

OCT 30 2012 CAS/MP

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, August 28, 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,  
Tiffany Russell  
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator  
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy Clerk  
Kathleen C. Johnson

- CALL TO ORDER, 9:07 a.m.
- INVOCATION - Pastor John G. Fisher, United Methodist Church of Apopka
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

The following person addressed the Board for public comment: Marlon Washington.

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Martinez  
AYE (voice vote): All members  
Action: The Board

- Deferred Administrative Services Department Item 5
- Deferred Administrative Services Department Item 21
- Deferred Administrative Services Department Item 22
- Deleted Administrative Services Department Item 23
- Deleted Family Services Department Item 3

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

County Mayor

1. Confirmation of the following appointments: Jason Herrick as the Deputy Director, Utilities Department; Loretta "Lori" Cunniff as the Deputy Director, Community, Environmental and Development Services Department; Michael Wajda as the Division Chief, Training Division, Fire Rescue; Alex Morales as the Manager, Fiscal & Operational Support Division, Fire Rescue; David Freeman as the Manager, Office of Emergency Management, Fire Rescue; Orlando Portalatin as the Manager, Human Resources Division, Office of Accountability; Kathleen "Kathie"

Canning as the General Manager, Convention Center; Jan Addison as the Deputy General Manager, Convention Center; Yulita Osuba as the Deputy General Manager, Convention Center; Kris Shoemaker as the Manager, Fiscal and Operations Support Division, Convention Center; David Ingram as Manager, Event Operations Division, Convention Center; Terry Devitt as the Manager, Facility Operations, Convention Center, all effective immediately.

#### County Comptroller

1. Approval of the minutes of the July 10, 16, and 17, 2012, meetings of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
  - August 3, 2012, to August 9, 2012; total of \$33,820,883.23
  - August 10, 2012, to August 16, 2012; total of \$18,729,291.73
  - August 17, 2012, to August 23, 2012; total of \$24,729,724.72.

(Finance/Accounting)

3. Disposition of Tangible Personal Property and Real Property as follows: (Property Accounting)
  - a. Scrap assets.
  - b. Internally sell assets.

#### County Tax Collector

1. Acceptance of the Tax Collector's Recapitulation of the Tax Roll for 2011 (DR-502) and corresponding certification of Errors, Double Assessments, Discounts, and Insolvencies.

#### County Administrator

1. Confirmation of Commissioner Boyd's appointment of Joseph Georganna, Gayle W. Blackert, and Thomas R. Maurer to the Big Sand Lake Advisory Board with terms expiring December 31, 2012. (Agenda Development Office)
2. Confirmation of Commissioner Boyd's appointment of Jason Fulmer to the Butler Chain of Lakes Advisory Board with a term expiring December 31, 2015. (Agenda Development Office)

3. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)
4. Approval of FY 2012-2013 non-bargaining and bargaining pay plan structure adjustments and the across-the-board salary increase implementation plan for all employees (pending each union's acceptance), effective October 14, 2012. (Human Resources Division)
5. Approval of Reserve Account Agreement between Orange County, Florida and the Office of the Orange County Comptroller. (Office of Accountability)
6. Approval of Central Florida Area Workforce Investment Consortium Interlocal Agreement. (Office of Economic, Trade and Tourism Development)
7. Approval of budget amendments #12-58, #12-59, #12-60, #12-61, #12-62, #12-63, #12-64, and #12-65. (Office of Management and Budget)

#### County Sheriff

1. Approval of U.S. Department of Justice FY12 Justice Assistance Grant Program, Award Number: 2012-DJ-BX-1167, in the amount of \$412,021 for the period of October 1, 2011 through September 30, 2015.

#### Administrative Services Department

1. Approval to award Invitation for Bids Y12-166-JS, Cable Concrete Mats and Blocks, to the low responsive and responsible bidder, Atlantic Construction Fabrics, Inc., in the estimated contract award amount of \$187,534 for a 1-year term. Further, authorized the Purchasing and Contracts Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y12-1043-LC, HVAC (Heating, ventilating, and air conditioning) Repair and Replacement Countywide, to the low responsive and responsible bidders, Air Mechanical and Service Corporation (AMSCO), as primary contractor in the estimated annual contract of \$1,000,000 and Shaw Mechanical Services, LLC and Johnson Controls, Inc. as secondary contractors each in the contract amount of \$500,000. Further, authorized the Purchasing and Contracts Division to renew the contracts for two additional 1-year periods. ([Administrative Service Department Facilities Management Division] Purchasing and Contracts Division)

3. Approval to award Invitation for Bids Y12-1044-LC, Electrical Maintenance Repair, Replacement and Renovation, to the low responsive and responsible bidder, Heron Electric, Inc. in the estimated annual contract award amount of \$200,000. Further, authorized the Purchasing and Contracts Division to renew the contracts for two additional 1-year periods. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
4. Approval to award Invitation for Bids Y12-1045-LC, Plumbing Services, to the low responsive and responsible bidder, Frank Gay Plumbing, Inc., in the estimated annual contract award amount is \$200,000. Further, authorized the Purchasing and Contracts Division to renew the contracts for two additional 1-year periods. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
5. Approval to award Invitation for Bids Y12-1047-J2, Term Contract for Asphalt Milling and Resurfacing Services, to the low responsive and responsible bidders, Hubbard Construction Company in the estimated annual contract award amount of \$4,441,825.; The Middlesex Corporation in the estimated annual contract award amount of \$4,477,500; Oldcastle Southern Group, Inc. dba APAC-Southeast, Inc. in the estimated annual contract award amount of \$4,595,055 and Ranger Construction Industries, Inc. in the estimated annual contract award amount of \$4,621,319.90. Further request authorization for the Purchasing and Contracts Division to exercise contract option years one and two. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)  
  
(This item was deferred.)
6. Approval to award Invitation for Bids Y12-1060-PH, Orange County Sanitary Sewer Cleaning and CCTV (Closed Circuit Television), to the responsive and responsible bidder, EnviroWaste Services Group, Inc., in the estimated annual contract award amount of \$374,731.56 for a 1-year term contract. Further, authorized the Purchasing and Contracts Division to renew the contract for two additional one-year option periods. ([Utilities Department Field Services Division] Purchasing and Contracts Division)
7. Approval to award Invitation for Bids Y12-1070-GJ, Term Contract - Communication Products, to the low responsive and responsible bidder, Accu-Tech Corporation, for a 1-year term contract in the total estimated contract award amount is \$517,923.82. Further, authorized the Purchasing and Contracts Division to renew the contract for four additional one-year periods. ([Office of Accountability Information Systems and Services Division] Purchasing and Contracts Division)

8. Approval to award Invitation for Bids Y12-1074-GJ, Term Contract - Coarse Aggregate, to the low responsive and responsible bidder, Solan Trucking & Excavating, Inc., for a 1-year term contract, in the total estimated contract award amount is \$332,500. Further, authorized the Purchasing and Contracts Division to renew the contract for four additional one-year periods. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
9. Approval to award Invitation for Bids Y12-1075-GJ, Term Contract-Food Products, to the low responsive and responsible bidder, Sysco Central Florida, Inc., in the total estimated contract award amount of \$164,404.91 for a 1-year term contract. Further, authorized the Purchasing and Contracts Division to renew the contract for four additional one-year periods. ([Family Services Department Youth and Family Services Division] Purchasing and Contracts Division)
10. Approval to award Invitation for Bids Y12-762-J2, Lake Underhill Road Roadway Reconstruction at Select Locations, to the low responsive and responsible bidder, Gibbs & Register, Inc. in the total estimated contract award amount of \$1,731,300. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
11. Approval to award Invitation for Bids Y12-763-J2, Lake Eve Drainage Well Replacement and Abandonment, to the low responsive and responsible bidder, Thompson Well & Pump, Inc. The total estimated contract award amount is \$193,299 (Alternate Bid). ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
12. Approval to award Invitation for Bids Y12-796-SB, Bithlo Community Park Splash Pad, to the low responsive and responsible bidder, BDG Construction Services, LLC in the total contract award amount is \$425,129 for the base bid. ([Administrative Services Department Capital Projects Division] Purchasing and Contracts Division)
13. Approval of Amendment No. 3, Contract Y8-1049-LC, Group Dental Insurance Plan, for an additional 1-year term with The Standard Insurance Company, to extend the contract for one year from January 1, 2013 to December 31, 2013. ([Office of Accountability Human Resources Division] Purchasing and Contracts Division)
14. Approval of Amendment No. 7 to Contract Y7-100, Janitorial Services at the Convention Center, with American Maintenance, extending the contract through December 31, 2012 in the estimated amount of \$781,567 for a revised estimated contract amount of \$6,363,993. ([Convention Center] Purchasing and Contracts Division)
15. Approval of Purchase Order M58832, Purchase of ESINet Call Routing Services, with AT&T in the amount of \$164,996. ([Office of Accountability Information Systems and Services Division] Purchasing and Contracts Division)

16. Ratification of Purchase Order M57082, Emergency Upgrade and Replacement of the Automatic Transfer Switch, Switchgear, and Controls for the Two Back-up Generators that service the 59,500 SF Fire Rescue Headquarters Building which Houses the 911 Center in the amount of \$194,750 with Tampa Armature Works, Inc. ([Administrative Services Department Capital Projects Division] Purchasing and Contracts Division)
17. Approval to award Invitation for Bids Y12-749-EZ, Orange County Medical Clinic Roof Top Unit and Fan Terminal Unit Replacement, to the low responsive and responsible bidder, Air Mechanical & Services Corp. (AMSCO) in the total contract award amount of \$138,950. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
18. Approval and execution of Lease Agreement between Orange County and CBS Outdoor, Inc. and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed for Billboard Lease: Forsyth Road – South of Aloma at 4146 Forsyth Road, Winter Park, Florida. District 5. (Real Estate Management Division)
19. Approval and execution of Permission to Enter Property (Entry Agreement) between Orange County and BOK Tower Gardens and delegation of authority to the Real Estate Management Division to exercise renewal option, if needed for Fenton Avenue Right-of-Way. District 1. (Real Estate Management Division)
20. Approval and execution of Conservation Easement from Orange County to St. Johns River Water Management District and authorization to disburse funds to pay recording fees and record instrument for Ranger Drainage District Conservation Area Impact Permit #09-009. District 5. (Real Estate Management Division)
21. Approval and execution of Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorization to record instrument for Trimble Park (Campground electrical easement). District 2. (Real Estate Management Division)  
  
(This item was deferred.)
22. Approval and execution of Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorization to record instrument for Magnolia Park (Campground electrical easement). District 2. (Real Estate Management Division)  
  
(This item was deferred.)
23. Approval and execution of Resolution and County Deed from Orange County to City of Orlando and authorization to record instrument for East Princeton St. (Orange Ave. to Mills Ave.) District 5. (Real Estate Management Division)  
  
(This item was deleted.)

24. Approval of Conservation and Access Easement from Crockett Development Property, LLC to Orange County and authorization to record instrument for Airport South Impact Permit #CAI (Conservation Area Impact) 12-04-013 (formerly # 03-028). District 4. (Real Estate Management Division)
25. Approval of Conservation and Access Easement between Honey Bee Holdings, LLC and Orange County with Joinder and Consent to Conservation Easement from Manufacturers and Traders Trust Company and authorization to record instrument for Conservation Area Impact Permit #10-027 (40 Acres and a Mule, LLC). District 5. (Real Estate Management Division)
26. Approval of Warranty Deed from Ashton Woods Orlando Limited Partnership to Orange County and authorization to perform all actions necessary and incidental to closing for Reams Road Southern Connector Road. District 1. (Real Estate Management Division)
27. Approval of Temporary Access and Utility Easement from Lake Hart Partners II, LTD to Orange County with Lender's Joinder and Consent from Fifth Third Bank and authorization to record instrument for Innovation Way South Transportation Corridor. District 4. (Real Estate Management Division)

#### Community and Environmental Services Department

1. Approval of resolutions establishing special assessment liens for lot cleaning services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division)

LC 12-0596	LC 12-0641	LC 12-0644	LC 12-0647	LC 12-0691
LC 12-0697	LC 12-0709	LC 12-0719	LC 12-0732	LC 12-0594
LC 12-0622	LC 12-0624	LC 12-0637	LC 12-0645	LC 12-0650
LC 12-0670	LC 12-0672	LC 12-0717	LC 12-0762	LC 12-0703
LC 12-0730	LC 12-0763	LC 12-0467	LC 12-0588	LC 12-0654
LC 12-0679	LC 12-0700	LC 12-0473	LC 12-0646	LC 12-0673
LC 12-0348	LC 12-0540	LC 12-0541	LC 12-0575	LC 12-0614
LC 12-0615	LC 12-0618	LC 12-0660	LC 12-0684	LC 12-0685

2. Approval of resolutions regarding claims of special assessment liens and approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County, pursuant to Orange County Code, Chapter 9, Section 9-278, Residential Property Maintenance Code, Assessment and Lien. Districts 2, 4, 5 and 6. (Code Enforcement Division)

<u>Dist.#</u>	<u>Property</u>	<u>Resolution #</u>	<u>Property Owner</u>	<u>Amount*</u>
2	6549 Booth Lane	A 10-049	Alicia M. Andrews	\$8,429.05
5	2408 Gresham Drive	A 11-012	Nathan J. Vieages	\$17,416.97
2	5251 Pope Rd.	A 11-080	Theophilus E. Adams	\$5,394.49
2	5704 Perrine Drive	A 11-109	Christobel Simon	\$3,657.65
6	2062 Dardanelle Dr.	A 11-116	Jacob Skinner	\$7,962.95
5	25227 Luke St.	A 11-118	Shannon Nettles	\$7,233.92
4	9453 3rd Ave.	A 11-137	Claudia Y. Ramirez, Victor Zamudio, Juana Del Carmen Ramirez	\$7,373.47

3. Approval of 2011 Shelter Plus Care Renewal Agreements, Grant Numbers: FL0106C4H071104, FL0305C4H071103, and FL0396C4H071101, between Orange County and the United States Department of Housing and Urban Development in the total grant amount of \$619,164, to provide services to homeless persons with disabilities. All Districts. (Housing and Community Development Division)

#### Family Services Department

1. Approval to process Department of Juvenile Justice invoices for FY 2012-13 in the estimated amount of \$8,059,840. (Fiscal Division)
2. Approval of the Florida Department of Children and Families Application for a License to operate a Child Care Facility at the Oakridge (Young Men's Christian Association) YMCA Head Start Center. This application is only executed by Orange County. (Head Start Division)
3. Approval of Resolution of the Orange County Board of County Commissioners establishing a Substance Abuse and Mental Health Services Administration ("SAMHSA") Donation Account. (Mental Health and Homeless Issues Division)

(This item was deleted.)

#### Fire Rescue Department

1. Approval of Contract Number: 13-CP-11-06-58-01-XXX, (Catalog of State Financial Assistance) CSFA Number: 31.067, State-Funded Subgrant Agreement between the State of Florida Division of Emergency Management and Orange County in the amount of \$24,410. (Office of Emergency Management)



## Growth Management Department

1. Approval of Second Amendment to First Amended and Restated Development Order for the Moss Park Development of Regional Impact and amended PD/LUP (Planned Development/Land Use Plan) dated "Received May 18, 2012" as a non-substantial deviation. District 4. (Growth Management Department)
2. Approval of Moss Park Transportation and Proportionate Share Agreement (Moss Park DRI (Development of Regional Impact)/Innovation Way South) among Orange County and Lake Hart Partners, LTD, Lake Hart Partners II, LTD, Crittenden Fruit Company, Inc., Campus Crusade for Christ, Inc, and Wycliffe Bible Translators, Inc. (collectively, "Owners") to pay a Proportionate Share Payment of \$1,383,000 and dedicate right-of-way and easements and perform Design, Engineering and Permitting of Sections 1, 2 and 3. District 4. (Roadway Agreement Committee)

## Health Services Department

1. Approval of the Federally-Funded Subgrant Agreement Contract Number: 12-DS-25-06-58-02-, between the State of Florida, Division of Emergency Management and Orange County, Florida for the 2011 Metropolitan Medical Response System (MMRS) Subgrant in the amount of \$281,693. No county match is required. (EMS Office of the Medical Director)
2. Approval of Agreement between Orange County EMS (Emergency Medical Services) Office of the Medical Director and Brevard County Emergency Management related to Distribution of Equipment. (EMS Office of the Medical Director)
3. Approval of Contract Y12-2061 between Orlando Health, Inc. and Orange County, Florida in the amount of \$690,131, and Contract Y12-2062 between Adventist Health System, Inc. d/b/a Florida Hospital and Orange County, Florida in the amount of \$690,131. (Medical Clinic)

## Public Works Department

1. Approval to record the plat for West Lake Butler Road First Addition. District 1. (Roads and Drainage Division)
2. Authorization to record the plat of Family Dollar At Dean Road. District 3. (Development Engineering Division)
3. Authorization to record the plat of Oak Ridge Walmart. District 4. (Development Engineering Division)

4. Approval to install a "No Parking" zone on the even numbered addresses side of Windrose Drive from 654 Windrose Drive to 948 Windrose Drive. District 4. (Traffic Engineering Division)
5. Approval to install a "No Parking" zone from 12 a.m. to 8 a.m. on Kaiser Court. District 5. (Traffic Engineering Division)
6. Approval to construct speed humps on Culver Road between Flowers Avenue and Lehman Road. District 3. (Traffic Engineering Division)
7. Approval to install a "No Parking" zone from 12 a.m. to 8 a.m. on Chloe Court. District 5. (Traffic Engineering Division)
8. Approval to install a "No Parking" zone on the south side of the roadway for the first fifty feet and "No Parking" from 12 a.m. to 8 a.m. on both sides of the roadway continuing along Kristenright Lane. District 5. (Traffic Engineering Division)
9. Approval to install a "No Parking" zone from 12 a.m. to 8 a.m. on Lisalynne Court. District 5. (Traffic Engineering Division)

#### Utilities Department

1. Approval of commercial refuse license for Samsula Waste, Inc. to provide solid waste hauling services to commercial generators in Orange County. All Districts. (Solid Waste Division)
2. Approval of Buffalo Wild Wings Wastewater Capacity Adjustment Agreement between Orange County and Maybar 101 Associates, LLC, reducing capital fees by \$15,911.78. District 6. (Development Engineering Division)
3. Approval of Irrevocable Standby Letter of Credit No. 55106051, dated June 14, 2012, from Regions Bank; Amendment Number: 01, dated July 27, 2012; and Amendment Number: 02, dated July 31, 2012, on behalf of Maybar 101 Associates, in favor of Orange County in the amount of \$15,911.78 for the required security to guarantee compliance with the terms of the Buffalo Wild Wings Wastewater Capacity Adjustment Agreement. District 6. (Development Engineering Division)
4. Approval of Utility Line Construction Reimbursement Agreement for Signature Lakes, PD (Planned Development) Phase 3B-1 between Orange County and SLV Independence Phase III, L.L.C. in the "maximum cost obligation" amount of \$79,451 for utility improvements relating to the Signature Lakes Phase 3B-1 development. District 1. (Development Engineering Division)

5. Approval of Utility Line Construction Reimbursement Agreement for Signature Lakes, PD (Planned Development) Phase 3B-2 between Orange County and SLV Independence Phase III, LLC in the "maximum cost obligation" amount of \$118,416 for utility improvements relating to the Signature Lakes Phase 3B-2 development. District 1. (Development 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. The Ranger Drainage District notification of no changes to RDD Public Facility Report of February 22, 1995.
  - b. Town of Oakland Ordinance 2012-06; An Ordinance of the Town of Oakland, Florida, relating to the Voluntary Annexation of ±4.4 acres; making findings; annexing to and including within the corporate limits of the Town of Oakland, Florida, certain lands located in Section 29, Township 22, Range 27, redefining the corporate limits of the Town of Oakland, Florida; providing for the interim provision of land development regulations; providing for codification, conflicts, severability and an effective date.
  - c. City of Ocoee Notification of Petitions 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-1AAA" for a parcel of land located on the north side of Silver Star Road (SR 438) 17-22-28-0000-00-119; 628 East Silver Star Rd). A public hearing with the City of Ocoee Land Planning Agency (LPA)/Planning and Zoning commission is scheduled for Tuesday, August 14, 2012, and a public hearing adoption for the proposed annexation and initial zoning is scheduled before the City of Ocoee City Commission on Tuesday, September 4, 2012.
  - d. City of Orlando Voluntary Annexation Request - 2500 Silver Star Road – ANX2011-0006. Notice of Proposed Enactment. On August 20, 2012, the Orlando City Council will consider proposed Ordinance #2012-15, entitled an Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City of Orlando, Florida, certain real property generally located at the southeast corner of Silver Star Rd. and N. John Young Pkwy., comprised of 8.37 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; 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. A public hearing on this Ordinance will be held during the Council's regular meeting beginning at 2:00 p.m., in the Council Chambers, 2nd floor, in Orlando City Hall, 400 S. Orange Ave., Orlando Florida.

- e. City of Apopka Notice of Proposed Voluntary Annexation Ordinances and Public Hearing Notice as follows:

- Ordinance No. 2267; Property Industrial Enterprises, LLC., south of 1<sup>st</sup> Street and west of Hawthorne Avenue; Parcel ID: 09-21-28-0868-0150. An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Property Industrial Enterprises, LLC., located south of 1<sup>st</sup> Street and west of Hawthorne Avenue; providing for directions to the City Clerk, severability, conflicts, and an effective date
- Ordinance No. 2268; KTS Consultants, Inc.; south of 1<sup>st</sup> Street and west of Hawthorne Avenue; Parcel ID 09-21-28-0868-01-042. An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by KTS Consultants, Inc., located south of 1st Street and west of Hawthorne Avenue; providing for directions to the City Clerk, conflicts, and an effective date.

The public hearings to consider the future adoption of Ordinance Numbers 2267- 2268 will be held by the City of Apopka City Council at its regularly scheduled meetings in the City Council Chambers of the Apopka City Hall on Wednesday, August 15, 2012, beginning at 8:00 p.m. and Wednesday, September 5, 2012 beginning at 1:30 p.m., or as soon thereafter as possible.

- f. City of Ocoee Annexation Ordinance No. 2012-007; (Ordinance for Bright House Ocoee); Tax Parcel ID 19-22-28-0000-00-031. Case No. AX-06-11-28; An Ordinance of the City of Ocoee, Florida annexing into the corporate limits of the City of Ocoee, Florida, certain real property containing approximately 1.95 acres located at 844 Maguire Road, Ocoee, Florida 34761 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.
- g. City of Ocoee Annexation Ordinance No. 2012-008; (PUD Zoning Ordinance for Bright House Ocoee PUD). An Ordinance of the City of Ocoee, Florida establishing Ocoee "PUD" Zoning, Planned Unit Development District, for certain real property comprising approximately 1.95 acres located at 844 Maguire Road, Ocoee, Florida 34761, pursuant to the application submitted by the property owner; finding such zoning to be consistent with the Ocoee Comprehensive Plan, the Ocoee City Code, and the Joint Planning Area Agreement; providing for and authorizing the revision of the Official City Zoning Map; repealing inconsistent ordinances; providing an effective date.
- h. Orlando/Orange County Convention and Visitors Bureau, Inc 2011 Internal Revenue Service Form 990. Return of Organization Exempt From Income Tax, Letter from CMC Compensation Group, and Compensation Recap 2011 of management team and five additional highly compensated employees.

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

NOTE: THE FOLLOWING 3 ITEMS WERE CONSIDERED TOGETHER.

• ADMINISTRATIVE SERVICES DEPARTMENT CONSENT AGENDA ITEM 5  
DEFERRED

Approval to award Invitation for Bids Y12-1047-J2, Term Contract for Asphalt Milling and Resurfacing Services, to the low responsive and responsible bidders, Hubbard Construction Company in the estimated annual contract award amount of \$4,441,825.; The Middlesex Corporation in the estimated annual contract award amount of \$4,477,500; Oldcastle Southern Group, Inc. dba APAC-Southeast, Inc. in the estimated annual contract award amount of \$4,595,055 and Ranger Construction Industries, Inc. in the estimated annual contract award amount of \$4,621,319.90. Further request authorization for the Purchasing and Contracts Division to exercise contract option years one and two. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts 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 Ranger Construction Industries, Inc., client of Foley & Lardner, my employer, by whom I am retained. The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I. Consent Agenda

F. Adm Services

5. Ranger Construction Industries, Inc.

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Recommendation Approval to award Invitation for Bids Y12-1047-J2, Term Contract for Asphalt Milling and Resurfacing Services to the low responsive and responsible bidders, Hubbard Construction Company in the estimated annual contract award amount of \$4,441,825.; The Middlesex Corporation in the estimated annual contract award amount of \$4,477,500; Oldcastle Southern Group, Inc. dba APAC-Southeast, Inc. in the estimated annual contract award amount of \$4,595,055 and Ranger Construction Industries, Inc. in the estimated annual contract award amount of \$4,621,319.90. Further request authorization for the Purchasing and Contracts Division to exercise contract option years one and two. Orders against these contracts shall not exceed the annual budget amount of \$14,500,000. Sufficient funds are available in account 1004-072-2990-3197. The Roads and Drainage Division and the Business Development Division concur with this recommendation."

and

- ADMINISTRATIVE SERVICES DEPARTMENT CONSENT AGENDA ITEM 21  
DEFERRED

Approval and execution of Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorization to record instrument for Trimble Park (Campground electrical easement). District 2. (Real Estate Management Division)

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

I. Consent Agenda

F. Adm Services

21. Progress Energy Florida, Inc.

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APPROVAL AND EXECUTION OF DISTRIBUTION EASEMENT FROM ORANGE COUNTY TO PROGRESS ENERGY FLORIDA, INC. AND AUTHORIZATION TO RECORD INSTRUMENT."

and

- ADMINISTRATIVE SERVICES DEPARTMENT CONSENT AGENDA ITEM 22  
DEFERRED

Approval and execution of Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorization to record instrument for Magnolia Park (Campground electrical easement). District 2. (Real Estate Management Division)

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

I. Consent Agenda

F. Adm Services

22. Progress Energy Florida, Inc.

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APPROVAL AND EXECUTION OF DISTRIBUTION EASEMENT FROM ORANGE COUNTY TO PROGRESS ENERGY FLORIDA, INC. AND AUTHORIZATION TO RECORD INSTRUMENT."

Motion/Second: Commissioners Thompson/Boyd

Abstain: Commissioner Edwards

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

Action: The Board approved to award Invitation for Bids Y12-1047-J2, Term Contract for Asphalt Milling and Resurfacing Services, to the low responsive and responsible bidders, Hubbard Construction Company in the estimated annual contract award amount of \$4,441,825.; The Middlesex Corporation in the estimated annual contract award amount of \$4,477,500; Oldcastle Southern Group, Inc. dba APAC-Southeast, Inc. in the estimated annual contract award amount of \$4,595,055 and Ranger Construction Industries, Inc. in the estimated annual contract award amount of \$4,621,319.90; further, authorized the Purchasing and Contracts Division to exercise contract option years one and two; further, approved the distribution Easement from Orange County to Progress Energy Florida, Inc. and authorized to record instrument for Trimble Park (Campground electrical easement); and further, approved the Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorized to record instrument for Magnolia Park (Campground electrical easement).

- NONAGENDA

Adding title block and summary language to proposed Ordinance pertaining to an amendment to the Orange County Charter regarding the regulation of employer-employee relationships.

Action: None

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 1

Update on the Downtown Development Board. (Office of Economic, Trade and Tourism Development)

The following person addressed the Board: Thomas Chatmon.

Action: None

- COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Trail Safety Enhancement Report. (Parks and Recreation Division)

Action: None

- GROWTH MANAGEMENT DEPARTMENT DISCUSSION AGENDA ITEM 1

School Capacity Determinations. All Districts. (Growth Management Department)

The following persons addressed the Board:

- Julie Salvo
- Woody Rodriguez

Action: None

- OFFICE OF REGIONAL MOBILITY DISCUSSION AGENDA ITEM 1

Approval of Agreement for Local Funding of Railroad Track Rehabilitation (Orange County) between Orange County, Florida and Florida Central Railroad Company, Inc. Districts 1, 2, 3, 5, and 6.

Motion/Second: Commissioners Brummer/Boyd

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

NO (voice vote): Commissioners Martinez, Edwards

Action: The Board approved the Agreement for Local Funding of Railroad Track Rehabilitation (Orange County) between Orange County, Florida and Florida Central Railroad Company, Inc. Districts 1, 2, 3, 5, and 6.

- UTILITIES DEPARTMENT DISCUSSION AGENDA ITEM 1

Utilities Department Rate Indexing for FY 2013. (Fiscal & Administrative Support Division)

The following person addressed the Board: County Comptroller Martha Haynie.

Motion/Second: County Mayor Jacobs/Commissioner Thompson

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

NO (voice vote): Commissioners Boyd, Brummer, Edwards

Action: The Board suspended the rate Index for Tier 1 for this coming Fiscal year only; further, directed staff to do a market review of Tiers 3, 4, and 5; and further, to report back to the Board.



- ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Approval of Purchase Order M59441, Courthouse Complex Security Guard Services, in the estimated amount of \$691,995.50 and approval of Purchase Order M59537, Utility Department Security Guard Services, in the estimated amount of \$523,712.82. Both orders will be issued to G4S Secure Solutions USA, Inc. under State of Florida Contract 991-380-10-1. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)

Motion/Second: Commissioners Russell/Brummer

AYE (voice vote): All members

Action: The Board approved Purchase Order M59441, Courthouse Complex Security Guard Services, in the estimated amount of \$691,995.50; further, approved Purchase Order M59537, Utility Department Security Guard Services, in the estimated amount of \$523,712.82 to G4S Secure Solutions USA, Inc. under State of Florida Contract 991-380-10-1 for a period of six months; further, removed Jenkins Security Consultants, Inc. from all of Lot 1; and further, granted the Mayor executive authority to replace Jenkins Security Consultants, Inc. on Lot 5 if needed.

- MEETING RECESSED, 11:59 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 Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell

- PRESENTATION

Employee Service Awards to Renee Champion (25), Community Corrections, Debbie Gaines Ramsey (20), Professional Services, Bryan R. Holt (25), Security Operations, Corrections; Warren Harvey Lakhan (20), Ryan White Grants Program, Almastine Coleman (35), Lourdes E. Ramos (20), Shelia Marie Orr (20), Head Start, Valerie Denise Curgil (35), Community Action, Family Services; Loretta Gean Olin (25), Department Office, Drew S. McLain (25), Gary W. Boldrey (25), Debra A. Marshall (25), Operations, Fire Rescue; Donald L. Ferguson (35), Mosquito Control, Health Services; Diana M. Almodovar (20), Development Engineering, Public Works.

- PRESENTATION

2012 Best of Web Winner

- BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS, AUGUST 2, 2012

Motion/Second: Commissioners Martinez/Thompson

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of August 2, 2012, with the exception of and authorizing a public hearing be scheduled for Case SE-12-08-053, Scott Langton, on October 2, 2012; subject to the usual right of appeal by any aggrieved party.

- PETITION TO VACATE PUBLIC HEARING

Applicant: Frank L. Schrimsher

Consideration: Resolution granting Petition to Vacate 11-12-025, vacating two 15 ft wide access easements

Location: District 1; property located at 1541 Hempel Avenue; Parcel ID 33-22-28-3100-16-571; S33/T22/R28; Orange County, Florida (legal property description on file)

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

Motion/Second: Commissioners Boyd/Martinez

AYE (voice vote): All members

Action: The Board adopted a resolution granting Petition to Vacate 11-12-025 vacating two 15 ft wide access easements, on the described property.

- PETITION TO VACATE PUBLIC HEARING

Applicant: Robin L. Hammel, Orange County Public Works Department

Consideration: Resolution granting Administrative Petition to Vacate 12-05-001, vacating a portion of a 100 ft wide unopened right of way known as Moss Park Road

Location: District 4; property sites are unaddressed; Parcel IDs 01-24-31-0000-00-006 and 09-24-31-0000-00-031; S01,09/T24/R31; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Thompson/Martinez

AYE (voice vote): All members

Action: The Board adopted a resolution granting Administrative Petition to Vacate 12-05-001 vacating a portion of a 100 ft wide unopened right of way known as Moss Park Road, on the described property.

• BOARD-CALLED BOARD OF ZONING ADJUSTMENT PUBLIC HEARING

Applicant: Premier Exhibitions, Inc.  
Case No.: Board of Zoning Adjustment, VA-12-05-029; July 5, 2012  
Consideration: Request for a variance in C-2 zone to allow variances for wall signage and awning signage as follows:  
1) Wall signage: allow 398 sq. ft. of copy area in lieu of 115 sq. ft.; and  
2) Awning signage: allow 52 sq. ft. in lieu of 18 sq. ft.  
(NOTE: This case is a result of Code Enforcement action)  
Location: District 6; property located at 7208 International Dr.; generally described as the West side of International Dr., just south of Carrier Dr.; Parcel ID 25-23-28-3858-00-010; S-T-R: 25-23-28; Orange County, Florida (legal property description on file in Zoning Division)

The following persons addressed the Board:

- Jonathan Huels
- Crissy Martin-Foglesong

Motion/Second: Commissioners Russell/Edwards

AYE (voice vote): All members

Action: The Board upheld the (Board of Zoning Adjustment) BZA hearing; and further, approved the request by Premier Exhibitions, Inc., for a variance in C-2 zone to allow variances for wall signage as follows:

- 1) Wall signage: allow 398 sq. ft. of copy area in lieu of 115 sq. ft.,

on the described property; subject to the following conditions:

1. There shall be no enlargement of any signs on the property
2. There shall be no additional signage
3. There shall be no replacements for any signage
4. All signage to be kept in good repair
5. The Titanic mural will be removed upon Premier's sale of the exhibition or 5 years from date of Orange County approval, whichever occurs last
6. Awning signage shall be limited to 30 sq. ft.;

and further, waiver goes with the applicant and that if it's sold less than five years the mural gets to stay up for whatever terms remaining and if they sell it afterwards then it must come down and the new owner must adhere to Orange County Code.

• BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING

Applicant: Mitch Collins, Waterford Oaks Planned Development  
Case No.: Planning and Zoning Commission, LUP-12-01-006; June 21, 2012  
Consideration: Request to rezone from A-2 (Farmland Rural District) (1957) to PD (Planned Development District)  
Location: District 3; property located at 1542 N. Alafaya Trail and 1538 and 1548 Indianhead Trail; generally described as the west side of N. Alafaya Trail, south of E. Colonial Drive, north of Waterford Lakes Parkway; Parcel ID 22-22-31-8469-00-010 / 020 / 180 / 190; S/T/R: 22/22/31; Orange County, Florida (legal property description on file in the Planning Division)

The following person addressed the Board: Mitch Collins.

Motion/Second: Commissioners Martinez/Russell

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Mitch Collins, Waterford Oaks Planned Development, to rezone from A-2 (Farmland Rural District) (1957) to PD (Planned Development District), on the described property; subject to the following conditions:

1. Development shall conform to the Waterford Oaks PD Land Use Plan dated "Received March 15, 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 (Planned Development) 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 March 15, 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. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities prior to approval of the first PSP/DP (Preliminary Subdivision Plan/Development Plan). The MUP must be approved prior to Construction Plan approval.
4. The Developer shall obtain water and wastewater service from Orange County Utilities.
5. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5.
6. Outdoor sales, storage, and display shall be prohibited.
7. A waiver from Section 38-1272(a)(3) is granted to allow for a ten (10)-foot PD perimeter building setback along the southern boundary of the eastern section of this PD in lieu of the required twenty-five (25)-foot PD perimeter building setback.
8. 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.
9. 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 Land Use 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.

• BOARD-CALLED PLANNING AND ZONING COMMISSION PUBLIC HEARING

Applicant: Andrew DeCandis, Orange County Public Schools, Village F Master Planned Development Land Use Plan Amendment  
Case No.: Planning and Zoning Commission, LUPA-12-04-070; June 21, 2012  
Consideration: Request to rezone from A-1 (Citrus Rural District) and PD (Planned Development District) to PD (Planned Development District)  
Location: District 1; property generally located south of Seidel Road and east of State Road 429; Parcel ID 08-24-27-0000-00-013; S/T/R: 08-24-37; Orange County, Florida (legal property description on file in the Planning Division)

The following persons addressed the Board:

- Andrew DeCandis
- Chris Wilson

Motion/Second: Commissioners Boyd/Russell

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Andrew DeCandis, Orange County Public Schools, Village F Master Planned Development Land Use Plan Amendment, to rezone from A-1 (Citrus Rural District) and PD (Planned Development District) to PD (Planned Development District), on the described property; subject to the following conditions:

1. Development shall conform to the Village F Master PD Land Use Plan dated "Received May 8, 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 (Planned Development) 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 May 8, 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. 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.
5. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.
6. 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.
7. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
8. A Master Utility Plan (MUP) for Village F PD shall be submitted to Orange County Utilities prior to approval of the first Preliminary Subdivision Plan/Development Plan. The MUP must be approved prior to Construction Plan approval.
9. 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).
10. 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 sized for Village requirements are constructed.\*
11. 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.

12. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5 and Section 38-1389(d)(5).
13. All previous applicable BCC Conditions of Approval, dated September 15, 2009 shall apply, unless otherwise replaced by new Conditions of Approval above (as noted):
- a. ~~Development shall conform to the Village F Master PD Land Use Plan dated "Received April 22, 2009," 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 April 22, 2009," the condition of approval shall control to the extent of such conflict or inconsistency.~~

Note: The preceding condition is now addressed by new condition #1.

- b. ~~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.~~

Note: The preceding condition is now addressed by new condition #2.



- ~~c. 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~~

Note: The preceding condition is now addressed by new condition #4.

- d. 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.
- e. 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.
- f. 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.
- g. The Garden Home and Village Home Districts shall contain a mix of single-family detached and single-family attached residences. The exact configuration of this mix shall be determined at the time of Preliminary Subdivision Plan review.
- ~~h. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities. THIS CONDITION HAS BEEN REPLACED BY COA #8.~~

Note: The preceding condition is now addressed by new condition #8.

- ~~i. A Master Utility Plan (MUP) for Village F shall be submitted to Orange County Utilities prior to approval of the first Preliminary Subdivision Plan/Development Plan. The MUP must be approved prior to Construction Plan approval.~~

Note: The preceding condition is now addressed by new condition #9.

- ~~j. 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 Village. Utilities infrastructure shall be built connecting to the existing County force main, water main, and/or reclaimed water main.~~

Note: The preceding condition is now addressed by new condition #10.

- ~~k. 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.~~

Note: The preceding condition is now addressed by new condition #11.

- l. 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.
- m. A waiver from Section 38-1384(f)(1) is granted to allow each block face to contain one (1) district size in lieu of each block containing at least two (2) district lot sizes (excluding end units). This waiver shall apply only to block faces with five (5) or fewer lots.
- n. The following Education Conditions of Approval shall apply:
- 1) The Developer shall comply with all provisions of Capacity Enhancement Agreements (CEA's) 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.
  - 2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the residential units allowed under the zoning existing prior to the approval of the PD zoning, as indicated in each of the CEA's listed above. The County shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
  - 3) The Developer, or its successor(s) an/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of the developer's rights.

- 4) Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the Developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.
- 5) At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.
- o. 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 shall be reviewed and approved by the Development Review Committee (DRC).~~ The final design speed shall be reviewed and approved by the County Engineer.\*

Note: All single-underlined text was initially recommended by the Development Review Committee (DRC) on April 25, 2012 and approved by the Planning and Zoning Commission on June 21, 2012. \*As shown in new condition #11 and previous condition #14(o), the double-underlined text was subsequently modified by the DRC on June 27, 2012.

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: West Lake Hancock Estates Planned Development / West Lake Hancock Estates Preliminary Subdivision Plan submitted in accordance with Article II, Section 34-27; This project is proposing to construct 381 single-family detached dwelling units on a total of 270.19 acres

Location: District 1; property generally located East of Porter Road along the west side of Lake Hancock; Parcel ID 28-23-27-0000-00-001; S28/T23/R27; Orange County, Florida (legal property description on file in Development Engineering Division)

Motion/Second: Commissioners Boyd/Russell

AYE (voice vote): All members

Action: The Board continued the public hearing until September 11, 2012, at 2 p.m.

- PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Savina Park PD / Savina Park Preliminary Subdivision Plan submitted in accordance with Article II, Section 34-27; This project is proposing to construct 40 single-family detached dwelling units with a minimum living area of 1,500 square feet, on a total of 19.74 acres

Location: District 3; property generally located West side of Dean Road / South of Lake Underhill Road; Parcel IDs 05-23-31-0000-00-002, 05-23-31-0000-00-003, 05-23-31-0000-00-011, 05-23-31-0000-00-015, 05-23-31-0000-00-018; S05/T23/R31; Orange County, Florida (legal property description on file in Development Engineering Division)

The following person addressed the Board: Chad Moorhead.

Motion/Second: Commissioners Martinez/Russell

AYE (voice vote): All members

Action: The Board approved Savina Park PD (Planned Development) / Savina Park Preliminary Subdivision Plan (PSP) on the described property, subject to the following conditions:

1. Development shall conform to the Savina Park Planned Development; Orange County Board of County Commissioners (BCC) approvals; Savina Park Preliminary Subdivision Plan dated "Received June 19, 2012," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received June 19, 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. Roads and drainage system, including the retention ponds, will be owned and maintained by Orange County with an MSBU (Municipal Service Benefit Unit) established for stormwater system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association.
4. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
5. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevation, if none exists, shall be submitted to the Development Engineering Division for review and approval.
6. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
7. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this land use plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
8. A six (6) foot high (Polyvinyl chloride) PVC fence shall be constructed along the property's northern and southern boundaries (up to the wetland buffer), and shall be owned and maintained by the homeowner's association. (LUP (Land Use Plan) Condition of Approval #8 from BCC minutes of February 7, 2012)

9. Simultaneous with the recording of the subdivision plat, the developer shall record in the public records of Orange County, Florida, a declaration of covenants, conditions, and restrictions, the terms of which shall include a conspicuous requirement that each initial purchaser of a residential lot in the subdivision for the personal or family uses of the purchaser must be given a copy of the declaration at or prior to the time the sales contract is executed by the purchaser, together with a disclosure statement to be executed by the initial and subsequent purchasers stating as follows: "I acknowledge, understand, and accept that I am purchasing a lot or home in a subdivision that, on the date of its approval by the Board of County Commissioners on Feb. 7, 2012, is located south of an animal slaughtering and meat processing facility, and is bordered by active agricultural uses. I also acknowledge, understand, and accept that noises, odors, and aesthetic objections may be associated with those uses." In addition to the declaration requirement described above, the developer shall incorporate the following statement into each deed initially conveying title to a lot: "The property being conveyed is part of the Savina Park Subdivision, which is located adjacent to agricultural land and a slaughterhouse/meat processing facility." (LUP Condition of Approval #9 from BCC minutes of February 7, 2012)
10. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of 70% coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, approval of mass grading or constructions plans a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit.
11. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
12. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.

13. 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 (CEA OC-11-006). 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.

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Stillwater Crossings and Center Bridge Planned Development (PD) / Parcel SC-11, SC-12, SC-14, SC-15, SC-16 Preliminary Subdivision Plan submitted in accordance with Article II, Section 34-27; This project is proposing to construct 652 single-family detached units, with a minimum living area of 1,200 square feet for SC-11, 1,000 square feet for SC-12, 1,000 square feet for SC-14 under heat and air, on a total of 274.65 acres

Location: District 1; property generally located East of Western Beltway / South of Tilden Road; Parcel IDs 09-23-27-0000-00-007, 10-23-27-0000-00-003, 15-23-27-0000-00-024, 15-23-27-0000-00-025, 15-23-27-0000-00-026; S09,15,10/T23/R27; Orange County, Florida (legal property description on file in Development Engineering Division)

The following person addressed the Board: Kevin Walsh.

Motion/Second: Commissioners Boyd/Russell

AYE (voice vote): All members

Action: The Board approved Stillwater Crossings and Center Bridge Planned Development (PD) / Parcel SC-11, SC-12, SC-14, SC-15, SC-16 Preliminary Subdivision Plan (PSP) on the described property, subject to the following conditions:

1. Development shall conform to the Stillwater Crossings & Center Bridge Planned Development; Orange County Board of County Commissioners (BCC) approvals; Parcels SC-11, SC-12, SC-14, SC-15, SC-16 Preliminary Subdivision Plan dated "Received May 16, 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 May 16, 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. Roads and drainage system, including the retention pond, will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association.
4. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
5. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood if none exist, elevation shall be submitted to the Development Engineering Division for review and approval.
6. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.



7. Prior to 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.
8. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
9. Prior to construction plan approval, a revised Master Utility Plan (MUP) with supporting calculations shall be approved, showing that the new utilities configuration is consistent with an approved MUP for the PD.
10. At the time of approval of a plan for a single-family detached residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions, and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
  - a. 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.
  - b. 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 or "L"s which are setback from the façade. In no case shall more than 50 percent of the front façade of a house consist of an unobstructed block wall or garage door.
  - c. At least 50 percent of all single-family residential units 75' in width or less shall have a front porch. A front porch shall be a minimum of 7 feet in depth; 8 feet in width and cover a minimum 10 feet in width or 1/3 of the front façade,
  - d. Flat roofs shall be prohibited.
  - e. Unless otherwise prohibited by the CC&Rs, 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 be limited to decorative wrought iron or wood picket style. The provisions of the CC&Rs incorporating the above referenced requirements shall not be amended, removed, or superseded without the prior approval of the Board

of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect. Furthermore, the CC&Rs shall provide that the homeowner's association and any person owning property in the development have the right to enforce these requirements in the event they are violated. Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.

11. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Hal Kantor, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Barry W. Corporation Tract Planned Development (PD) Land Use Plan (LUP), (Case #LUPA-12-02-039)

Consideration: Substantial change request to:

- 1) Remove 14.07 acres from the Waterford Commons PD and Tinwood PD by aggregating the property into the Barry W. Corporation Tract PD and allowing for 120,000 square feet of C-1 (Outlet Mall uses), for a total of 384 Timeshare units and 720,000 square feet of C-1 (Outlet Mall) uses on an overall 99.79 acres.
- 2) Grant the following waivers from Section 31.5 to accommodate the Master Sign Plan:
  - a. A waiver from Section 31.5-163(2) to allow signage to be placed on architectural towers similar to previously approved Phases I and II signage: Up to three (3) tenant signs not to exceed 200 SF total and 200 SF of project ID signage, available on each tower face;
  - b. A waiver from Section 31.5-166(a) to increase the maximum copy area of any ground sign from sixty (60) square feet to 800 square feet for the sign facing Lake Street;
  - c. A waiver from Section 31.5-166(b) to increase the maximum height of the ground sign facing Lake Street from eight (8) feet to twenty-two (22) feet. Top of screen wall signs vary from 16'-0" to 22'-0" with the peak of the wall feature roofs ~ 29'-0";
  - d. A waiver from Section 31.5-166(c) to decrease the minimum setback for any ground sign from ten (10) feet from all property lines to seven (7) feet from property line along Lake Street; and

- e. A waiver from Section 31.5-166(d) to increase the number of ground signs from two (2) to three (3) [Interstate-4 wall/ground sign]; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located east of Vineland Ave., south of Lake St. and north of Little Lake Bryan Pkwy.; Parcel ID Multiple Parcels; S/T/R: 22 & 23/24/28; Orange County, Florida (legal property description on file)

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

- 1) ~~Remove 14.07 acres from the Waterford Commons PD and Tinwood PD by aggregating the property into the Barry W. Corporation Tract PD and allowing for 120,000 square feet of C-1 (Outlet Mall uses), for a total of 384 Timeshare units and 720,000 square feet of C-1 (Outlet Mall) uses on an overall 99.79 acres.~~ Aggregate 13.017 acres from the adjacent Waterford Commons PD and 1.50 acres from the adjacent Tinwood PD, resulting in 99.79 acres. In addition, the request would increase PD commercial entitlements by 120,000 square feet, resulting in a revised development program of 720,000 square feet C-1 uses (outlet mall) and 384 timeshare units.
- 2) Grant the following waivers from Section 31.5 to accommodate the Master Sign Plan:
  - c. A waiver from Section 31.5-166(b) to increase the maximum height of the ground sign facing Lake Street from eight (8) feet to twenty-two (22) feet. Top of screen wall signs vary from 16'-0" to ~~22'-0~~ 29'-0" with the peak of the wall feature roofs at 29'-0"feet; and
  - e. ~~A waiver from Section 31.5-166(d) to increase the number of ground signs from two (2) to three (3) [Interstate-4 wall/ground sign];~~

The following person addressed the Board: Jay Jackson.

Motion/Second: Commissioners Boyd/Russell

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 Hal Kantor, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Barry W. Corporation Tract Planned Development (PD) Land Use Plan (LUP), (Case #LUPA-12-02-039), to:

- 1) Aggregate 13.017 acres from the adjacent Waterford Commons PD and 1.50 acres from the adjacent Tinwood PD, resulting in 99.79 acres. In addition, the request would increase PD commercial entitlements by 120,000 square feet, resulting in a revised development program of 720,000 square feet C-1 uses (outlet mall) and 384 timeshare units.

- 2) Grant the following waivers from Section 31.5 to accommodate the Master Sign Plan:
- a. A waiver from Section 31.5-163(2) to allow signage to be placed on architectural towers similar to previously approved Phases I and II signage: Up to three (3) tenant signs not to exceed 200 SF total and 200 SF of project ID signage, available on each tower face;
  - b. A waiver from Section 31.5-166(a) to increase the maximum copy area of any ground sign from sixty (60) square feet to 800 square feet for the sign facing Lake Street;
  - c. A waiver from Section 31.5-166(b) to increase the maximum height of the ground sign facing Lake Street from eight (8) feet to twenty-two (22) feet. Top of screen wall signs vary from 16'-0" to 29'-0" with the peak of the wall feature roofs at 29'-0"feet; and
  - d. A waiver from Section 31.5-166(c) to decrease the minimum setback for any ground sign from ten (10) feet from all property lines to seven (7) feet from property line along Lake Street.

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

1. Development shall conform to the Barry W. Corporation Tract (Planned Development) PD Land Use Plan dated "Received July 3, 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 July 3, 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. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
4. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Master Sign Plan.
5. Outdoor sales, storage, and display shall be prohibited.
6. The Waterford Commons PD and Tinwood PD shall accompany the Barry W. Corporation Tract PD to the BCC.
7. The applicant must obtain a capacity encumbrance letter (CEL) prior to approval of this project.
8. The following waivers from Section 31.5 are granted in order to accommodate the proposed the Master Sign Plan:
  - a. A waiver from Section 31.5-163(2) to allow signage to be placed on architectural towers similar to previously approved Phases I and II signage: Up to three (3) tenant signs not to exceed 200 SF total and 200 SF of project ID signage, available on each tower face;
  - b. A waiver from Section 31.5-166(a) to increase the maximum copy area of any ground sign from sixty (60) square feet to 800 square feet for the sign facing Lake Street;
  - c. A waiver from Section 31.5-166(b) to increase the maximum height of the ground sign facing Lake Street from eight (8) feet to twenty-two (22) feet. Top of screen wall signs vary from 16'-0" to 29'-0" with the peak of the wall feature roofs at 29'-0"feet; and
  - d. A waiver from Section 31.5-166(c) to decrease the minimum setback for any ground sign from ten (10) feet from all property lines to seven (7) feet from property line along Lake Street.
9. All previous and applicable Conditions of Approval from June 30, 1998 shall apply:
  - a. Development shall conform to the Waterford Commons Planned Development; Board of County Commissioner approvals; Parcel A – Barry W Tract Land Use Plan Amendment, dated "Received February 27, 1998"; and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and

~~regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners, or by action of the Board of County Commissioners.~~

Note: The preceding condition is now addressed by new condition #1.

- b. ~~Billboards and pole signs shall be prohibited.~~

Note: The preceding condition is now addressed by new condition #4.

- c. The following International Drive Strategic Plan conditions shall apply:

- 1) Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center Plan.
- 2) If the housing linkage program is in place prior to development plan approval, the development of non-residential development shall be conditioned upon the development of residential units within the area designated Activity Center Residential on the Future Land Use Map.
- 3) The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal.
- 4) The property owner shall be required to participate in a property owners' association upon its creation.
- 5) Stormwater management facilities shall be designed as an aesthetic feature except where determined by the County engineer to be technically unfeasible.
- 6) A twenty (20) foot-wide pedestrian/landscape/utility easement, plus a 15-foot-wide transit easement, shall be provided along International Drive for a total of 35 feet (with the transit easement in front).
- 7) The development plan shall provide for the inter-connection of adjacent development either by cross access easement or public right-of-way. This shall include connection into and continuation of an area-wide transportation plan for the International Drive Activity Center.
- 8) Electrical distribution lines shall be underground.
- 9) Participation in a shuttle service connecting area attractions, major transportation centers and on-site development shall be provided.

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Zellwood Station Planned Development / Riviera Hills Preliminary Subdivision Plan submitted in accordance with Orange County Code Article II, Section 34-27; This project is proposing to construct 281 single-family detached age restricted units, with a minimum living area of 1,000 square feet under heat and air, on a total of 71.68 acres.

Location: District 2; property generally located South of West Ponkan Road, West of Plymouth Sorrento Road; Parcel ID 25-20-27-0000-00-001; S25/T20/R27; Orange County, Florida (legal property description on file in Development Engineering Division)

The following persons addressed the Board:

- David Evans
- Mick Finn

Motion/Second: Commissioners Brummer/Russell

AYE (voice vote): All members

Action: The Board approved Zellwood Station Planned Development / Riviera Hills Preliminary Subdivision Plan (PSP) on the described property, further, note the comments of the developer that the wall will be constructed at the commencement; and further, subject to the following conditions:

1. Development shall conform to the Zellwood Station Planned Development; Orange County Board of County Commissioners (BCC) approvals; Riviera Hills Preliminary Subdivision Plan dated "Received February 23, 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 February 23, 2012," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a

"promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

3. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the Development Engineering Division for review and approval.
4. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
5. Roads and drainage system, including the retention pond, will be owned and maintained by Orange County with an (Municipal Service Benefit Unit) MSBU established for stormwater system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association with a Use Agreement.
6. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a 'Letter of Commitment' prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
7. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this preliminary subdivision plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.



8. At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
9. 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.
10. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of 70% coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, approval of mass grading or constructions plans a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit.
11. The covenants, conditions, and restrictions (CC&Rs) shall contain notification of the: H. Fields and G. Robinson inactive Class III solid waste disposal facility at 0.3 miles south, the Mid-Florida Materials active C&D solid waste disposal facility (currently considering a permit modification to a Class III designation) at 0.5 miles north-northwest, and the Golden Gem active Class III solid waste disposal facility at 0.7 miles northwest of this site.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: John Prowell, VHB MillerSellen, Signature Lakes Planned Development (PD) Land Use Plan (LUP), (Case #CDR-12-05-092)

Consideration: Substantial change request to:

- 1) Amend the Signature Lakes PD to reflect an overall reduction of 130 proposed units; including a reduction of 57 units due to a more refined calculation of the net developable acreage, and a reduction of 73 units using "TDR buy-downs" (6 pre-existing TDRs and 67 new TDRs); and
- 2) Approve the following waivers from the original Village Planned Development Code (Horizon West) for Parcel SC-11 only:

Parcel SC-11

[Note: The following waivers may be applied to no more than 50% of the units (51 units maximum)]

- a) A waiver from Section 38-1384(c) to allow for an average block length of 350 feet in lieu of 300 feet, where lot widths less than sixty (60) feet are proposed;
- b) A waiver from Section 38-1386(b)(2) to decrease the minimum average lot size from 4,800 square feet to 3,500 square feet;
- c) A waiver from Section 38-1386(b)(4) to decrease the minimum lot width from forty feet (40') to thirty-two feet (32');
- d) A waiver from Section 38-1386(b)(8)(b) to decrease the minimum side building setback from five feet (5') to four feet (4') for lots less than forty (40') feet wide; and
- e) A waiver from Section 38-1389(b)(8)(a) to reduce the minimum front porch setback from ten (10) feet to seven (7) feet; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located east of Tiny Road, approximately 1.5 miles south of Tilden Road; Parcel IDs 15-23-27-0000-00-016; 017; 018; and 21-23-27-0000-00-028; Orange County, Florida (legal property description on file)

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

- 1) ~~Amend the Signature Lakes PD to reflect an overall reduction of 130 proposed units; including a reduction of 57 units due to a more refined calculation of the net developable acreage, and a reduction of 73 units using "TDR buy-downs" (6 pre-existing TDRs and 67 new TDRs); and Amend the PD/LUP by reducing residential entitlements within PD Parcels SC-11, SC-12 and SC-19 by 130 dwelling units, including a 57-unit reduction resulting from net-developable acreage refinements and a 73-unit reduction resulting from the use of TDRs (6 pre-existing TDRs and 67 new TDRs).~~

The following person addressed the Board: Kevin Walsh.

Motion/Second: Commissioners Boyd/Russell

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 John Prowell, VHB MillerSellen, Signature Lakes Planned Development (PD) Land Use Plan (LUP), (Case #CDR-12-05-092), to:

- 1) Amend the PD/LUP by reducing residential entitlements within PD Parcels SC-11, SC-12 and SC-19 by 130 dwelling units, including a 57-unit reduction resulting from net-developable acreage refinements and a 73-unit reduction resulting from the use of TDRs (6 pre-existing TDRs and 67 new TDRs).

- 2) Approve the following waivers from the original Village Planned Development Code (Horizon West) for Parcel SC-11 only:

Parcel SC-11

[Note: The following waivers may be applied to no more than 50% of the units (51 units maximum)]

- a) A waiver from Section 38-1384(c) to allow for an average block length of 350 feet in lieu of 300 feet, where lot widths less than sixty (60) feet are proposed;
- b) A waiver from Section 38-1386(b)(2) to decrease the minimum average lot size from 4,800 square feet to 3,500 square feet;
- c) A waiver from Section 38-1386(b)(4) to decrease the minimum lot width from forty feet (40') to thirty-two feet (32');
- d) A waiver from Section 38-1386(b)(8)(b) to decrease the minimum side building setback from five feet (5') to four feet (4') for lots less than forty (40') feet wide; and
- e) A waiver from Section 38-1389(b)(8)(a) to reduce the minimum front porch setback from ten (10) feet to seven (7) feet;

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 PD Land Use Plan dated "Received June 29, 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 June 29, 2012" the condition of approval shall control to the extent of such conflict or inconsistency.
2. The following waivers shall apply only to Parcel SC -11:
  - a. A waiver from Section 38-1386(b)(2) is granted to decrease the minimum average lot size from 4,800 square feet to 3,500 square feet;
  - b. A waiver from Section 38-1386(b)(4) is granted to decrease the minimum lot width from 40 feet to 32 feet;

- c. A waiver from Section 38-1389(b)(8)(a) is granted to reduce the minimum front porch setback from 10 feet to 7 feet;
  - d. 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
  - e. *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.*
3. All previous applicable BCC Conditions of Approval dated October 23, 2007 shall apply:
- a. ~~Development shall conform to the Signature Lakes PD/LUP, dated "Received August 15, 2007," 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 LUP, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this zoning and the LUP, dated "Received August 15, 2007," the condition of approval shall control to the extent of such conflict or inconsistency.~~

Note: The preceding condition is now addressed by new condition #1.

- b. 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.

c. 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.

d. All previous applicable Conditions of Approval shall apply:

- 1) The developer shall obtain water, reclaimed water, and wastewater from Orange County subject to County rate resolutions and ordinances.
- 2) 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.
- 3) The right-of-way shall be conveyed to Orange County prior to the completion of Phase 1D.
- 4) 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.
- 5) Pole signs and billboards shall be prohibited.
- 6) All commercial development shall comply with the Commercial Design Standards Ordinance and the scale and character of the Village.

- 7) At the time of approval of a plat for 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:
- The same front facade 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.
  - House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front facade of the main body of the house shall not exceed 40 feet in length, except for wings of "L's," which setback from the facade.
  - In no case shall more than 50 percent of the front facade of a house consist of an unobstructed block wall or garage door.
  - 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 facade, whichever is greater.
  - Flat roofs shall be prohibited.
  - Unless otherwise prohibited by the CC&Rs, 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.
  - 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.
  - Furthermore, the CC&Rs shall provide that the homeowners' association and any person owning property in the development have the right to enforce these requirements in the event they are violated.
  - Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces Orange County ordinances and regulations.

- 8) 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 C.R. 535 and the 16-inch force main on Ficquette Road. These connection points may be modified at time of construction plan approval.
- 9) Master water, reclaimed water, and wastewater plans, including preliminary calculations, shall be approved prior to approval of construction plans.
- 10) The following Education Conditions of Approval shall apply:
  - 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.
  - 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.
  - 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.
  - Orange County shall be held harmless by the developer and its assigns under the PEA, in any dispute between the developer and OCPS over any interpretation or provision of the PEA.

- 11) 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 apartment, 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.
  - 12) 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 rental units. In addition, under no circumstances, shall any parcel within the PD designated as Townhomes/Apartment District have more than 300 rental apartments.
  - 13) Short-term rental of any townhouse shall be prohibited.
  - 14) A Municipal Service Taxing Unit shall be established for all recreational trails in excess of 5 feet.
  - 15) Outside storage and display shall be prohibited.
4. All previous applicable BCC Conditions of Approval dated July 18, 2006 shall apply:
- a. ~~Development shall conform to the Signature Lakes PD; Orange County Board of County Commissioners' (BCC) approvals; dated "Received April 11, 2006"; 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 the applicable 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.~~

Note: The preceding condition is now addressed by new condition #1.

- b. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP 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.



- c. A waiver from Section 38-1258(h) to allow shared recreational facilities between multi-family developments and single-family developments is granted.
  - d. ~~All previous conditions of approval shall apply.~~
  - e. 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 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.
5. All previous applicable BCC Conditions of Approval dated January 13, 2004 shall apply:
- a. ~~Development shall conform to the Signature Lakes PD; Board of County Commission (BCC) approvals; Signature Lakes PD/Land Use Plan (LUP), dated "Received October 17, 2003"; and to the following conditions of approval. Development based upon this approval shall comply with all other 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 Board of County Commissioners (BCC), or by action of the BCC.~~

Note: The preceding condition is now addressed by new condition #1.

- b. ~~The uses, densities, intensities, and all of the conditions of approval of the PD/LUP 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 and approved by both parties.~~

Note: The preceding condition is now addressed by new condition #4.b.

- c. ~~The developer shall obtain water, reclaimed water and wastewater from Orange County subject to County rate resolutions and ordinances.~~

Note: The preceding condition is now addressed by new condition #3.d.1.

- ~~d. 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 plan for this PD.~~

Note: The preceding condition is now addressed by new condition #3.d.2.

- ~~e. The right-of-way shall be conveyed to Orange County prior to the completion of Phase 1D.~~

Note: The preceding condition is now addressed by new condition #3.d.3.

- ~~f. 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.~~

Note: The preceding condition is now addressed by new condition #3.d.4.

- ~~g. Pole signs and billboards shall be prohibited.~~

Note: The preceding condition is now addressed by new condition #3.d.5.

- ~~h. All commercial development shall comply with the Commercial Design Standards Ordinance and the scale and character of the Village.~~

Note: The preceding condition is now addressed by new condition #3.d.6.

- ~~i. 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 facade 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 facade of the main body of the house shall not exceed 40 feet in length, except for wings or "L" s, which are setback from the facade.~~
- ~~3) In no case shall more than 50 percent of the front facade 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 facade, whichever is greater.~~
- ~~5) Flat roofs shall be prohibited.~~
- ~~6) Unless otherwise prohibited by the CC&Rs, 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. The provision of the CC&Rs incorporating the above-referenced requirements shall not be amended, removed, or suspended without the prior approval of the BCC, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect. Furthermore, the CC&Rs shall provide that the homeowners' association and any person owning property in the development have the right to enforce these requirements in the event they are violated. Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces Orange County ordinances and regulations.~~

Note: The preceding CC&R-related conditions are now addressed under new condition #3.d.7.

- ~~j. 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 watermain at Fiquette Road to the 24-foot watermain on C.R. 535 and the 16-inch force main on Fiquette Road. These connection points may be modified at time of construction plan review.~~

Note: The preceding condition is now addressed by new condition #3.d.8.

- ~~k. Master water, reclaimed water, and wastewater plans, including preliminary calculations, shall be approved prior to approval of construction plans.~~

Note: The preceding condition is now addressed by new condition #3.d.9.

~~l. The following Education Condition of Approval shall apply:~~

- ~~1) Developer shall comply with all provisions of the Public Education Agreement 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 Public Education Agreement, 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 Public Education Agreement. The developer and its successor or assign under the Public Education Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.~~
- ~~3) Developer, or its successor or assign under the Public Education Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.~~
- ~~4) Orange County shall be held harmless by the developer and its assigns under the Public Education Agreement in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Public Education Agreement.~~

Note: The preceding Public Education Agreement conditions are now addressed under new condition #3.d.10.

- ~~m. 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 lengths, and other aesthetic requirements and conditions of the special exception, if approved, shall incorporate the design guidelines.~~

Note: The preceding condition is now addressed by new condition #3.d.11.

- ~~n. 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 rental units. In addition, under no circumstances, shall any parcel within the PD designated at Townhouse/Apartment District have more than 300 rentals apartments.~~

Note: The preceding condition is now addressed by new condition #3.d.12.

- ~~o. Short term rental of any townhouse development shall be prohibited.~~

Note: The preceding condition is now addressed by new condition #3.d.13.

- ~~p. A Municipal Service Taxing Unit shall be established for all recreational trails in excess of 5 feet.~~

Note: The preceding condition is now addressed by new condition #3.d.14.

- ~~q. Outside storage and display shall be prohibited.~~

Note: The preceding condition is now addressed by new condition #3.d.15.

- ~~6. All previous applicable BCC Conditions of Approval dated September 10, 2002 shall apply:~~

- ~~a. Development shall conform to the Signature Lakes in Bridgewater PD/Land Use Plan (LUP), dated "Received July 17, 2002," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC), or by action of the BCC.~~

Note: The preceding condition is now addressed by new condition #1.

- ~~b. The uses, densities, and intensities, and all of the conditions of approval of the PD/LUP 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.~~

Note: The preceding condition is now addressed by new condition #4.b.

- ~~e. The developer shall obtain water, wastewater, reclaimed water, and water services from Orange County subject to County rate resolutions and ordinances.~~

Note: The preceding condition is now addressed by new condition #3.d.1.

- ~~d. Master stormwater, water, reclaimed water, and wastewater plans, including preliminary calculations, shall be submitted approved prior to approval of the construction plans.~~

Note: The preceding condition is now addressed by new condition #3.d.9.

- ~~e. Pole signs, billboards, outside storage, and display are prohibited.~~

Note: The preceding condition is now addressed by new condition #3.d.5.

- ~~f. All commercial development shall comply with the Commercial Design Standards Ordinance and the scale and character of the neighborhood.~~

Note: The preceding condition is now addressed by new condition #3.d.6.

- ~~g. At the time of approval for the 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 facade 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 facade of the main body of the house shall not exceed 40 feet in length, except for wings on "L"s, which are setback from the facade. In no case shall more than 50 percent of the front facade of a house consist of an unobstructed block wall or garage door.~~

~~3) 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 10 feet in width or 1/3 of the front facade whichever is greater.~~

~~4) Flat roofs shall be prohibited.~~

~~5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be 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, six inches, and limited to decorative wrought iron or wood picket style. The provision of the CC&Rs incorporating the above referenced requirements shall not be amended, removed, or superseded without the prior approval of the BCC, which approval maybe withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect. Furthermore, the CC&Rs shall provide that the homeowner's association and any person owning property in the development have the right to enforce these requirements in the event they are violated. Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.~~

Note: The preceding CC&R-related conditions are now addressed under new condition #3.d.7.

~~h. 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.~~

Note: The preceding condition is now addressed by new condition #3.d.4.

~~i. 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-inch reclaimed watermain at Fiquette Road to the 24-inch watermain on C.R. 535 and the 16-inch force main on Fiquette Road. These connection points may be modified at time of construction plan review.~~

Note: The preceding condition is now addressed by new condition #3.d.8.

- ~~j. Any proposal for apartments shall be processed through the Board of Zoning Adjustment (BZA) for a 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 lengths, and other aesthetic requirements and conditions of the special exception, if approved, shall incorporate the design guidelines.~~

Note: The preceding condition is now addressed by new condition #3.d.10.

- ~~k. Of the 863 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 rental units. In addition, under no circumstances, shall any parcel within the PD designated as Townhouse/Apartment District have more than 300 rental apartments.~~

Note: The preceding condition is now addressed by new condition #3.d.12.

- ~~l. Short term rental of any townhouse development is prohibited.~~

Note: The preceding condition is now addressed by new condition #3.d.13.

- ~~m. The following Education Condition of Approval shall apply:~~

- ~~1) Developer shall comply with all provisions of the Public Education Agreement entered into with the Orange County School Board as of May 31, 2002.~~
- ~~2) Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Public Education Agreement, 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 Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Public Education Agreement. The developer and its successor or assign under the Public Education Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.~~
- ~~3) Developer, or its successor or assign under the Public Education Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights.~~




- ~~4) Orange County shall be held harmless by the developer and its assigns under the Public Education Agreement in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Public Education Agreement.~~

Note: The preceding Public Education Agreement conditions are now addressed under new condition #3.d.10.

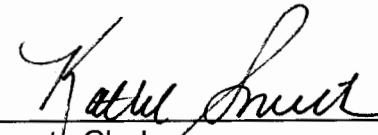
- ADJOURNMENT, 3:00 p.m.

ATTEST:

  
County Mayor Teresa Jacobs  
Date: OCT 30 2012

ATTEST SIGNATURE:

Martha O. Haynie  
County Comptroller as Clerk

*for*   
Deputy Clerk

