

AUG 28 2012 NP/CAS

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, July 10, 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, 9:08 a.m.
- INVOCATION - Reverend Jim Govatos, Senior Pastor, Aloma United Methodist Church
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

The following person addressed the Board for public comment: Rick Baird.

• COUNTY CONSENT AGENDA

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

- Deferred Community and Environmental Services Department Item 2
- Deleted Office of Public Engagement and Citizen Advocacy Item 8

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

County Mayor

1. Approval to reduce the Regulatory Streamlining Task Force membership from 15 to 12 members. All Districts

## County Comptroller

1. Approval of the minutes of the May 22, and June 5, 2012 meetings of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
  - June 22, 2012, to June 28, 2012; total of \$25,480,596.71
  - June 29, 2012, to July 5, 2012; total of \$32,248,793.97.

(Finance/Accounting)

## County Administrator

1. Confirmation of the membership of the Tax Collector's Office Feasibility Task Force. (Agenda Development Office)
2. Approval for the Orange County Sheriff's Office to spend \$139,023.29 from the Law Enforcement Trust Fund to purchase a Legal Printer (\$6,532), Tactical Vest Carriers (\$23,119.34), Training Equipment (\$17,621.95), Tactical Lights (\$90,250), and a contribution to the Foundation for Early Childhood Development (\$1,500). (Office of Management and Budget)
3. Approval of budget amendments #12-50 and #12-51. (Office of Management and Budget)
4. Approval of budget transfers #12-1289 and #12-1302. (Office of Management and Budget)

## County Attorney

1. Approval of proposed revisions to Administrative Regulation 6.15.01, titled "Impact Fee Grant Guidelines For Non-Profit Organizations."

## Administrative Services Department

1. Approval to award Invitation for Bids Y12-149-EZ, Term Contract for County-Wide Roof Repair and Replacement, to the low responsive and responsible bidder, Advanced Roofing, Inc., in the estimated contract award amount of \$548,330, for a 1-year term contract, renewable for two additional 1-year option periods by the Purchasing and Contracts Division. ([Administrative Services Department Facilities Management Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y12-189-LC, Canal and Ditch Maintenance, to the low responsive and responsible bidder, Aristocuts Lawn & Garden Services, Inc., for Lot A in the estimated contract award amount of \$313,524 for a 1-year term contract and Lot B to AmeriScapes Landscape Management Services, LLC in the estimated contract award amount of \$376,200 for a 1-year term contract. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
3. Approval to award Contract Y12-777-RM, Generator Replacement at Orange County Fire Stations 36, 66 and 76 and Lift Station Installation at Fire Station 36, to the low responsive and responsible bidder, Eau Gallie Electric, Inc., in the total contract award amount of \$331,087. ([Administrative Services Department Capital Projects Division] Purchasing and Contracts Division)
4. Approval of Amendment No. 8, Contract Y10-189A-DG, Health and Support Services for Persons with (Human Immunodeficiency Virus) HIV Spectrum Disease (Ryan White-Part A), with Hope and Help Center of Central Florida, Inc. in the amount of \$209,562, for a total contract amount of \$554,562. ([Family Services Department] Purchasing and Contracts Division)
5. Approval and execution of Installation and Access Agreement (Cable Broadband Services) between Orange County and Bright House Networks, LLC doing business as Bright House Networks, through its Florida Division f/k/a Time Warner Entertainment-Advance/Newhouse Partnership, d/b/a Time Warner Cable, f/k/a American Television & Communications Corporation f/d/b/a Orange/Seminole Cablevision for Cable and Data Services for Juvenile Assessment Center at 3150 39<sup>th</sup> Street, Orlando, FL. District 6. (Real Estate Management Division)
6. Approval and execution of Revocable Right of Entry/License Agreement between South Florida Water Management District and Orange County, Polk County, City of St. Cloud, Tohopekaliga Water Authority, and Reedy Creek Improvement District for Water Supply Monitoring Program ((St. Cloud, Tohopekaliga, Orange County, Polk County, Reedy Creek) STOPR Sites). District 1. (Real Estate Management Division)
7. Approval and execution of Resolution and authorization to initiate condemnation proceedings for Holden Avenue (John Young Parkway to Orange Blossom Trail). District 6. (Real Estate Management Division)

8. Approval and execution of Utilities Easements between SLF IV/Boyd Horizon West JV, LLC and Orange County and authorization to record instruments for Hamlin – Utility File #69788. District 1. (Real Estate Management Division)
9. Approval of Warranty Deed and Non-Exclusive Drainage Easements from SLF IV/BOYD Horizon West JV, LLC to Orange County, Warranty Deed from Orlando Health Central, Inc. to Orange County, Warranty Deed from Susan D. Shaw and David H. Daniels to Orange County, Non-Exclusive Drainage Easements from SD New Independence Holdings, LLC to Orange County and authorization to perform all actions necessary and incidental to closings for New Independence Parkway and Hamlin Trail. District 1. (Real Estate Management Division)
10. Approval of Warranty Deed from Beltway Commerce Center CD93, LTD. to Orange County, Access Easement and Utility Easement between Beltway Commerce Center CD93, LTD. and Orange County, Utility Easement between Prologis Development Services LLC, successor by conversion to Prologis Development Services Incorporated and Orange County, Utility Easement between Prologis Logistics Services Incorporated and Orange County, Utility Easements between PLDSPE LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Citicorp North America, Inc. and authorization to record instruments for Lee Vista Blvd Extension @ Beltway Commerce Center – Utility File #54367. District 4. (Real Estate Management Division)
11. Approval of Conservation Easement between Keene's Pointe Community Association, Inc. and Orange County and authorization to record instrument for Keene's Pointe Conservation Easement Permit #CAI-11-09-023. District 1. (Real Estate Management Division)
12. Approval of Temporary Utility Easement between Eagle Creek Development Corporation and Orange County and authorization to record instrument for Spine Road at Eagle Creek -Utility File #64505. District 4. (Real Estate Management Division)

#### Community and Environmental Services Department

1. Approval of Resolution 2012-M-18 of the Orange County Board of County Commissioners regarding establishing and identifying the responsible staff member to implement the Federal Line of Credit Control System (LOCCS) procedures for receiving grant funds from the Department of Housing and Urban Development; and further, approved Orange County Line Of Credit Control System (LOCCS) Procedures. All Districts. (Housing and Community Development Division)

2. Approval for the Parks and Recreation Division to allow youth ages 16 to 17 to utilize fitness equipment at the County Recreation Centers, subject to requirements as stipulated by the Parks and Recreation Division. All Districts. (Parks and Recreation Division)

(This item was deferred.)

#### Family Services Department

1. Approval of Rate Agreement between Florida Network of Youth and Family Services and Orange County, Florida for the Provision of Probation Respite Services at the County's Youth Shelter with a term of July 1, 2012 to June 30, 2013 at a rate of \$180/day for each placement and approval for the County Mayor or designee to approve any increases, decreases or amendments to this rate agreement. The estimated annual revenue amount is \$45,360. (Youth & Family Services Division)

#### Growth Management Department

1. Approval of Application for Impact Fee Grants for Qualified Non-Profit Organizations in the amount of \$4,032.05 to be used for the Law Enforcement, Fire Rescue and Road Impact Fees for the Caring for Others Ministries - Office Space. District 1. (Administrative and Development Services Division)
2. Approval of First Amendment to Town Center East Road Network Agreement Hamlin Trail (formerly Town Center East Boulevard); Porter Road between SLF IV/Boyd Horizon West JV, LLC, Orange County, Florida and Orlando Health Central, Inc., to include the Orlando Health parcel and Gleason parcel in the Road Network Agreement and provide for the dedication of right-of-way from Orlando Health as part of the conveyed lands. District 1. (Roadway Agreement Committee)

#### Health Services Department

1. Approval of the Alternative Transportation Service License for Metro Med Trans, LLC to provide wheelchair/stretchers service. The term of this license is from July 10, 2012 through July 10, 2014. There is no cost to the County. (EMS Office of the Medical Director)

#### Office of Public Engagement and Citizen Advocacy

1. Approval of the Georgetown/Winter Park Forrest Neighborhood Watch Group and the Miller's Cove HOA (Homeowners' Association) for July 2012 Neighborhood Pride Wall Repair Grants as recommended by the Neighborhood Grants Advisory Board in the total amount of \$26,370. District 5. (Neighborhood Preservation and Revitalization Division)

2. Approval of the July 2012 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board in the total amount of \$11,583. Districts 1, 3 and 4. (Neighborhood Preservation and Revitalization Division)
3. Approval of the Whisper Lakes Master Community Association and Plaza de Las Fuentes Condominium Association for July 2012 Neighborhood Pride Capital Improvement Grants as recommended by the Neighborhood Grants Advisory Board in the total amount of \$16,042. Districts 4 and 5. (Neighborhood Preservation and Revitalization Division)
4. Approval of the Lake Orlando Homeowners Association, Richwood Estates HOA, and Whisper Lakes Unit 7 HOA for July 2012 Neighborhood Pride Landscaping Grant as recommended by the Neighborhood Grants Advisory Board in the total amount of \$3,384. Districts 2, 3 and 4. (Neighborhood Preservation and Revitalization Division)
5. Approval of the Tealwood Cove Subdivision for July 2012 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board in the total amount of \$4,695. District 2. (Neighborhood Preservation and Revitalization Division) Page 258-260
6. Approval of the Blue Ridge Acres Neighborhood for July 2012 Neighborhood Pride Mini-Grant as recommended by the Neighborhood Grants Advisory Board in the total amount of \$1,400. District 2. (Neighborhood Preservation and Revitalization Division)
7. Approval of the Orlo Vista United Safe Neighborhood, Plaza de Las Fuentes Condominium Association, Inc., Enclave at Lake Jean Neighborhood Watch Group, and South Pointe Action Group for July 2012 Crime Prevention Program Grant in the total amount of \$11,444 as recommended by the Neighborhood Grants Advisory Board. Districts 1, 4, 5, and 6. (Neighborhood Preservation and Revitalization Division)
8. Approval of Specialized Treatment, Education and Prevention Services, Inc. and Blessed Academy, Inc. for July 2012 Community Design Assistance Grants in the total amount of \$6,995. District 6. (Neighborhood Preservation and Revitalization Division)

(This item was deleted.)

## Utilities Department

1. Approval of Utility Addendum (County Initiated Utility Project) between CSX Transportation, Inc. and Orange County to transfer ownership and maintenance responsibility of the 30-inch force main from Emerald Utilities and Site Development, Inc. to Orange County for the Sandlake Road ((State Road) SR 482) Force Main. District 6. (Engineering Division)
- INFORMATIONAL ITEM FILED FOR THE RECORD IN THE ORANGE COUNTY COMPTROLLER CLERK'S OFFICE\*

## County Comptroller

- a. Receipt of the following item to file for the record: Minutes of the February 29, 2012, Stoneybrook West Community Development District Meeting. (Clerk's Office)

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

### • COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 1

Update on Sanford Burnham Medical Research Institute. (Office of Economic, Trade and Tourism)

The following person addressed the Board: Daniel Kelly.

Action: None

### • COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 2

Approval of the Second Amendment to the Orlando/Orange County Interlocal Agreement - Performing Arts Center, Event Center, and Citrus Bowl among Orange County, Florida, the City of Orlando, Florida and the City of Orlando, Florida Community Redevelopment Agency. (Office of Accountability)

The following persons addressed the Board:

- Sally Baptiste
- Steve Hogan
- Rebecca Sutton
- Mayanne Downs
- Byron Brooks

Motion/Second: County Mayor Jacobs/Commissioner Thompson

AYE (voice vote): All members

Action: The Board approved the Second Amendment to the Orlando/Orange County Interlocal Agreement - Performing Arts Center, Event Center, and Citrus Bowl.

Motion/Second: Commissioners Edwards/Brummer

AYE (voice vote): Commissioners Brummer, Edwards

NO (voice vote): County Mayor Jacobs; Commissioners Boyd, Martinez, Thompson, Russell

Action: The amendment to the main motion failed that notwithstanding anything to the contrary herein; for all community venue work for the Citrus Bowl and Phase II of the Performing Arts Center, the City shall not apply Davis-Bacon wages or other similar wage scales.

• COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 3

Approval of Amendment No. 3, Contract Y10-1013 GC, Web Based Driver and Risk Assessment, with Sonic E-Learning, Inc., in the amount of \$54,080, for a revised total contract amount of \$181,742. (Risk Management Division)

Motion/Second: Commissioners Edwards/Martinez

AYE (voice vote): All members

Action: The Board approved Amendment No. 3, Contract Y10-1013 GC, Web Based Driver and Risk Assessment, with Sonic E-Learning, Inc., in the amount of \$54,080, for a revised total contract amount of \$181,742.

• ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Selection of four firms and two ranked alternates to provide Continuing Professional Engineering Design Services, Request for Proposals Y12-905-CH, from the following firms, listed alphabetically:

- AVCON, Inc.
- Bentley Architects + Engineers, Inc.
- Corzo Castella Thompson Salman, P.A.
- Cribb Philbeck Weaver Group, Inc.
- E & E Engineers, Inc.
- Florida Engineering Group, Inc.
- GTC Engineering Corporation
- Kelly, Collins & Gentry, Inc.
- Pegasus Engineering, LLC
- TLP Engineering Consultants, Inc.



Further recommend the Board authorize negotiation and execution of the final contracts by the Purchasing and Contracts Division to establish hourly rates for future requirements, Request for Proposals Y12-905-CH. ([Public Works Department Engineering Division] Purchasing and Contracts Division)

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): All members

Action: The Board approved the selection of four firms as follows:

- Florida Engineering Group, Inc.
- GTC Engineering Corporation
- Pegasus Engineering, LLC
- TLP Engineering Consultants, Inc.

and two ranked alternates, #1 Corzo Castella Thompson Salman, P.A., and #2 Kelly, Collins & Gentry, Inc., to provide Continuing Professional Engineering Design Services; and further, authorized negotiation and execution of the final contracts by the Purchasing and Contracts Division to establish hourly rates for future requirements, Request for Proposals Y12-905-CH.

• COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION  
AGENDA ITEM 1

Acceptance of Chairman's Final Report transmitting the recommendations of the Environmental Streamlining Task Force. All Districts. (Environmental Protection Division)

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board accepted the Environmental Streamlining Task Force Final Report.

• COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT CONSENT  
AGENDA ITEM 2 DEFERRED

Approval for the Parks and Recreation Division to allow youth ages 16 to 17 to utilize fitness equipment at the County Recreation Centers, subject to requirements as stipulated by the Parks and Recreation Division. All Districts. (Parks and Recreation Division)

Motion/Second: Commissioners Russell/Martinez

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

NO (voice vote): Commissioner Edwards

Action: The Board approved the Parks and Recreation Division to allow youth ages 16 to 17 to utilize fitness equipment at the County Recreation Centers, subject to requirements as stipulated by the Parks and Recreation Division.

- MEETING ADJOURNED, 11:55 a.m.

- MEETING RECONVENED, 2:07 p.m.

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

Others Present: County Comptroller Martha Haynie as Clerk, County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Assistant County Attorney Vivien Monaco, Deputy Clerk Kathleen C. Johnson

- PLANNING AND ZONING COMMISSION RECOMMENDATIONS, JUNE 21, 2012

Motion/Second: Commissioners Russell/Thompson

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Board of Planning and Zoning Commission under the date of June 21, 2012, with the exception of and authorizing public hearings be scheduled for those listed below; subject to the usual right of appeal by any aggrieved party:

- Case LUP-12-01-006, Mitch Collins, on August 28, 2012
- Case LUPA-12-04-070, Andrew DeCandis (OCPS (Orange County Public Schools)), on August 28, 2012

- OFFICE OF REGIONAL MOBILITY DISCUSSION AGENDA ITEM 1

MetroPlan Orlando Board Meeting Briefing.

Action: None

• UTILITIES DEPARTMENT DISCUSSION AGENDA ITEM 1

Solid Waste Study Update. All Districts. (Administration)

The following persons addressed the Board:

- David Hoot
- R.P. Monachy

Action: None

• CONSERVATION AREA IMPACT PUBLIC HEARING, CONTINUED FROM MAY 8, 2012

Applicant: Keene's Pointe Community Association, Inc.  
Consideration: Request for a Conservation Area Impact Permit for a Class I Wetlands  
Location: District 1; property located at 9757 Carillon Park Drive; Parcel ID 29-23-28-4094-00-001; Section 29, Township 23 South, Range 28 East; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Maurice Pearson
- Lori Bradford
- Jay Baker

Motion/Second: Commissioners Boyd/Martinez

AYE (voice vote): All members

Action: The Board approved the request by Keene's Pointe Community Association, Inc., for a Conservation Area Impact Permit for a Class I Wetlands, 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 period following the date of rendition of the Board of County Commissioners' decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.

2. The wetland impacts must be completed in accordance with Figure 2 of the plans prepared by 3E Consultants, as dated as received by the Environmental Protection Division (EPD) on February 14, 2012. The impact shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to the Environmental Protection Division (EPD) prior to the expiration date.
3. Conservation areas shall be clearly marked with signage. These signs shall be installed every 50 feet. The signage shall be a minimum of 12"x12", and at least 24" above the Normal High Water Elevation. The signs shall be installed within thirty days of commencement of clearing.
4. Within thirty days of completion of clearing, the permittee shall provide a survey of the area of impact and reflect the footprint (depth and width) of the subject cleared area. The survey shall include a tree survey that includes any tree with any Diameter at Breast Height (dbh) that falls within ten feet of the subject impact area.
5. The channel area boundaries shall be permanently marked by monument above the water level on the project site within thirty days of completion of the clearing. The location, form, and material of the monuments shall be subject to the review and approval of EPD.
6. Within thirty days of completion of clearing, the permittee shall have installed a permanent staff gauge at both ends of the subject area. The gauge shall be installed in a location that is clearly visible to the public and shall be maintained in a safe and useable condition. The gauge shall be painted red from the bottom of the gauge to an elevation approved by EPD (Environmental Protection Division). The accuracy of the staff gauge shall be confirmed by a professional surveyor upon installation, and annually in perpetuity thereafter. Confirmation and results of the initial and annual survey shall be submitted to EPD.
7. Additional clearings within the Keene's Pointe Homeowner's Association Parcel (Tract A, Parcel ID 29-23-28-4094-00-001) for the purpose of gaining access to Lake Tibet Butler are prohibited.
8. Prior to initiating any clearing within the wetlands to be impacted, EPD shall receive a Certificate of Credit purchase from Reedy Creek Mitigation Bank stating that the transaction regarding the transfer of 0.01 mitigation credits has been completed.
9. In the event that the permittee does not successfully complete the transaction to obtain the requisite 0.01 credits from Reedy Creek Mitigation Bank, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.

10. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner.
11. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the preservation areas and/or surface water(s) immediately.

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 15, Article X 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.

• SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Kathy Hattaway Bengochea, HCI Planning & Land Development Consultants, Little Lake Bryan Planned Development - Phase 1 – Parcel 1 - Lots 1-5 Preliminary Subdivision Plan

Consideration : Substantial change request to increase the square footage from 29,000 to 37,000 and to split Lot 4 into Lots 4A & 4B; pursuant to Orange County Code, Article II, Section 34-27

Location: District 1; property generally located at West of Vineland Avenue, East of S.R. 535; Parcel IDs 22-24-28-5130-00-010, 22-24-28-5130-00-020, 22-24-28-5130-00-030, 22-24-28-5130-00-040; Orange County, Florida (legal property description on file in Development Engineering Division)

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: To increase the commercial square footage from 29,000 to 37,000 and to split Lot 4 into Lots 4A and 4B.

The following person addressed the Board: Kathy Hattaway Bengochea.

Motion/Second: Commissioners Boyd/Edwards

Absent: Commissioner Thompson

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 Kathy Hattaway Bengochea, HCI Planning & Land Development Consultants, Little Lake Bryan Planned Development - Phase 1 – Parcel 1 - Lots 1-5 Preliminary Subdivision Plan, to increase the commercial square footage from 29,000 to 37,000 and to split Lot 4 into Lots 4A and 4B; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Little Lake Bryan Planned Development; Orange County Board of County Commissioners (BCC) approvals; Phase 1 – Parcel 1 – Lots 1 – 5 Preliminary Subdivision Plan dated "Received March 29, 2012," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received March 29, 2012," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. All previous applicable BCC Conditions of Approval dated, November 3, 1998, shall apply:
  - a. ~~Development shall conform to the Little Lake Bryan Planned Development, Phase 1/Parcel 1, Lots 1-5, Preliminary Subdivision Plan, dated "Received August 3, 1998," and to the following conditions of approval. Development based on this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Orange County Board of County Commissioners (BCC), or by action of the BCC.~~

~~This Preliminary Subdivision Plan approval automatically expires on November 3, 1999, in accordance with Orange County Subdivision Regulations, as amended.~~

THIS CONDITION HAS BEEN REPLACED BY COA #1



- b. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Drainage Plan for this Planned Development.
- c. Prior to construction plan approval, the size, location, and points of connection for water mains, wastewater mains, and force mains shall be determined.
- d. A Master Sign Plan shall be submitted and approved in conjunction with the first development plan submittal.
- e. The waiver from Section 38-1287 from Orange County Code to allow zero building setbacks for the hotel entrance canopies is granted abutting Tract A, as Tract A is a privately owned/maintained driveway.
- f. Waiver from Section 34-152(c) to subdivide off a public street is approved.
- g. A waiver from Section 34-152(c) to allow Lot 1 to develop on an easement is granted.
- h. The development agrees to participate in drainage (Municipal Service Taxing Unit/Benefit) Unit MSTU/BU when established by the BCC. Their participation shall be in proportion to the benefit accrued to their property.

• PRELIMINARY SUBDIVISION PLAN PUBLIC HEARING

Consideration: Stillwater Crossings and Center Bridge PD / Summerport Parcel CB – 6 Preliminary Subdivision Plan submitted in accordance with Article II, Section 34-27; This project is proposing to construct 40 single-family detached units, with a minimum living area of 1000 square feet under heat and air, on a total of 7.99 acres

Location: District 1; property generally located East of Parcel Lake Spear, North of Lake Smith; Parcel ID 15-23-27-0000-00-015; S15/T23/R27; Orange County, Florida (legal property description on file in Development Engineering Division)

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: This project is proposing to construct 40 single-family ~~detached~~ units, with a minimum living area of 1000 square feet under heat and air, on a total of 7.99 acres

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

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

Motion/Second: Commissioners Boyd/Russell

AYE (voice vote): All members

Action: The Board approved Stillwater Crossings and Center Bridge PD / Summerport Parcel CB – 6 Preliminary Subdivision Plan (PSP) on the described property; this project is proposing to construct 40 single-family detached units, with a minimum living area of 1000 square feet under heat and air, on a total of 7.99 acres; subject to the following conditions:

1. Development shall conform to the Stillwater Crossings & Center Bridge Planned Development; Orange County Board of County Commissioners (BCC) approvals; Summerport Parcel CB-6 Preliminary Subdivision Plan dated "Received April 2, 2012" and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received April 2, 2012" the condition of approval shall control to the extent of such conflict or inconsistency
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Planned Development.

4. Prior to construction plan approval, documentation must be provided that this project has the legal right to tie into the master drainage system.
5. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a Letter of Commitment prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
6. Roads and drainage system, including the retention pond, will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association.
7. 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.
8. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
9. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of 70% coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to the commencement of construction, site clearing and mass grading activities, a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit.

10. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with approved Master Utility Plan for this PD.
11. Approval of this PSP shall void the previously approved Special Exception (SE-06-08-018).
12. At the time of submittal of the plat for a single-family detached residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions, and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
  - a. The same front façade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street, and shall be separated by at least 2 units with different facades.
  - b. House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed 40 feet in length, except for wings or "L"s which are setback from the façade. In no case shall more than 50 percent of the front façade of a house consist of an unobstructed block wall or garage door.
  - c. At least 50 percent of all single-family residential units 75' in width or less shall have a front porch. A front porch shall be a minimum of 7 feet in depth; 8 feet in width and cover a minimum 10 feet in width or 1/3 of the front façade, whichever is greater.
  - d. Flat roofs shall be prohibited.
  - e. Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be located within 3 feet of the sidewalk to define the separation of public and private spaces. Such fences shall be no higher than 3 feet, 6 inches, and be limited to decorative wrought iron or wood picket style.
  - f. The provisions of the CC&Rs incorporating the above referenced requirements shall not be amended, removed, or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect. Furthermore, the CC&Rs shall provide that the homeowner's association and any person owning property in the development have the right to enforce these requirements in the event they are violated.

- 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.

13. The 14' wide sidewalk shall be dedicated to Orange County and maintained by the HOA.

• SUBSTANTIAL CHANGE PUBLIC HEARING

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)

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

Motion/Second: Commissioners Boyd/Russell

AYE (voice vote): All members

Action: The Board continued the public hearing until July 31, 2012, at 2 p.m.

- COUNTY MAYOR DISCUSSION AGENDA ITEM 1

Open Discussion on issues of interest to the board.

Action: None

- ADJOURNMENT, 4:09 p.m.

ATTEST:

  
\_\_\_\_\_  
County Mayor Teresa Jacobs

Date: **AUG 28 2012**

ATTEST SIGNATURE:

Martha O. Haynie  
County Comptroller as Clerk

  
\_\_\_\_\_  
Deputy Clerk

