform to the Isleworth - Four Corners Planned Development; Orange County Board of County Commissioners (BCC) approvals; The Grove at Isleworth Preliminary Subdivision Plan; BCC approvals; Parcels 2, 3, 5, 8 & 9 Development Plan & Master Sign Plan dated "Received August 17, 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.
2. The following waivers are granted for the Isleworth - Four Corners (Planned Development) PD / The Grove at Isleworth (Preliminary Subdivision Plan) PSP / Master Sign Plan:

- a. A waiver from Section 38-1354(2) to allow an increase in the maximum copy area for monument signs from forty (40) square feet to seventy-six (76) square feet per the Master Sign Plan.
 - b. A waiver from Section 38-1354(2) to allow an increase in the maximum height of monument signs from ten (10) feet to eleven feet six inches (11.6) per the Master Sign Plan.
 - c. A waiver to amend a previously approved waiver from Section 38-1354(2) to allow an increase in the maximum number of tenant names on monument signs from three (3) names to five (5) names per the Master Sign Plan.
 - d. A waiver from Section 38-1354(4) to allow no more than two (2) signs paralleling the store front in lieu of one (1) for parcels 1-3, and 5-8 per the Proposed Overall Copy Area Chart on the Master Sign Plan.
 - e. A waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and eighty eight (188) square feet of copy area in lieu of one hundred and eighty-five point five (185.5) of a combined copy are on parcel one (1) per the Proposed Overall Copy Area Chart on the Master Sign Plan.
 - f. A waiver from Section 38-1354(4) to allow a total combined copy area of one hundred and ninety-five (195) square feet of copy area in lieu of one hundred and six point seventeen (106.17) square feet on parcel two (2) per the Proposed Overall Copy Area Chart on the Master Sign Plan.
 - g. A waiver from Section 38-1354 (4) to allow a total combined copy area of three hundred thirty-two (332) square feet of copy area in lieu of a combined square footage of two hundred (200) square feet on parcel seven (7) per the Proposed Overall Copy Area Chart on the Master Sign Plan.
3. All previous applicable BCC Conditions of Approval, dated November 23, 2010, shall apply:
 - a. 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.

- b. Separate Development Plan(s) and community meeting(s), as well as BCC approval, shall be required for all Future Development Sites.
- c. Prior to the issuance of any vertical building permits, the plat shall be approved on the BCC Consent Agenda.
- d. A Right-of-Way Use Agreement shall be required for any landscaping and/or hardscape installation within the County's right-of-way.
- e. 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.
- f. Signage shall comply with the Master Sign Plan.
- g. A waiver from Section 38-1354(2) is granted to allow one (1) additional ground sign to be located on the northeast corner of the southwest quadrant at the existing right-in/right-out access on Apopka Vineland Road, in lieu of one (1) ground sign per each full access point for non-residential development.
- h. Outdoor sales, storage, and display shall be prohibited.
- i. A cross access/parking agreement will be required at building permit submittal.

NOTE: THE FOLLOWING PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

- 2012-2 COMPREHENSIVE PLAN REGULAR CYCLE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP (FLUM) AMENDMENT WITH CONCURRENT REZONING

Amendment: 2012-2-A-5-1
 Applicant/Owner: Thomas Sullivan; Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
 Consideration: Low Medium Density Residential (LMDR); Commercial (C); and Planned Development-Commercial (PD-C) to Planned Development-Medium Density Residential (PD-MDR) (Student Housing)-46.2 gross/ 36.00 net developable acres
 Location: Generally described as located on the north side of E. Colonial Dr., east of Kamler Ave., west of Rouse Lake Rd., and south of Eastwood Dr.- Parcel ID #s 16-22-31-0000-00-030; 16-22-31-0000-00-033; 16-22-31-0000-00-047; 16-22-31-0000-00-052; 16-22-31-0000-00-053; 16-22-31-0000-00-054; 21-22-31-0000-00-058; 21-22-31-0000-00-059

and

• REZONING PUBLIC HEARING

Applicant: Thomas Sullivan; Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
The Retreat at Orlando PD – LUP-11-12-288

Consideration: Rezone from PD (Planned Development) & R-T (Mobile Home Park District) to PD, pursuant to Orange County Code, with the following waivers:

- 1) A waiver from Section 38-1254 (2) is requested to allow a minimum of a twenty-five (25) foot setback from Colonial Dr. (arterial roadway) in lieu of the required fifty (50) foot setback;
- 2) A waiver from Section 38-1258 (f) is requested to allow an eight (8) foot composite screening system in lieu of a six-foot high masonry, brick, or block wall whenever a student housing development is located adjacent to single-family residential and to eliminate the wall requirement adjacent to single-family residential within the conservation/wetland area;
- 3) A waiver from Section 38-1258 (j) is requested to allow a minimum separation of ten (10) feet where doors, windows or other openings in the wall of a living unit back up to a wall or other openings, in lieu of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories;
- 4) A waiver from Section 38-1259 (b) is requested to allow student housing buildings to be located seventy-five (75) feet from single-family residential located along the north, east and west boundary lines in lieu of the required student-housing to single-family separation of four hundred (400) feet;
- 5) A waiver from Section 38-1259 (c) is requested to allow 906 bedrooms in lieu of the maximum 750 permitted;
- 6) A waiver from Section 38-1259 (h) is requested to allow a maximum building height of three (3) stories fifty (50) feet in lieu of three (3) stories forty (40) feet;
- 7) A waiver from Section 38-1259 (g) is requested to allow one unit to equal 3.427 bedrooms instead of 2 bedrooms; and
- 8) A waiver from Section 38-1259 (f) and 38-1476 is requested to allow parking spaces for student housing at a ratio of one (1) space per bedroom in lieu of 1.25 spaces per bedroom

Location: Generally described as located on the north side of E. Colonial Dr., east of Kamler Ave., west of Rouse Lake Rd., and south of Eastwood Dr.; Parcel ID #s 16-22-31-0000-00-030; 16-22-31-0000-00-033; 16-22-31-0000-00-047; 16-22-31-0000-00-052; 16-22-31-0000-00-053; 16-22-31-0000-00-054; 21-22-31-0000-00-058; 21-22-31-0000-00-059; Orange County, Florida (legal property description on file in the Planning Division)

Clerk's Note: After the Notice of Public Hearing published in the newspaper, the request was modified by County staff to read as follows: 3) A waiver from Section 38-1258(j) is requested to allow a minimum separation of ten (10) feet where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet for two story buildings, and forty (40) feet for three-story buildings.

The following person addressed the Board: Tom Sullivan.

Motion/Second: Commissioners Edwards/Martinez

AYE (voice vote): All members

Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-2-A-5-1.

Motion/Second: Commissioners Edwards/Martinez

AYE (voice vote): All members

Action: The Board approved the request by Thomas Sullivan; Lowndes, Drosdick, Doster, Kantor & Reed, P.A. The Retreat at Orlando PD – LUP-11-12-288 to Rezone from PD (Planned Development) & R-T (Mobile Home Park District) to PD, pursuant to Orange County Code, with the following waivers:

- 1) A waiver from Section 38-1254 (2) is requested to allow a minimum of a twenty-five (25) foot setback from Colonial Dr. (arterial roadway) in lieu of the required fifty (50) foot setback;
- 2) A waiver from Section 38-1258 (f) is requested to allow an eight (8) foot composite screening system in lieu of a six-foot high masonry, brick, or block wall whenever a student housing development is located adjacent to single-family residential and to eliminate the wall requirement adjacent to single-family residential within the conservation/wetland area;
- 3) A waiver from Section 38-1258(j) is requested to allow a minimum separation of ten (10) feet where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet for two story buildings, and forty (40) feet for three-story buildings.
- 4) A waiver from Section 38-1259 (b) is requested to allow student housing buildings to be located seventy-five (75) feet from single-family residential located along the north, east and west boundary lines in lieu of the required student-housing to single-family separation of four hundred (400) feet;
- 5) A waiver from Section 38-1259 (c) is requested to allow 906 bedrooms in lieu of the maximum 750 permitted;
- 6) A waiver from Section 38-1259 (h) is requested to allow a maximum building height of three (3) stories fifty (50) feet in lieu of three (3) stories forty (40) feet;
- 7) A waiver from Section 38-1259 (g) is requested to allow one unit to equal 3.427 bedrooms instead of 2 bedrooms; and

- 8) A waiver from Section 38-1259 (f) and 38-1476 is requested to allow parking spaces for student housing at a ratio of one (1) space per bedroom in lieu of 1.25 spaces per bedroom,

on the described property; subject to the following conditions:

1. Development shall conform to the PD Land Use Plan dated "Received September 18, 2012," 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 land use plan dated "Received September 18, 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 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 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 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.
4. No school-aged children shall be generated as a result of any development from The Retreat at Orlando Land Use Plan.

5. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
6. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
7. The Developer shall obtain water and wastewater service from Orange County Utilities.
8. Student Housing Development Plans require approval through the Board of County Commissioners.
9. 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.
10. The Rouse Run PD and The Shoppes of Union Park PD shall accompany this proposed PD to the Board of County Commissioners.
11. The following eight (8) waivers are requested:
 - a. A waiver from Section 38-1254(2) is requested to allow a minimum of a twenty-five (25) foot setback from Colonial Drive (arterial roadway) in lieu of the required fifty (50) foot setback.
 - b. A waiver from Section 28-1258(f) is requested to allow an eight (8) foot composite screening system in lieu of a six-foot high masonry, brick, or block wall whenever a student housing development is located adjacent to single-family residential and to eliminate the wall requirement adjacent to single-family residential within the conservation/wetland area.
 - c. A waiver from Section 38-1258(j) is requested to allow a minimum separation of ten (10) feet where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of thirty (30) feet for two story buildings, and forty (40) feet for three-story buildings.
 - d. A waiver from Section 38-1259(b) is requested to allow student housing buildings to be located seventy-five (75) feet from single-family residential

located along the north, east and west boundary lines in lieu of the required student-housing to single-family separation of four hundred (400) feet.

- e. A waiver from Section 38-1259(c) is requested to allow 906 bedrooms in lieu of the maximum 750 permitted.
 - f. A waiver from Section 38-1259(h) is requested to allow a maximum building height of three (3) stories, fifty (50) feet in lieu of three (3) stories, forty (40) feet.
 - g. A waiver from Section 38-1259(g) to allow one unit to equal 3.427 bedrooms in lieu of 2 bedrooms.
 - h. h. A waiver from Section 38-1259(g) and 38-1476 is requested to allow parking spaces for a student housing project at a ratio of one (1) space per bedroom in lieu of 1.25 spaces per bedroom.
12. Structures within three hundred (300) feet of the eastern property boundary line shall be limited to two stories in height.
13. Developer shall coordinate with Orange County and FDOT (Florida Department of Transportation) to identify pedestrian safety enhancements (crosswalks/reflectors); which may result in the establishment of an escrow account to fund enhancements, not to exceed five thousand dollars. The developer will work with Orange County and LYNX (Central Florida Regional Transportation Authority) regarding the potential for a bus shelter in front of or near the development.

• 2012-2 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-2-B-FLUM-1

Consideration: Map amendment removing Future Land Use Map designations for parcels previously annexed by incorporated jurisdictions within Orange County

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board adopted the Staff Initiated Comprehensive Plan Map Amendment 2012-2-B-FLUM-1.

• 2012-2 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-2-B-FLUE-1

Consideration: Text amendment to the Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County

Motion/Second: Commissioners Thompson/Martinez

AYE (voice vote): All members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Amendment 2012-2-B-FLUE-1.

• 2012-2 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-2-B-FLUE-2

Consideration: Text amendments to the Future Land Use Element Policies related to Horizon West - update of implementation milestones and policies affected by County adoption of Horizon West Global Road Term Sheet

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Amendment 2012-2-B-FLUE-2.

• 2012-2 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-2-B-FLUE-3

Consideration: Text amendments to the Future Land Use Element Policies related to Horizon West Village H - update of policies related to APF (Adequate Public Facilities) requirements and transportation agreements

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board adopted Staff Initiated Comprehensive Plan Text Amendment 2012-2-B-FLUE-3 related to Horizon West Village H – update of policies related to Adequate Public Facilities (APF) requirements and transportation agreements with modification to the Staff Report to read as follows: FLU4.15.11 Roads. All development within Village H shall be subject to the provisions of the Concurrency Management System, Ord. 91-27, as amended, unless a separate agreement has been ~~is~~ entered into with the County to establish an alternative method for offsetting Village H road impacts, such as a proportionate fair share agreement or other form of mitigation agreement.

• 2012-2 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-2-B-NE-1

Consideration: Text amendment to Neighborhood Element adding new Goal N6,
Objective N6.1, and policies N6.1.1-N6.1.6 which address
neighborhood business corridors

Motion/Second: Commissioners Martinez/Boyd

AYE (voice vote): All members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Amendment
2012-2-B-NE-1.

• 2012-2 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-2-B-CP-1

Consideration: Text amendments to the Transportation Element updating Multi-
Modal Transportation District (MMTD) policies, including Innovation
Way MMTD policies

Motion/Second: Commissioners Thompson/Martinez

AYE (voice vote): All members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Amendment
2012-2-B-CP-1.

• 2012-2 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-2-B-CP-2

Consideration: Text amendments to the Future Land Use and Transportation
Elements relating to Mixed Use Development Activity Centers
(MXDAC) to clarify transportation analysis requirements

Motion/Second: Commissioners Edwards/Martinez

AYE (voice vote): All members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Amendment
2012-2-B-CP-2.

• 2012-2 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-2-B-CP-3

Consideration: Text amendments to the Intergovernmental Coordination Element to reflect current transportation-related County agency coordination activities

Motion/Second: Commissioners Martinez/Boyd

AYE (voice vote): All members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Amendment 2012-2-B-CP-3.

- 2012-2 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-2-B-TRAN-1

Consideration: Text amendments to the Transportation Element to facilitate partial concurrency exceptions for projects that promote public transportation and to update Alternative Mobility Area (AMA) policies

(This item has been postponed to a future cycle.)

- 2012-2 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-2-B-TRAN-2

Consideration: Text amendments to the Transportation Element related to the Long Range Transportation Plan (LRTP) map and policy updates

Motion/Second: Commissioners Martinez/Edwards

AYE (voice vote): All members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Amendment 2012-2-B-TRAN-2.

- Regular Cycle Comprehensive Plan Amendment Ordinance

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2012 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING EFFECTIVE DATES.

Motion/Second: Commissioners Boyd/Martinez

AYE (voice vote): All members

Action: The Board adopted Regular Cycle Comprehensive Plan Amendment Ordinance 2012-20.

- 2012-2 COMPREHENSIVE PLAN SMALL SCALE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2012-2-S-4-1
Applicant/Owner: Matthew Campo, Campo Engineering / Concreform Co.
Consideration: IND (Industrial) to C (Commercial)
Location: 9600 S. Orange Ave.; Generally described as located west of S. Orange Ave.; south of 4th St., north of 6th St., and east of Boyce Ave. -Parcel ID #: 01-24-29-8516-50-601-1.98 acres

The following person addressed the Board: Matthew Campo.

Motion/Second: Commissioners Thompson/Martinez
AYE (voice vote): All members
Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-2-S-4-1.

- 2012-2 COMPREHENSIVE PLAN SMALL SCALE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2012-2-S-5-1 (fka 2011-2-S-5-1 & 2012-1-S-5-1)
Applicant/Owner: Scott A. Glass, Esq. / Roxbury LLC
Consideration: LDR (Low Density Residential) to PD-O/LDR (Planned Development-Office/Low Density Residential)
Location: 2654 Roxbury Road; Generally described as located on the south side of Roxbury Road, east of N. Wymore Road, north of Fairbanks Avenue, and west of Granada Drive – Parcel ID #: 02-22-29-2996-13-060-0.20 acres

The following persons addressed the Board:

- Scott Glass
- Walter Burnup

The following exhibits were received by the Clerk prior to the close of the public hearing:

- Exhibit 1, from Scott Glass
- Exhibit 2, from Walter Burnup

Motion/Second: Commissioners Edwards/Boyd
AYE (voice vote): All members
Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-2-S-5-1.

NOTE: THE FOLLOWING PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

- 2012-2 COMPREHENSIVE PLAN SMALL SCALE DEVELOPMENT PRIVATELY INITIATED FUTURE LAND USE MAP AMENDMENT WITH CONCURRENT REZONING

Amendment: 2012-2-S-6-1
Applicant/Owner: James Edward Macon for James Edward Macon, Inc.
Consideration: LDR (Low Density Residential) to C (Commercial)
Location: 4337 Lenox Blvd.; Generally described as located on the north side of Lenox Blvd., east of S. Ivey Ln., south of W. Gore St., and west of Aaron Ave. Parcel ID #: 32-22-29-4608-01-121-0.14 acres

and

- REZONING PUBLIC HEARING

Applicant: James Edward Macon for James Edward Macon, Inc., Case RZ-12-10-029
Consideration: Rezone from R-1 (Single-Family Dwelling District) to C-1 (Retail Commercial District), pursuant to Orange County Code with the following waivers:
1) A waiver of Section 38-830(2) of the Orange County Code to reduce the minimum lot size requirement from six thousand (6,000) square feet to five thousand eight hundred eighty-one (5,881) square feet and
2) A waiver of Section 38-830(3) of the Orange County Code to reduce the minimum lot width requirement from sixty (60) feet to fifty (50) feet
Location: 4337 Lenox Blvd.; Generally described as located on the north side of Lenox Blvd., east of S. Ivey Ln., south of W. Gore St., and west of Aaron Ave. Parcel ID #: 32-22-29-4608-01-121

- RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice Mayor Thompson.

The applicant waived time to address the Board.

Motion/Second: Commissioners Russell/Edwards
Absent: County Mayor Jacobs
AYE (voice vote): All present members
Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-2-S-6-1.

- REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice Mayor Thompson.

Motion/Second: Commissioners Russell/Martinez

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by James Edward Macon for James Edward Macon, Inc., Case RZ-12-10-029 to rezone from R-1 (Single-Family Dwelling District) to C-1 (Retail Commercial District), pursuant to Orange County Code with the following waivers:

- 1) A waiver of Section 38-830(2) of the Orange County Code to reduce the minimum lot size requirement from six thousand (6,000) square feet to five thousand eight hundred eighty-one (5,881) square feet and
- 2) A waiver of Section 38-830(3) of the Orange County Code to reduce the minimum lot width requirement from sixty (60) feet to fifty (50) feet,

on the described property; subject to the following restrictions:

- If approved by the Board of County Commissioners, this rezoning shall not become effective until the associated Future Land Use Map Amendment 2012-2-S-6-1 is in effect.
- The prohibition of the following C-1 uses—applicable to neighboring properties granted the C-1 zoning classification via the Board of County Commissioners' September 1, 1998 approval of Rezoning Case Z-98-086 (Ivey Lane Study)—shall also apply to the subject property:
 - a. Cocktail lounges that are not primarily restaurants;
 - b. Automotive service stations;
 - c. Convenience stores;
 - d. Pawn shops;
 - e. Drive-in restaurants;
 - f. Laundromats;
 - g. Bottle clubs or private lounges;
 - h. Skating rinks;
 - i. Bowling alleys;
 - j. Video arcades and billiard parlors;
 - k. Liquor stores;
 - l. Hotels and motels;
 - m. Parking lots and garages.
- Billboards and pole signs shall be prohibited.

NOTE: THE FOLLOWING PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

• 2012-2 COMPREHENSIVE PLAN SMALL SCALE DEVELOPMENT PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP (FLUM) AMENDMENT WITH CONCURRENT SUBSTANTIAL CHANGE

Amendment: 2012-2-S-1-2
Applicant/Owner: Lance Bennett, Poulos and Bennett, LLC for Citi Independence Builder, LLC
Consideration: Horizon West Village of Bridgewater (Specific Area Plan) SAP – (Townhome/Apartment) TH/APT to Horizon West Village of Bridgewater SAP –VHD (Village Home District)
Location: Located within the Signature Lakes Neighborhood of Horizon West Village of Bridgewater; Generally described as located northeast of New Independence Pkwy., and south of Bigelow St. - Parcel ID #(s): 21-23-27-8132-00-003/004/005/006-6.49 acres

and

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant/Owner: Lance Bennett, Poulos and Bennett, LLC for Citi Independence Builder, LLC, Case CDR-12-07-136
Consideration: Substantial change request to reflect the proposed/concurrent FLUM amendment, pursuant to Orange County Code with the following waivers:
1. A waiver is requested from Section 38-1386(b)(4) to decrease the minimum lot width from forty (40) feet to thirty-two (32) feet for single-family detached dwellings;
2. A waiver is requested from Section 38-1386(b)(2) to decrease the minimum average lot size from 4,800 square feet to 3,840 square feet for single-family lots less than forty (40) feet in width;
3. A waiver is requested from Section 38-1386(b)(8)(b) to decrease the minimum side building setback from five (5) feet to four (4) feet within the lots less than forty (40) feet wide; and
4. A waiver is requested from Section 38-1386(b)(8)(a) to reduce the minimum front porch setback from ten (10) feet to seven (7) feet within lots less than forty (40) feet wide
Location: Located within the Signature Lakes Neighborhood of Horizon West Village of Bridgewater; Generally described as located northeast of New Independence Pkwy., and south of Bigelow St. - Parcel ID #(s): 21-23-27-8132-00-003/004/005/006-6.49 acres

Clerk's Note: After the Notice of Public Hearing published in the newspaper, the request was modified by County staff to read as follows: The following waivers are for Parcel SL-4B only:

1. A waiver is requested from Section 38-1386(b)(4) to decrease the minimum lot width from forty (40) feet to thirty-two (32) feet for single-family detached dwellings units;
2. A waiver is requested from Section 38-1386(b)(2) to decrease the minimum average lot size from 4,800 square feet to 3,840 square feet for single-family lots less than forty (40) feet in width;
3. A waiver is requested from Section 38-1386(b)(8)(b) to decrease the minimum side building setback from five (5) feet to four (4) feet within the lots less than forty (40) feet wide; and
4. A waiver is requested from Section 38-1386(b)(8)(a) to reduce the minimum front porch setback from ten (10) feet to seven (7) feet within lots less than forty (40) feet wide

The following person addressed the Board: Kendall Keith.

Motion/Second: Commissioners Boyd, Thompson

Absent: Commissioner Martinez

AYE (voice vote): All present members

Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-2-S-1-2.

Motion/Second: Commissioners Boyd/Thompson

Absent: Commissioner Martinez

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 Lance Bennett, Poulos and Bennett, LLC for Citi Independence Builder, LLC, Case CDR-12-07-136 to reflect the proposed/concurrent FLUM amendment, pursuant to Orange County Code with the following waivers;

The following waivers are for Parcel SL-4B only:

1. A waiver is requested from Section 38-1386(b)(4) to decrease the minimum lot width from forty (40) feet to thirty-two (32) feet for single-family detached dwellings units;
2. A waiver is requested from Section 38-1386(b)(2) to decrease the minimum average lot size from 4,800 square feet to 3,840 square feet for single-family lots less than forty (40) feet in width;
3. A waiver is requested from Section 38-1386(b)(8)(b) to decrease the minimum side building setback from five (5) feet to four (4) feet within the lots less than forty (40) feet wide; and
4. A waiver is requested from Section 38-1386(b)(8)(a) to reduce the minimum front porch setback from ten (10) feet to seven (7) feet within lots less than forty (40) feet wide;

which constitutes a substantial change to the development on the described property;

subject to the following conditions:

1. Development shall conform to the Signature Lakes (Planned Development) PD Land Use Plan dated "Received October 5, 2012," 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, density 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 October 5, 2012," the condition of approval shall control to the extent of such conflict or inconsistency.
2. The 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 are for Parcel SL-4B only:
 - a. A waiver from Section 38-1386(b)(2) is granted to decrease the minimum average lot size from 4,800 square feet to 3,840 square feet for single-family lots less than 40'.
 - b. A waiver from Section 38-1386(b)(4) is granted to decrease the minimum lot width from 40' to 32' for single-family detached dwelling units.
 - c. A waiver from Section 38-1386(b)(8)(a) is granted to reduce the minimum front porch setback from 10' to 7' within lots less than 40' wide.

- d. A waiver from Section 38-1386(b)(8)(b) is granted to decrease the minimum side building setback from 5' to 4' within the lots less than 40' wide.
4. All previous applicable BCC Conditions of approval, dated August 28, 2012, shall apply:
- a. The following waivers shall apply only to Parcel SC-11:
 - 1) A waiver from section 38-1386(b)(2) is granted to decrease the minimum average lot size from 4,800 square feet to 3,500 square feet;
 - 2) A waiver from Section 38-1386(b)(4) is granted to decrease the minimum lot width from 40 feet to 32 feet;
 - 3) A waiver from Section 38-1389(b)(8)(a) is granted to reduce the minimum front porch setback from 10 feet to 7 feet;
 - 4) A waiver from Section 38-1386(b)(8)(b) is granted to decrease the minimum side building setback from 5 feet to 4 feet for lots less than 40 feet wide; and
 - 5) A waiver from Section 38-1384(c) is granted to allow for an average block length of 350 feet in lieu of 300 feet, where lot widths less than 60 feet are proposed.
5. All previous applicable BCC (Board of County Commissioners) Conditions of Approval dated October 23, 2007 shall apply:
- a. The following waivers shall apply only to Parcel SL-4:
 - 1) A waiver from Section 38-1258(a), which requires that the maximum building height be restricted to 1 story when within 100 feet of single-family residences is granted.
 - 2) A waiver from Section 38-1258(e), to allow parking for multi-family to be less than 25 feet from single-family residences and to require a 25-foot Type C landscape buffer is granted.
 - 3) A waiver from Section 38-1258(f), which requires a 6-foot-high masonry, brick, or block wall between multi-family and single-family residences, is granted.
 - 4) A waiver from Section 38-1258(g), to allow multi-family to directly access a right-of-way serving single-family residences is granted.

- 5) A waiver from Section 38-1258(i), which requires the multi-family tract to be fenced when directly across from single-family residences is granted.
6. All previous applicable Conditions of Approval shall apply:
 - a. The developer shall obtain water, reclaimed water, and wastewater from Orange County subject to County rate resolutions and ordinances.
 - b. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master utility and stormwater plans for this PD.
 - c. The right-of-way shall be conveyed to Orange County prior to the completion of Phase 1D.
 - d. Prior to construction plan approval, a master stormwater management plan and a drainage study to establish the 100-year flood elevation for Lake Hartley shall be submitted to the Development Engineering Division for review and approval.
 - e. Pole signs and billboards shall be prohibited.
 - f. All commercial development shall comply with the Commercial Design Standards Ordinance and the scale and character of the Village.
 - g. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing Covenants, Conditions, and Restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneously with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
 - 1) The same front façade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street and shall be separated by at least 2 units with different facades.
 - 2) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed 40 feet in length, except for wings of "L's," which setback from the façade.
 - 3) In no case shall more than 50 percent of the front façade of a house consist of an unobstructed block wall or garage door.
 - 4) At least 50 percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of 7 feet in depth and cover a

minimum of 10 feet in width or 1/3 of the front façade, whichever is greater.

- 5) Flat roofs shall be prohibited.
 - 6) Unless otherwise prohibited by the CC&R's, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet, 6 inches and limited to decorative wrought iron or wood picket style.
 - 7) The provision of the CC&Rs incorporating the above-referenced requirements shall not be amended, removed, or suspended without the prior approval of the Board of County Commissioners (BCC), which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.
 - 8) Furthermore, the CC&Rs shall provide that the homeowners' association and any person owning property in the development have the right to enforce these requirements in the event they are violated.
 - 9) Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces Orange County ordinances and regulations.
- h. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Bridgewater Village. Utilities infrastructure shall be built connecting to the proposed 24-foot reclaimed water main at Ficquette Road to the 24-foot water main on (County Road) C.R. 535 and the 16-inch force main on Ficquette Road. These connection points may be modified at time of construction plan approval.
 - i. Master water, reclaimed water, and wastewater plans, including preliminary calculations, shall be approved prior to approval of construction plans.
 - j. The following Education Conditions of Approval shall apply:
 - 1) Developer shall comply with all provisions of the Public Education Agreement (PEA) entered into with the Orange County School Board as of May 31, 2003, dates referencing all of the school enhancement agreements that have already been adopted: June 3, 2002, original Signature Lakes Agreement with amendment on July 8, 2003, and second agreement on June 4, 2003.
 - 2) Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the developer is in default or breach of the PEA, the

County shall immediately cease issuing building permits for any residential units in excess of the 134 residential units allowed under the zoning existing prior to the approval of the PD zoning. The County shall again begin issuing building permits upon OCPS' written notice to the County that the developer is no longer in breach or default of the PEA. The developer and its successor or assign under the PEA, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- 3) Developer, or its successor or assign under the PEA, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.
 - 4) Orange County shall be held harmless by the developer and its assigns under the PEA, in any dispute between the developer and OCPS over an interpretation or provision of the PEA.
- k. Any proposals for apartments shall be processed through the Board of Zoning Adjustment (BZA) for special exception in accordance with Orange County Code 38-1387(3). Townhomes in the Village Home District shall also require BZA approval. As a prerequisite to granting any special exception for apartments, the developer shall present design guidelines that include, at a minimum, elevations, block length, and other aesthetic requirements and conditions of the special exception, if approved, shall incorporate the design guidelines.
 - l. Of the 1,107 residential units allowed in the Townhouse/Apartment District, no more than a maximum of 550 units in the entire PD may be operated commercially as residential units. In addition, under no circumstances, shall any parcel within the PD designated as Townhomes/Apartment District have more than 300 rental apartments.
 - m. Short-term rental of any townhouse shall be prohibited.
 - n. A Municipal Service Taxing Unit shall be established for all recreational trails in excess of 5 feet.
 - o. Outside storage and display shall be prohibited.
7. All previous applicable BCC Conditions of Approval dated July 18, 2006 shall apply:
 - a. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP (Planned Development/Land Use Plan) have been negotiated and

agreed to by both the applicant and the County. The PD/LUP constitutes an agreement between the parties. The applicant and the applicant's successors in interest have the contract right to develop the PD with the uses, densities, and intensities approved by the County, subject to the restrictions and requirements in the conditions of approval, and neither the applicant nor the County shall have the right to rezone or downzone the property, or otherwise alter the uses, densities, and intensities, or to delete, waive, or amend any condition of approval except through an amendment to the PD/LUP that is negotiated by both parties.

- b. A waiver from Section 38-1258(h) to allow shared recreational facilities between multifamily development and single-family developments is granted.
- c. The recreation facilities shall be designated on the applicable plat as a Common Area to be owned and maintained by Independence Community Association, Inc., with the costs of operation and maintenance thereof to be assessed proportionately among the owners of residential dwellings in the community, in accordance with the terms of the Master Declaration for Independence.

NOTE: THE FOLLOWING PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

• 2012-2 COMPREHENSIVE PLAN SMALL SCALE DEVELOPMENT PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP (FLUM) AMENDMENT WITH CONCURRENT SUBSTANTIAL CHANGE

Amendment: 2012-2-S-1-4
Applicant/Owner: Lance Bennett, Poulos and Bennett, LLC for VF Horizon Investments, LLC
Consideration: Horizon West Village F (Specific Area Plan) SAP – GB (Eagle's Nest Protection Zone) to Horizon West Village F SAP – GHD (Garden Home District)
Location: Generally described as located on the south side of Seidel Rd., on west edge of Dump Rd., and east edge of Lake Lartigue - Parcel Id #: Portion of 04-24-27-0000-00-005-9.90 acres

and

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Lance Bennett, Poulos and Bennett, LLC for VF Horizon Investments, LLC, CDR-12-07-135
Consideration: Substantial change request to reflect the amended land use designation, consistent with the concurrent FLUM (Future Land Use Map) amendment; to internally transfer existing residential density within various PD (Planned Development Parcels) parcels; to use

TDRs (Transferable Development Right) to reduce required residential density; and to refine various PD district boundaries and access points:

Location: Generally described as located on the south side of Seidel Rd., on west edge of Dump Rd., and east edge of Lake Lartigue - Parcel ID #: Portion of 04-24-27-0000-00-005

The following persons addressed the Board:

- Kendall Keith
- Dan O'Keefe
- Lance Bennett

Motion/Second: Commissioners Boyd/Martinez

AYE (voice vote): All members

Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-2-S-1-4.

Motion/Second: Commissioners Boyd/Martinez

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan [if applicable]; and further, approved the substantial change request by Lance Bennett, Poulos and Bennett, LLC for VF Horizon Investments, LLC, CDR-12-07-135 to change request to reflect the amended land use designation, consistent with the concurrent FLUM (Future Land Use Map) amendment; to internally transfer existing residential density within various PD (Planned Development Parcels) parcels; to use TDRs (Transferable Development Right) to reduce required residential density; and to refine various PD district boundaries and access points; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Village F Master PD Land Use Plan dated "Received September 24, 2012," 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, density 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 September 24, 2012," the condition of approval shall control to the extent of such conflict or inconsistency.

2. The 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 any PSP (Preliminary Subdivision Plan) or DP (Development Plan) approval for PD Parcels N-23 through N-27, an agreement shall be executed to address required right-of-way dedication for Phil Ritson Way, if necessary as determined by the Development Review Committee.
4. Prior to any PSP or DP approval, a road agreement shall be executed to address required right-of-way dedication for Seidel Road.
5. Access locations and roads that impact wetlands and rare uplands are only approximations and are not approved with this plan. The exact location will have to consider minimization and avoidance of wetland impact and rare habitat and will be determined during the Orange County conservation area determination and impact permit process.
6. All previous applicable BCC Conditions of Approval, dated August 28, 2012 shall apply, unless otherwise replaced by new Conditions of Approval (as noted):
 - a. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - b. No activity will be permitted within the boundaries of the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, remediation activities, or within the hydrological zone of influence of the contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection. Such approval may include, but is not limited to: an FDEP No Further Action letter, Site Rehabilitation Completion Order (SRCO), or documentation of specific permission from FDEP. Such documentation shall be provided to the Environmental Protection Division of Orange County.

- c. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.
 - d. On properties where contamination has been documented, the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the property has been identified with soil and groundwater contamination and shall state the status of the resulting remediation.
 - e. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
 - f. A Master Utility Plan (MUP) for Village F PD shall be submitted to Orange County Utilities prior to the approval of the first Preliminary Subdivision Plan/Development Plan. The MUP must be approved prior to construction plan approval.
 - g. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village F Master Utilities Plan (MUP).
 - h. Prior to construction plan approval, all property owners within Village F, excluding public entities, shall be required to sign an agreement between the parties addressing their proportionate share of funds for the costs of the offsite and onsite master utilities sized to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities size for Village requirements are constructed.
 - i. Tree removal/Earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 - j. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5 and Section 38-1389(d)(5).
7. All previous applicable BCC Conditions of Approval, dated September 15, 2009 shall apply, unless otherwise replaced by the new Conditions of Approval above (as noted):
- a. Final configuration of the Parcel N-17 Elementary School / Park site shall be approved by both the Orange County Parks and Recreation Division and Orange County Public Schools.

- b. There shall be a 20-foot fee simple access provided between the Parcel S-17 Park site and the Parcel S-25 Elementary School site.
- c. A waiver from Section 38-1386(a)(2) is granted to allow Parcel N-33 to have structures and uses to serve civic (excluding education / daycare / telecommunication towers & fields) and non-commercial recreational needs without having to obtain Special Exception Approval from the Board of Zoning Adjustment.
- d. The Garden home and Village Home Districts shall contain a mix of single-family detached and single-family attached residences (within the Master Village F PD). The exact configuration of this mix shall be determined at the time of Preliminary Subdivision Plan review.
- e. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
- f. A waiver from Section 38-1384(f)(1) is granted to allow each block face to contain one (1) distinct lot size in lieu of each block containing at least two (2) distinct lot sizes (excluding end units). This waiver shall apply only to block faces with five (5) or fewer lots.
- g. The following Education Conditions of Approval shall apply:
 - i. The Developer shall comply with all provision of Capacity Enhancement Agreements (CEAs) numbered 06-011-01, 06-011-02, 06-011-03, 06-011-05, 06-011-06-T2, 06-011-07, 06-011-08, 06-011-10, 06-011-12, 06-011-14, 06-011-15, and 06-011-16 entered into with the Orange County School Board (and Orange County) in November 2006 and recorded in the official records of the Orange County Comptroller.
 - ii. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the residential units allowed under the zoning existing prior to the approval of the PD zoning, as indicated in each of the CEAs listed above. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- iii. The Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of the developer's rights.
- iv. 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.
- v. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- h. The cross-section for Seidel Road is not approved with this plan. The final cross-section shall be designed to be pedestrian-oriented, with a maximum speed limit of thirty (30) miles per hour. The final design speed shall be reviewed and approved by the County Engineer.

- Small Scale Cycle Comprehensive Plan Amendment Ordinance

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," BY ADOPTING SMALL SCALE DEVELOPMENT AMENDMENTS PURSUANT TO SECTION 163.3187(1), FLORIDA STATUTES; AND PROVIDING EFFECTIVE DATES

Motion/Second: Commissioners Thompson/Russell

AYE (voice vote): All members

Action: The Board adopted Small Scale Cycle Comprehensive Plan Amendment Ordinance 2012-21.

- COUNTY ADMINISTRATOR WORKSESSION AGENDA ITEM 2 DEFERRED

Orange County Convention Center Master Sign Plan.

Action: None

• ORDINANCE PUBLIC HEARING

Consideration: AN ORDINANCE AMENDING THE ORANGE COUNTY ROAD IMPACT FEE ORDINANCE; PROVIDING FOR UPDATES AND AMENDMENTS TO THE ORANGE COUNTY CODE, CHAPTER 23, IMPACT FEES, ARTICLE IV, ROAD IMPACT FEES; PROVIDING FOR UPDATED ROAD IMPACT FEES, INCLUDING NEW AND INCREASED FEES IN CERTAIN LAND USE CATEGORIES; AND PROVIDING AN EFFECTIVE DATE.

The following persons addressed the Board:

- Aldo Martin
- Ray Bradick
- Scott Merritt
- David Baselice

The following exhibit was received by the Clerk prior to the close of the public hearing:

- Exhibit 1, from Aldo Martin

Motion/Second: Commissioners Edwards/Brummer

AYE (voice vote): All members

Action: The Board adopted Ordinance 2012-22, amending Road Impact Fees; with the following changes:

- Page 41, Line 1569 delete the words "March 31, 2013"
- Page 46, Line 1809 delete the words "This Ordinance shall become effective pursuant to general law" and insert the following:
"Notice of increase in impact fees.
(a) This Ordinance shall become effective on February 16, 2013.
(b) Pursuant to Section 163.31801(3)(d), Florida Statutes, the Clerk of the Board of County Commissioners shall publish a legal notice in The Orlando Sentinel on or before November 18, 2012, stating that the Board has adopted this ordinance imposing new and increase impact fees, effective February 16, 2013."
- Page 47, Line 1842 delete the words "Map of Tourist Hotel and Tourist Retail Zone" and insert the following "MSTU 1 (I-Drive Master Transit)";

further, updated impact fees with permanent fee of fifty-six percent and a temporary reduction to forty-two percent for the next eighteen months; further authorized the County Attorney's Office to modify the Ordinance consistent with motion to reflect correct dates, and further; granted staff the authority to correct any Scrivener's errors.

• OFFICE OF REGIONAL MOBILITY DISCUSSION AGENDA ITEM 1 CONTINUED

MetroPlan Orlando Board Meeting Briefing.

Action: None

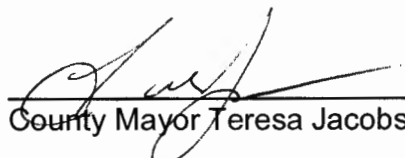
• COUNTY MAYOR DISCUSSION AGENDA ITEM 1

Open Discussion on issues of interest to the board.

(This item was not considered.)

• ADJOURNMENT, 5:44 p.m.

ATTEST:


County Mayor Teresa Jacobs
Date: JAN 08 2013

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk


Assistant Deputy Clerk

