

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, July 31, 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, 9:11 a.m.
- INVOCATION - Dr. Saturnino Gonzalez, Senior Pastor of Iglesia El Calvario Church
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Proclamation designating July 31, 2012 as Bert E. Roper Day
- PRESENTATION
The Red Chair Visits Cultural Venues and Arts and Economic Prosperity Study
- PUBLIC COMMENT

The following person addressed the Board for public comment: Rachel Wentz.

• COUNTY CONSENT AGENDA

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

- Deferred County Administrator Item 10
- Deferred Administrative Services Department Item 8

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

County Comptroller

1. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
 - July 13, 2012, to July 19, 2012; total of \$16,877,932.80
 - July 20, 2012, to July 26, 2012; total of \$20,054,769.86.

(Finance/Accounting)

2. Disposition of Tangible Personal Property as follows: (Property Accounting)
 - a. Scrap assets.
 - b. Return an asset to the vendor for a full refund.
 - c. Trade in assets for an allowance towards the purchase of new equipment.
 - d. Dispose of an asset that was totaled out by our Third Party Administrator for its salvage value.

County Administrator

1. Confirmation of Commissioner Boyd's appointment of Yogesh M. Melwani as the District 1 representative on the Membership and Mission Review Board and Betsy VanderLey as the District 1 representative on the Planning and Zoning Commission with terms expiring December 31, 2012. (Agenda Development Office)
2. 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)
3. Appointment of Carolyn Wilson to the Pine Hills Local Government Neighborhood Improvement District Advisory Council as the District 6 representative with a term expiring June 30, 2014. (Agenda Development Office)
4. Approval of Orange County, Florida Wellness for Life Plan Section 125 Cafeteria Plan Original Effective Date: January 1, 1991 Effective Date of this Restatement: January 1, 2011. (Human Resources Division)
5. Approval of Resolution 2012-M-21 of the Orange County Board of County Commissioners regarding LightPath Technologies, Inc. Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
6. Approval of Resolution 2012-M-22 of the Orange County Board of County Commissioners regarding Ravago Americas, LLC. Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)

7. Approval of Resolution 2012-M-23 of the Orange County Board of County Commissioners regarding G5 Engineering Solutions, Inc. Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
8. Approval of Resolution 2012-M-24 of the Orange County Board of County Commissioners regarding Banker Steel Company Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
9. Approval of 2012-2013 Fiscal Year Funding Agreement between Orange County, and the International Drive Master Transit and Improvement District. (Orange County Convention Center)
10. Approval of Second Addendum to 2007 Tourism Promotion Agreement between Orange County, Florida and Orlando/Orange County Convention Center & Visitors Bureau, Inc. (Orange County Convention Center)

(This item was deferred.)

County Attorney

1. Approval of revisions to Administrative Regulations 7.12, 11.03.01, 11.03.02 and new Administrative Regulation 11.03.03 relating to Orange County Convention Center.

Administrative Services Department

1. Approval to award Invitation for Bids Y12-1033-J2, Term Contract for Cold In-Place Recycled Bituminous Base Course and Asphalt Resurfacing, to the low responsive and responsible bidder, Asphalt Paving Systems, Inc., in the estimated contract award amount of \$1,652,100 for a one-year term contract. Further, authorized the Purchasing and Contracts Division to exercise contract option years one and two. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y12-614-JS, Flender Gearboxes, to the low responsive and responsible bidder, Chalmers & Kubeck, Inc. in the total contract award amount of \$208,713.60, for four gearboxes. ([Utilities Department Water Reclamation Division] Purchasing and Contracts Division)
3. Approval of Amendment No. 1, Contract Y11-806, Engineering Services for State Road 50 from Dean Road to Old Cheney Highway with CPH Engineers, in the amount of \$239,907, for a total contract amount of \$626,438. ([Utilities Department Engineering Division] Purchasing and Contracts Division)

4. Approval of Purchase Order M56891, Access Control Server (ACS) Equipment with Johnson Controls, Inc., in the estimated amount of \$219,309.74. ([Convention Center Facility Operations Division] Purchasing and Contracts Division)
5. Approval of Purchase Order M58913, Annual Software Maintenance and Support for Growth Management's Land Development and Management System (LDMS) Phases 1 and 2 - (Advanced Maryland Automatic Network Disk Archiver) AMANDA Software, with CSDC Systems Inc. in the amount of \$168,220. ([Growth Management Department Administrative and Development Services Division] Purchasing and Contracts Division)
6. Ratification of Purchase Order M58674, Kitchen Equipment, to Professional Kitchens, Inc. in the amount of \$181,547. ([Convention Center] Purchasing and Contracts Division)
7. Approval and execution of Space/Use Agreement between the Greater Orlando Aviation Authority and Orange County and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, for vehicle storage facility for (Special Weapons and Tactics) SWAT – Storage Hangar Lease at 3534-B Amelia Street, Orlando, Florida. District 3. (Real Estate Management Division)
8. Approval and execution of Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorization to record instrument for Kelly Park (Campground electrical easement). District 2. (Real Estate Management Division)

(This item was deferred.)
9. Approval and execution of County Deed from Orange County to the City of Orlando and authorization to disburse funds to pay recording fees and record instrument for General Rees Avenue Transfer. Districts 3 and 5. (Real Estate Management Division)
10. Approval and execution of County Deed from Orange County to the City of Ocoee and authorization to disburse funds to pay recording fees and record instrument for City of Ocoee – Interlocal Agreement regarding Jurisdiction to Operate and Maintain Certain Local Roads. District 1. (Real Estate Management Division)
11. Approval of As Is Residential Contract for Sale and Purchase between Orange County and Courtney Kelly, approval and execution of County Deed from Orange County to Courtney Kelly and authorization to perform all actions necessary and incidental to closing for (Neighborhood Stabilization Program) NSP Resale – 1903 Torrey Drive, Orlando, FL 32818. District 6. (Real Estate Management Division)

12. Approval of Temporary Construction Easement between Southchase Phase 1B Community Association, Inc. and Orange County, authorization to disburse funds to pay all recording fees and record instrument for Wetherbee Road (Balcombe Road to Orange Avenue). District 4. (Real Estate Management Division)
13. Approval and execution of Memorandum of Understanding between Orange County and Samaritan Resource Center, Inc. for Samaritan Resource Center (9833 East Colonial Drive). District 3. (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 12-0536	LC 12-0582	LC 12-0597	LC 12-0601	LC 12-0602
LC 12-0603	LC 12-0604	LC 12-0606	LC 12-0607	LC 12-0608
LC 12-0609	LC 12-0610	LC 12-0584	LC 12-0593	LC 12-0611
LC 12-0626	LC 12-0627	LC 12-0628	LC 12-0247	LC 12-0583
LC 12-0590	LC 12-0544	LC 12-0579	LC 12-0488	LC 12-0537
LC 12-0549	LC 12-0572	LC 12-0573	LC 12-0574	LC 12-0576
LC 12-0577	LC 12-0613	LC 12-0616	LC 12-0621	LC 12-0630
LC 12-0632	LC 12-0633	LC 12-0635	LC 12-0636	LC 12-0643

Family Services Department

1. Approval of State of Florida Voluntary Prekindergarten Education Program Statewide Provider Agreement; Addendum to the Statewide Provider Agreement; and Addendum to Addendum to Statewide Provider Agreement between Early Learning Coalition of Orange County and Orange County, Florida and approval of Delegation of Signing Authority for the State of Florida Voluntary Prekindergarten Education Program related to the Orange County Head Start Program. (Head Start Division)
2. Approval of Greater New Hope Missionary Baptist Church, Inc. and Orange County, Florida Lease Agreement for the operation of the Head Start Program. The total compensation for the Lease shall not exceed \$105,347 per year with an additional one time payment of \$20,000 for playground improvements. Head Start grant funds will be used to cover lease expenses. (Head Start Division)

Growth Management Department

1. Approval of Application for Impact Fee Grants for Qualified Non-Profit Organization in the amount of \$10,000 to be used for the Law Enforcement, Fire Rescue and Road Impact Fees for The Apostolic Worship Child Development Center, Inc., classrooms. District 2. (Administrative and Development Services Division)

Health Services Department

1. Approval of the renewal Alternative Transportation Service License for Mid-Florida Patient Transport, Inc. to provide wheelchair/stretchers service. The term of this License is from July 1, 2012 through July 1, 2014. There is no cost to the County. (EMS Office of the Medical Director)
2. Approval of the renewal Alternative Transportation Service License for MED EX Transportation Inc. to provide wheelchair/stretchers service. The term of this License is from July 1, 2012 through July 1, 2014. There is no cost to the County. (EMS Office of the Medical Director)

Office of Public Engagement and Citizen Advocacy

1. Approval of Blessed Academy, Inc. for July 2012 Community Design Assistance Grant in the total amount of \$2,115. District 6. (Neighborhood Preservation and Revitalization Division)
2. Approval of the Autumn Pines Neighborhood and Rio Pinar Lakes Phase I Neighborhood Organization for July 2012 Neighborhood Pride Mini-Grants as recommended by the Neighborhood Grants Advisory Board in the total amount of \$2,921. District 3. (Neighborhood Preservation and Revitalization Division)
3. Approval of the Forsyth Pointe Neighborhood and Sterling Pointe HOA (Homeowners' Association) for July 2012 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board in the total amount of \$5,205. Districts 1 and 3. (Neighborhood Preservation and Revitalization Division)
4. Approval of the Fuller Crossing Phase III, Whisper Lakes Unit 2 HOA, Moss Park Reserve HOA, and Wedgefield Homeowners Association for July 2012 Neighborhood Pride Landscaping Grants as recommended by the Neighborhood Grants Advisory Board in the total amount of \$6,840. Districts 1, 4, and 5. (Neighborhood Preservation and Revitalization Division)
5. Approval of the Beacon Hill Neighborhood, Lockhart Community and Tangelo Park Civic Association for July 2012 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board in the total amount of \$7,663. Districts 2 and 6. (Neighborhood Preservation and Revitalization Division)

6. Approval of the Island Cove Villas at Meadow Woods HOA (Homeowners' Association) for a July 2012 Neighborhood Pride Wall Repair Grant as recommended by the Neighborhood Grants Advisory Board in the total amount of \$18,900. District 1. (Neighborhood Preservation and Revitalization Division)
7. Approval of the Town of Windermere, Town of Eatonville, and City of Belle Isle July 2012 Municipality Partnership Grants as recommended by the Neighborhood Grants Advisory Board in the total amount of \$20,764. Districts 1, 4, and 5. (Neighborhood Preservation and Revitalization Division)
8. Approval of a Safe Neighborhood map boundary change for the Pine Castle Safe Neighborhood to include the Oak Ridge Cemetery and the surrounding neighborhood. District 4. (Neighborhood Preservation and Revitalization Division)

Public Works Department

1. Approval of Interlocal Agreement between Orange County, Florida and City of Ocoee, Florida regarding Jurisdiction to Operate and Maintain Certain Local Roads. District 1. (Public Works Department)
2. Approval of Memorandum of Agreement, The State of Florida, Department of Transportation and Orange County, a Charter County and a Political Subdivision of the State of Florida and Florida Mall Associates, Ltd, a Florida Limited Partnership and UIG, a Florida Corporation. District 6. (Highway Construction Division)
3. Approval to install a "No Stopping, Standing, Parking" zone on the east and west sides of N Hiawasse Road starting at State Road 414 and extending 2200 feet north. District 2. (Traffic Engineering Division)
4. Approval to install a "No Parking" zone on the west side of Westfall Drive starting at east Colonial Drive and extending 1000 feet north. District 3. (Traffic Engineering Division)
5. Approval to install a "No Parking" zone on the west side of Ferndell Road starting at the north property line of Pine Hills Elementary School and extending 700 feet south. District 6. (Traffic Engineering Division)
6. Approval of "Stop" sign installations in Carley Estates. District 5. (Traffic Engineering Division)
7. Approval of a "Stop" sign installation in Wyndham Lakes Estates Unit 3. District 4. (Traffic Engineering Division)
8. Approval to replace the existing "Yield" sign with a "Stop" sign on Snowshoe Court at Killington Way. District 6. (Traffic Engineering Division)

Utilities Department

1. Approval of City of Ocoee/Orange County Reclaimed Water Territorial Agreement which defines a reclaimed water territorial boundary and establishes the procedures for handling new customers, annexations and alterations of service areas as it relates to reclaimed water service. Districts 1 and 2 (Engineering Division)
 2. Approval of City of Ocoee/Orange County Agreement for the Delivery and Use of Wholesale Reclaimed Water which governs the provision of wholesale reclaimed water service to the northern portion of the City of Ocoee's service area (North Area). Districts 1 and 2. (Engineering 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. Town of Oakland Voluntary Annexation Report dated June 2012; providing for the annexation of property owned by John Dolezar located on the east side of Remington Road, north of John's Lake in Unincorporated Orange County. The subject property is 4.61 acres in area. The parcel numbers assigned are 29-22-27-0000-00-009 and 29-22-27-0000-00 034. The Town Commission will hear this request on July 10 and 24, 2012 in the Town Meeting Hall.
- b. City of Winter Garden Annexation Ordinance 12-11; providing for the annexation of certain additional lands generally described as approximately ± 0.22 acres located at 710 South Park Avenue on the west side of South Park Avenue, north of Jackson Street and south of West Story Road 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.
- c. City of Apopka Annexation Ordinances and Vicinity Maps as follows:
 - Ordinance No. 2261, An ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statutes 171.044 the hereinafter described lands situation and being in Orange County, Florida, owned by Zellwood Properties, LLC, located north of Fudge Road and east of Hermit Smith Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
 - Ordinance No. 2262, 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 Zellwood Properties, LLC, located north of Orange Blossom Trail and west of Hermit Smith Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.

- Ordinance No. 2263, 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 The Bell Trust, located south of Hogshead Road and west of Hermit Smith Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
 - Ordinance No. 2264, 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 Richard P. Welker and Jeffrey M. Welker Trust, located north of Keene Road and east of Stanford Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- d. Commissioners S. Scott Boyd, Fred Brummer, John Martinez, Jennifer Thompson, Ted Edwards, and Tiffany Russell were not in attendance at a noticed meeting to discuss the Solid Waste Study, July 11, 2012, at the Utilities Department; therefore, the meeting was not a Sunshine Meeting and minutes were not taken.

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

• ADMINISTRATIVE SERVICES DEPARTMENT CONSENT AGENDA ITEM 8
DEFERRED

Approval and execution of Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorization to record instrument for Kelly 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, 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:

8. Approval and execution of Distribution Easement from Orange County to Progress Energy Florida, Inc. and authorization to record instrument for Kelly Park (Campground electrical easement). District 2. (Real Estate Management Division)
Page 147-148"

Motion/Second: Commissioners Boyd/Martinez

Abstain: Commissioner Edwards

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

Action: The Board approved the Distribution Easement from Orange County to Progress Energy Florida, Inc.; and authorized to record instrument for Kelly Park (Campground electrical easement).

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 1

Visit Orlando Bi-annual Update. (Orange County Convention Center)

The following person addressed the Board: Larry Henrichs.

Action: None

- COUNTY ADMINISTRATOR CONSENT AGENDA ITEM 10 DEFERRED

Approval of Second Addendum to 2007 Tourism Promotion Agreement between Orange County, Florida and Orlando/Orange County Convention Center & Visitors Bureau, Inc. (Orange County Convention Center)

Motion/Second: Commissioners Edwards/Russell

AYE (voice vote): All members

Action: The Board approved the Second Addendum to 2007 Tourism Promotion Agreement between Orange County, Florida and Orlando/Orange County Convention Center & Visitors Bureau, Inc.

- OFFICE OF REGIONAL MOBILITY DISCUSSION AGENDA ITEM 1

SunRail Project Update.

The following person addressed the Board: Noranne Downs.

Action: None

- EXECUTIVE SESSION

DUE TO THE NATURE OF THE DISCUSSION, THIS MEETING IS NOT OPEN TO THE PUBLIC.

Discussion regarding Orange County, Florida and Martha O. Haynie, Orange County Comptroller v. Expedia, Inc., Orbitz, LLC and Orbitz, Inc. Case No. 2006-CA-002104-O.

Action: None

- MEETING RECESSED, 10:36 a.m.

• MEETING RECONVENED, 2:07 p.m.

Members Present: Commissioners S. Scott Boyd, Fred Brummer, John Martinez, Jennifer Thompson, Ted Edwards, Tiffany Russell
Member Absent: County Mayor Teresa Jacobs
Others Present: County Administrator Ajit Lalchandani, Deputy County Attorney Joel Prinsell, Deputy Clerk Kathleen C. Johnson

• TRANSMITTAL OF 2012-2 REGULAR CYCLE COMPREHENSIVE PLAN PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

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

The following persons addressed the Board:

- Tom Sullivan
- David Sunday

Motion/Second: Commissioners Edwards/Boyd
Absent: County Mayor Jacobs
AYE (voice vote): All present members
Action: The Board approved transmitting Privately Initiated Future Land Use Element Map Amendment 2012-2-A-5-1.

• TRANSMITTAL OF 2012-2 REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AMENDMENT

Amendment: 2012-2-B-FLUM-1
Consideration: Map amendment removing Future Land Use Map designations for parcels previously annexed by incorporated jurisdictions within Orange County

Motion/Second: Commissioners Russell/Martinez
Absent: County Mayor Jacobs, Commissioner Edwards
AYE (voice vote): All present members
Action: The Board approved transmitting Staff Initiated Comprehensive Plan Map Amendment 2012-2-B-FLUM-1.

• TRANSMITTAL OF 2012-2 REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2012-2-B-FLUE-1
Consideration: Text amendment to the Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County.

Motion/Second: Commissioners Boyd/Russell
Absent: County Mayor Jacobs, Commissioner Edwards
AYE (voice vote): All present members
Action: The Board approved transmitting Staff Initiated Comprehensive Plan Text Amendment 2012-2-B-FLUE-1.

• TRANSMITTAL OF 2012-2 REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2012-2-B-FLUE-2
Consideration: Text amendment to the Future Land Use Element Policies related to Horizon West – update of implementation milestones and policies affected by County adoption of Horizon West Global Agreement

The following person addressed the Board: Miranda Fitzgerald.

Motion/Second: Commissioners Boyd/Russell
Absent: County Mayor Jacobs
AYE (voice vote): All present members
Action: The Board approved transmitting Staff Initiated Comprehensive Plan Text Amendment 2012-2-B-FLUE-2 with the following modification: rename Horizon West Global Road Agreement as Horizon West Global Road Term Sheet.

• TRANSMITTAL OF 2012-2 REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2012-2-B-FLUE-3
Consideration: Text amendments to the Future Land Use Element Policies related to Horizon West Village H – update of policies related to (Adequate Public Facilities) APF requirements and transportation agreements.

Motion/Second: Commissioners Boyd/Martinez

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved transmitting Staff Initiated Comprehensive Plan Text Amendment 2012-2-B-FLUE-2 with the following modification: rename Horizon West Global Road Agreement as Horizon West Global Road Term Sheet.

• TRANSMITTAL OF 2012-2 REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2012-2-B-NE-1

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

Motion/Second: Commissioners Russell/Martinez

Absent: County Mayor Jacobs

AYE (voice vote): All present members

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

• TRANSMITTAL OF 2012-2 REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2012-2-B-CP-1

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

The following persons addressed the Board:

- Wayne Rich
- Miranda Fitzgerald

Motion/Second: Commissioners Martinez/Russell

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved transmitting Staff Initiated Comprehensive Plan Text Amendment 2012-2-B-CP-1 with the following modification: Page 54, Policy T2.5.4, Section C. 3. replace the words "will be" with the words "should generally be."

• TRANSMITTAL OF 2012-2 REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2012-2-B-CP-2

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

Motion/Second: Commissioners Russell/Boyd

Absent: County Mayor Jacobs

AYE (voice vote): All present members

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

• TRANSMITTAL OF 2012-2 REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2012-2-B-CP-3

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

Motion/Second: Commissioners Boyd/Russell

Absent: County Mayor Jacobs

AYE (voice vote): All present members

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

• TRANSMITTAL OF 2012-2 REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2012-2-B-TRAN-1

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

Motion/Second: Commissioners Boyd/Martinez

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved transmitting Staff Initiated Comprehensive Plan Text Amendment 2012-2-B-TRAN-1.

• TRANSMITTAL OF 2012-2 REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN TEXT AMENDMENT

Amendment: 2012-2-B-TRAN-2

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

Motion/Second: Commissioners Russell/Boyd

Absent: County Mayor Jacobs

AYE (voice vote): All present members

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

• SUBSTANTIAL CHANGE PUBLIC HEARING CONTINUED FROM JULY 10, 2012

Applicant: Lance Bennett, Poulos & Bennett, LLC, Sand Lake Groves Planned Development (PD) Land Use Plan (LUP), Case #-CDR-11-12-282

Consideration: Substantial change request to:

- 1) Convert 269 Convention Center Hotel units to 345 multi-family units on Tract 500;
- 2) Grant a waiver from Section 38-1258(j) to allow a minimum building separation of twenty (20) feet for two-story and three-story buildings in lieu of thirty (30) feet for two-stories and forty (40) feet for three-stories; and
- 3) Grant a waiver from Section 38-1476 to allow a reduced number of parking spaces in the Multi-family portion of Tract 500 of 520 in lieu of 564; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located east side of Palm Parkway, south of Central Florida Parkway; Parcel ID 11-24-28-0000-00-24; 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:

- 2) Grant a waiver from Section 38-1258(j) to allow a minimum twenty (20) foot building separation for both two-story and three-story buildings, in lieu of a minimum thirty (30) foot building separation for two-story buildings and a minimum forty (40) foot building separation for three-story buildings within the multi-family portion of PD Tract 500~~building separation of twenty (20) feet for two-story and three-story buildings in lieu of thirty (30) feet for two-stories and forty (40) feet for three-stories; and~~
- 3) Grant a waiver from Section 38-1476 to allow for a decreased parking ratio of 1.3 spaces per unit, in lieu of 1.5 spaces per unit, for one-bedroom units only within the

~~multi-family portion of PD Tract 500. reduced number of parking spaces in the Multi-family portion of Tract 500 of 520 in lieu of 564~~

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

Motion/Second: Commissioners Boyd/Russell

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Lance Bennett, Poulos & Bennett, LLC, Sand Lake Groves Planned Development (PD) Land Use Plan (LUP), Case # CDR-11-12-282, to:

- 1) Convert 269 Convention Center Hotel units to 345 multi-family units on Tract 500;
- 2) Grant a waiver from Section 38-1258(j) to allow a minimum twenty (20) foot building separation for both two-story and three-story buildings, in lieu of a minimum thirty (30) foot building separation for two-story buildings and a minimum forty (40) foot building separation for three-story buildings within the multi-family portion of PD Tract 500; and
- 3) Grant a waiver from Section 38-1476 to allow for a decreased parking ration of 1.3 spaces per unit, in lieu of 1.5 spaces per unit, for one-bedroom units only within the multi-family portion of PD Tract 500.

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

1. Development shall conform to the Sand Lake Groves PD Land Use Plan dated "Received May 25, 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 May 25, 2012", the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. 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.
4. The use of motorized watercraft by new development (e.g. powerboats, jet skis, etc.) shall be prohibited on Big Sand Lake. Motorized vessels shall not be launched from this property.
5. 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.
6. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
7. Tree removal/Earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
8. New billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5 Tourist Commercial standards and the Master Sign Plan."
9.
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of May 31, 2012.
 - b. 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 9 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 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.

- c. Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights. d) 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. 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.
- 10. Prior to any vertical building permits, the plat shall be scheduled on the BCC Consent Agenda for approval.
 - 11. A waiver from Section 38-1258 (j) is granted to allow a minimum twenty (20) foot building separation for both two-story and three-story buildings, in lieu of a minimum thirty (30) foot building separation for two-story buildings and a minimum forty (40) foot building separation for three-story buildings within the multi-family portion of PD Tract 500.
 - 12. A waiver from Section 38-1476 is granted to allow for a decreased parking ratio of 1.3 spaces per unit, in lieu of 1.5 spaces per unit, for one-bedroom units only within the multi-family portion of PD Tract 500.
 - 13. All previous applicable BCC Conditions of Approval, dated October 6, 1998, shall apply:
 - a. ~~Development shall conform to the Sand Lake Groves Planned Development/Land Use Plan, dated "Received December 15, 1997," 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 federal, state, and county 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. Development shall comply with all provisions of the developer's agreement for the Activity Center Turkey Lake Road Extension.

- ~~c. Billboards shall be prohibited. All signage shall comply with Chapter 31.5 of the County Code and the master sign plan as approved by the Planning and Zoning Departments.~~

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

- d. The following International Drive strategic conditions shall apply:

- a) Permitted and prohibited uses shall be those specified in Policies 1.1.3 and 1.1.6 of the International Drive Activity Center Plan.
- b) The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal.
- c) The property owner shall be required to participate in an I-Drive Activity Center Property Owners' Association upon its creation.
- d) Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
- e) The development plan shall provide for interconnection of adjacent developable parcels 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.
- f) Electrical distribution lines shall be underground.
- g) Participation in shuttle service connecting area attractions, major transportation centers, and on-site development shall be provided.

- ~~e. The use of motorized watercraft by new development (e.g. powerboats, jet skis, etc.) shall be prohibited on Big Sand Lake. Motorized vessels shall not be launched from the property.~~

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

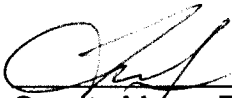
- f. Orange County designates the property as a convention and resort hotel development pursuant to International Drive Comprehensive Policy Plan (CPP) Policy 1.1.10, and in consideration of this designation, this condition of zoning is placed on the property and shall run with the property as follows: Unless and until a hotel, hotels, or rooms on the property have been designated by the owner reserving to the Convention Center an option to book and/or reserve 54,750 Convention Center hotel room nights per year (determined by multiplying 150 rooms by 365 nights), the following restriction shall apply: After

the construction of the first 900 hotel rooms, every subsequent hotel facility on the property shall reserve ten (10) percent of its room nights for Convention Center hotel room purposes with a right of first booking designated to the Convention Center. The Convention Center shall have the absolute right to exercise its option to book and/or reserve such designated Convention Center hotel room nights until 24 months prior to the room night date. If the room night (group room block) is not booked and/or reserved and the maximum group rate agreed to by the Convention Center or its designee by 24 months prior to the room night date, then the Convention Center's right to first booking is released and the hotel facility may rent or lease the room nights. Nothing herein shall prohibit an individual hotel or hotels from exceeding the ten (10) percent requirement.

- g. The per acre valuation of the right-of-way dedicated and easement area granted by the owners of the property to Orange County under that certain Activity Center Turkey Lake Road Network Agreement recorded at Official Records Book 5138, Page 1988, in the Public Records of Orange County for impact fee credit purposes shall be \$203,246.64. h.
- h. The agricultural use shall be permitted to continue until approval of construction plans; and further, and made a finding of consistency with the Comprehensive Policy Plan.

• ADJOURNMENT, 2:36 p.m.

ATTEST:



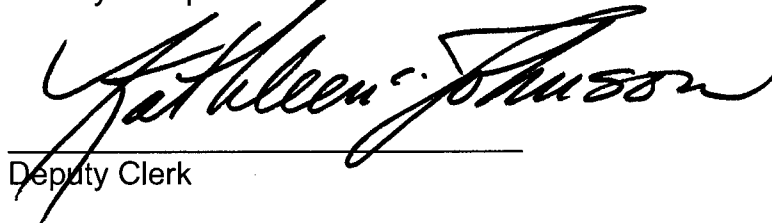
County Mayor Teresa Jacobs

Date: SEP 11 2012

ATTEST SIGNATURE:

Martha O. Haynie

County Comptroller as Clerk



Deputy Clerk

