

OCT 02 2012 KCI/CAS

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, August 7, 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; Commissioners Ted
Edwards, Tiffany Russell joined the meeting where indicated.
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County
Attorney Joel Prinsell, Deputy Clerk Kathleen C. Johnson

- CALL TO ORDER, 1:39 p.m.
- INVOCATION - Priest Pancholi, Maa Durga - Sri Sai BaBa Temple
- MEMBER JOINED: Commissioner Edwards
- PLEDGE OF ALLEGIANCE
- MEMBER JOINED: Commissioner Russell
- PRESENTATION
Proclamation Designating August 7, 2012 as Purple Heart Day
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- State Representative Scott Randolph
- Maria McCluskey
- Denise Diaz
- Julissa Arce
- Brandon Fajardo
- Stephanie Porta
- Ann Williams
- Louis Smith

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Martinez

AYE (voice vote): All members

Action: The Board approved the County Consent Agenda items as follows:

County Comptroller

1. Re-approval of the minutes of the April 19, 2011 meeting of the Board of County Commissioners. (See pages 11 and 12 of the minutes for modification.) (Clerk's Office)
2. Re-approval of the minutes of the March 20, 2012 meeting of the Board of County Commissioners. (See page 3 of the minutes for modifications.) (Clerk's Office)
3. Approval of the minutes of the June 19 and 26, 2012 meetings of the Board of County Commissioners. (Clerk's Office)
4. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Period as follows: July 27, 2012, to August 2, 2012; total of \$37,049,709.65. (Finance/Accounting)
5. Disposition of Tangible Personal Property as follows: (Property Accounting)
 - a. Cannibalize assets.
 - b. Scrap assets.

County Administrator

1. Approval of the Membership and Mission Review Board recommendations for the following advisory board appointments/reappointments: (Agenda Development Office)
 - A. Arts and Cultural Affairs Advisory Council: Reappointment of Sherry Paramore in the District 6 representative category and appointment of Evelyn Martinez to succeed George S. Fender in the District 4 representative category with terms expiring June 30, 2014.
 - B. Building Codes Board of Adjustments and Appeals: Appointment of Donald P. Graham in the structural engineer representative category with a term expiring December 31, 2013.
 - C. Children and Family Services Board: Appointment of Elisha Gonzalez Bonnewitz to succeed Lasonja A. Black in the at large representative category with a term expiring December 31, 2012.
 - D. Citizens' Review Panel for Human Services: Appointment of Mark A. Arias to succeed Nicholas B. Davis in the at large member in training category with a term expiring December 31, 2014. Note: Dorothy Gabriel, currently serving in the at large member in training representative category, will now be serving in the at large representative category succeeding Timothy E. Johnson, Ph.D.

- E. International Drive CRA (Community Redevelopment Committee) Advisory Committee: Appointment of Jeroline G. Adkinson to succeed George R. Bobbio II in the Tangelo Park Civic Association representative category and Doug Gehret to succeed Mohammed N. Battla in the (Economic Tourist Council) ETC of Central Florida representative category with terms expiring January 1, 2013.
 - F. (Minority/Women Business Enterprise) M/WBE Advisory Committee: Reappointment of Lateah S. Lockett, Valerie J. Odom and Oreste Saint-Filus in the at large representative category with terms expiring June 30, 2014.
2. Approval of Resolution 2012-M-25 of the Orange County Board of County Commissioners regarding National Air Cargo Holdings, Inc. Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
 3. Approval for the Orange County Sheriff's Office to spend \$83,591 from the Law Enforcement Trust Fund to purchase a MorphoTrak Latents Station and compatible printer for the Records and Identification Section. (Office of Management and Budget)
 4. Approval of budget amendments #12-52, #12-53, #12-54, #12-55, #12-56 and #12-57. (Office of Management and Budget)
 5. Approval of budget transfers #12-1317, #12-1328, #12-1384, and #12C-0138. (Office of Management and Budget)
 6. Approval of (Capital Improvements Program) CIP amendment #12C-0138. (Office of Management and Budget)

Administrative Services Department

1. Approval to award Invitation for Bids Y12-1036-DG, Debris Removal, to the low responsive and responsible bidder, USA Services of Florida, Inc., in the estimated annual contract award amount of \$254,500. 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 Y12-1059-DG, Landscape Maintenance Services – Countywide, Lot C, to the low responsive and responsible bidder, The Budd Group, in the contract award amount of \$107,611 for a 1-year term. Further, authorized the Purchasing and Contracts Division to renew the contract for two additional 12-month periods. ([Administrative Services Department] Purchasing and Contracts Division)

3. Approval to award Invitation for Bids Y12-1063-LC, Liquid Polymer for South Water Reclamation Facility (SWRF), to the low responsive and responsible bidder, Polydyne, Inc., in the estimated contract award amount of \$215,000, for a 1-year term contract. Further, authorized the Purchasing and Contracts Division to renew the contract for two additional 1-year periods. ([Utilities Department Water Reclamation Division] Purchasing and Contracts Division)
4. Approval to award Invitation for Bids Y12-786-J2, Little Wekiva River at Wallington Drive Slope Repair, to the low responsive and responsible bidder, Schuller Contractors, Inc., in the total estimated contract award amount of \$981,000. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
5. Approval to award Invitation for Bids Y12-799-RM, Orange County Law Enforcement Vehicle Operations (LEVO) Collision Avoidance Training Facility Milling and Resurfacing, to the low responsive and responsible bidder, Oldcastle Southern Group, Inc. dba APAC-Southeast, Inc., in the total contract award amount of \$1,212,740.68. ([Administrative Services Department Capital Projects Division] Purchasing and Contracts Division)
6. Approval to award Invitation for Bids Y12-7002-EZ, Orange County Convention Center West Building Phase III Kitchen Renovation, to the low responsive and responsible bidder, Pillar Construction Group, LLC, in the total contract award amount of \$468,515 that includes \$445,515 for the Base Bid and \$23,000 for Additive Item No.1. ([Convention Center Facility Operations Division] Purchasing and Contracts Division)
7. Approval to award Invitation for Bids Y12-7006-EZ, Orange County Great Oaks Village Sanitary Sewer System & Incidental Related Work, to the low responsive and responsible bidder, Breen Construction Services, Inc., in the total estimated contract award amount of \$159,869.44. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
8. Approval of Purchase Order M58968, Upgrade to Existing Cummins Master Control PLC (Programmable Logic Controller) Touchscreen for the Convention Center, with Cummins Power South, LLC, in the amount of \$221,754. ([Convention Center] Purchasing and Contracts Division)
9. Approval of Amendment No. 9, Contract Y10-189E-DG, Health and Support Services for Persons with (Human Immunodeficiency Virus) HIV Spectrum Disease (Ryan White – Part A), with Center for Drug Free Living (CDFL), in the amount of \$62,775 for a revised total contract amount of \$236,705. ([Family Services Department] Purchasing and Contracts Division)

10. Approval of Amendment No. 2, Contract Y12-101F-DG, Health and Support Services for Persons with (Human Immunodeficiency Virus) HIV Spectrum Disease (Ryan White - Part A), with Seminole County Health Department, in the award amount of \$65,836, for a revised total contract amount of \$211,836. ([Family Services Department] Purchasing and Contracts Division)
11. Approval of Contract Y12-1102-DG, Implement and Manage the Dependency System of the State of Florida Child Welfare Services in Circuit 9, with Community Based Care of Central Florida (CBCCF), a not-for-profit agency, in the amount of \$489,678 for the period of July 1, 2012 to June 30, 2013. ([Family Services Department] Purchasing and Contracts Division)
12. Approval of Contract Y12-823, Design Services for (Orange County Convention Center) OCCC Phase I Curtain Wall and Roof Replacement West Building Hall D, with Rhodes+Brito Architects, in the total contract amount of \$491,130.02. ([Convention Center Facility Operations Division] Purchasing and Contracts Division)
13. Approval of As Is Residential Contract for Sale and Purchase with Addendum to Contract between Orange County and Irvin Santiago and Bethzaida Delgado, approval and execution of County Deed from Orange County to Irvin Santiago and Bethzaida Delgado and authorization to perform all actions necessary and incidental to closing for (Neighborhood Stabilization Program) NSP Resale – 7902 Oakstone Ct., Orlando, FL 32822 ((National Community Stabilization Trust) NCST). District 4. (Real Estate Management Division)
14. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Rider to the Residential Contract for Sale and Purchase between Orange County and Wanda Evet Soto, approval and execution of County Deed from Orange County to Wanda Evet Soto and authorization to perform all actions necessary and incidental to closing for (Neighborhood Stabilization Program) NSP Resale – 8070 Village Green Road, Orlando, FL 32818 ((National Community Stabilization Trust) NCST). District 6. (Real Estate Management Division)
15. Approval of As Is Residential Contract for Sale and Purchase with Addendum to Contract between Orange County and Steven J. Pate and Rebekah A. Pate, approval and execution of County Deed from Orange County to Steven J. Pate and Rebekah A. Pate and authorization to perform all actions necessary and incidental to closing for (Neighborhood Stabilization Program) NSP Resale – 3767 Andover Cay Boulevard, Orlando, FL 32825 ((National Community Stabilization Trust) NCST). District 4. (Real Estate Management Division)

16. Approval of As Is Residential Contract for Sale and Purchase with Addendums to Contract between Orange County and Peter T. Spoto and Tierra L. Spoto, approval and execution of County Deed from Orange County to Peter T. Spoto and Tierra L. Spoto and authorization to perform all actions necessary and incidental to closing for (Neighborhood Stabilization Program) NSP Resale – 10221 Andover Point Circle, Orlando FL 32825 ((National Community Stabilization Trust) NCST). District 4. (Real Estate Management Division)
17. Approval of Utility Easement between Harvill's Produce Co., Inc. and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Biz Capital Bidco II, L.L.C., Subordination of Encumbrance to Property Rights to Orange County from Advantage Capital Community Development Fund Mississippi II, L.L.C. and authorization to record instruments for Harvill's Produce Site – Utility File #68805. District 4. (Real Estate Management Division)
18. Approval and execution of Release and Termination of Declaration of Easements between the School Board of Orange County, Florida, Walt Disney Parks and Resorts U.S., Inc., Reedy Creek Improvement District, Orange County and State of Florida Department of Transportation and authorization to record instrument for Horizon West School Site. District 1. (Real Estate Management Division)

Community and Environmental Services Department

1. Acceptance of the recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation to approve the requests for waiver for terminal platform size and variance for side setbacks from Orange County Code, Chapter 15, Article IX, Sections 15-342(b) and 15-343(a) for Dock Construction Permit No. BD-12-04-027 for Joan Hargadon. District 1. (Environmental Protection Division)
2. Acceptance of the recommendation of the Environmental Protection Commission to uphold the Environmental Protection Officer's recommendation for approval of a variance for height from Orange County Code, Chapter 15, Article IX, Section 15-342(e) and waiver for terminal platform size from Chapter 15-342(b), with the condition that the applicant pay \$1,670.40 to the Conservation Trust Fund, for Dock Construction Permit No. 12-05-034 for Mick Floyd. District 1. (Environmental Protection Division)
3. Approval of Housing Rehabilitation Program Agreement between Orange County, Florida and the Town of Oakland, Florida, which includes the allocation of Orange County's State Housing Initiatives Partnership (SHIP) funds in the amount of \$125,000, to the Town of Oakland to rehabilitate owner-occupied single family homes for very low-income residents. District 1. (Housing and Community Development Division)

4. Approval of Amendment to the Project Administration Agreement between Orange County, Florida and Health Care Center for the Homeless regarding the Community Development Block Grant Program, to include payment for a Behavior Health Counselor to provide mental health and substance abuse services. All Districts. (Housing and Community Development Division)
5. Approval of Amendment to Project Administration Agreement between Orange County, Florida and Harbor House of Central Florida regarding the Community Development Block Grant Program, allocating an additional \$29,950.66 to Harbor House of Central Florida for security fencing. All Districts. (Housing and Community Development Division)
6. Approval of First Amendment to the Agreement between Orange County, Florida and Habitat for Humanity of Greater Orlando Area, Inc. regarding the Neighborhood Stabilization Program 3 (NSP3), including allocation of an additional \$800,000 to Habitat of Greater Orlando, Inc. to acquire, rehabilitate, and sell foreclose homes to qualified home buyers in the Pine Hills area. Districts 2 and 6. (Housing and Community Development Division)
7. Approval of the 2012-2013 Action Plan, which includes a total allocation of \$7,040,224 for Housing and Community Development federal grant programs; XII. Certifications; Specific CDBG (Community Development Block Grant) Certifications; Specific HOME (HOME Investment Partnership Program) Certifications; and (Emergency Solutions Grants) ESG Certifications. All Districts. (Housing and Community Development Division)

Family Services Department

1. Approval of the Federally-Funded Subgrant Agreement, Contract Number 13SB-FZ-12-00-01-019, between the State of Florida, Department of Economic Opportunity and Orange County, Florida in the amount of \$502,101 for Community Services Block Grant (CSBG) funding. The term of this Agreement is from October 1, 2012 through September 30, 2013. (Community Action Division)

Fire Rescue Department

1. Approval of State-Funded Subgrant Agreement Contract Number: 13-BG-06-06-58-01-048, between the State of Florida, Division of Emergency Management and Orange County for Fiscal Year 2012-2013 in the amount of \$105,806. (Office of Emergency Management)
2. Approval of Federally-Funded Subgrant Agreement Contract Number: 13-FG-___-06-58-01-115, between the State of Florida, Division of Emergency Management and Orange County in the amount of \$199,438. (Office of Emergency Management)

Health Services Department

1. Approval of Contractual Services Agreement #018776 between the State of Florida, Department of Agriculture and Consumer Services Division of Administration, and Orange County for an amount not to exceed \$18,500, and approval for the County Mayor, or her designee, to sign future amendments to this Agreement. No county match is required. (Mosquito Control Division)
2. Approval of the Certificate of Public Convenience and Necessity modification for name change from Central Florida Ambulance to Falck Southeast II, Corp., d/b/a American Ambulance to provide Interfacility Advanced Life Support Transport Service. The term of this certificate is from August 7, 2012 through August 7, 2013. There is no cost to the County. (EMS Office of the Medical Director)

Utilities Department

1. Approval of Amendment of Irrevocable Letter of Credit No. 400739100, dated May 5, 2012, from CenterState Bank of Florida, N.A., on behalf of Godwin's Gatorland, Inc. for deposit and security interest in the amount of \$5,941.28. District 4. (Customer Service Division)

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

County Comptroller

Receipt of the following items to file for the record: (Clerk's Office)

- a. City of Orlando Ordinance 2012-17; An Ordinance of the City of Orlando, annexing to the corporate limits of the City of Orlando, Florida, certain real property generally located north of Lee Vista Center, south of Hoffner Ave., east of Conway Rd., and west of Kempston Dr., and addressed as 4850 Hoffner Ave., comprised of 4.98 acres, more or less; amending the city's adopted Growth Management Plan to designate the property as office low intensity, in part, and industrial, in part, on the City's Official Future Land Use Map; and designating the property as low intensity office with the aircraft noise overlay district, in part, and industrial park with the aircraft noise overlay district, in part, on the city's official zoning map; providing for severability, correction of scrivener's errors, and an effective date.
- b. Orlando/Orange County Convention & Visitors Bureau, Inc. dba Visit Orlando Financial Statements Years ended December 31, 2011 and 2010.

- c. City of Winter Garden Annexation Ordinance 12-25; An Ordinance of the City of Winter Garden, Florida, providing for the annexation of certain additional lands generally described as approximately ±5.44 acres located at 12201 West Colonial Drive on the north side of West Colonial Drive, east of Carter Road and west of State Road 429 into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability, providing for an effective date.

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

• ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Selection of three law firms and one alternate to provide General Liability/Tort Legal Counsel Services, Request for Proposals Y12-1055-LC, for 3-year term contracts from the following firms listed alphabetically:

- Dean, Ringers, Morgan & Lawton, P.A.
- Grower, Ketcham, Rutherford, Bronson, Eide and Telan, P.A.
- Hilyard, Bogan & Palmer, P.A.
- O'Connor & O'Connor, LLC
- Rissman, Barrett, Hurt, Donahue & McLain, P.A.

Further recommend the Board authorize the Purchasing and Contracts Division to renew the contracts for two additional 1-year periods. ([Office of Accountability Risk Management Division] Purchasing and Contracts Division)

Motion/Second: Commissioners Russell/Edwards

AYE (voice vote): All members

Action: The Board selected three law firms as follows:

- Grower, Ketcham, Rutherford, Bronson, Eide and Telan, P.A.
- O'Connor & O'Connor, LLC
- Dean, Ringers, Morgan & Lawton, P.A.

and one alternate, Hilyard, Bogan & Palmer, P.A., to provide General Liability/Tort Legal Counsel Services; and further, authorized the Purchasing and Contracts Division to renew the contracts for two additional 1-year periods, Request for Proposals Y12-1055-LC.

• OFFICE OF REGIONAL MOBILITY DISCUSSION AGENDA ITEM 1

MetroPlan Orlando Board Meeting Briefing.

Action: None

• PLANNING AND ZONING COMMISSION RECOMMENDATIONS, JULY 25, 2012

Motion/Second: Commissioners Martinez/Thompson

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Planning and Zoning Commission under the date of July 25, 2012, with the exception of and authorizing a public hearing be scheduled for Case RZ-12-07-019, Constance A. Owens, on September 11, 2012; subject to the usual right of appeal by any aggrieved party.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Jim Hall, VHB MillerSellen, Lake Reams Neighborhood Planned Development (PD) Land Use Plan (LUP) (Parcel 5 – Phase 1) (Case # CDR-12-04-089)

Consideration: Substantial change request to:

1) To allow for Single Family Detached residential units within a portion of PD Parcel 5 – Phase 1, in lieu of previously approved Townhomes units; and

2) Approve the following four (4) waivers from the original Village Planned Development Code (Horizon West):

Parcel 5 Phase 1 only (Village Home District)

[Note: The following waivers may be applied to no more than 20% of the single-family detached residential lots (163 units)]

a) A waiver from Section 38-1386(b)(2) to decrease the minimum average lot size of 4,800 square feet to 3,840 square feet for lots less than 40 (forty) feet wide;

b) A waiver from Section 38-1386(b)(4) to decrease the minimum lot width of forty (40) feet to thirty-two (32) feet;

c) A waiver from Section 38-1386(b)(8)(a) to reduce the minimum front porch setback from ten (10) feet to seven (7) feet for lots less than forty (40) feet wide; and

d) A waiver from Section 38-1386(b)(8)(b) to decrease the minimum side yard setback from five (5) feet to four (4) feet for lots less than forty (40) feet wide; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located west of Reams Road and south/southwest of Winter Garden Vineland Road; Parcel ID Multiple Parcels; S/T/R: 27, 35 & 36/23/27 & 01/24/27 & 06/24/28; 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) To allow for Single Family Detached residential units within a portion of PD Parcel 5 —~~Phase 1~~, in lieu of previously approved townhomes units; and

- 2) ~~Approve the following four (4) waivers from the original Village Planned Development Code (Horizon West):~~

~~Parcel 5 Phase 1 only (Village Home District)~~

~~[Note: The following waivers may be applied to no more than 20% of the single-family detached residential lots (163 units)]~~

Approve the following four (4) waivers are granted for Parcel 5 (Village Home District) for twenty (20) Percent of the detached lots within Parcel 5 (maximum number of 163 lots):

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

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

The following person addressed the Board: R.P. Mohnacky.

Motion/Second: Commissioners Boyd/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Jim Hall, VHB MillerSellen, Lake Reams Neighborhood Planned Development (PD) Land Use Plan (LUP) (Parcel 5) (Case # CDR-12-04-089), to:

- 1) To allow for Single Family Detached residential units within a portion of PD Parcel 5, in lieu of previously approved Townhomes units; and
- 2) Approve the following four (4) waivers are granted for Parcel 5 (Village Home District) for twenty (20) Percent of the detached lots within Parcel 5 (maximum number of 163 lots):
 - a) From Section 38-1386(b)(2) to decrease the minimum average lot size from 4,800 square feet to 3,840 square feet for lots less than 40' wide;
 - b) From Section 38-1386(b)(4) to decrease the minimum lot width of 40' to 32' for single family detached dwellings;

- c) From Section 38-1386(b)(8)(a) to reduce the minimum front porch setback from 10' to 7' within lots less 40' wide; and
- d) From Section 38-1386(b)(8)(b) to decrease the minimum side building setback from 5' to 4' within lots less than 40';

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

1. Development shall conform to the Lake Reams Neighborhood Center PD Land Use Plan dated "Received June 7, 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 7, 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 road agreement for the conveyance of the right-of-way required for Reams Road and Ficquette Road, pursuant to the Reams Road Alignment Study dated July 2005, is required to be in place prior to (Preliminary Subdivision Plan) PSP approval for any parcels in which such right-of-way is located.

4. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, Mass Grading Plan approval or earthwork, no conservation area or buffer encroachments shall be permitted.
5. 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 ((Specific Area Plan) SAP).
6. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
7. An updated Master Utility Plan (MUP) shall be approved by Orange County Utilities prior to construction plan approval.
8. The following four (4) waivers are granted for Parcel 5 (Village Home District) for twenty (20) Percent of the detached lots within Parcel 5 (maximum number of 163 lots):
 - a. From Section 38-1386(b)(2) to decrease the minimum average lot size from 4,800 square feet to 3,840 square feet for lots less than 40' wide;
 - b. From Section 38-1386(b)(4) to decrease the minimum lot width from 40' to 32' for single family detached dwellings;
 - c. From Section 1386(b)(8)(a) to reduce the minimum front porch setback from 10' to 7' within lots less than 40' wide; and
 - d. From Section 1386(b)(8)(b) to decrease the minimum side building setback from 5' to 4' within lots less than 40'.
9. Billboards, pole signs, and outdoor storage are prohibited.
10. 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 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 five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (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 fifty (50) percent of the front façade of the house consist of an unobstructed block wall or garage door.
- c. At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover a minimum ten (10) feet in width or one third (1/3) of the front façade, whichever is greater.
- d. Flat roofs shall be prohibited.
- e. Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.
- f. The provisions of the CC&R's 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&R's shall contain a statement to that effect. Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.
- g. 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. 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. All previous applicable BCC Conditions of Approval dated January 10, 2012, shall apply:
 - a. ~~Development shall conform to the Lake Reams Neighborhood (Planned Development) PD Land Use Plan dated "Received November 1, 2011," 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 November 1, 2011," 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. Applicable to Parcel 2 only, the following waivers from the original version of the Horizon West Village Code are granted:
- 1) *A waiver from Sections 38-1384(g)(3)(d) and 38-1387(b)(10) to allow the first floor elevations to be twelve (12) inches above the finished grade of the sidewalk in lieu of eighteen (18) inches above the finished grade of the sidewalk,*
 - 2) *A waiver from Section 38-1387(a)(3)(c) to allow parking on New Reams Road and the New Connector Road. Parking may be provided on the sides of the buildings provided the stalls are screened with 36" knee walls with caps and landscaping,*
 - 3) *A waiver from Section 38-1387(b)(5) to allow an increase in the maximum building height to three (3) stories and forty five (45) feet in lieu of forty (40) feet, and*

- 4) *A waiver from Sections 38-1387(b)(11) and 38-1384(e) to modify the porch requirements as follows: Front porches (i.e., covered entrances at the breezeways) will only be required for each building fronting a public right of-way (southern connector road and Lake Village Road).*
- d. The following waivers for Multi-Family residential are granted:
 - 1) *A waiver from Sections 38-1258(a), 38-1258(b), and 38-1258(c) to allow three (3) story multi-family buildings to be located within eighty (80) feet of single-family zoned property, and*
 - 2) *A waiver from Section 38-1258(j) to allow for a minimum building separation of twenty (20) feet for two-story and three-story buildings, in lieu of thirty (30) feet and forty (40) feet, respectively.*
 - e. A waiver from Section 38-1254 is granted to allow for a minimum front setback from twenty-five (25) and thirty-five (35) feet to fifteen (15) feet.
 - f. A waiver from Sections 38-1476(a) and 38-1477 to allow for a maximum of twenty-five (25) on-street parking spaces to be located on the same side of the property line in lieu of being located on the same lot or within three hundred (300) feet from the principal entrance. These twenty-five (25) spaces may be used to meet the minimum parking requirement for this development.
13. All previous applicable Conditions of Approval dated October 4, 2011, shall apply, including:
- a. At the time Parcel 1 or any portion of Parcel 1 is platted or a development plan is submitted, the adequate public facilities parkway and road right-of-way which is comprised of 1 segment (4 lanes as more fully described below), as generally depicted on the amended Land Use Plan (LUP) shall be conveyed to Orange County for road right-of-way purposes. However, notwithstanding how the subject road right-of-way is generally depicted on the amended LUP, the actual alignment of the segment of the newly constructed portion of Reams Road lying between the Frye Property north of the property line of the Lake Reams (Planned Development) PD and the roundabout shall be shown on the exhibits, that are concurrently introduced.

The developer shall construct or have constructed the segment of the road (the first 2 lanes) from the roundabout to (County Road) C.R. 535 upon issuance of the first Certificate of Completion of subdivision improvements the effect of which is to allow development of Parcel 2, or any portion thereof (the segment is described as a connection point to the realigned Reams Road extending southwest from (County Road) C.R. 535 to the roundabout on the newly constructed portion of Reams Road).

The developer shall construct or have constructed the segment of the road (the first 2 lanes) at the occurrence of any of the following events, whichever happens first:

- 1) *Issuance of the first Certificate of Completion of subdivision improvements allowing development on Parcel 1 or 2 of the Lake Reams PD; or*
 - 2) *When the following events occur:*
 - i. *Issuance of the First Certificate of Completion of subdivision improvements allowing development of residential units (single-family or multi-family) in Parcel 1 or 2; and*
 - ii. *Opening of the middle school in Lakeside Village; or*
 - iii. *Opening of the elementary school on Parcel 11 of the Lake Reams PD Property.*
 - 3) *Prior to the issuance of the first Certificate of Completion for any commercial development on Parcel 1, the second 2 lanes of segment 1 from the roundabout to (County Road) C.R. 535 shall be constructed.*
14. All previous applicable Conditions of Approval dated August 23, 2011, March 15, 2005, and August 25, 1998, shall apply, including:
- ~~a. The developer shall obtain wastewater, reclaimed water, and water service from Orange County subject to County rate resolutions and ordinances.~~

Note: The preceding condition is now addressed by new condition #6.
 - ~~b. Prior to construction plan approval, master stormwater management, reclaimed water, 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 #7.
 - ~~c. 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 simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:~~

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

- ~~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;~~

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

- ~~2) House front facade 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. In no case shall more than 50 percent of the front facade of a house consist of an unobstructed block wall or garage door;~~

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

- ~~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; and~~

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

- ~~4) 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.~~

Note: The preceding condition is now addressed by new conditions #10(d) and #10(e).

- ~~d. Billboards, pole signs, and outdoor storage are prohibited.~~

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

- e. Liquor stores and video arcades are prohibited in the neighborhood commercial portion.
- f. Section 38-1384C.1 of Ordinance 97-09 shall be waived concerning block length. The block length for lots less than 60 feet shall be up to 540 feet in length where the lots at the end of the block are perpendicular to the intersecting street.

- g. Block length shall be measured from the street crossing, public open space, or alley intersection. Variation in the block length shall be permitted where the variation will create a public open space or when it will allow continuation of an adjacent public open space.
- h. TDRs (Transfer of Development Rights) are approved with this plan subject to compatibility criteria as specified on the Land Use Plan.

• SHORELINE ALTERATION/DREDGE FILL PUBLIC HEARING

Applicant: James Alex and Karen Ann Davenport
Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to reconstruct an existing seawall, pursuant to Orange County Code, Chapter 15, Article VI
Location: District 4; on property located adjacent to Lake Conway, located at 2903 Trentwood Boulevard, Orlando, Florida; Parcel ID 29-23-30-1876-04-180; Section 29, Township 23 South, Range 30 East; Orange County, Florida (legal property description on file in Environmental Protection Division)

The following person addressed the Board: Bobby Lance.

Motion/Second: Commissioners Thompson/Martinez

AYE (voice vote): All members

Action: The Board approved the request by James Alex and Karen Ann Davenport for a Shoreline Alteration/Dredge and Fill Permit to reconstruct an existing seawall, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the "Seawall Plan" submitted by Mr. and Mrs. Davenport, dated as received on June 15, 2012 by the Environmental Protection Division (EPD). The permitted work must be commenced within six months and completed within one year from the date of issuance of the permit. In the event that project has not commenced within 6 months or completed within a year this permit is void.
3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.

4. No filling can be performed except in the actual construction of the seawall. This permit does not authorize any dredging or filling which may be necessary to provide maintenance or creation of a navigable access from the boat ramp to the open water.
5. The planting must be implemented in accordance with the 'Seawall Plan' submitted by Mr. and Mrs. Davenport, dated as received on June 15, 2012 by EPD.
6. New plantings must be initiated within thirty days of completion of the seawall. After one year, if 80% coverage of native species is not established, additional replanting will be required.
7. The permittee must install riprap at a 2 (Horizontal): 1 (Vertical) slope along the seawall.
8. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE), not to exceed 30 feet in width, of sufficient length waterward from the shoreline, to allow access to open water. Any future structures such as a boat dock must be located within this corridor.
9. Native vegetation, including but not limited to, *Hydrocotyle*, may not be removed from the shoreline outside of the specified access corridor, specific to project.
10. A copy of this permit, along with EPD stamped and approved drawings, should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
11. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Division of Building Safety in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.

General conditions:

12. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

13. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
14. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
15. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
16. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
17. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 33, Article 11 of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.

18. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
19. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
20. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
21. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
22. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
23. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
24. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
25. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
26. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

• BOARD-CALLED BOARD OF ZONING ADJUSTMENT PUBLIC HEARING

Applicant: Central Florida Road Course
Case No.: Board of Zoning Adjustment, SE-12-07-038; June 7, 2012
Consideration: Request to amend previously approved Special Exception of March 5, 2009 as follows:
1) To add 4.59 acres on the south side;
2) To add a drag strip course; and
3) To allow on-site consumption of alcohol.
(Condition #13 of previous approval prohibited on-site consumption of alcohol).
Location: District 4; property generally located at 193 Parcel Ln., Delivery Dr., 10694 Cosmonaut Blvd. North and south sides of Parcel Lane, west of Cosmonaut Blvd., north of Central Florida Pkwy; Parcel ID 11-24-29-7268-00-760; S-T-R: 11-24-29; Orange County, Florida (legal property description on file in Zoning Division)

The following persons addressed the Board:

- Christopher Hayes
- James A. Scott, Jr.
- Ray Alonso
- Jose Ayala
- Robert Ramos
- Esde Almarza-Anderson
- Sarah Piguert
- Roger Ellis
- Lisa Bugden
- Luis Velasquez
- David Mainz
- Suzanne Sissons
- Bob Huhta
- Leszek Mlynarczyk
- Dan Zuber

• RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice Mayor Thompson.

The following persons addressed the Board:

- Elaine Zuber
- Gerard Fogarty
- Randev Senanayake

• REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice Mayor Thompson.

The following persons addressed the Board:

- Marg Wrenne
- Lil Bull
- George Valletta
- James Lamb
- Eduardo Castillo
- Roger Throneburg, Jr.
- Bobby Lance
- Samuel Rivera
- Cesar Cruz
- Julio Morales
- Dan Warren
- Phil Gingerich
- Vinny Barber
- Brad Russell

• RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice Mayor Thompson.

The following persons addressed the Board:

- Frank Nero
- Robert Fleming
- Emely Santana
- Laurie Broadus
- Clifford Pool
- Fred Stone

• REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice Mayor Thompson.

The following persons addressed the Board:

- Viki Taylor
- Raquel Rebera

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

- Exhibit 1, from Christopher Hayes
- Exhibit 2, from James A. Scott, Jr.
- Exhibit 3, from James A. Scott, Jr.
- Exhibit 4, from Lisa Bugden
- Exhibit 5, from Lil Bull
- Exhibit 6, from Roger Throneburg, Jr.
- Exhibit 7, from Roger Throneburg, Jr.

Motion/Second: Commissioner Thompson/County Mayor Jacobs

AYE (voice vote): All members

Action: The Board denied the Orange County Board of Zoning Adjustment recommendation for the request by Central Florida Road Course, to amend the previously approved Special Exception of March 5, 2009, as follows:

- 1) To add 4.59 acres on the south side;
- 2) To add a drag strip course; and
- 3) To allow on-site consumption of alcohol.

(Condition #13 of previous approval prohibited on-site consumption of alcohol), on the described property, as amended below.

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): Commissioners Boyd, Martinez, Thompson, Edwards

NO (voice vote): County Mayor Jacobs; Commissioners Brummer, Russell

Action: The Board amended the main motion to approve the on-site consumption of beer and wine only is permitted and shall meet all applicable local and state regulations. Further, the facility shall take appropriate measures to prohibit the consumption of beer and wine by the drivers.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Paul C. Batt, Unicorp National Developments, Inc., Orlando International Hotel Planned Development / Land Use Plan (PD/LUP) and Master Sign Plan, (Case #CDR-12-01-002)

Consideration: Substantial change request to approve a proposed Master Sign Plan, including the following waivers from Code Section 31.5 for roof signs, billboards, wall signs, animated signs and ground signs:

1. Roof signs: Note - Per the Tourist Commercial Signage Code [31.5-162(d)], roof signs are prohibited at this location.
 - a. A waiver to allow a roof sign, to be located over the main entrance to the observation-wheel;
 - b. A waiver from Section 31.5-71(e) to allow a copy area of 314.16 (three hundred fourteen point sixteen) square feet in lieu of a maximum of 200 (two hundred) square feet;

- c. A waiver from Section 31.5-71(b) to allow a 30.4' (thirty point four) foot tall roof sign height in lieu of the maximum roof sign height of fifteen (15) feet;
 - d. A waiver from Section 31.5-71(c) to allow roof signs to be erected on a building thirty-five (35) feet in height in lieu of fifty (50) feet; and
 - e. A waiver from Section 31.5-71(g) to allow roof sign structures to be visible from the public-right-of-way.
2. Billboards: Note - Per the Tourist Commercial Signage Code [31.5-162(d)], Billboards are prohibited at this location.
- a. A waiver to allow a billboard, to be located in the middle of the observation-wheel structure;
 - b. A waiver from Section 31.5-126 to allow a maximum height of approximately two hundred thirty-two (232) feet in lieu of a maximum height of forty (40) feet, and
 - c. A waiver from Section 31.5-126(i) to allow the copy area of two thousand four hundred thirteen (2,413) square feet per side in lieu four hundred (400).
3. Wall Signs:
- a. A waiver from Section 31.5-163(a) to allow thirteen (13) wall signs (including 7 wall murals) with a copy area of sixteen thousand one hundred fifty eight point three zero (16,158.30) square feet in lieu of a maximum of four-hundred (400) square feet;
 - b. A waiver from Section 31.5-168(b) to allow more than one (1) wall sign per tenant.
 - c. A waiver from Section 31.5-168(c) to allow two businesses to be advertised on one parcel in lieu of a wall shall only advertise or identify the establishment or business on the parcel; and
 - d. A waiver from Section 31.5-168(f) to allow two (2) wall signs to extend forty eight inches from the wall in which they are erected in lieu of twelve (12) inches.
4. Animated Signs: Note - Per the Tourist Commercial Signage Code [31.5-162(d)], animated signs are prohibited at this location.
- a. A waiver to allow for animated signs. There are two proposed ground signs to be animated, as well as the observation-wheel structure (flashing computer controlled lights surrounding the wheel), and the observation-wheel billboard itself).
5. Ground Signs:
- a. A waiver from Section 31.5-166(a) to allow three ground signs to have a total copy area of seven hundred twenty (720) square feet in lieu of one hundred twenty (120) square feet, and;

- b. A waiver from Section 31.5-166(b) to allow one ground sign to be twenty-eight (28) feet and the other two to be seventeen feet six inches (17'-6") in height respectively, in lieu of a maximum height of eight (8) feet each, and;
- c. A waiver from Section 31.5-166(d) to allow three ground signs on one parcel in lieu of a maximum of two (2).

Note: Requested waivers are subject to change based on the results of a Development Review Committee (DRC)-required Community Meeting and/or the subsequent DRC meeting;
pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 6; property generally located at the northwest corner of Universal Boulevard and Via Mercado; Parcel IDs 36-23-28-7168-01-000 and 36-23-28-7168-01-003; Orange County, Florida (legal property description on file in Planning Division)

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

- 1. ~~Roof signs: Note — Per the Tourist Commercial Signage Code [31.5-162(d)], roof signs are prohibited at this location.~~
 - a. ~~A waiver to allow a roof sign, to be located over the main entrance to the observation wheel;~~
 - b. ~~A waiver from Section 31.5-71(e) to allow a copy area of 314.16 (three hundred fourteen point sixteen) square feet in lieu of a maximum of 200 (two hundred) square feet;~~
 - c. ~~A waiver from Section 31.5-71(b) to allow a 30.4' (thirty point four) foot tall roof sign height in lieu of the maximum roof sign height of fifteen (15) feet;~~
 - d. ~~A waiver from Section 31.5-71(c) to allow roof signs to be erected on a building thirty-five (35) feet in height in lieu of fifty (50) feet; and~~
 - e. ~~A waiver from Section 31.5-71(g) to allow roof sign structures to be visible from the public right-of-way.~~

The following persons addressed the Board:

- Chuck Whittall
- Joe Antounovich
- Paul Kanavos
- Mitch Bernstein
- Doug Gehret

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

- Exhibit 1, from Chuck Whittall
- Exhibit 2, from John Smogor

Motion/Second: Commissioners Russell/Brummer

AYE (voice vote): All members

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

• COUNTY MAYOR DISCUSSION AGENDA ITEM 1

Open discussion on issues of interest to the board.

Action: None

• ADJOURNMENT, 7:30 p.m.

ATTEST:


County Mayor Teresa Jacobs

Date: **OCT 02 2012**

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk


Deputy Clerk

