

DEC 18 2012 *CS/BS*

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, October 16, 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, Ted Edwards, Tiffany Russell;
Commissioner Jennifer Thompson joined the meeting where
indicated.
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator
Ajit Lalchandani, County Attorney Jeffrey J. Newton

• CALL TO ORDER, 9:04 a.m.

• REMEMBRANCE

For the passing of Earl K. Wood, Orange County Tax Collector and Orange County
employee Monica Harris-Spires, Neighborhood Preservation and Revitalization Division.

• INVOCATION - Pastor Randolph Bracy, Jr., The New Covenant Baptist Church

• MEMBER JOINED: Commissioner Thompson

• PLEDGE OF ALLEGIANCE

• PRESENTATION

Proclamation designating October 31, 2012 as Red Ribbon Week

• PRESENTATION

Proclamation designating October 27 through November 3, 2012 as Week of the Family

• PUBLIC COMMENT

The following person addressed the Board for public comment: Cheryl Moore.

• OFFICIAL RECOGNIZED: Town of Eatonville Mayor Bruce Mount

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Russell/Martinez

AYE (voice vote): All members

Action: The Board

- Deferred Administrative Services Department Item 7
- Deleted Administrative Services Department Item 9

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

County Comptroller

1. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
 - September 28, 2012, to October 4, 2012; total of \$84,500,780.71.
 - October 5, 2012, to October 11, 2012; total of \$23,327,938.03.

(Finance/Accounting)

2. Disposition of Tangible Personal Property as follows: (Property/Accounting)
 - a. Scrap assets
 - b. Dispose of an asset that was totaled out by our Third Party Administrator for its Salvage value
 - c. Donate assets valued at \$414 to the University of Central Florida Research Foundation, Inc.

County Administrator

1. Approval of overtime earnings paid to Leslie Cauthen in calendar year 2011 in the amount of \$2,493.95.
2. Confirmation of Commissioner Thompson's appointment of Judy I. Martin to the Lake Jessamine Water Advisory Board with a term expiring December 31, 2012. (Agenda Development Office)
3. Approval of the Membership and Mission Review Board recommendations for the following advisory board appointments/reappointments: (Agenda Development Office)
 - a. Affordable Housing Advisory Board: Appointment of Matthew Ramirez to succeed Angel L. de la Portilla in the real estate representative category and Jodi L. Santiago to succeed George "Oscar" Anderson in the Orange County resident representative category with terms expiring June 30, 2014.
 - b. Commission on Aging: Appointment of Dr. Esther Pichardo to succeed Vienna L. Avelares in the at large representative category with a term expiring June 30, 2013 and Monserrate Vargas to succeed Sandra L. Johnson in the at large representative category with a term expiring June 30, 2014.
 - c. Community Development Advisory Board: Appointment of Amber D. Benton to succeed Barbara F. Burns in the District 6 representative category with a term expiring June 30, 2014.

- d. Disability Advisory Board: Appointment of Reinaldo Vazquez to succeed Dr. Carolyn P. Upson in the at large representative category with a term expiring June 30, 2013.
 - e. Housing Finance Authority: Appointment of Mercedes F. McCall in the finance representative category to succeed Barbara Ashley-Jones in the low-income housing representative category with a term expiring December 31, 2015.
 - f. Orange County Enterprise Zone Development Agency: Reappointment of Mike Rhodes in the local code enforcement agency representative category with a term expiring June 30, 2016 and the appointment of Shirley A. Walker to succeed Willie Cooper in the local workforce development board representative category with a term expiring June 30, 2014.
- 4. Approval of Contract Y13-2047 with United Arts of Central Florida to serve as the County's fiscal agent for the Cultural Tourism and Cultural Facilities programs with a fee not-to-exceed \$185,000 for FY 2013. (Arts and Cultural Affairs Office)
 - 5. Approval of Contract Y13-2048 with United Arts of Central Florida for general support in the amount of \$668,554 for FY 2013. (Arts and Cultural Affairs Office)
 - 6. Approval for the Orange County Sheriff's Office to spend \$2,000 from the Law Enforcement Trust Fund to provide eligible contributions to Latino Leadership, Inc. (Office of Management and Budget)
 - 7. Approval to disburse payment for the Florida Association of Counties (FAC) membership fee totaling \$107,130 as provided in the FY 2012-13 adopted budget. (Office of Management and Budget)
 - 8. Approval of Orange County, Florida, and Central Florida Veterans Memorial Park Foundation, Inc. Memorial Grant Agreement and authorization to disburse funding in accordance with the terms and conditions of the agreement. (Office of Management and Budget)
 - 9. Approval of budget amendments #13-01, #13-02, #13-03, and #13-04. (Office of Management and Budget)
 - 10. Approval of budget transfers #13C-0001, #13C-0002, #13C-0003, #13C-0004, #13C-0005, and #13C-0007. (Office of Management and Budget)
 - 11. Approval of CIP (Capital Improvements Program) amendments #13C-0001, #13C-0002, #13C-0003, #13C-0004, #13C-0005, and #13C-0007. (Office of Management and Budget)
 - 12. Approval of payment of Intergovernmental claims of; June 7, 2012, June 14, 2012, June 28, 2012, July 12, 2012, July 26, 2012, August 9, 2012, August 16, 2012 and August 30, 2012, in the total amount of \$3,259,161.88. (Risk Management Division)

Administrative Services Department

1. Approval to award Invitation for Bids Y12-1083-EZ, Term Contract for Stormwater Pond Maintenance, to the low responsive and responsible bidder, Frank Gay Plumbing, Inc., in the estimated contract award amount of \$499,146 for a 1-year term contract. Further, authorized the Purchasing and Contracts Division to renew the contract for the option years. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y12-1120-JS, Street Sweeping Services for EPD (Environmental Protection Division) Lake Management, to the low responsive and responsible bidder, USA Services of Florida, Inc., in the estimated annual contract amount of \$103,044. Further, authorized the Purchasing and Contracts Division to exercise the option years as required. ([Community, Environmental and Development Services Department Environmental Protection Division] Purchasing and Contracts Division)
3. Approval to award Invitation for Bids Y12-7022-PH, Whitney Drive, Florida Mall and Woodbury Drive Sanitary Sewer Rehabilitation, to the low responsive and responsible bidder, FE Development Recycling, Inc., for a total contract amount of \$323,822. ([Utilities Department Engineering Division] Purchasing and Contracts Division)
4. Approval to award Invitation for Bids Y12-7047-SB, Pine Hills Community Center Fencing, to the low responsive and responsible bidder, MVB & Associates, Inc, in the total contract award amount of \$128,435. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
5. Approval of Amendment No. 2, Term Contract Y12-1013, Tree Trimming and Related Services, with Seay Tree Services, Inc., in the estimated amount of \$75,000, for a revised total estimated contract amount of \$307,250. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
6. Approval and execution of Resolutions, County Deed and Subordinations of County Utility Interests between Orange County and the State of Florida Department of Transportation and authorization to record instruments for Central Florida Commuter Rail Transit (Meadow Woods Station) (State Road CRT). District 4. (Real Estate Management Division)
7. Approval and execution of Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorization to record instrument for Rhode Island Woods Circle (Progress Energy Easement). District 4. (Real Estate Management Division)

(This item was deferred.)

8. Approval and execution of Resolution and authorization to initiate condemnation proceedings for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail). District 3. (Real Estate Management Division)
9. Approval and execution of Utility Easement between Orange County, Orlando Utilities Commission and City of Orlando for the use and benefit of the Orlando Utilities Commission and authorization to disburse funds to pay recording fees and record instrument for Silver Star Community Park – Cricket Field. District 2. (Real Estate Management Division)

(This item was deleted.)

10. Approval and execution of Sidewalk Easement between Floridays Orlando Ventures, LLC and Orange County and authorization to record instrument for Wildwood Area Road Network Agreement. District 1. (Real Estate Management Division)
11. Approval and execution of County Deed from Orange County to the City of Orlando and authorization to record instrument for Kaley Avenue (South Fern Creek Avenue to Hackney Avenue). District 4. (Real Estate Management Division)
12. Approval and execution of County Deed from Orange County to the City of Orlando and authorization to record instrument for Interlocal Agreement for the Transfer of Jurisdiction of Curry Ford Road from Cloverlawn Avenue to South Fern Creek Avenue. District 4. (Real Estate Management Division)
13. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Rider to the Residential Contract for Sale and Purchase between Orange County and Tina I. Prive, approval and execution of County Deed from Orange County to Tina I. Prive and authorization to perform all actions necessary and incidental to closing for (Neighborhood Stabilization Program) NSP Resale – 3942 Lakeside Reserve Lane, Orlando, FL 32810 NCST (National Community Stabilization Trust) District 2. (Real Estate Management Division)
14. Approval of As Is Residential Contract for Sale and Purchase with Addendum to Contract between Orange County and Jason M. Vinson, approval and execution of County Deed from Orange County to Jason M. Vinson and authorization to perform all actions necessary and incidental to closing for NSP (Neighborhood Stabilization Program) Resale – 9232 New Orleans Drive, Orlando FL 32818 (NCST (National Community Stabilization Trust)). District 1. (Real Estate Management Division)
15. Approval of As Is Residential Contract for Sale and Purchase with Addendums to Contract between Orange County and Irving Santiago and Bethzaida Delgado, approval and execution of County Deed from Orange County to Irving Santiago and Bethzaida Delgado and authorization to perform all actions necessary and

incidental to closing for NSP (Neighborhood Stabilization Program) Resale – 7902 Oakstone Ct., Orlando FL 32822 (NCST (National Community Stabilization Trust)). District 4. (Real Estate Management Division)

16. Approval of Agreement and Utility Easement between Universal City Property Management III LLC, f/k/a Universal City Property Management Company III and Orange County with Subordination of Mortgage to Utility Easement from L-A OCCC Holdings, LLC, Subordination of Mortgage to Utility Easement from LA/Core Thomas JV, LLC, as assignee and successor to Lubert-Adler Real Estate Fund VI, L.P. and FQP-LA Orlando Hotel Land, LLC and authorization to disburse funds to pay all recording fees and record instrument for Sand Lake Road/Shingle Creek Force Main. District 6. (Real Estate Management Division)
17. Approval of Contract for Sale and Purchase, Special Warranty Deed, Agreement, Utility Easement and Temporary Construction Easement between Moss Park Properties, LLLP, f/k/a Moss Park Properties, LTD. and Orange County, Subordination of Encumbrances to Property Rights to Orange County from CNL Bank and authorization to disburse funds to pay all recording fees, closing costs and perform all actions necessary and incidental to closing for Innovation Place (Planned Development) PD Water, WW & Reclaimed Water Transmission Mains & Master Pump Station. District 4. (Real Estate Management Division)
18. Approval of Temporary Access and Utility Easement from Moss Park Properties, LLLP, f/k/a Moss Park Properties, LTD. to Orange County with Lender's Joinder and Consent from CNL Bank and authorization to record instrument for Innovation Way/Moss Park Road. District 4. (Real Estate Management Division)
19. Approval of Utility Easement between Hidden Lakes at Meadow Woods Homeowners' Association, Inc. and Orange County and authorization to record instrument for Atli Estates Subdivision – Utility File #18409. District 4. (Real Estate Management Division)
20. Approval of Utility Easement between Florida Convalescent Centers, Inc. and Orange County, Subordination of Encumbrances to Property Rights to Orange County from the Privatebank and Trust Company, as Administrative Agent, Subordination of Encumbrance to Property Rights to Orange County from Palm Garden Healthcare, Inc., Subordination of Encumbrance to Property Rights to Orange County from SA-PG-Orlando LLC, Subordination of Encumbrance to Property Rights to Orange County from SA-PG Operator Holdings, LLC f/k/a New Rochelle Administrators, LLC and authorization to record instruments for Palm Garden Assisted Living Site Work – Utility File #69126. District 3. (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, and 6. (Code Enforcement Division)

LC 12-0665	LC 12-0816	LC 12-0850	LC 12-0913	LC 12-0920
LC 12-0925	LC 12-1025	LC 12-0661	LC 12-0718	LC 12-0849
LC 12-0918	LC 12-0928	LC 12-0942	LC 12-1101	LC 12-0984
LC 12-0985	LC 12-1084	LC 12-0589	LC 12-0766	LC 12-0890
LC 12-0892	LC 12-0907	LC 12-0634	LC 12-0655	LC 12-0658
LC 12-0659	LC 12-0840	LC 12-0846	LC 12-0868	LC 12-0898
LC 12-0899	LC 12-0901	LC 12-0968	LC 12-0987	LC 12-0989
LC 12-0997	LC 12-1008	LC 12-1031	LC 12-1065	LC 12-1138

2. Approval of Orange County, Florida and Valencia Water Control District Interlocal Agreement for Watershed Atlas Project, Orange County, Florida and City of Edgewood, Florida Interlocal Agreement for Watershed Atlas Project, and State of Florida Department of Transportation Joint Participation Agreement Supplemental Amendment Number 1 (Fiscal Management Number) FM#243844-1-74-07. All Districts. (Environmental Protection Division)
3. Approval of City of Apopka Applications for Future Land Use Amendment and/or Zoning Amendment for Lake Lucie Conservation Area and Pine Plantation and authorization for the Administrative and Development Services Department Director to sign the applications. District 2. (Environmental Protection Division)
4. Approval of HOME Investment Partnership Program Agreement between Orange County, Florida and Housing and Neighborhood Development Services of Central Florida, Inc., authorizing a commitment of \$667,766.92 for improvements to the 27 units that will be occupied by low-income families. District 5. (Housing and Community Development Division)
5. Approval of First Amendment to Innovation Way/Moss Park Road Extension – Phase I Transportation Agreement (Innovation Place) by and between Moss Park Properties, LLLP and Orange County to advance the design of certain segments of Innovation Way South for the purpose of locating the Orange County Utilities lines. District 4. (Roadway Agreement Committee)
6. Approval of Resolution 2012-M-42 of the Orange County Board of County Commissioners Authorizing the Exchange of Certain County Property Interests for Receipt of Other Real Property Interest, and Land Exchange Agreement (Moss Park Road/Innovation Way South) among Gary T. Randall as trustee and not

individually and Orange County to dedicate a temporary drainage easement in exchange for a County deed to Parcel H. District 4. (Roadway Agreement Committee)

7. Approval of Innovation Way South Right-of-Way Agreement (Gary T. Randall, Trustee) among Gary T. Randall, Moss Park Properties, LLLP and Orange County to acquire right-of-way and easements needed for the future construction of Innovation Way South. District 4. (Roadway Agreement Committee)
8. Approval of Hold Harmless and Indemnification Agreement Parcel ID 04-23-28-4406-00-020 between Nasir I. and Mehr T. Rahmatullah and Orange County to construct a swimming pool and pool deck located at 9710 Maywood Dr. District 1. (Zoning Division)

Family Services Department

1. Approval of School Board of Orange County, Florida and Orange County, Florida Seventh Amendment to Facility and Land Use Agreement for the continued operation of the Head Start Program at public schools. (Head Start Division)

Health Services Department

1. Approval of the renewal Alternative Transportation Service License for Florida Medtrans Corp. to provide wheelchair/stretchers service. The term of this License is from October 1, 2012 through October 1, 2014. There is no cost to the County. (EMS Office of the Medical Director)

Office of Regional Mobility

1. Approval of Orange County/MetroPlan Orlando (Urban Area Metropolitan Planning Organization) FY 2012/2013 Funding Agreement between Orange County and MetroPlan Orlando and authorization to make payment in the amount of \$425,932 in two installments of \$212,966 to be paid in October 2012 and April 2013. All Districts.

Public Works Department

1. Approval to install "No Parking on Right of Way" zone on the north side of Boggy Creek Road from the west right of way line of Boggy Creek Road extending 300 feet west. District 4. (Traffic Engineering Division)
2. Approval to install a "No Parking" zone on the odd numbered addresses side of Danforth Drive. District 1. (Traffic Engineering Division)
3. Approval to install a "No Parking" zone on the even numbered addresses side of Langstaff Drive, south of Danforth Drive. District 1. (Traffic Engineering Division)

4. Approval to install a "No Parking" zone on the north side of Maymont Court during school drop-off and pick-up times starting 35 feet east of Ainsworth Drive and continuing 175 feet east. District 1. (Traffic Engineering Division)
5. Approval to install a "No Parking" zone on the north side of Rivers Trail Drive from Dean Road extending 385 feet east at the entrance to the Riverwalk Subdivision. District 5. (Traffic Engineering Division)
6. Approval of Resolution 2012-M-43 of the Orange County Board of County Commissioners regarding establishing a designated tow-away zone along the south side of Partridge Lane west of North Forsyth Road in unincorporated Orange County, Florida; and providing an effective date. District 5. (Traffic Engineering Division)
7. Approval to construct speed humps on Shale Ridge Trail in the Robinson Hills Subdivision. District 2. (Traffic Engineering Division)
8. Approval of "Stop" sign installations in Mandalay Subdivision. District 5. (Traffic Engineering Division)
9. Authorization to record the plat of MLC Wawa Center. District 4. (Development Engineering Division)
10. Authorization to record the plat of Buena Vista Commons PD (Planned Development). District 1. (Development Engineering Division)

Utilities Department

1. Approval of Irrevocable Letter of Credit No. 60000003115-1 from Seaside National Bank & Trust, on behalf of ATCO Group IV, LTD., in favor of Orange County in the amount of \$2,108.02 for the deposit and security interest for payment of water and wastewater consumption and service charges. District 1. (Customer Service 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. City Council of the City of Orlando annexing ±8.37 acres generally located at the southeast corner of Silver Star Rd and John Young Pkwy; amending the City's adopted Growth Management Plan to designate the property as industrial on the City's Official Future Land Use Map; and designating the property as

Industrial-Commercial District with the Wekiva Overlay District on the City's official Zoning Map Series; providing for severability, correction of scrivener's errors and an effective date.

- b. City of Winter Park Ordinances as follows:
 - Ordinance No. 2878-12, An ordinance of the City of Winter Park, Florida amending within the Charter Laws of the City of Winter Park, Section 1.02, "Corporate Limits Described" so as to annex the property at 656 Overspin Drive, more particularly described herein.
 - Ordinance No. 2879-12, An ordinance of the City of Winter Park, Florida amending within the charter laws of the City of Winter Park, Section 1.02, "Corporate Limits Described" so as to annex the property at 600 Baffie Avenue and the east half of the adjacent right-of-way of Baffie Avenue, more particularly described herein.
- c. City of Orlando Ordinance 2012-27, An Ordinance of the City Council of the City of Orlando, annexing to the corporate limits of the City of Orlando, Florida, certain real property generally located north of the Beachline (S.R. (State Road) 528), south of Lee Vista Blvd. and east of Narcoossee Rd.; comprised of 9.40 acres, more or less; and 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.

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

• ADMINISTRATIVE SERVICES DEPARTMENT CONSENT AGENDA ITEM 7 DEFERRED

Approval and execution of Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorization to record instrument for Rhode Island Woods Circle (Progress Energy Easement). District 4. (Real Estate Management Division)

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

I. Consent Agenda

C. Administrative Services Department

7. Approval and execution of Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorization to record instrument for Rhode Island Woods Circle (Progress Energy Easement). District 4 (Real Estate Management Division) Page 122-123"

Motion/Second: Commissioners Thompson/Russell

Abstain: Commissioner Edwards

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

Action: The Board approved execution of Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorized to record instrument for Rhode Island Woods Circle (Progress Energy Easement).

• ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Selection of one firm and two ranked alternates to provide Professional Planning Services, Request for Proposals Y12-1032-LC, from the following firms, listed, below alphabetically:

- AECOM Technical Services, Inc.
- Littlejohn Engineering Associates, Inc.
- Planning Design Group
- Tindale-Oliver & Associates, Inc.
- VHB MillerSellen

Further request authority for the Purchasing and Contracts Division to negotiate and execute a 1-year contact with two additional one year terms within a budget amount of \$211,000.

([Community, Environmental and Development Services Department Planning Division]
Purchasing and Contracts Division)

County Mayor Jacobs announced a conflict of interest for the following reason, as stated in a Memorandum of Voting Conflict filed in the Clerk's Office: "A measure came or will come before my agency which inured to the special gain or loss of Tindale Oliver & Associates, Inc., by whom I am retained. The measure before my agency and the nature of my conflicting interest in the measure is as follows: Tindale Oliver was my former employer prior to my election as Orange County Mayor. I abstained from voting to avoid the appearance of a possible conflict of interest as allowed by Section 286.012, Florida Statutes and consistent with Chapter 2, Article 13, Section 2-453, F of the Orange County Code of Ordinances."

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

III Discussion Agenda

A. ADMINISTRATIVE SERVICES DEPARTMENT

1. Selection of one firm and two ranked alternates to provide Professional Planning Services, Request of Proposals Y12-1032-LC, from the following five firms, listed alphabetically:

- AECOM Technical Services, Inc.
- Littlejohn Engineering Associates, Inc.
- Planning Design Group
- Tindale-Oliver & Associates, Inc.
- VHB MillerSellen

([Community, Environmental and Development Services Department Planning Division] Purchasing and Contracts Division) Page 236-273"

Motion/Second: Commissioners Russell/Boyd

Abstain: County Mayor Jacobs; Commissioner Edwards

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

Action: The Board selected one firm, Planning Design Group, and two ranked alternates, #1 Tindale-Oliver & Associates, Inc., and #2 Littlejohn Engineering Associates, Inc., to provide Professional Planning Services; and further, authorized the Purchasing and Contracts Division to negotiate and execute a 1-year contact with two additional one year terms within a budget amount of \$211,000, Request for Proposals Y12-1032-LC.

• ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 2

Selection of one firm and two ranked alternates to provide Engineering Services for John Young Parkway Reclaimed Water Improvements S.R. (State Road) 528 to Town Center Boulevard, under Request for Proposals Y12-822-PH, from the following firms listed alphabetically:

- AECOM Technical Services, Inc.
- Barnes, Ferland and Associates, Inc.
- Bowyer-Singleton & Associates, Inc.
- CPH Engineers, Inc.
- Inwood Consulting Engineers, Inc.
- Jacobs Engineering Group, Inc.
- Neel-Schaffer, Inc.
- Tetra Tech, Inc.
- Woolpert, Inc.

Further request the Board authorize execution of the final contract by the Purchasing and Contracts Division provided that it does not exceed the budget of \$1,300,000. ([Utilities Department Engineering Division] Purchasing and Contracts Division)

Motion/Second: Commissioners Brummer/Boyd

AYE (voice vote): All members

Action: The Board selected one firm, Barnes, Ferland and Associates, Inc., and two ranked alternates, #1 CPH Engineers, Inc., and #2 Bowyer-Singleton & Associates, Inc., to provide Engineering Services for John Young Parkway Reclaimed Water Improvements S.R. (State Road) 528 to Town Center Boulevard; and further, authorized execution of the final contract by the Purchasing and Contracts Division provided that it does not exceed the budget of \$1,300,000, Request for Proposals Y12-822-PH.

• COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 1

Approval of the Arts and Cultural Affairs Advisory Council's funding recommendations for the Cultural Tourism program for FY 2013. (Arts and Cultural Affairs Office)

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): All members

Action: The Board approved the Arts and Cultural Affairs Advisory Council's funding recommendations for the Cultural Tourism program for FY 2013.

The following persons addressed the Board:

- Jennifer Quigley
- County Comptroller Haynie

Motion/Second: Commissioners Russell/Brummer

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

NO (voice vote): Commissioner Edwards

Action: The Board approved transferring \$150,000 from Cultural Facilities program to the Cultural Tourism program to provide funding for the Zora Neale Hurston Festival for one year with the following conditions:

1. The Association to Preserve the Eatonville Community develop a program to solicit support from a wider base of corporate and individual donors.
2. The Association implement spending controls and budgetary measures to reduce their debt ratio and create a long-term sustainable operating plan.
3. They provide accurate and complete records and reporting.
4. They come back to this Board in either March or April 2013 to report about the past festival in 2013 and what is going to be their future planning for the festival to not have this financial concern in the future.
5. They provide a plan for fiscal and administrative accountability by December 1, 2012, for review by County staff and the Comptroller's Office; and in order for them receiving the funding in January 2013, that they present a plan demonstrating how they are going to ensure the accurate and complete reporting for the expenditure of these funds by December 1, 2012.

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 2

Approval of 2013 Legislative Priorities.

The following person addressed the Board: James Zingale.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board adopted the Legislative Priorities for 2013 outlined by staff as follows:

- Priorities:
 - Online Hotel Room / DOT COM
 - Eliminate the TDT (Tourist Development Tax) and sales tax 'exemption' that exists between wholesale and final price
- Medicaid
 - Billing deadlines should follow the process to reconcile errors; revenue share policy
- Business Tax
 - Maintain funding option, along with flexibility in use
- Pre-Trial Release
 - Maintain county's pre-trial services program for eligible inmates
- Regional Transportation Authority
 - Support regional coordination, while ensuring revenues are not diverted
- Home Rule:
 - Pill Mill Regulation
 - Maintain local government flexibility, no state preemption
 - Fertilizer Regulation
 - Maintain local government flexibility, no state preemption
- Support / Oppose:
 - SUPPORT: Department of Juvenile Justice equity for pre-adjudication and post-adjudication costs
 - SUPPORT: Transportation projects critical to Orange County
 - SUPPORT: Main Street Fairness initiatives

- OPPOSE: Repealing the Mark Wandall Safety Act (i.e. Red Light Camera Enforcement)
- OPPOSE: Expansion and/or new authority for casino and internet gambling
- Monitor:
 - Amendment 10 Implementation*
 - Animal Services
 - Communications Service Tax
 - Environmental Resource Permitting
 - Florida Retirement System
 - Funding Opportunities
 - Septic Tank Inspection
 - Water Policy
- Other Agenda Items:
 - Cost Shifts & Unfunded Mandates
 - Oppose attempts to balance state budget at local tax payers' expense
 - Regulatory Streamlining
 - Support sensible streamlining legislation
- Community Partners:
 - When not adverse to Orange County interests, support legislative priorities of community partners such as:
 - Florida Association of Counties
 - University of Central Florida, Valencia College
 - MetroPlan Orlando
 - LYNX
 - Metro Orlando EDC
 - Orange County Health Department
- Commissioners Issues
 - Commissioner Russell: Concealed weapons in parks and government buildings
 - Commissioner Thompson: Monitor Legislation regarding Distracted Driving
 - Commissioner Boyd: Monitor Legislation regarding Banquet Halls operating under a catering license and Internet Cafes

- MEETING RECESSED, 11:14 a.m.

- MEETING RECONVENED, 1:46 p.m.

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

Others Present: County Comptroller Martha Haynie as Clerk, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell

- PRESENTATION

A Resolution to Jessie J. Allen

- PRESENTATION

URISA 2012 Exemplary Systems in Government (ESIG) Award

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 3

Proposed Ballot Amendments Affecting Property Tax Revenue. (Property Appraiser/Office of Management and Budget)

The following person addressed the Board: Orange County Property Appraiser Bill Donegan.

Action: None

- PETITION TO VACATE PUBLIC HEARING

Applicant: Daniel B. Bellows, on behalf of Benjamin Partners, Ltd.

Consideration: Resolution granting Petition to Vacate 12-05-009, vacating an unopened and unimproved portion of a 50' wide right of way known as Loren Avenue

Location: District 5; property located at 1150 Bennett Avenue and 1441 Kindel Avenue; Parcel IDs 01-22-29-3712-05-010 and 01-22-29-3712-06-010; S01/T22/R29; Orange County, Florida (legal property description on file)

The following person addressed the Board: Javier Omana.

Motion/Second: Commissioners Edwards/Martinez

AYE (voice vote): All members

Action: The Board adopted a resolution granting Petition to Vacate 12-05-009 vacating an unopened and unimproved portion of a 50' wide right of way known as Loren Avenue, on the described property.

- SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Andrea Jernigan-Gwinn, Frye Center Planned Development (PD) Land Use Plan (LUP) (Case #CDR-12-06-124)

Consideration: Substantial change request to:

- 1) Request a waiver from Section 38-1253(b) to allow for a recreational area of 0.19 acres in lieu of the required .248 acres; and
- 2) Request a waiver from Section 38-1389(c)(3)(c) to allow townhomes maximum lot coverage of 74% in lieu of the maximum lot coverage of 65%. Note: Applicable to Tract 1, Lot 2 only; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located west of Winter-Garden Vineland Road, south of Chase Road; Parcel ID's 36-23-27-0000-00-025, 36-23-27-0000-00-039; S/T/R: 36/23/27; Orange County, Florida (legal property description on file)

The County Mayor noted the applicant waived time to address the Board.

Motion/Second: Commissioners Boyd/Edwards

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 Andrea Jernigan-Gwinn, Frye Center Planned Development (PD) Land Use Plan (LUP), to:

- 1) Request a waiver from Section 38-1253(b) to allow for a recreational area of 0.19 acres in lieu of the required .248 acres; and
- 2) Request a waiver from Section 38-1389(c)(3)(c) to allow townhomes maximum lot coverage of 74% in lieu of the maximum lot coverage of 65%. Note: Applicable to Tract 1, Lot 2 only;

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

1. Development shall conform to the Frye Center Land Use Plan dated "Received August 30, 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 the land use plan dated "August 30, 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 owner/applicant (or authorized agent) to the (Board of County Commissioners) BCC at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the BCC in approving the development, could have reasonably been expected to have been relied upon by the BCC in approving the development, or could have responsibly induced or otherwise influenced the BCC to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the BCC by the applicant (or authorized agent) if it was expressly made to the BCC at a public hearing where the development was considered or approved.
3. A waiver from Orange County Code Section 38-1253(b) is granted for PD Tract 1 / Lot 2 only to allow for a recreational area of 0.19 acres, in lieu of the required 0.248 acres.
4. A wavier from Orange County Code Section 38-1389(c)(3)(c) is granted for PD Tract 1 / Lot 2 only to allow a townhouse maximum lot coverage of 74%, in lieu of the maximum lot coverage of 65%.
5. All previous applicable BCC Conditions of Approval dated January 10, 2012 shall apply:
 - A. The following four waivers from the original version of the Horizon West Village Code, applicable to Tract 1, Lot 2 only, are granted:
 - 1) A waiver from Section 38-1387(b)(9) to allow for a minimum of two (2) attached units in lieu of five (5);
 - 2) A waiver from Section 38-1387(b)(7)(a) to allow a front building setback of twelve (12) feet in lieu of fifteen (15) feet and a front porch setback of seven (7) feet in lieu of ten (10) feet;
 - 3) A waiver from Section 38-1387(b)(7)(c) to allow a rear alley setback of ten (10) feet from the easement centerline in lieu of fifteen (15) feet from the easement centerline; and
 - 4) A waiver from Section 38-1387(b)(7)(b) to allow an end unit setback of two point five (2.5) feet in lieu of seven (7) feet. This request will provide a building separation of five (5) feet in lieu of fourteen (14) feet.

6. All previous applicable conditions of approval dated July 13, 2010, shall apply:
 - A. Outside storage and display shall be prohibited.
 - B. Pole signs and billboards shall be prohibited.
 - C. Prior to platting, a Municipal Service Benefit Unit (MSBU) shall be established for recreational trail maintenance for trails that range in width from over 5 feet to less than 14 feet in width.
 - D. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
 - E. A master stormwater, water, wastewater and reclaimed water plan, including preliminary calculations, shall be required to be submitted for review and approval prior to construction plan submittal.
 - F. The water main connection point for the project is to the existing water main along (County Road) C.R. 535. The wastewater connection point for this project is to the existing force main at the intersection of Reams Road and C.R. 535. Any extension of the force main along C.R. 535 will have to be Village sized. The reclaimed water connection point for this project is to the existing reclaimed water main at the intersection of Reams Road and C.R. 535. Any extension of the reclaimed water main along C.R. 535 will have to be Village sized.
 - G. The Developer shall comply with all provisions of the Public Education Agreement (PEA) entered into with the Orange County School Board (OCSB). The Developer has a signed Capacity Enhancement Agreement (CEA #05-002) and the first amendment to that CEA executed on February 22, 2006 and April 8, 2008, respectively, with Orange County Schools. They are on file with the Orange County Planning Division.

Upon the County's receipt of written notice from Orange County Public Schools (OCPS) that the Developer is in default or breach of the (Capacity Enhancement Agreement) CEA, the County shall immediately cease issuing building permits for any residential units in excess of the 59 residential units allowed under the zoning existing prior to the approval of the PD zoning. (The applicant has acknowledged in a letter dated November 7, 2006, to OCSB that the number of vested residential units referenced in the second recital of the CEA should be deemed to be 59, not 178, and the CEA would not be applicable to any residential units in the Village Center until the Middle School site is conveyed. The applicant does not object to an amendment to the CEA to that effect.) 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 CEA. The Developer and its successor or assign under the CEA

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.

The Developer, or its successor or assign under the CEA, 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.

Orange County shall be held harmless by the Developer and its assigns under the CEA, in any dispute between the Developer and OCPS over any interpretation or provision of the CEA.

At the time of platting, documentation shall be provided from OCPS that the project is in compliance with the CEA.

- H. A Developer's Agreement has been executed by Orange County, the Developer of North of Albert's, and the applicant addressing the conveyance of the Middle School Site for Lakeside Village. This Agreement satisfies the requirements set forth in Orange County Code (OCC) Section 30-712(2)(b) for the Frye Property (Land Use Plan) LUP.
- I. The Applicant shall apply for and obtain a Capacity Encumbrance Letter prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this LUP shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a Capacity Encumbrance Letter.
- J. The Amended and Restated Frye Center PD (Adequate Public Facilities) APF Agreement is approved and supersedes and replaces the original APF Agreement as approved by the Board of County Commissioners on July 8, 2008, as recorded in (Official Records) O.R. Book #9733, Page 88946.
- K. A Waiver from Orange County Code 38-1397(b)(5) is granted to allow a 65 foot / 4 story maximum building height in lieu of 40 feet / 3 stories for Tract 2 in its entirety.
- L. This development is approved for a maximum of 162,260 square feet in consideration of the Village Center Lands situated within the PD that also includes the Lakeside Village Middle School site. In order to meet current retail development standards, a waiver from OCC 38-1389(b)(4) is granted to allow the maximum gross floor area per retail establishment (excluding grocery store) to be 15,000 square feet in lieu of 5,000/10,000 square feet. A request for a waiver from (Orange County Code) OCC 38-1389(b)(4) to permit the maximum gross floor area per grocery store to be 54,000 square feet instead of 50,000

square feet has been withdrawn by the applicant. Accordingly, no grocery store shall exceed 50,000 square feet.

- M. No later than ninety (90) days after the Board of County Commissioners approves the Frye Center PD Land Use Plan and the accompanying Developer's agreement, a conveyance document for Tract 6 for civic and public uses shall be provided to the County at no cost to the County.
- N. A drive-through shall be permitted solely in conjunction with financial institutions, grocery stores, and drug stores.
- O. The maximum lot coverage for multi-family, retail, and office shall not exceed 80 percent.
- P. Freestanding, enclosed car washes shall only be permitted as ancillary uses in conjunction with gas pump stations.
- Q. Any waivers from the performance standards shall require (Board of County Commissioners) BCC approval.
- R. The maximum number of units shall be limited to 410. All acreages regarding conservation areas and buffers are considered approximate until finalized by conservation area determinations and conservation area impact permits. Approval of this plan does not permit any proposed conservation impacts.
- S. A block plan shall be provided at the time of the Preliminary Subdivision Plan (PSP) or Development Plan (DP) approval, whichever is submitted first.
- T. There shall be a stub-out to the north of the development. The exact alignment shall be determined at the time of PSP/DP approval.
- U. There shall be a full access point located at Tract 6 and C.R. 535, and any proposed signalization shall be subject to signal warrants. If and when a traffic signal is warranted, the Developer shall pay all costs of installation.
- V. Unless a conservation area impact permit is approved by the County prior to construction plan approval, no conservation area encroachments are permitted.
- W. A five (5) acre public park site and trail as depicted on Exhibit B to the amended and restated APF Agreement on the southeastern side of Lake Spar on upland property will be set aside and identified on the first Preliminary Subdivision Plan for BCC approval, and shall be conveyed pursuant to the amended and restated APF Agreement. The park site shall be contiguous to the park site located on the Black Amber Property to the south, unless there is not such a park site located on the property to the south. The park shall be maintained at the cost of the owners of the commercial uses of the Village Center Lands of

Lakeside Village. A property owners' association (POA) or other entity acceptable to the County for commercial properties in the Village Center shall be established within the Village Center for the operation and maintenance of the Village Center Park. This POA or other approved entity may include other commercial property owners and parcels as may be required by the County in the future. The Developer's Agreement for Lakeside Village Center APF Park among Orange County, Lakeside Village LLC, and GS Properties LLC (the "Developer's Agreement"), addressing conveyance and maintenance of the Village Center Park is hereby approved. The Developers Agreement shall prevail in the case of any conflicts between the terms of the Developers Agreement and the conditions on the face of the Land Use Plan or Preliminary Subdivision Plan.

- X. At the time of platting, Tracts 4 and 5, including upland buffers, designated as conservation/mitigation, shall be dedicated to Orange County.
- Y. The Developer's Agreement regarding Lakeside Village among GS Properties, LLC, North of Albert's, LLP, Lakeside Village Center, LLC, and Orange County is approved.
- Z. The following waivers from the Village Code are granted in order to allow for a more integrated mixed-use development pattern:
 - 1) Tract 1 (Village Center) shall be permitted to hold special events throughout the calendar year. The Planning Manager in consultation with the Building and Fire Safety Departments shall review special events, and all special events shall be subject to all applicable permits. With the exception of the Farmer's Market, a special event shall not have duration beyond 72 hours. In no instance shall the following uses be permitted:
 - a. Car sales events, i.e. events featuring or promoting the sale of new or used cars.
 - b. Boat sales events, i.e. events featuring or promoting the sale of new or used boats.
 - c. Special events featuring the sale of merchandise, which is not customarily sold by uses, permitted in the Orange County Retail Commercial (C-1) Zoning District.
 - 2) Special events may be held on Tract 7 with prior approval from the Parks and Recreation Manager. The Manager on a case-by-case basis will review special events.

- 3) A waiver from Section 38-1382(h) is granted to allow the APF Park/Tract 7 to count toward the 5% required public open space in accordance with Future Land Use Element Policies ~~Policy 6.2.20 and 6.2.21~~ FLU4.2.22 and FLU4.2.23.

Note: The preceding policy references have been updated to reflect December 6, 2011 Comprehensive Plan updates.

- 4) In order to provide for better design for the overall center, a waiver from Section 38-1389(c)(4)(h), which requires that parking lots and garages not be located adjacent to street intersections or civic use areas, is granted to allow parking to be located in front of the property.
 - 5) A waiver from Section 38-1389(c)(4)(i) is granted to allow parking to be located in front of the property. Parking lots in the Village Center are not required to be located at the side or rear of grocery stores, where those parking lots are located internal to the block and the building is not facing a public right-of-way.
 - 6) A waiver from Section 38-1389(c)(6)(d) is granted to eliminate the requirement that the edges of parking lots, which abut a property under different ownership, shall have a street wall or be planted with shrubs. The Village Center portion of the Frye Property PD will be developed under a unified plan, however, may have different property ownerships with joint parking and access. All parking lots at the perimeter of the PD that abut different properties will meet the buffering requirement of the Village Development Code; however, all parking lots internal to the PD will be exempt.
 - 7) In order to minimize parking, maximize green space, and encourage integrated parking and multi-modal transportation, a waiver from Section 38-1476 is granted to eliminate the provision of additional parking spaces for second floor mezzanine space, where such space is inaccessible by customers. The maximum reduction allowed by this waiver will not exceed the parking requirement for 10,000 square feet of general retail space or 50 parking spaces.
 - 8) A waiver from Section 38-1389(c)(3)(a) to decrease the minimum lot width for townhomes from twenty-five (25) feet to twenty-four (24) feet.
 - 9) A waiver from Section 38-1389(c)(3)(b) to decrease the minimum lot depth for townhomes from one hundred twenty (120) feet to eighty-six (86) feet.
- AA. Section 38-1258, Orange County Code is intended to provide compatibility between multi-family and single-family developments on

a countywide basis. These requirements are not consistent with the integrated, mixed use development in the approved Lakeside Village Specific Area Plan. At the date of this plan, the adjacent property to the north of the multi-family development on Tract 2 is designated as townhouse/apartment district by the Lakeside Village Specific Area Plan but is presently zoned agriculture (A-1). Therefore, waivers to the following subsections of Section 38-1258 are required.

- 1) Multi-family buildings located within one hundred (100) feet of single-family zoned property may be up to four (4) stories in lieu of a single story maximum.
- 2) Multi-family buildings located within one hundred plus (100+) to one hundred fifty (150) feet of single-family zoned property may be up to four (4) stories and sixty-five (65) feet in height for 100% of the buildings in lieu of three (3) story and forty (40) feet maximum for 50% of the buildings.
- 3) Multi-family buildings located within one hundred fifty (150) feet of single-family zoned property may be up to four (4) stories and sixty-five (65) feet in height in lieu of three (3) story and forty (40) feet maximum.
- 4) The Board of County Commissioners has approved the height waiver to allow four (4) stories and sixty-five (65) feet with no additional justification required to exceed three (3) stories and forty (40) feet.
- 5) Parking and other paved surfaces may be located no less than seven (7) feet from single-family zoned property in lieu of a minimum twenty-five (25) foot landscape buffer.
- 6) A wall along the northern property line is not required.
- 7) In lieu of a forty (40) foot building separation, there shall be a minimum of twenty (20) feet between all structures, except as follows:

- A minimum ten (10) foot building separation shall be provided between multi-family structures adjacent to the APF roadway.

- BB. Approval of this substantial change to the Land Use Plan does not constitute approval of the apartment design elevations submitted. Such design approvals shall be addressed in the special exception process.

CC. A waiver from Section 38-1476 is granted to allow for a reduced parking ratio only for banks, financial, and lending institutions to be one (1) space per 250 square feet in lieu of one (1) space per 100 square feet.

7. All previous applicable conditions of approval dated January 27, 2009 shall apply:

- A. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the development engineering division for review and approval.
- B. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the Developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
- C. Prior to any construction plan submitted, a study to establish the 100-year flood elevation for Lake Spar shall be submitted and approved by Orange County. Compensating storage for all floodwater displaced by development below the 100-year elevation will be required.
- D. A municipal service benefit unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The Developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the Developer.
- 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. A special exception shall be obtained for apartments/condos within the townhome/apartment district.
 - G. Prior to platting any residential portion of this development, the APF Park (Tract 7) shall be conveyed to Orange County.
 - H. Prior to Development Plan approval for Tract 10, a 12-foot multi-purpose trail shall be provided to the property to the north.
 - I. A drainage easement to maintain functionality over the privately owned ponds shall be granted to the County at the time of platting.
8. All previous applicable conditions of approval dated July 8, 2008 shall apply:
- A. A waiver from Orange County Code 38-1387(B)(5) is granted by the BCC to allow a sixty-five (56) foot/five (5) stories maximum building height in lieu of forty (40) feet/three(3) stories for multi-family and townhome buildings in the townhouse/apartment district. With the granting of this waiver, the minimum amount of open space on Tract 2 shall increase to 35 percent, and the open space cannot be used on any other tracts.

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Frye Center Planned Development / Lakeside Village Townhomes Preliminary Subdivision Plan submitted in accordance with Orange County Code Article II, Section 34-27; This project is proposing to construct 32 townhome units, on a total of 2.487 acres.

Location: District 1; property generally located South of Lakeside Village Lane / West of Winter Garden Vineland Road; Parcel IDs 36-23-27-0000-00-025, 36-23-27-0000-00-039; S36/T23/R27; Orange County, Florida (legal property description on file in Development Engineering Division)

The County Mayor noted the applicant waived time to address the Board.

Motion/Second: Commissioners Boyd/Edwards

AYE (voice vote): All members

Action: The Board approved Frye Center Planned Development / Lakeside Village Townhomes Preliminary Subdivision Plan (PSP) on the described property, subject to the following conditions:

- 1. Development shall conform to the Frye Center Planned Development; Orange County Board of County Commissioners (BCC) approvals; Lakeside Village Townhomes Preliminary Subdivision Plan dated "Received August 30, 2012," and

to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received August 30, 2012," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Planned Development.
4. Prior to construction plan approval, documentation shall be provided that this project has the legal right to tie into the master drainage system.
5. At the time of platting, this project shall join the existing Lakeside Village (Municipal Service Benefit Unit) MSBU for street lighting and shall install any street lights needed in front of this project.
6. 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.
7. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with the approved Master Utility Plan for this PD (Planned Development).

8. Prior to the issuance of any building permits, the CC&R's (Covenants, Conditions, and Restrictions) shall include language with following requirements: The HOA (Homeowners' Association) shall create a reserve fund and maintain insurance for the maintenance and repairs of the shared privately owned wastewater gravity system located within the alleyway along the east side of lots 1 through 32. This portion of the CC&R's shall not be modified without County approval.
9. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with Capacity Enhancement Agreement 05-002. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
10. Approval of this PSP (Preliminary Subdivision Plan) will become effective 30 days after approval of the Frye Center PD Substantial Change.
11. Roads and drainage system, including the retention pond, will be owned and maintained by Orange County with A Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Home Owners' Association. At the time of platting, a Municipal Service Benefit Unit (MSBU) shall be established for the stormwater system functionality.

• DEVELOPMENT PLAN PUBLIC HEARING

Consideration: Isleworth Four Corners Planned Development / The Grove at Isleworth / Parcels 2, 6, and 7 Development Plan submitted in accordance with Article II of the Orange County Subdivision Regulations; This project is proposing to construct 83,846 square feet of commercial on 3.145 acres.

Location: District 1; property generally located South of Conroy-Windermere Road, West of Apopka-Vineland Road; Parcel ID #'s 16-23-28-3160-02-000, 16-23-28-3160-06-000, 16-23-28-3160-07-000; S16/T23/R28; Orange County, Florida (legal property description on file in Development Engineering Division)

The following person addressed the Board: John Florio.

Motion/Second: Commissioners Boyd/Martinez

AYE (voice vote): All members

Action: The Board approved Isleworth Four Corners Planned Development / The Grove at Isleworth / Parcels 2, 6, and 7 Development Plan 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, 6 & 7 Development Plan dated "Received August 15, 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 (Board of County Commissioners), or by action of the BCC.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Planned Development.
4. 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.
5. Outdoor sales, storage and display shall be prohibited.
6. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan and Board of County Commissioners approved waivers.
7. Approval of this DP (Development Plan) shall constitute a lot re-configuration of Parcel 1 and Parcel 2.

8. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
9. Architectural features exceeding thirty-five (35) feet in height shall be approved by the Board of County Commissioners.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Joel A. Ivey, Ivey Planning Group, LLC, Tupperware Heights Planned Development (PD) Land Use Plan (LUP) (Case #CDR-10-09-193)

Consideration: Substantial change request to:

- 1) Construct 966,975 Commercial square feet on 51.6 net developable acres;
- 2) Construct 200 age-restricted Multi-family units on 10.0 net developable acres; and
- 3) Grant a waiver from Section 38-1272(a)(5) to allow commercial building(s) height to be eight-five (85) feet in height in lieu of fifty (50) feet in height and in lieu of thirty-five (35) feet in height within one hundred (100) feet of residential; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 4; property generally located north of Osceola County line, east of South Orange Blossom Trail; Parcel IDs 34-24-29-0000-00-004, 35-24-29-0000-00-002; S/T/R: 34 & 35/24/29; Orange County, Florida (legal property description on file)

The following person addressed the Board: Joel Ivey.

Motion/Second: Commissioners Thompson/Boyd

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 Joel A. Ivey, Ivey Planning Group, LLC, Tupperware Heights Planned Development (PD) Land Use Plan (LUP), to:

- 1) Construct 966,975 Commercial square feet on 51.6 net developable acres;
- 2) Construct 200 age-restricted Multi-family units on 10.0 net developable acres; and
- 3) Grant a waiver from Section 38-1272(a)(5) to allow commercial building(s) height to be eight-five (85) feet in height in lieu of fifty (50) feet in height and in lieu of thirty-five (35) feet in height within one hundred (100) feet of residential;

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

1. Development shall conform to the PD Land Use Plan dated "Received October 10, 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 the land use plan dated "Received October 10, 2012," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. 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.
4. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
5. Prior to approval of a PSP (Preliminary Subdivision Plan) or DP (Development Plan) within this PD, an updated Master Utility Plan (MUP) shall be submitted for review. The updated MUP must be approved prior to Construction Plan approval.
6. Outdoor sales, storage, and display shall be prohibited.

7. 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.
8. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5.
9. A waiver is granted from Section 38-1272(a)(5) to allow for a maximum commercial building height of eighty-five (85) feet, in lieu of fifty (50) feet in height or thirty-five (35) feet in height when within one hundred (100) feet of any residential.
10. Tract 3 and Tract 4 shall promote public transportation and shall comply with Orange County Transportation Element Objective T2.8 and its' attendant policies. Future PSP's and DP's within Tracts 3 and 4 shall comply with Policies T2.8.1 – T2.8.10.
11. All previously applicable BCC (Board of County Commissioners) Conditions of Approval dated July 31, 2007 shall apply:
 - a. Because the project includes approval for elderly housing, prior to Development Plan/Preliminary Subdivision Plan approval, the developer shall submit to the Development Review Committee for review and approval conditions, covenants, and/or restrictions (CC&Rs) that restrict occupancy to senior adults and that comply with the requirements of the Federal Fair Housing Act. Such CC&Rs shall be recorded in the public records of Orange County and shall run with the land. Any proposed future conversion of the elderly housing to unrestricted housing shall constitute a substantial change that must be approved by the BCC at a public hearing. If the substantial change is approved, school impact fees in effect at the time shall be paid and the project shall comply with any school capacity regulations in effect at that time.
 - b. In order to provide 35 percent open space, not counting conservation areas, a waiver from Section 38-1258(d) is granted to allow a maximum building height of 85 feet in lieu of 40 feet for multi-family structures.
 - c. ~~The Developer's Agreement for the dedication of right-of-way on Orange Blossom Trail shall be approved.~~

Note: The preceding condition has been satisfied; therefore, is no longer applicable.

- UTILITIES DEPARTMENT WORKSESSION AGENDA ITEM 1

Solid Waste Study Update. All Districts. (Administration)

The following person addressed the Board: David Hoot.

Action: None

- ADJOURNMENT, 3:25 p.m.

ATTEST:


County Mayor Teresa Jacobs

Date: DEC 18 2012

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk


Assistant Deputy Clerk

