

AUG 07 2012 CAS/BS

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, June 26, 2012
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: Commissioners S. Scott Boyd, Fred Brummer, John Martinez,
Jennifer Thompson, Ted Edwards, Tiffany Russell; County Mayor
Teresa Jacobs joined the meeting where indicated.
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, 9:10 a.m.

• REMEMBRANCE:

For the passing of the following Orange County employees:

- Wendy Myshrall, Senior Animal Services Officer, Animal Services Division
- Andre Mouzon, Equipment Operator III, Roads and Drainage Division
- Ron Donahue, Events Utilities Technician IV, Convention Center
- Clive Shaver, Maintenance Technician, Convention Center

• INVOCATION - Pastor Otha L. Harlan, Living By The Bible Community Church

• PLEDGE OF ALLEGIANCE

• PRESENTATION

Proclamation designating the month of July as Parks and Recreation Month

• PUBLIC COMMENT

No one addressed the Board for public comment.

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Martinez

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board

- Deferred Family Services Department Item 1
- Deferred Addendum #1, Growth Management Department Item 2 for consideration with public hearing for Adam Smith, Stillwater Crossings & Center Bridge Planned Development (PD) Land use Plan (LUP)

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. Period as follows: June 15, 2012, to June 21, 2012; total of \$14,131,599.71. (Finance and Accounting)
2. Disposition of Tangible Personal Property: Approval to dispose of assets that were totaled out by our Third Party Administrator for their salvage value. (Property Accounting)

County Administrator

1. 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)
2. Approval of Agreement between Orange County Board of County Commissioners, Orange County, Florida and The Charles E. Brookfield Lodge #86 of the Fraternal Order of Police, Fiscal Years 2009 – 2010 through 2011-2012 (Fiscal Year 2010-11). (Human Resources Division)

Administrative Services Department

1. Approval to award Invitation for Bids Y12-1035-PD, Polyethylene Pipes and Fittings, to the low responsive and responsible bidder, Ferguson Waterworks, for a 1-year term contract in the estimated annual contract award amount of \$198,362.61. Further, authorized the Purchasing and Contracts Division to exercise the option years. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y12-1037-DG, Right-of-Way Mowing – West Orange Area, Section III, to the low responsive and responsible bidder, Lawnwalker Services, Inc., in the estimated annual contract award amount of \$161,950 for a 1-year term. Further, authorized the Purchasing and Contracts Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
3. Approval to award Invitation for Bids Y12-1038-DG, Right-of-Way Mowing – West Orange Area Section I, to the low responsive and responsible bidder, Lawnwalker Services, Inc., in the estimated annual contract award amount of \$159,205 for a 1-year term. Further, authorized the Purchasing and Contracts Division to exercise option years one and two. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)

4. Approval to award Invitation for Bids Y12-721-SB, Minnesota Avenue Drainage Well Replacement and Abandonment, to the low responsive and responsible bidder, Thompson Well & Pump, Inc. The total estimated contract award amount is \$141,453 (Alternate Bid). ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
5. Approval to award Invitation for Bids Y12-766-PH, Aerial Crossing Rehabilitation Phase II, to the low responsive and responsible bidder, Viktor Construction Corporation, for a total estimated contract award amount of \$187,000. ([Utilities Department Field Services Division] Purchasing and Contracts Division)
6. Approval of Amendment 6, Contract Y7-101-GJ, Food Service for Corrections Facilities, with Trinity Services Group, Inc., for a 30 day extension of the contract performance period, for an estimated amount of \$243,432, for a revised total estimated contract amount of \$18,788,466.60. ([Corrections Department] Purchasing and Contracts Division)
7. Approval of Amendment 4, Contract Y9-173, Term Contract for Storm Sewer Pipe Installation & Repair II, with Stage Door II, Inc., in the estimated amount of \$600,000. This amendment will increase the estimated contract amount from \$3,009,054 to \$3,699,054. ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
8. Approval and execution by the Mayor of Option to Lease Agreement between Famlee Investment Company and Orange County and delegation of authority to the Real Estate Management Division to execute Site Lease Agreement(s) if needed, for Hurricane Recovery Debris Site, Judge Road, Orlando, Florida. District 4. (Real Estate Management Division)
9. Approval of Contract for Sale and Purchase and Warranty Deed between Richard E. Armstrong and Cheryl A. Armstrong, individually and as Trustees of The Richard E. Armstrong and Cheryl A. Armstrong Revocable Trust and Orange County and authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Master Pump Station No. 3025 (Bel-Aire Woods). District 6. (Real Estate Management Division)
10. Approval of Quit-Claim Deed from Barry University, Inc. to Orange County and authorization to record instrument for Commerce Blvd (Barry University). District 3. (Real Estate Management Division)
11. Approval of Warranty Deed from William E. Carpenter, Jr. and Dana Feaster Carpenter, individually and as Trustees of the William E. Carpenter Revocable Trust dated July 2, 1999 and Carl R. Julian to Orange County and authorization to record instrument for Wal-Mart for Wakulla Way @ US 441. District 6. (Real Estate Management Division)

12. Approval of Quit-Claim Deed from World Choice Investments, LLC, f/k/a Dixie Stampede, LLC to Orange County and authorization to record instrument for Lake Street Extension (Chelsea Orlando Development). District 1. (Real Estate Management Division)
13. Approval of Conservation and Access Easement between Redus Florida Land, LLC and Orange County and authorization to record instrument for Windermere Botanical Gardens (Conservation Area Impact) CAIP #11-11-037. District 1. (Real Estate Management Division)

Community and Environmental Services Department

1. Acceptance of the Butler Chain of Lakes Advisory Board's recommendation to renew the Butler Marine Patrol Services Contract for the Windermere Water and Navigation Control District for Fiscal Year 2012/2013, effective October 1, 2012. District 1. (Environmental Protection Division)
2. Approval of the Interlocal Agreement between Orange County, Florida, the City of Orlando and the City of Winter Park regarding the maintenance of the Cady Way Bike Trail. Districts 3 and 5. (Parks and Recreation Division)

Family Services Department

1. Approval of Application for Federal Assistance; Employee Compensation Cap Compliance Assurance; and Certification regarding Lobbying for Contracts, Grants, Loans and Cooperative Agreements between Orange County and Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the estimated amount of \$12,352,363 for the continued operation of the Head Start Program. (Head Start Division)

(This item was deferred.)

Growth Management Department

1. Approval of Road Impact Fee Agreement Chelsea Orlando Development Limited Partnership Lake Street Extension between Chelsea Orlando Development Limited Partnership and Orange County to provide road impact fee credits for design, permitting and construction of the Lake Street Extension. District 1. (Roadway Agreement Committee)

Addendum #1

2. Approval of Adequate Public Facilities Agreement for Stillwater Crossings and Center Bridge PD Parcel SC-11, SC-12, SC-14, SC-15 and SC-16 between Orange County and JEN Florida V, LLC. District 1. (Roadway Agreement Committee)

(This item was deferred)

Health Services Department

1. Approval to accept the 2011 Paul Coverdell Forensic Science Improvement Grant in the amount of \$7,000 from the Florida Department of Law Enforcement/National Institute of Justice (NIJ) for the purchase of consultation fees for database design for the grant period February 1, 2012 through March 31, 2013, and approval for the Mayor, or her designee, to sign future amendments to this Grant. No county match is required. (Medical Examiner's Office)

Addendum #1

Office of Public Engagement and Citizen Advocacy

1. Approval of Florida Department of Children and Families Standard Contract, Contract No. LD974 and Certification for Contracts, Grants, Loans and Cooperative Agreements Contract #LD974, for the period of June 26, 2012 through June 26, 2015 in the amount of \$836,881. (Office for A Drug Free Community)

Public Works Department

1. Approval to renew Term Contract #Y11-1039-J2, Hot-In-Place Asphalt Recycling, to Cutler Repaving, Inc. in the estimated contract amount of \$3,664,750 for an additional term of one year. All Districts. (Roads and Drainage Division)

Utilities Department

1. Approval of Utility Line Construction Reimbursement Agreement for Town Center East between Orange County, Florida and SLF IV/Boyd Horizon West JV, LLC in the amount of \$3,135,763.37 for utility improvements relating to the future New Independence Parkway and future Hamlin Trail. District 1 (Development 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. Minutes of the December 12, 2011 and January 23, 2012, East Park Community Development District meetings.
- b. Town of Oakland, An Annexation Report for property located on the east side of Remington Road, north of John's Lake in unincorporated Orange County, June 2012.
- c. City of Ocoee, Notification of Petitions for Annexation and Initial Zoning for property located with the Ocoee-Orange County JPA (Joint Planning Area). An application for voluntary annexation and initial zoning to "PUD" (Planned Unit Development) for a parcel of land located on the east side of Maguire Road and approximately 1,100 feet north of Colonial Drive (SR 50); The physical address is 844 Maguire Road and its Parcel ID number 19-22-28-0000-00-031. Public hearings will be scheduled to consider the subject petitions. Dates are tentatively scheduled for the required public hearings on June 12, 2012 (P&Z (Planning & Zoning) Commission) and July 17, 2012 (City Commission).

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

- FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Orange County Regional History Center Annual Report. (Regional History Center)

The following person addressed the Board: Tom McAleavey.

Action: None

- COUNTY ADMINISTRATOR DISCUSSION AGENDA ITEM 1

Approval of Amendment No. 3, Contract Y10-1013-GC, Web-based Driver Training and Risk Assessment, with Sonic E-Learning, Inc., in the amount of \$54,080 for the initial term only. This amendment will increase the current contract amount from \$127,662 to \$181,742. (Risk Management Division)

Motion/Second: Commissioners Edwards/Boyd
Absent: County Mayor Jacobs
AYE (voice vote): Commissioners Boyd, Martinez, Thompson, Edwards
NO (voice vote): Commissioners Brummer, Russell
Action: The Board approved to have staff review further whether or not it could contract directly with the State for the services.

- RELINQUISHED CHAIR

Vice Mayor Thompson relinquished the Chair to County Mayor Jacobs.

- OFFICE OF REGIONAL MOBILITY DISCUSSION AGENDA ITEM 1

Regional Transit Initiatives Presentation.

The following persons addressed the Board:

- Tony Morris
- Tom Wilkes
- David Vuelta Mitchell
- County Comptroller Martha Haynie

Action: None

- FAMILY SERVICES DEPARTMENT CONSENT AGENDA ITEM 1 DEFERRED

Approval of Application for Federal Assistance; Employee Compensation Cap Compliance Assurance; and Certification regarding Lobbying for Contracts, Grants, Loans and Cooperative Agreements between Orange County and Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the estimated amount of \$12,352,363 for the continued operation of the Head Start Program. (Head Start Division)

Motion/Second: Commissioners Russell/Brummer

AYE (voice vote): All members

Action: The Board approved the Application for Federal Assistance; Employee Compensation Cap Compliance Assurance; and Certification regarding Lobbying for Contracts, Grants, Loans and Cooperative Agreements between Orange County and Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the estimated amount of \$12,352,363 for the continued operation of the Head Start Program.

- MEETING RECESSED, 12:08 p.m.

- MEETING RECONVENED, 2:06 p.m.

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

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

- BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS, JUNE 7, 2012

Motion/Second: Commissioners Martinez/Thompson

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of June 7, 2012, with the exception of and authorizing a public hearing be scheduled for Case SE-12-07-038, Central Florida Road Course, on August 7, 2012; subject to the usual right of appeal by any aggrieved party.

- GROWTH MANAGEMENT DEPARTMENT DISCUSSION AGENDA ITEM 1

Regulatory Streamlining Task Force Interim Update.

The following person addressed the Board: Miranda Fitzgerald.

- MEMBER JOINED: Commissioner Edwards

Action: None

- RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice Mayor Thompson.

- UTILITIES DEPARTMENT DISCUSSION AGENDA ITEM 1

Approval to establish the haulers compensation rates as listed and set the MSBU (Municipal Service Benefit Unit) at \$235 for Program Year 2013 and authorization to include the Tentative Mandatory Refuse Collection Rate of \$235 on the 2012 Notice of Proposed Taxes. All Districts. (Solid Waste Division)

Motion/Second: Commissioners Russell/Martinez

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved Tentative MSBU (Municipal Service Benefit Unit) and Hauler Compensation Rates for 2013 as follows:

Tentative MSBU:	Hauler Compensation:	
\$235.00 per household per year	<u>Zone</u>	<u>2013</u>
	1	\$185.83
	2	\$178.97
	3	\$185.83
	4	\$177.93
	5	\$183.37

- UTILITIES DEPARTMENT DISCUSSION AGENDA ITEM 2

Approval to award Contract Y10-645-GC, Upgrade of Utilities Customer Information and Billing Solution to Pricewaterhouse Coopers (PwC) in the total estimated contract award amount of \$7,900,000. All Districts. (Customer Service Division)

- REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice Mayor Thompson.

Motion/Second: Commissioners Boyd/Russell

AYE (voice vote): All members

Action: The Board approved to award Contract Y10-645-GC, Upgrade of Utilities Customer Information and Billing Solution to Pricewaterhouse Coopers (PwC) in the total estimated contract award amount of \$7,900,000.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

- SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Adam Smith, VHB MillerSellen, Stillwater Crossing & Center Bridge Planned Development PD (SC-11, SC-12, SC-14, and SC-15), Case #-CDR-12-01-010

Consideration: Substantial change request to:

- 1) Reclassify APF Park Parcel SC-15 as Upland Greenbelt;
- 2) Amend the residential density and yield in PD Parcels SC-11, SC-12 and SC-14 resulting from refined net developable acreage calculations and through the use of TDRs; and
- 3) Approve the following waivers from the applicable (original) Village PD Code for the following Stillwater Crossings Neighborhood Parcels:

Parcel SC-11 (Garden Home District)

[Note: The following waivers may be applied to no more than 15% of the single family detached residential lots (52 units)]

- a) A waiver from Section 38-1385.7(b)(4) to decrease the minimum lot width from forty feet (40') to thirty-two feet (32') for single-family detached dwellings;
- b) A waiver from Section 38-1386(b)(2) to decrease the minimum average lot size from 6,000 square feet to 3,840 square feet for single family lots less than forty (40) feet;
- c) A waiver from Section 38-1385.7(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 38-1385.7(b)(8)(b) to decrease the minimum side building setback from five feet (5') to four feet (4') for lots less than forty (40') feet wide.

Parcel SC-12 (Village Home District):

[Note: The following waivers may be applied to no more than 20% of the single family detached residential lots (47 units)]

- a) A waiver from Section 38-1386(b)(4) to decrease the minimum lot width from forty feet (40') to thirty-two feet (32') for single-family detached dwellings;
- b) A waiver from Section 38-1386(b)(2) to decrease the minimum average lot size from 6,000 square feet to 3,840 square feet for single family lots less than forty (40) 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 within lots less than forty (40) feet wide; and
- d) A waiver from Section 38-1386(b)(8)(b) to decrease the minimum side building setback from five feet (5') to four feet (4') for lots less than forty (40') feet wide.

Parcels SC-11 (Garden Home District) and SC-12 (Village Home District):

- a) A waiver from Section 38-1384(c) to allow for an average block length of 360 feet, in lieu of 300 feet, where lot widths less than sixty (60) feet are proposed; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 1; property generally located east side of Tiny Road, south of Tilden Road; Parcel ID 09-23-27-0000-00-007; 10-23-27-0000-00-003; and 15-23-27-0000-00-001; S/T/R: 09, 10 & 15/23/27; Orange County, Florida (legal property description on file)

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

- 1) Amend the land use district designation for Reclassify APF Park Parcel SC-15 as to "Upland Greenbelt"; and preclude any future Transfer of Development Rights (TDR) credits to such parcel;

- 2) Amend the proposed residential density and yield in PD Parcels SC-11, SC-12 and SC-14 (as shown on the revised Land Use Plan dated "Received April 9, 2012") ~~resulting from refined to reflect net developable acreage calculations refinements~~ and ~~through~~ the use of TDRs; and
- 3) Approve the following waivers from the ~~applicable (original)~~ Village PD Code granted for the following Stillwater Crossings Neighborhood PD Parcels SC-11 and SC-12 only:

Parcel SC-12 (Village Home District):

[Note: The following waivers may be applied to no more than 20% of the single family detached residential lots (47 units)]

- a) A waiver from Section 38-1386(b)(2) to decrease the minimum average lot size from 6,000 square feet to 3,840 square feet for single family lots less than 40 feet wide;
- c) A waiver from Section 38-1386(b)(8)(a) to reduce the minimum front porch setback from 10 feet to 7 feet within for lots less than 40 feet wide; and

and

Addendum #1

• GROWTH MANAGEMENT CONSENT AGENDA ITEM 2 DEFERRED

Approval of Adequate Public Facilities Agreement for Stillwater Crossings and Center Bridge PD Parcel SC-11, SC-12, SC-14, SC-15 and SC-16 between Orange County and JEN Florida V, LLC. District 1. (Roadway Agreement Committee)

The following person addressed the Board: Kevin Walsh.

Motion/Second: Commissioners Boyd/Martinez

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 Adam Smith, VHB MillerSellen, to

- 1) Amend the land use district designation for APF Park Parcel SC-15 to "Upland Greenbelt" and preclude any future Transfer of Development Rights (TDR) credits to such parcel;
- 2) Amend the proposed residential density and yield in PD Parcels SC-11, SC-12 and SC-14 (as shown on the revised Land Use Plan dated "Received April 9, 2012") to reflect net developable acreage refinements and the use of TDRs; and

- 3) The following waivers from the original Village PD Code are granted for PD Parcels SC-11 and SC-12 only:

Parcel SC-11 (Garden Home District)

[Note: The following waivers may be applied to no more than 15% of the single family detached residential lots (52 units)]

- a) A waiver from Section 38-1386(b)(2) to decrease the minimum average lot size from 6,000 square feet to 3,840 square feet for single family lots less than 40 feet wide;
- b) A waiver from Section 38-1385.7(b)(4) to decrease the minimum lot width from 40 feet to 32 feet for single-family detached dwellings;
- c) A waiver from Section 38-1385.7(b)(8)(a) to reduce the minimum front porch setback from 10 feet to 7 feet for lots less than 40 feet wide; and
- d) A waiver from Section 38-1385.7(b)(8)(b) to decrease the minimum side building setback from 5 feet to 4 feet for lots less than 40 feet wide.

Parcel SC-12 (Village Home District):

[Note: The following waivers may be applied to no more than 20% of the single family detached residential lots (47 units)]

- a) A waiver from Section 38-1386(b)(2) to decrease the minimum average lot size from 6,000 square feet to 3,840 square feet for single family lots less than 40 feet wide;
- b) A waiver from Section 38-1386(b)(4) to decrease the minimum lot width from 40 feet to 32 feet for single-family detached dwellings;
- c) A waiver from Section 38-1386(b)(8)(a) to reduce the minimum front porch setback from 10 feet to seven 7 feet for lots less than 40 feet wide; and
- d) A waiver from Section 38-1386(b)(8)(b) to decrease the minimum side building setback from 5 feet to 4 feet for lots less than 40 feet wide.

Parcels SC-11 (Garden Home District) and SC-12 (Village Home District):

- a) A waiver from Section 38-1384(c) to allow for an average block length of 360 feet, in lieu of 300 feet, where lot widths less than 60 feet are proposed

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

1. Development shall conform to the Stillwater Crossing and Center Bridge (Planned Development) PD Land Use Plan dated "Received April 9, 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 April 9, 2012", the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
4. The developer shall obtain water, wastewater, and reclaimed water from Orange County Utilities.
5. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP) for the Stillwater Crossings and Center Bridge PD, sized for village-wide requirements.
6. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project, to accommodate the ultimate flows for the entire Bridgewater Village, consistent with an approved MUP. Utilities infrastructure shall be built connecting to the proposed County system at

the Porter Road, Lake Hancock Road, and Ficquette Road intersection for wastewater, to the proposed 24-inch water main on (County Road) CR 535 for water, and the 24-inch reclaimed water main on Ficquette Road.

7. The following waivers from the original Village PD Code are granted for PD Parcel CB-6 only (as modified for clarity):
- a. A waiver from Section 38-1384(b) and (c) to allow a block depth of 220 feet for blocks with alleys in lieu of 240 feet; and an average block length of 350 feet in lieu of 300 feet, where lots less than 60 feet in width are proposed;
 - b. A waiver from Section 38-1386(b)(2) to allow a minimum average lot size of 3,500 square feet in lieu of 4,800 square feet;
 - c. A waiver from Section 38-1386(b)(4) to allow for a minimum lot width of 32 feet in lieu of 40 feet;
 - d. A waiver from Section 38-1386(b)(5) to allow a minimum lot depth of 112 feet in lieu of 120 feet;
 - e. A waiver from Section 38-1386(b)(8)(a) to allow a minimum front porch setback of 7 feet in lieu of 10 feet; and
 - f. A waiver from Section 38-1386(b)(8)(b) to allow a minimum side yard setback of 4 feet (on lots less than 40 feet in width) in lieu of 5 feet.

8. The following waivers from the original Village PD Code are granted for PD Parcels SC-11 and SC-12 only:

PD Parcel SC-11 (Garden Home District)

[Note: The following waivers may be applied to no more than 15% of the single family detached residential lots (52 units)]

- a) A waiver from Section 38-1387(b)(2) to decrease the minimum average lot size from 6,000 square feet to 3,840 square feet for single family lots less than 40 feet wide;
- b) A waiver from Section 38-1385.7(b)(4) to decrease the minimum lot width from 40 feet to 32 feet for single-family detached dwellings;
- c) A waiver from Section 38-1385.7(b)(8)(a) to reduce the minimum front porch setback from 10 feet to 7 feet for lots less than 40 feet wide; and
- d) A waiver from Section 38-1385.7(b)(8)(b) to decrease the minimum side building setback from 5 feet to 4 feet for lots less than 40 feet wide.

PD Parcel SC-12 (Village Home District):

[Note: The following waivers may be applied to no more than 20% of the single family detached residential lots (47 units)]

- a) A waiver from Section 38-1386(b)(2) to decrease the minimum average lot size from 6,000 square feet to 3,840 square feet for single family lots less than 40 feet wide;
- b) A waiver from Section 38-1386(b)(4) to decrease the minimum lot width from 40 feet to 32 feet for single-family detached dwellings;
- c) A waiver from Section 38-1386(b)(8)(a) to reduce the minimum front porch setback from 10 feet to 7 feet for lots less than 40 feet wide; and
- d) A waiver from Section 38-1386(b)(8)(b) to decrease the minimum side building setback from 5 feet to 4 feet for lots less than 40 feet wide.

PD Parcels SC-11 (Garden Home District) and SC-12 (Village Home District):

- a) A waiver from Section 38-1384(c) to allow for an average block length of 360 feet in lieu of 300 feet, where lot widths less than 60 feet are proposed.
- 9. 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.
 - 10. At the time of approval of a plan for a single-family detached residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions, and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
 - a) The same front façade for single-family residential units may not be repeated more than 5 times within 1 block length for both sides of any street, and shall be separated by at least 2 units with different facades.
 - b) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed 40 feet in length, except for wings or "L"s which are setback from the façade. In no case shall more than 50 percent of the front façade of a house consist of an unobstructed block wall or garage door.
 - c) At least 50 percent of all single-family residential units 75 feet 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.

The provisions of the CC&Rs incorporating the above referenced requirements shall not be amended, removed, or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&Rs shall contain a statement to that effect.

Furthermore, the CC&Rs shall provide that the homeowner's association and any person owning property in the development have the right to enforce these requirements in the event they are violated.

Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.

- 11. PD Parcel SC-15 shall not be entitled to any Transfer of Development Rights (TDR) credits.
- 12. In conjunction with this approval, Transfer of Development Rights (TDR) credits are being assigned and transferred from Tract G-1 in PD Parcel SC-16 to PD Parcels SC-11, SC-12 and SC-14 pursuant to the Notice of Assignment of Transferable Development Rights and Declaration of Restrictive Covenants to be recorded in the Public Records of Orange County, Florida at the Developer's expense.
- 13. All previous applicable Conditions of Approval dated July 18, 2006, shall apply:
 - a) The following Education Condition of Approval shall apply: - The project contains 563 units (the "Unvested Units") that are subject to the County's school capacity policy (a/k/a the "Martinez Initiative"). The developer has contracted with McKinney Groves General Partnership ("McKinney Groves") - one of the members of the Lakeview MS consortium - to acquire school rights/credits established under the Capacity Enhancement Agreement by and between McKinney Groves and the School Board dated September 1, 2005 ("CEA"). The number of school rights/credits equals or exceeds the number of Unvested Units. The County shall not record a plat for any of the Unvested Units until it receives notice from Orange County Public Schools ("OCPS") that the developer has closed on the acquisition of the school credits from

McKinney Groves. Developer shall comply with all provisions of the CEA. Upon the County's receipt of written notice from OCPS that the developer is in default or breach of the CEA, the County shall immediately cease issuing building permits for any Unvested Units. The County shall again begin issuing building permits upon OCPS' written notice to the County that the developer is no longer in breach or default of the CEA. The developer and its successor or assign under the CEA, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits. Developer, or its successor or assign under the CEA, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's property rights. Orange County shall be held harmless by the developer and its assigns under the CEA, in any dispute between the developer and OCPS over any interpretation or provision of the CEA.

- b) Prior to platting, a Municipal Service Taxing Unit (MSTU) shall be established for the operation and maintenance of secondary and connector trails.
- ~~c) The developer shall obtain water, reclaimed water and wastewater service from Orange County Utilities.~~

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

- ~~d) Prior to construction plan approval, certification with support calculations shall be submitted which states that this project is consistent with the approved Master Utility Plan for this PD.~~

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

- e) The Adequate Public Facilities (APF) road (Bridgewater Crossings Boulevard) shall be constructed to the PD boundary from its current terminus in Tennyson Park at Summerport (Parcel SC-5) concurrently with the first phase of development within Phase III of the PD.

14. All previous applicable Conditions of Approval dated July 27, 1999, shall apply:

- a) Billboards and pole signs shall be prohibited.
- b) Commercial uses shall be limited to Section 38-1388 and Section 38-1389 of the Orange County Code, respectively.
- ~~c) The developer shall obtain wastewater, water, and reclaimed water services from Orange County subject to County rate resolutions.~~

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

- ~~d) Master wastewater, water, and reclaimed water plans for the Stillwater Crossings/Center Bridge Neighborhoods, sized for the village-wide requirements, shall be approved prior to approval of construction plans.~~

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

- ~~e) The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Bridgewater Village. Utilities infrastructure shall be built connecting to the proposed County system at the Porter Road, Lake Hancock Road, and Ficquette Road intersection for wastewater; to the proposed 24-inch water main on C.R. 535 for water; and to the proposed Conserv II distribution system extension on the north boundaries of the proposed development for reclaimed water.~~

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

- f) The developer shall locate and dedicate to Orange County a two-acre parcel, at a mutually acceptable location, for potable water storage and repump facilities.
- g) The developer shall prepay 500 ERUs (Equivalent Residential Units) of wastewater capacity at the time of preliminary subdivision plan approval and 500 ERCs of water capacity at the time of construction plan approval.
- h) The developer shall maximize available reclaimed water irrigation opportunities within the project.
- i) In conjunction with this approval, a Developer's Agreement is being processed for Ficquette Road, Porter Road, Reams Road, and (County Road) C.R. 535. This agreement addresses impact fee credits, corridor analysis, and stormwater management. This development shall conform to that Developer's Agreement.
- j) A Developer's Agreement is being processed with this approval whereby the developer dedicates to Orange County a 15-acre tract for an elementary school, a 32-acre tract for a middle school, and other required adequate public facilities lands as identified in the planned development at \$22,500 per acre.
- k) Approval of the Stillwater Crossings and Center Bridge Neighborhood Planned Development within the Village of Bridgewater Development Agreement; further, made a finding of consistency with the Comprehensive Policy Plan; and further, acknowledged the letter received from Paul Chipok, counsel for the applicant, regarding the adjacent landlocked Daniels¹ parcel whereby the applicant acknowledges the intent to give the property owner access consistent with the Orange County Code governing landlocked parcels;

and further, approved the Adequate Public Facilities Agreement for Stillwater Crossings and Center Bridge PD Parcel SC-11, SC-12, SC-14, SC-15 and SC-16 between Orange County and JEN Florida V, LLC.

• DEVELOPMENT REVIEW COMMITTEE APPEAL

Appellant: Eagle Creek Development Corporation
Applicant: Mr. Nicolas Gluckman, Eagle Creek Development Corporation, Eagle Creek PD (Planned Development)-Phase 1C and 2A (Village E) Eagle Creek Sales Trailer Development Plan
Consideration: Appeal of the decision by the Orange County Development Review Committee, dated April 25, 2012, to deny a request to extend the expiration date of the sales trailer for two (2) years
Location: District 4; Parcel IDs 29-24-31-2244-00-160 and 29-24-31-2244-00-170; Orange County, Florida (legal property description on file in Development Engineering Division)

This public hearing was withdrawn.

• ADJOURNMENT, 3:33 p.m.

ATTEST:


County Mayor Teresa Jacobs

Date: AUG 07 2012



ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk


Deputy Clerk