

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, June 19, 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
Brunner, John Martinez, Ted Edwards, Tiffany Russell;
Commissioner Jennifer Thompson 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, 9:07 a.m.

- Invocation - Pastor Roger Clark, Kingdom Family Church
- Pledge of Allegiance

• PUBLIC COMMENT

No one addressed the Board for public comment.

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Martinez

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board deferred Public Works Department Item 3; 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:

- June 1, 2012, to June 7, 2012; total of \$16,099,745.53
- June 8, 2012, to June 14, 2012; total of \$30,153,390.87.

(Finance/Accounting)

2. Disposition of Tangible Personal Property as follows: (Property Accounting)
 - a. Trade in assets for an allowance towards the purchase of new equipment.
 - b. Donate assets valued at \$40 to Nuevo Sendero, Inc., a 501(c)(3) non-profit in
Orange County, in lieu of selling at fair market value.

County Administrator

1. Appointment of Augustina Peasah to the Pine Hills Local Government Neighborhood Improvement District Advisory Council as a Pine Hills Community Council representative with a term expiring June 30, 2015. (Agenda Development Office)
2. Approval and execution of the authorizing Resolution 2012-B-06 for the issuance of Multifamily Housing Revenue Bonds, to finance the acquisition and rehabilitation of Oasis Club Apartments, a proposed transaction in Orange County Florida, District #3 in an amount not to exceed \$12,200,000 of Mortgage Revenue Bonds. (Housing Finance Authority)
3. Approval and execution of the authorizing Resolution 2012-B-07 for the issuance of Multifamily Housing Revenue Bonds, to finance the acquisition and rehabilitation of Dovetail Villas Apartment Homes, a proposed transaction in Orange County Florida, District #3 in an amount not to exceed \$14,500,000 of Mortgage Revenue Bonds. (Housing Finance Authority)
4. Confirmation of the Orange County Mayor's staff reappointments for the 3rd Quarter (April - June) FY 2011-12: (Human Resources Division)
 - James W. Becker, Manager, Solid Waste, Utilities
 - Yolanda Suzette Brown, Manager, Fiscal Division, Family Services
 - Deodat Budhu, Manager, Roads & Drainage, Public Works
 - Grayling D. Forehand, Manager, Security, Convention Center
 - Mitchell Glasser, Manager, Housing & Community Development, Community & Environmental Services
 - Mitchell Gordon, Manager, Zoning, Growth Management
 - Joseph C. Kunkel, Deputy Director, Public Works
 - Dil Luther, Manager, Animal Services, Community & Environmental Services
 - Julie R. Naditz, Manager, Highway Construction, Public Works
 - Renzo A. Nastasi, Manager, Transportation Planning, Growth Management
 - Robert C. Olin, Manager, Building Safety, Growth Management
 - Joel D. Prinsell, Deputy County Attorney, County Attorney
 - Teresa Remudo-Fries, Deputy Director, Utilities
 - Jaime Andres Salcedo, Manager, Utilities Development Engineering, Utilities
 - Jacqueline W. Torbert, Manager, Water Operations, Utilities
 - Steven Triggs, Manager, Communications, Office of Public Engagement & Citizen Advocacy
 - Tyra L. Witsell, Manager, Citizens Commission for Children, Family Services
5. Appointment of Albert John "Bert" Francis, II, CPA (Certified Public Accountant) to the Audit Committee. (Office of Management and Budget)

6. Approval of budget amendments #12-46, #12-47, #12-48, and #12-49. (Office of Management and Budget)
7. Approval of budget transfer #12-1206. (Office of Management and Budget)
8. Approval of the sufficiency of the public officials' bonds provided by Travelers Casualty & Surety Company of America. (Risk Management Division)

Administrative Services Department

1. Approval to award Invitation for Bids Y12-191-PD, Animal Care Supplies, to the low responsive and responsible bidder, Butler Schein Animal Health Supply, for a 1-year term contract in the total estimated contract award amount of \$118,452. Further, authorized the Purchasing and Contracts Division to renew the contract for four additional one-year periods. ([Community and Environmental Services Department Animal Services Division] Purchasing and Contracts Division)
2. Approval to award Invitation for Bids Y12-1019-PD, (Emergency Medical Services) EMS Pharmaceuticals, to the low responsive and responsible bidders, Bound Tree Medical, LLC., for a 1-year term contract in the total estimated contract award amount of \$207,318.50 for Line Items 2, 6, 7, 9, 13, 15, 16, 22, 23, 28, 30, 33 and 36. Further, authorized the Purchasing and Contracts Division to renew the contract for two additional one-year periods. ([Fire Rescue Department] Purchasing and Contracts Division)
3. Approval to award Invitation for Bids Y12-1026-DG, Temporary Labor – Orange County Convention Center, to the low responsive and responsible bidders, in the total estimated aggregate amount of \$4,329,540 representing contract awards to A & Associates, Inc., Zion Employment Solutions, Trojan Labor and Command Center for 12-month periods. Further, authorized the Purchasing and Contracts Division to renew the contract for four additional 12 month periods. ([Convention Center Facilities Operations Division] Purchasing and Contracts Division)
4. Approval to award Invitation for Bids Y12-747-J2, Lake Margaret Drainage Well Replacement and Abandonment, to the low responsive and responsible bidder, Henderson Wilder, Contractor. The estimated contract award amount is \$435,140.50 (Alternate Bid). ([Public Works Department Roads and Drainage Division] Purchasing and Contracts Division)
5. Approval to award Contract Y12-774-RM, Orange County Administration Center and Courthouse Lighting Retrofit, to the low responsive and responsible bidder, Apollo Electrical Services, Inc., in the total contract award amount of \$390,855. ([Administrative Services Department Capital Projects Division] Purchasing and Contracts Division)

6. Approval of Renewal of Software Support and Licenses for Oracle Database Products with Oracle USA, Inc., for the period June 1, 2012 through May 31, 2013, in the amount of \$650,000.09. ([Office of Accountability Information Systems Services Division] Purchasing and Contracts Division)
7. Approval of Contract Y12-615-LC, Incident Command Training & Assessment Simulator: Ensuing Protocol and Decision-Making Skills, with the University of Central Florida Institute for Simulation and Training, in the total contract award amount of \$771,300. Funding for this project is provided from Federal Emergency Management Administration in the amount of \$617,040 and Fire MSTU (Municipal Service Taxing Unit) dollars in the amount of \$154,260. ([Fire Rescue Department Training Division] Purchasing and Contracts Division)
8. Approval and execution by the Mayor of Resolution and Subordination of County Utility Interests between the State of Florida Department of Transportation and Orange County and authorization to record instrument for FDOT – State Road 15 (Hoffner Avenue from N. of Lee Vista Blvd. to W. of (State Road) S.R. 436). District 4. (Real Estate Management Division)
9. Approval and execution by the Mayor of Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail). District 3. (Real Estate Management Division)

Clerk's Note: Retention Tract A of Valencia Palms subdivision was dedicated in fee simple to Orange County by plat. A portion of Tract A is needed for road right-of-way in connection with the widening of Valencia College Lane. The Notice of Reservation reserves the needed property for road purposes in perpetuity.

10. Approval and execution by the Mayor of Notice of Reservation and authorization to disburse funds to pay recording fees and record instrument for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail). District 3. (Real Estate Management Division)

Clerk's Note: A portion of County owned property known as the E-40 Canal is needed for road right-of-way in connection with the widening of Valencia College Lane. The Notice of Reservation reserves the needed property for road purposes in perpetuity.

11. Approval and execution by the Mayor of Resolution and authorization to initiate condemnation proceedings for Valencia College Lane (Goldenrod Road to Econlockhatchee Trail) District 3. (Real Estate Management Division)
12. Approval and execution by the Mayor of Resolution and authorization to initiate condemnation proceedings for Holden Avenue (John Young Parkway to Orange Blossom Trail). District 6. (Real Estate Management Division)

13. Approval of As Is Residential Contract for Sale and Purchase with Addendum to Contract between Orange County and Christina Gonzalez, approval and execution by the Mayor of County Deed from Orange County to Christina Gonzalez and authorization to perform all actions necessary and incidental to closing for (Neighborhood Stabilization Program) NSP Resale – 7540 Hidden Hollow Drive, Orlando FL 32822 ((National Communization Stabilization Trust) NCST). District 3. (Real Estate Management Division)
14. Approval of Purchase Agreement and Utility Easement between Southchase-West Property Owners Association, Inc. and Orange County and authorization to disburse funds to pay purchase price, recording fees and record instrument for (South Service Area) SSA Transmission Main Improvements ((Southern Regional Water Supply Facility) SRWSF-Town Loop Blvd.) District 4. (Real Estate Management Division)
15. Approval of Temporary Ingress-Egress Easement between Bay Hill Fountains, L.L.C., MDC Fountains, LLC and Orange County, authorization to disburse funds to pay all recording fees and record instrument for Master Pump Station No. 3151 (Group 4A1). District 1. (Real Estate Management Division)
16. Approval of Temporary Construction Easement between Bay View Reserve Condominium Association, Inc. and Orange County, authorization to disburse funds to pay all recording fees and record instrument for Master Pump Station No. 3151 (Group 4A1). District 1. (Real Estate Management Division)
17. Approval of Utility Easement between Walt Disney Parks and Resorts U.S., Inc. (f/k/a Walt Disney World Co., f/k/a Walt Disney World Hospitality & Recreation Corporation, f/k/a Lake Buena Vista Communities, Inc.) and Orange County and authorization to record instrument for Clubhouse at NERP (Northeast Resort Parcel) – Utility File #67087. District 1. (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 12-0524	LC 12-0527	LC 12-0531	LC 12-0512	LC 12-0513
LC 12-0514	LC 12-0515	LC 12-0516	LC 12-0517	LC 12-0518
LC 12-0521	LC 12-0522	LC 12-0523	LC 12-0554	LC 12-0556
LC 12-0557	LC 12-0563	LC 12-0564	LC 12-0519	LC 12-0539

LC 12-0546	LC 12-0547	LC 12-0561	LC 12-0542	LC 12-0568
LC 11-1128	LC 11-1233	LC 12-0354	LC 12-0451	LC 12-0533
LC 12-0534	LC 12-0535	LC 12-0538	LC 12-0543	LC 12-0548
LC 12-0550	LC 12-0551	LC 12-0565	LC 12-0571	LC 12-0617

2. Approval of State Financial Assistance Agreement DEP Agreement No. LP6839 Orange County Amendment No. 3 between the Florida Department of Environmental Protection and Orange County for the Little Wekiva River Water Quality Improvement Initiative to extend the grant completion date to June 30, 2014 and to add the Lake Lawne Solar Stormwater Reuse Project. District 6. (Environmental Protection Division)
3. Approval of Termination of Affordable Housing Density Bonus Agreement between Orange County and Buena Vista at Cypress Point Limited Partnership (BRM Florida Buena Vista Pointe, LLC its general partner). District 1. (Housing and Community Development Division)
4. Approval of Neighborhood Stabilization Program 3 Action Plan Amendment to expand the program into the Azalea Park and Meadow Woods communities. Districts 3, 4, and 6. (Housing and Community Development Division)

Family Services Department

1. Approval of License Agreement between Orange County, Florida and A Grateful Mind International, Inc. regarding the use of Orange County's Community Centers for Pine Hills Community Center. (Community Action Division)
2. Approval of Application for Federal Assistance, Orange County, Florida Employee Compensation Cap Compliance Assurance; and Certification Regarding Lobbying for Contracts, Grants, Loans, and Cooperative Agreements between Orange County and the Department of Health and Human Services Administration for Children and Families, Office of Head Start in the estimated amount of \$87,423 to offset higher costs of health insurance for the Head Start Program. (Head Start Division)
3. Approval of Standard Contract, CBCCF Contract #:OROS016-1213, between Community Based Care of Central Florida and Orange County, Florida Division of Youth and Family Services; Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Contracts/Subcontracts; and Certification for Contracts, Grants, Loans, and Cooperative Agreements for Wraparound Orange/Family Preservation/Stabilization Program; and Affidavit in the amount of \$458,141.04 for the period of July 1, 2012 through June 30, 2013; and authorization for the County Mayor or designee to approve any increases, decreases or amendments to this contract. (Youth & Family Services Division)

4. Approval of Florida Department of Children and Families Standard Contract No. GJ301, (Catalog of Federal Domestic Assistance) CFDA No. 93.667, between the Florida Department of Children and Families and Orange County Board of County Commissioners and Certification for Contracts, Grants, Loans, and Cooperative Agreements for the operation of the Great Oaks Village program and Emergency Shelter care beds at the Orange County Youth Shelter in the contract amount of \$2,686,978 for the period of July 1, 2012 through June 30, 2013; and approval for the County Mayor or designee to approve any increases, decreases or amendments to this contract. (Youth & Family Services Division)

Health Services Department

1. Approval of Orange County Health Services Department Physician Employment Agreement between Orange County and Rachel Semmons, M.D. for the position of Health Services Physician Fellow for the period of June 24, 2012 through June 30, 2013. (Health Services Department)

Public Works Department

1. Approval to reduce the existing posted speed limit on Avalon Park Boulevard between Crown Hill Boulevard and Tanja King Boulevard from 40 miles per hour to 35 miles per hour. District 4. (Traffic Engineering Division)
2. Approval of Installation of a traffic signal at the intersection of Turkey Lake Road at the rear entrance to Wal-Mart located at 8990 Turkey Lake Road. District 1. (Traffic Engineering Division)
3. Approval of Utility Relocation Agreement between Orange County and Florida Power Corporation d/b/a Progress Energy Florida, Inc., for the Lake Underhill and Econlockhatchee Trail intersection in the amount of \$115,062.65. District 3. (Engineering Division)

(This item was deferred.)

4. Approval of Agreement for Traffic law Enforcement on Private Roads by and between Orange County, Florida and The Oaks of Windermere Homeowners' Association in the gated community of The Oaks of Windermere. District 1. (Public Works Department)

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

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Comprehensive Annual Financial Report of the Central Florida Regional Transportation Authority (d/b/a LYNX) for Year Ended September 30, 2011.
 - b. Midtown Orlando Community Development District Proposed Fiscal Year 2013 Operations Budget.
 - c. Florida Public Service Commission Consummating Order re: Petition for approval of nuclear decommissioning cost study, by Progress Energy Florida, Inc.
 - d. Florida Public Service Commission Order Granting Aqua Utilities Florida, Inc. (AUF) Motion for Reconsideration and Reconsidering and Correcting Errors re: Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

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

• PUBLIC WORKS DEPARTMENT CONSENT AGENDA ITEM 3 DEFERRED

Approval of Utility Relocation Agreement between Orange County and Florida Power Corporation d/b/a Progress Energy Florida, Inc., for the Lake Underhill and Econlockhatchee Trail intersection in the amount of \$115,062.65. District 3. (Engineering 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:

I. Consent agenda

Public Works Department

#3.

Utility Relocation Agreement between Orange County and Florida Power Corporation d/b/a Progress Energy Florida, Inc., for the Lake Underhill Road and Econlockhatchee Trail intersection."

Motion/Second: Commissioners Martinez/Boyd

Absent: Commissioner Thompson

Abstain: Commissioner Edwards

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

Action: The Board approved the Utility Relocation Agreement between Orange County and Florida Power Corporation d/b/a Progress Energy Florida, Inc., for the Lake Underhill and Econlockhatchee Trail intersection in the amount of \$115,062.65.

• COMMUNITY AND ENVIRONMENTAL SERVICES DEPARTMENT DISCUSSION
AGENDA ITEM 1

Authorization for the Mayor or her designee to sign Amendment No. 1 to Grant No. S0484 for the Petroleum Cleanup Program between Orange County and the Florida Department of Environmental Protection (FDEP) to expand Orange County's area of responsibility under the program to include Seminole County and to increase the FY 2011-12 authorized position table by 1 Senior Environmental Specialist and 1 Engineer III for the Petroleum Cleanup Program under the Environmental Protection Division. Program to be fully funded by FDEP. All Districts.

-AND-

Authorization for the Mayor or her designee to sign Amendment No. 2 to Contract No. GC702 for the Petroleum Management Storage Tanks Compliance Inspection Program between Orange County and the Florida Department of Environmental Protection (FDEP) to expand Orange County's area of responsibility under the program to include Lake, Osceola, Seminole, and Volusia Counties; to increase the FY 2011-12 authorized position table by 2 Senior Environmental Specialists for the Storage Tanks Compliance Inspection Program under the Environmental Protection Division; and authorization for the Manager of the Environmental Protection Division to execute any minor amendments or change orders under the contract that are non-substantial in nature. Program to be fully funded by FDEP. All Districts. (Environmental Protection Division)

Motion/Second: Commissioners Boyd/Martinez

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board authorized the Mayor or her designee to sign Amendment 1 to Grant Agreement No. S0484 for the Petroleum Cleanup Program between Orange County and the Florida Department of Environmental Protection (FDEP) to expand Orange County's area of responsibility under the program to include Seminole County; further, to increase the authorized position table by 1 Senior Environmental Specialist and 1 Engineer III for the Petroleum Cleanup Program. Program to be fully funded by FDEP; further, authorized the Mayor or her designee to sign Amendment No. 2 to Contract GC702 for the Petroleum Management Storage Tanks Compliance Inspection Program between Orange County and the Florida Department of Environmental Protection (FDEP) to expand Orange County's area of responsibility to include Lake, Osceola,

Seminole, and Volusia Counties; further, to increase the authorized position table by 2 Senior Environmental Specialists for the Storage Tanks Compliance Inspection Program under the Environmental Protection Division; and further, authorized the Manager of the Environmental Protection Division to execute any minor amendments or change orders under the contract that are non-substantial in nature. Program to be fully funded by FDEP.

- FAMILY SERVICES DEPARTMENT DISCUSSION AGENDA ITEM 1

Head Start Update. (Head Start Division)

Action: None

- COUNTY MAYOR DISCUSSION AGENDA ITEM 1

Red Light Camera Safety Program.

- MEMBER JOINED: Commissioner Thompson

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

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board approved moving forward with the RFP (Request for Proposal) process.

- GROWTH MANAGEMENT DEPARTMENT WORKSESSION AGENDA ITEM 1

2011 Growth Management Legislation Session Series. All Districts. (Growth Management Department)

Action: None

- MEETING RECESSED, 10:59 a.m.

- MEETING RECONVENED, 2:28 p.m.

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

Others Present: County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Deputy Clerk Kathleen C. Johnson

- ORDINANCE PUBLIC HEARING

Consideration: AN ORDINANCE PERTAINING TO THE CHARTER FOR ORANGE COUNTY FLORIDA; PROVIDING FOR A REFERENDUM ON RE-APPROVAL OF THAT PORTION OF SECTION 704 OF THE ORANGE COUNTY CHARTER, WHICH PROVIDES THAT COUNTY ORDINANCES SHALL BE EFFECTIVE WITHIN MUNICIPALITIES AND PREVAIL OVER MUNICIPAL ORDINANCES WHEN THE COUNTY ORDINANCE REQUIRES THAT REZONINGS OR COMPREHENSIVE PLAN AMENDMENTS THAT INCREASE RESIDENTIAL DENSITY IN AN OVERCROWDED SCHOOL ZONE AND FOR WHICH THE SCHOOL BOARD CANNOT ACCOMMODATE THE EXPECTED ADDITIONAL STUDENTS, TAKE EFFECT ONLY UPON APPROVAL BY EACH LOCAL GOVERNMENT LOCATED WITHIN THE BOUNDARIES OF THAT SCHOOL ZONE; REAFFIRMING THAT PORTION OF SECTION 704; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

Motion/Second: County Mayor Jacobs/Commissioner Thompson

Absent: Commissioner Edwards

AYE (voice vote): All present members

Action: The Board adopted Ordinance 2012-13, pertaining to Section 704 of the Orange County Charter to place the ballot title and question on the November 6, 2012, general election ballot.

- 2010-2030 COMPREHENSIVE PLAN REGULAR CYCLE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP (FLUM) AMENDMENT

Amendment: 2012-1-A-1-1

Applicant/Owner: Kendell Keith, Planning Design Group, LLC for Susan D. Shaw & David H. Daniels

Consideration: Village of Bridgewater SAP (Specific Area Plan) - (Estate District) ED/GB (Greenbelt) to (Townhome) TH/APT (Apartment)/GB (Greenbelt)-63.11 gross/56.62 net acres

Location: Generally described as located on the west edge of Horizon West Bridgewater SAP, east of the New Independence Pkwy. Interchange with SR 429-Parcel ID #s 21-23-27-0000-00-002/003/004

- RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice Mayor Thompson.

The following person addressed the Board: Kendell Keith.

Motion/Second: Commissioners Boyd/Martinez
Absent: County Mayor Jacobs, Commissioner Russell
AYE (voice vote): All present members
Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-1-A-1-1.

• 2010-2030 COMPREHENSIVE PLAN REGULAR CYCLE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP (FLUM) AMENDMENT

Amendment: 2012-1-A-5-1
Applicant/Owner: Professional Design Associates, Inc. for Arbour Apartments, LLC
Consideration: MDR (Medium Density Residential) to (Planned Development) PD-HDR (High Density Residential) (Student Housing)-25.5 gross acres
Location: 1160 Mackay Blvd.; Generally described as west of Alafaya Tr., north of Lokanotosa Tr., east of Rouse Rd., and south of University Blvd.-Parcel ID # 09-22-31-0000-00-006

The applicant was present and in concurrence with the recommendation.

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

NOTE: THE FOLLOWING TWO ITEMS WERE CONSIDERED TOGETHER:

• 2010-2030 COMPREHENSIVE PLAN REGULAR CYCLE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP (FLUM) AMENDMENT WITH CONCURRENT SUBSTANTIAL CHANGE

Amendment: 2012-1-A-3-1
Applicant/Owner: Professional Design Associates, Inc. for Econ Landing, LLP and Curry Ford Road Storage, LLC
Consideration: MDR (Medium Density Residential) and (Planned Development) PD-C (Commercial)/LMDR (Low-Medium Density Residential)/CONS (Conservation) (Senior Adult Housing) to (Planned Development) PD-C (Commercial)/LMDR (Low-Medium Density Residential)/CONS (Conservation)-61.55 gross/34.78 net acres
Location: Generally described as east of SR 417, north of Curry Ford Rd., west of S Dean Rd., and south of Berry Dease Rd.-Parcel ID # 06-23-31-0000-00-015/048
Court Reporter: Rita Meyer, Landmark Reporting

and

- SUBSTANTIAL CHANGE PUBLIC HEARING

Applicant: Bob Cantu, Professional Design Associates, Inc., Econ Landing Planned Development (PD) Land Use Plan (LUP), (Case #CDR-12-03-055 fka CDR-11-03-077)

Consideration: Substantial change request to:

- 1) Allow 300 multi-family (apartment) units, in lieu of 250 townhomes,
- 2) Remove the restriction on the property that limits housing to age-restricted (senior) units, and
- 3) Request a waiver from Section 38-1285(d) of the Orange County Code to allow a maximum building height of 50 feet/3-stories in lieu of 40 feet/3-stories. The additional ten (10) feet are for architectural purposes only; pursuant to Orange County Code, Chapter 30, Section 38-1207

Location: District 3; property generally located north side of Curry Ford Road, east side of Central Florida Greenway; Parcel ID 06-23-31-0000-00-015/048; S/T/R: 06/23/31; Orange County, Florida (legal property description on file)

Court Reporter: Rita Meyer, Landmark Reporting

The following persons addressed the Board:

- Miranda Fitzgerald
- David Blair

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

- Exhibit 1, from Miranda Fitzgerald
- Exhibit 2, from Miranda Fitzgerald

Motion/Second: Commissioners Martinez/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-1-A-3-1.

Motion/Second: Commissioners Martinez/Boyd

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 Bob Cantu, Professional Design Associates, Inc., Econ Landing Planned Development (PD) Land Use Plan (LUP), (Case #CDR-12-03-055 fka CDR-11-03-077), to:

- 1) Allow 300 multi-family (apartment) units, in lieu of 250 townhomes,
- 2) Remove the restriction on the property that limits housing to age-restricted (senior) units, and
- 3) Request a waiver from Section 38-1285(d) of the Orange County Code to allow a maximum building height of 50 feet/3-stories in lieu of 40 feet/3-stories. The additional ten (10) feet are for architectural purposes only;

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

1. Development shall conform to the Econ Landing PD Land Use Plan dated "Received April 26, 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 26, 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. This project shall incorporate Crime Prevention Through Environmental Design (CPTED) design principles.
5. There shall be no access permitted along the northern boundary of the site.
6. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities prior to approval of the first Preliminary Subdivision and/or Development Plan. The MUP must be approved prior to Construction Plan approval.
7. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
8. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5.
9. Outdoor sales, storage and display shall be prohibited.
10. 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.
11. A waiver is granted from Section 38-1258(d) to allow building heights of fifty (50) feet and three (3) stories in lieu of forty (40) feet and three (3) stories. The additional ten (10) feet are for architectural purposes only.

NOTE: THE FOLLOWING TWO ITEMS WERE CONSIDERED TOGETHER:

- 2010-2030 COMPREHENSIVE PLAN REGULAR CYCLE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP (FLUM) AMENDMENT WITH CONCURRENT REZONING

Amendment: 2012-1-A-4-1
Applicant/Owner: Scott Stuart, KCG, Inc. for Multiple Owners, Lake Whippoorwill Landing
Consideration: RS (Rural Settlement) 1/2 to (Planned Development) PD-C (Commercial)/O (Office)/MDR (Medium Density Residential)/TH (Townhome)/RS (Rural Settlement) 1/2-USA (Urban Service Area) expansion and removal of a portion from the Lake Hart/Lake Whippoorwill Rural Settlement-26.5 gross/18.82 net acres
Location: Located on the east side of Narcoossee Rd., north of Tyson Rd. and south of Kirby Smith Rd.-Parcel ID #s 20-24-31-0000-00-018/019

and

• REZONING PUBLIC HEARING

Applicant: Scott Stuart, KCG, Inc. for Multiple Owners, Lake Whippoorwill Landing (Case #LUP-12-02-047)

Consideration: Request to rezone from C-1 (Retail Commercial District), C-2 (General Commercial District), & A-2 (Farmland Rural District) to PD (Planned Development), pursuant to Orange County Code, with the following waivers:

- 1) A waiver from Section 24-5(a)(3) to allow for a 10-foot wide buffer along the north and east property line of Parcel 2 in lieu of 15 feet and to eliminate the buffer along the south property line of Parcel 2 in lieu of a 15-foot wide, Type C buffer,
- 2) A waiver from Section 38-830(13) to allow for entrances and exits directing traffic between the commercial/office uses and the adjacent residential uses within the project (internal to Parcel 1 and Parcel 2),
- 3) The following waivers from Section 38-1258 to address multi-story residential apartment and townhome-style unit development in Parcel 1 adjacent to single family residential property:
 - A) A waiver from Section 38-1258(a) to allow multi-family residential building heights within a distance of between 50-100 feet from single family residential property, to be a maximum of 2 story / 35 feet and 3 story / 40 feet, in lieu of one story within 100 feet;
 - B) A waiver from Section 38-1258(b) to allow multifamily residential building heights within a distance of 100 feet and 150 feet from single family residential property to vary in height with a maximum of 75%, in lieu of 50%, of the buildings being 3 story / 40 feet and the remaining buildings 2 story / 35 feet;
 - C) A waiver from Section 38-1258(d) to allow a maximum multi-family residential building height of 4 story / 45 feet, in lieu of 3 story / 40 feet;
 - D) A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family residential to be located 10 feet from the north property line of Parcel 1, in lieu of 25 feet;
 - E) A waiver from Section 38-1258(f) to allow PVC type fencing for multi-family development located adjacent to single family residential property in lieu of a masonry or block wall and to exclude the fence requirement at cross access points, except as provided in Condition of Approval 18; and
 - F) A waiver from Section 38-1258(j) to allow for a minimum separation of 30 feet between buildings where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of a 40-foot separation, and

4) The following waivers from Section 38-1272 are granted to address multi-story commercial / office uses and the internal access drive separation from an arterial roadway in Parcel 2, where adjacent to single family residential property:

A) A waiver from Section 38-1272(a)(3) to allow for a zero foot setback along the south property line of Parcel 2 (internal) in lieu of 25 feet where abutting a residential use; and

B) A waiver from Section 38-1272(a)(5) to allow for a maximum building height of 4-story / 45 feet in lieu of 35 feet when within a distance of 100 feet from residential property

Location: District 4; property generally located on the east side of Narcoossee Rd., north of Tyson Rd. and south of Kirby Smith Rd.; Parcel ID #s 20-24-31-0000-00-018/019; Orange County, Florida (legal property description on file in the Planning Division)

• REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice Mayor Thompson.

The following persons addressed the Board:

- Miranda Fitzgerald
- Clay Chandler

Motion/Second: Commissioners Thompson/Martinez

AYE (voice vote): All members

Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-1-A-4-1.

Motion/Second: Commissioners Thompson/Russell

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Scott Stuart, KCG, Inc. for Multiple Owners, Lake Whippoorwill Landing to rezone from C-1 (Retail Commercial District), C-2 (General Commercial District), & A-2 (Farmland Rural District) to PD (Planned Development), with the following waivers:

1. A waiver from Section 24-5(a)(3) to allow for a 10-foot wide buffer along the north and east property line of Parcel 2 in lieu of 15 feet and to eliminate the buffer along the south property line of Parcel 2 in lieu of a 15-foot wide, Type C buffer,
2. A waiver from Section 38-830(13) to allow for entrances and exits directing traffic between the commercial/office uses and the adjacent residential uses within the project (internal to Parcel 1 and Parcel 2),
3. The following waivers from Section 38-1258 to address multi-story residential apartment and townhome-style unit development in Parcel 1 adjacent to single family residential property:

- A. A waiver from Section 38-1258(a) to allow multi-family residential building heights within a distance of between 50-100 feet from single family residential property, to be a maximum of 2 story / 35 feet and 3 story / 40 feet, in lieu of one story within 100 feet;
 - B. A waiver from Section 38-1258(b) to allow multi-family residential building heights within a distance of 100 feet and 150 feet from single family residential property to vary in height with a maximum of 75%, in lieu of 50%, of the buildings being 3 story / 40 feet and the remaining buildings 2 story / 35 feet;
 - C. A waiver from Section 38-1258(d) to allow a maximum multi-family residential building height of 4 story / 45 feet, in lieu of 3 story / 40 feet;
 - D. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family residential to be located 10 feet from the north property line of Parcel 1, in lieu of 25 feet;
 - E. A waiver from Section 38-1258(f) to allow PVC type fencing for multi-family development located adjacent to single family residential property in lieu of a masonry or block wall and to exclude the fence requirement at cross access points, except as provided in Condition of Approval 18; and
 - F. A waiver from Section 38-1258(j) to allow for a minimum separation of 30 feet between buildings where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of a 40-foot separation, and
4. The following waivers from Section 38-1272 are granted to address multi-story commercial / office uses and the internal access drive separation from an arterial roadway in Parcel 2, where adjacent to single family residential property:
- A. A waiver from Section 38-1272(a)(3) to allow for a zero foot setback along the south property line of Parcel 2 (internal) in lieu of 25 feet where abutting a residential use; and
 - B. A waiver from Section 38-1272(a)(5) to allow for a maximum building height of 4-story / 45 feet in lieu of 35 feet when within a distance of 100 feet from residential property;

on the described property; subject to the following conditions:

- 1. Development shall conform to the Lake Whippoorwill Landing PD Land Use Plan dated "Received April 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 April 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. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
4. 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.
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 wastewater and reclaimed water service from Orange County Utilities.
7. Outdoor sales, storage and display shall be prohibited.
8. Tree removal/Earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.

9. The following Education Condition of Approval shall apply:

- a) Developer shall comply with all provisions of Capacity Enhancement Agreement (CEA OC-11-005), approved by ~~entered into with~~ the Orange County School Board on ~~as of~~ December 13, 2011.
- 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 1 single family and 24 multi-family 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. In recognition of the urbanizing development trend along the east side of Narcoossee Road and in order to achieve an appropriate transition from the proposed commercial / multi-family uses to the east (towards the lake), the following waivers are granted in order to address the adjacent A-1 zoned property to the north and the approved Tyson's Corner PD to the south. In addition, other waivers shall be granted in order to achieve the proposed internal compact and mixed use nature of the project, as well as to accommodate more efficient onsite parking and vehicular circulation.

- A. A waiver from Section 24-5(a)(3) is granted to allow for a 10-foot wide buffer along the north and east property line of Parcel 2 in lieu of 15 feet and to eliminate the buffer along the south property line of Parcel 2 in lieu of a 15-foot wide, Type C buffer.

- B. A waiver from Section 38-830(13) is granted to allow for entrances and exits directing traffic between the commercial / office uses and the adjacent residential uses within the project (internal to Parcel 1 and Parcel 2).
- C. The following waivers from Section 38-1258 are granted to address multi-story residential apartment and townhome-style unit development in Parcel 1 adjacent to single family residential property:
- 1) A waiver from Section 38-1258(a) to allow multi-family residential building heights within a distance of between 50-100 feet from single family residential property, to be a maximum of 2 story / 35 feet and 3 story / 40 feet, in lieu of one story within 100 feet;
 - 2) A waiver from Section 38-1258(b) to allow multi-family residential building heights within a distance of 100 feet and 150 feet from single family residential property to vary in height with a maximum of 75%, in lieu of 50%, of the buildings being 3 story / 40 feet and the remaining buildings 2 story / 35 feet;
 - 3) A waiver from Section 38-1258(d) to allow a maximum multi-family residential building height of 4 story / 45 feet, in lieu of 3 story / 40 feet;
 - 4) A waiver from Section 38-1258(e) to allow parking and other paved areas for multifamily residential to be located 10 feet from the north property line of Parcel 1, in lieu of 25 feet;
 - 5) A waiver from Section 38-1258(f) to allow (Poly Vinyl Chloride) PVC-type fencing for multi-family development located adjacent to single family residential property in lieu of a masonry or block wall and to exclude the fence requirement at cross access points, except as provided in Condition of Approval 18; and
 - 6) A waiver from Section 38-1258(j) to allow for a minimum separation of 30 feet between buildings where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, in lieu of a 40-foot separation.
- D. The following waivers from Section 38-1272 are granted to address multi-story commercial / office uses and the internal access drive separation from an arterial roadway in Parcel 2, where adjacent to single family residential property:
- 1) A waiver from Section 38-1272(a)(3) to allow for a zero foot setback along the south property line of Parcel 2 (internal) in lieu of 25 feet where abutting a residential use; and

- 2) A waiver from Section 38-1272(a)(5) to allow for a maximum building height of 4-story / 45 feet in lieu of 35 feet when within a distance of 100 feet from residential property.
11. There shall be no boat docks/ramps which would allow for direct boat access. No motorized watercraft shall be permitted on Lake Whippoorwill for this property. One (1) observation deck may be allowed subject to the issuance of a "Construction of Dock Ordinance" permit.
 12. Parking shall be limited to one (1) row of parking and one (1) drive-aisle adjacent to Narcoossee Road for Parcel 2. For Parcel 1, Zone 1, if the proposed multi-family residential fronts the main entrance driveway, parking may be placed behind the building(s) subject to a knee wall buffering the parking.
 13. One year after the Certificate of Occupancy for the commercial development within Parcel 2, the developer shall pay for a warrant study to be conducted. The developer shall pay a proportional share of the cost of the signalization based on this Planned Development's average daily trip distribution through the intersection.
 14. No portion of the residential development shall be gated. Fencing or walls may be permitted in so long as they are ~~it is~~ designed to create an edge/buffer to the adjacent properties or parcels.
 15. In order to minimize the potential visual impact on properties across Lake Whippoorwill, not less than 50% of the buildings shall be oriented such that the narrower end of the building will be facing directly or tangentially toward the lake.
 16. The following uses shall be prohibited:
 - Warehousing (indoor storage of products)
 - Lumber yard
 - Portable foods and drink vendors (including hot dog stands)
 - Coin-operated laundries
 - Disinfecting and pest control
 - Automobile parking as a principal use
 - Auto, exhaust repair shops
 - Automotive services, exhaust repair shops
 - Bowling centers
 - Coin-operated amusement centers
 - Auto driving instruction
 - Auto supply stores
 - Parking rental, sales, and leasing
 - Gasoline stations
 - Convenience stores with associated gasoline sales
 - Automotive shops

- Truck stops
- Tattoo shops
- Body piercing
- Same-day payday loans
- Strip commercial
- Boarding, lodging, and rooming houses
- Single-family unit in conjunction with a commercial use
- General warehousing and storage (self-storage)
- Airports, flying fields, and services
- Pipelines (except natural gas)
- Radio telephone communications
- Radio broadcasting stations (lattice, guyed, and monopole)
- Substations, telephone switch stations, and water plants
- Electric, gas, and sanitary services
- Drinking places (cocktail lounges / bars) not directly associated with a sit-down restaurant
- Used merchandise stores (pawn shops / thrift stores)
- Fuel dealers (oil / propane)
- Cemetery, sub-dividers, and developers (cemetery)
- Power laundries
- Funeral service, crematories, embalming
- Miscellaneous personal services (escort services)
- Equipment rental and leasing
- Motion picture theaters
- Theatrical producers (TV studios)
- Sports clubs (franchise / non-franchise sports, stadiums)
- Golf courses
- Membership sports and recreation clubs (indoor and outdoor uses)
- Amusement and recreation (indoor and outdoor uses)
- Elementary, middle, and charter schools
- Colleges, universities, and high schools
- Residential care (juvenile delinquent center)
- Civic, social, and fraternal associations (fraternity houses)
- Tobacco stores
- Lounges and packaged sales of alcoholic beverages that are subject to 4COP (Consumption on Premises) licensing (per Section 38-1414)
- Big Box developments
- Drive-through restaurants
- Employment and day labor agencies
- Hotels/motels

17. Hardware stores shall be permitted. However, outdoor storage, display, and sales shall be prohibited.

18. In order to provide a visual and sound buffer for the existing single-family residence on the adjoining property to the north, the Developer shall construct an 8-foot-high block wall with stucco finish (the "Wall") along that portion of the northern PD boundary that is parallel to the existing single-family residence and any existing ancillary structures. At such time as the owner of the adjoining property to the north proceeds with redevelopment of his property, the County shall determine whether the Wall can remain in place or whether all or a portion of it must be removed to promote cross access between the two properties. If the County determines that all or a portion of the Wall must be removed, the Developer shall have 45 days following receipt of written notice from the County in which to remove, without cost to the County, the entire Wall or such portion of it that is described in the notice.

19. The Klein Company or its successor or assign shall commence construction of the segment of the Cross Access Drive (the "Cross-Access Drive") as depicted on the Lake Whippoorwill Landing PD Land Use Plan in Zones 2 and 3 of Parcel 1 (the "Lake Whippoorwill Landing Segment") on or before the date the first certificate of occupancy is issued for the development of the multifamily residential portion of the PD on Parcel 1, and such construction shall be completed within two years from the date of commencement.

• 2010-2030 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-1-B-FLUE-1

Consideration: Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA)

Motion/Second: Commissioners Russell/Thompson

Absent: Commissioner Martinez

AYE (voice vote): All present members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Amendment 2012-1-B-FLUE-1.

• 2010-2030 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED
COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-1-B-FLUE-2

Consideration: Text amendment to 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/Thompson

Absent: Commissioner Martinez

AYE (voice vote): All present members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Amendment 2012-1-B-FLUE-2.

- 2010-2030 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-1-B-FLUE-4

Consideration: Text amendment to Future Land Use Element Policy FLU2.3.6 related to the conversion of residential uses to non-residential uses

Motion/Second: Commissioners Edwards/Martinez

AYE (voice vote): All members

Action: The Board approved the alternative introductory language for FLU2.3.6 as follows: "The County shall consider the following criteria when evaluating, on a case-by-case basis, whether conversion of residential to non-residential use may be permitted."; and further, adopted the Staff Initiated Comprehensive Plan Text Amendment 2012-1-B-FLUE-4.

- 2010-2030 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-1-B-FLUE-5

Consideration: Text amendments to the Future Land Use Element Policies FLU8.1.1(a), FLU8.1.1(c), and FLU8.2.5, and addition of Policies FLU8.2.5.1 and FLU8.2.5.2 related to inconsistent zoning and future land use designations and the associated requirements for rezonings and special exceptions

Motion/Second: Commissioners Edwards/Boyd

AYE (voice vote): All members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Amendment 2012-1-B-FLUE-5.

- 2010-2030 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-1-B-FLUE-6

Consideration: Text update amendments to Future Land Use Element Objective and Policies (and corresponding Horizon West Town Center Specific Area Plan Policies) related to the Town Center area of Horizon West

Motion/Second: Commissioners Boyd/Edwards

AYE (voice vote): All members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Update Amendment 2012-1-B-FLUE-6 with modification to the Staff Report to read as follows: FLU4.8.2, F. "Civic, Open Space and Recreation. ~~Although "Open space" cannot be classified as a land use district,~~ it shall be interspersed throughout Town Center as a common thread that, when sited and designed properly, can tie serves to link adjacent land use Ddistricts, neighborhoods, land uses and residents together, creating community character, image, and identity. Open Sspaces Districts may serve include passive uses and should ~~feature a combination~~ be in the form of publicly accessible squares, greens, formally designed parks, and small but intensely used civic activity and special event areas, and elements of the master stormwater system." In addition, Open Space districts may include public elementary schools and other types of civic uses (such as libraries and churches) pursuant to locational, site and building design criteria included in the Town Center Code. However, lands associated with non-public types of civic uses that may be permitted in an Open Space District shall not count toward satisfying the non-APF requirement for civic, recreational and passive use open space. Particularly in expansive commercial sites, landscaped pedestrian plazas can provide access from public streets, through parking lots, and to individual buildings.

- 2010-2030 COMPREHENSIVE PLAN REGULAR CYCLE STAFF INITIATED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

Amendment: 2012-1-B-CP-1

Consideration: Text amendment to Future Land Use Element Policy FLU8.8.1 related to House Bill 7207

Motion/Second: Commissioners Edwards/Martinez

AYE (voice vote): All members

Action: The Board adopted the Staff Initiated Comprehensive Plan Text Amendment 2012-1-B-CP-1.

- Regular Cycle Comprehensive Plan Amendment Ordinance

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2012 CALENDAR YEAR (FIRST CYCLE); AND PROVIDING EFFECTIVE DATES

Motion/Second: Commissioners Edwards/Boyd

AYE (voice vote): All members

Action: The Board adopted Regular Cycle Comprehensive Policy Plan Amendment Ordinance 2012-14 with modifications as follows:

- The first sentence of FLU4.8.2 shall read, "The Town Center Development Code shall include development standards for placemaking, key elements and design guidelines and a sufficient, yet flexible streamlined review process for each of the Town Center Land Use District Classifications, consistent with the purpose and intent of each district, described as follows:"
- The third sentence of FLU4.8.2 B. shall read, "The Town Center Development Code shall include provisions to address the following aspects of support retail uses permitted by location: compatibility with adjoining uses; location of sites relative to Framework or Urban Collector streets; scale and types of uses; and, standards that would control the number of freestanding support retail uses that may be permitted by location."
- The second sentence of FLU4.8.2 F. shall read, "Open spaces may include passive uses and should be in the form of publicly accessible squares, greens, formally designed parks, small but intensely used civic activity and special event areas, and elements of the master stormwater system."
- The first sentence of FLU4.9.8 shall read, "Should the high school site intended to serve the Town Center be located outside the Town Center, that site shall be rezoned prior to or simultaneously with conveyance to Orange County or Orange County Public Schools."
- The table for FLU8.1.4, in the Amendment # column, the following amendments shall read:

2012-1-A-3-1
Econ Landing

2012-1-A-4-1
Lake Whippoorwill Landing

2012-1-A-5-1
Arbour Apartments

- Language below the table for FLU8.1.4 shall read as follows:

This policy allows for a one-time cumulative density or intensity differential of 5% based on ADT within each development program.

- The first sentence of FLU2.3.6 shall read, "The County shall consider the following criteria when evaluating, on a case-by-case basis, whether conversion of the residential to non-residential use may be permitted."

- 2010-2030 COMPREHENSIVE PLAN SMALL SCALE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2012-1-S-1-2
Applicant/Owner: Michael Burkhalter for West Amelia Street Family, LLC
Consideration: LDR (Low Density Residential) to C (Commercial)-0.30 acres
Location: 5841 W. Amelia St.; Generally described as located on the north side of W. Amelia St., east of N. Hudson St., west of N. Normandale Ave., and south of State Road 408-Parcel ID # 25-22-28-0352-06-480

The County Mayor noted the applicant waived time to address the Board.

Motion/Second: Commissioners Boyd/Martinez
AYE (voice vote): All members
Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-1-S-1-2.

- 2010-2030 COMPREHENSIVE PLAN SMALL SCALE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2012-1-S-1-3
Applicant/Owner: Orange County Public School (OCPS) for Marianne C. Greco
Consideration: V (Village) to Village F SAP (Specific Area Plan) - School-2.52 acres
Location: Generally described as located south of Seidel Rd., and east of SR 429-Parcel ID # 08-24-27-0000-00-013

The following person addressed the Board: Drew DeCandis.

Motion/Second: Commissioners Boyd/Russell
AYE (voice vote): All members
Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-1-S-1-3.

- 2010-2030 COMPREHENSIVE PLAN SMALL SCALE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2012-1-S-3-1
Applicant/Owner: Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A. for Lincoln B. Taylor, Lucille Idarola, and June and Robert A. Senay
Consideration: (Planned Development) PD-O (Office) and LDR (Low Density Residential) to (Planned Development) PD-C (Commercial)-3.94 acres
Location: 1542 N. Alafaya Tr. and 1538 and 1548 Indianhead Tr.; Generally described as located on the west side of N. Alafaya Tr.; south of Iroquois Tr.; and north of Waterford Lakes Pky.-Parcel IDs #s 22-22-31-8469-00-010/020/180/190

The following person addressed the Board: Jonathan Huels.

Motion/Second: Commissioners Martinez/Russell
AYE (voice vote): All members
Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-1-S-3-1.

- 2010-2030 COMPREHENSIVE PLAN SMALL SCALE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2012-1-S-3-2 (fka 2011-2-S-3-3)
Applicant/Owner: Michael D. Harding for Jose A. & Eloilda Rivas
Consideration: LMDR (Low-Medium Density Residential) to O (Office)-0.54 acres
Location: 949 & 1001 Amber Rd.-Generally described as located on the east side of Amber Rd., north of Oleander Way, west of Tucker Ave., and south of E. Colonial Dr.-Parcel ID #s 22-22-30-6916-01-060/070

The following person addressed the Board: Michael Harding.

Motion/Second: Commissioners Martinez/Edwards
AYE (voice vote): All members
Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-1-S-3-2.

- 2010-2030 COMPREHENSIVE PLAN SMALL SCALE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2012-1-S-4-1
Applicant/Owner: Edward Williams - Williams Development Services, Inc. for Aidjing Chen Lai Trust
Consideration: O (Office) to C (Commercial)-4.88 acres

Location: 4740 Hoffner Ave.; Generally described as located on the south side of Hoffner Ave., east of Conway Rd., west of S. Semoran Blvd., and north of Lee Vista Blvd.-Parcel ID # 21-23-30-0000-00-018

The County Mayor noted the applicant in concurrence with the recommendation and waived his time to address the Board.

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-1-S-4-1.

• 2010-2030 COMPREHENSIVE PLAN SMALL SCALE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2012-1-S-4-2

Applicant/Owner: Edward Williams - Williams Development Services, Inc. for Daniel E. and Margaret T. Szymanski

Consideration: LMDR (Low-Medium Density Residential) and O (Office) to O (Office) and C (Commercial)-9.58 acres

Location: 5051 and 5053 Hoffner Ave.; Generally described as located on the north side of Hoffner Ave., east of Conway Rd., west of S. Semoran Blvd., and south of Simmons Rd.-Parcel ID #s 16-23-30-0000-00-036/037

The following person addressed the Board: Edward Williams.

Motion/Second: Commissioner Thompson/County Mayor Jacobs

AYE (voice vote): All members

Action: The Board denied adoption of the Privately Initiated Future Land Use Element Map Amendment 2012-1-S-4-2.

• 2010-2030 COMPREHENSIVE PLAN SMALL SCALE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2012-1-S-4-3

Applicant/Owner: Causseaux, Hewett, & Walpole, Inc. for Nelson & Virginia Soto Revocable Family Trust

Consideration: IND (Industrial) to C (Commercial)-1.23 acres

Location: 9604 1st Ave.; Generally described as located on the east side of S. Orange Ave. and the west side of 1st Ave., south of Pine St., between 4th St. and 6th St.-Parcel ID # 01-24-29-8516-50-709

The following person addressed the Board: Craig Brashier.

Motion/Second: Commissioners Thompson/Martinez

AYE (voice vote): All members

Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-1-S-4-3.

• 2010-2030 COMPREHENSIVE PLAN SMALL SCALE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2012-1-S-4-4

Applicant/Owner: O'Reilly Automotive Inc. for Steak Quake Franchise Realty-Goldenrod, LLC -

Consideration: MDR (Medium Density Residential) to (Planned Development) PD-C (Commercial)-1.69 acres

Location: Generally described as located on the east side of S. Goldenrod Rd., south of Sun Vista Way, north of Charlin Pkwy., and west of Crossen Dr.-Parcel ID # 14-23-30-3043-00-050

The County Mayor noted the applicant is in concurrence with staff's recommendation.

Motion/Second: Commissioners Thompson/Edwards

Absent: Commissioners Martinez, Russell

AYE (voice vote): All present members

Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-1-S-4-4.

• 2010-2030 COMPREHENSIVE PLAN SMALL SCALE PRIVATELY INITIATED FUTURE LAND USE ELEMENT MAP AMENDMENT

Amendment: 2012-1-S-5-1 (fka 2011-2-S-5-1)

Applicant/Owner: Scott A. Glass, Esq. for Roxbury LLC

Consideration: LDR (Low Density Residential) to O (Office)-0.20 acres

Location: 2654 Roxbury Rd.; Generally described as located on the south side of Roxbury Rd., east of N. Wymore Rd., north of Fairbanks Ave., and west of Granada Dr.-Parcel ID # 02-22-29-2996-13-060

The following person addressed the Board: James Johnston.

Motion/Second: Commissioners Edwards/Boyd

Absent: Commissioner Martinez

AYE (voice vote): All present members

Action: The Board continued the amendment until the next cycle.

NOTE: THE FOLLOWING TWO ITEMS WERE CONSIDERED TOGETHER:

- 2010-2030 COMPREHENSIVE PLAN SMALL SCALE DEVELOPMENT PRIVATELY INITIATED AMENDMENT WITH CONCURRENT REZONING

Amendment: 2012-1-S-2-1
Applicant/Owner: Causseaux, Hewett, & Walpole, Inc. for Ramlee Holdings Limited Partnership
Consideration: (Low Density Residential) LDR (RS) Rural Settlement to C (Commercial) (RS) Rural Settlement-1.27 acres
Location: 5745 and 5751 Jones Ave. and 3233 N. Orange Blossom Tr.; Generally described as located on the north side of Jones Ave., east of N. Orange Blossom Tr./U.S. 441, south of Jacquelyn Dr., and west of Robinson St.-Parcel ID # 22-20-27-2736-07-060/080/100;Orange County, Florida (legal property description on file in the Planning Division)

and

- REZONING PUBLIC HEARING

Applicant: Causseaux, Hewett, & Walpole, Inc. for Ramlee Holdings Limited Partnership (Case #RZ-12-05-012)
Consideration: Request to rezone from C-1 (Retail Commercial District) & R-1 (Single-Family Dwelling District) to C-1(Retail Commercial District)
Location: District 2; property generally described as located on the north side of Jones Ave., east of N. Orange Blossom Tr./U.S. 441, south of Jacquelyn Dr., and west of Robinson St.; Parcel ID # 22-20-27-2736-07-060/080/100

The following person addressed the Board: Craig Brashier.

Motion/Second: Commissioners Brummer/Boyd
Absent: Commissioner Martinez
AYE (voice vote): All present members
Action: The Board adopted the Privately Initiated Future Land Use Element Map Amendment 2012-1-S-2-1.

Motion/Second: Commissioners Brummer/Boyd
Absent: Commissioner Martinez
AYE (voice vote): All present members
Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Causseaux, Hewett, & Walpole, Inc. for Ramlee Holdings Limited Partnership to rezone from C-1 (Retail Commercial District) & R-1 (Single-Family Dwelling District) to C-1 (Retail Commercial District), on the described property; subject to the following restrictions:

- Zoning shall not become effective until the future land use designation is in effect.
- Aggregate the subject properties at the time of development and prepare a unified development plan for the overall site to be submitted to the County for review and approval.
- Uses of the subject property shall be limited to those uses permitted in the C-1 zoning district.
- Maximum floor area ratio (FAR) shall be limited to 0.15.
- Billboards and pole signs shall be prohibited.
- Lounges and package sales of alcoholic beverages that are subject to 4COP licensing per Section 38-1414 shall be prohibited.

- Small Scale Cycle Comprehensive Plan Amendment Ordinance

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING SMALL SCALE DEVELOPMENT AMENDMENTS PURSUANT TO SECTION 163.3187(1), FLORIDA STATUTES; AND PROVIDING EFFECTIVE DATES

Motion/Second: Commissioners Edwards/Thompson

Absent: Commissioner Martinez

AYE (voice vote): All present members

Action: The Board adopted Small Scale Cycle Comprehensive Plan Amendment Ordinance 2012-15.

- CONSERVATION AREA IMPACT PUBLIC HEARING

Applicant: Wawa, Inc.

Consideration: Request for a Conservation Area Impact Permit for a Class I Wetlands

Location: District 1; property generally located at the northeast intersection of West Orlo Bronson Memorial Highway and Avalon Road; Parcel ID's 31-24-27-0306-03-020, 31-24-27-0306-03-050, 31-24-27-0306-03-040, 31-24-27-0306-03-070, 31-24-27-0306-03-060, and 31-24-27-0306-03-030; Section 31, Township 24 South, Range 27, East; Orange County, Florida (legal property description on file in Environmental Protection Division)

The following person addressed the Board: Rick Blecha.

Motion/Second: Commissioners Boyd/Thompson

Absent: Commissioner Martinez

AYE (voice vote): All present members

Action: The Board approved the request by Wawa, 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 sheet 2 of 2 of the plans prepared by Stillwater Technologies, as dated as received by the Environmental Protection Division (EPD) on March 30, 2012. Construction 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. Mitigation shall include the purchase of 0.11 mitigation credit and the preservation of onsite upland buffer and wetlands that is a minimum 1.05 acres in size.
4. Conservation areas shall be clearly marked with signage that identifies the wetland and upland buffer. These signs shall be installed every 50 feet on any open space and on every other individual lot line. The signage shall conform to the detail and located as shown on Conservation Area Impact Plan - Proposed, dated April 10, 2012. The signs shall be installed prior the Certificate of Completion.
5. Prior to initiating any construction 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 0.11 mitigation credits has been completed.
6. In the event that the permittee does not successfully complete the transaction to obtain the requisite 0.11 credits from the 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.
7. Prior to plat approval, this permit requires the recording of a conservation easement in the public records of Orange County, and when applicable, notation of

the conservation easement on the corresponding plat. The conservation easement shall be dedicated to Orange County and cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners. The conservation easement shall include restrictions on the real property pursuant to the requirements set forth below:

- a) The conservation easement shall include restrictions on the real property pursuant to Section 704.06, Florida Statutes. The conservation easement cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners.
- b) Within thirty days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description. The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the surveyor's sketch and legal description, the permit holder shall contemporaneously submit current evidence of title of the proposed easement area to EPD. The evidence of title is subject to review and approval by the Orange County Real Estate Management Division.
- c) If impacts to an upland defined as River Corridor Protection Zone (Chapter 15, Section 15-443(1), or as required per Chapter 15, Article XI, Section 15-442(f), or to a wetland or surface water for which mitigation is required are authorized to occur in discrete phases, the areas to be preserved to offset such impacts may be placed under a conservation easement in phases, such that impacts are offset immediately prior to the commencement of work within the phase that the impacts are permitted to occur. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit. A surveyor's sketch of description and legal description of the area to be placed under conservation easement immediately prior to commencement of each phase shall be submitted in accordance with paragraph (a) above.
- d) The conservation easement shall be in a form approved by the Orange County Attorney's Office and the Orange County Real Estate Management Division and provided to the permittee. Pursuant to Section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorizes. The conservation easement shall contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement shall contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibited by law, the conservation

easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Orange County Board of County Commissioners.

- e) If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
 - f) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement which shall be subject to review and approval of the County Attorney's Office and the Real Estate Management Division. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County at the permit holder's sole expense.
 - g) Upon approval of the final executed documents by Orange County, the conservation easement shall be scheduled to be heard by the Orange County Board of County Commissioners. Upon approval by the Board of County Commissioners, the easement and its attachments shall be recorded in the public records of Orange County, at the permit holder's sole expense.
 - h) Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The location, form, and material of the monuments shall be subject to the review and approval of EPD.
 - i) At least forty-five days prior to (1) the sale of any lot or parcel; (2) the recording of the subdivision plat; or (3) use of the infrastructure for its intended use, whichever first occurs, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the conservation easement.
- 8. No community ramps or docks are permitted on Lake Chapin.
 - 9. Prior to any filling within the 100-year flood zone a Flood Plain Permit may be required from the Orange County Stormwater Management authorizing the fill.
 - 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. If

applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.

11. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
12. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the preservation areas and/or surface water(s) immediately.

General Conditions:

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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 sovereign lands or other state-owned lands.
20. 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.
21. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
22. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
23. 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.
24. 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.
25. 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.

26. 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.
27. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

• BOARD OF ZONING ADJUSTMENT APPEAL

Applicant: Tony Rahbany
Case: Board of Zoning Adjustment SE-12-04-017; April 5, 2012
Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant for Special Exception in R-1A zone to construct a 14,000 sq. ft. Children's Day Care Center, and a 45,000 sq. ft. Indoor/Outdoor Recreation Center. (NOTE: Children's Day Care Center for a maximum 275 children. Indoor/Outdoor Recreation Center for a maximum 333 patrons).
Location: District 5; property generally located Southeast corner of N. Dean Road and Buck Road, east of SR 417, ½ mile south of University Boulevard; Parcel IDs 08-22-31-0000-00-028/08-22-31-0000-00-029; S-T-R: 08-22-31; Orange County, Florida (legal property description on file in Zoning Division)

Clerk's Note: After the landowners' notifications were distributed, the request was modified by applicant to take out a 45,000 sq. ft. Indoor/Outdoor Recreation Center. (NOTE: Children's Day Care Center for a maximum 275 children. Indoor/Outdoor Recreation Center for a maximum 333 patrons).

The following persons addressed the Board:

- Allen Arthur
- Tony Rahbany

- RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice Mayor Thompson.

The following person addressed the Board: Derek Foust.

- REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice Mayor Thompson.

The following persons addressed the Board:

- Tiffany Foust
- Dean Lester
- Esteban Ramos
- Jade Ramos
- Frederick Brent
- Yvonne Ramirez
- Debbie Alvarez
- Michelle Balaban
- Irene O'Connor
- Carol Rhodes
- Gretchen Bentley
- Louis Rhodes
- Nadine Hardin
- Denis Van Horne
- Elizabeth Ramos
- James Baker
- Tina Baker
- Tim Johnson

The following exhibit was received by the Clerk prior to the close of the public hearing:

- Exhibit 1, from Tony Rahbany

Motion/Second: Commissioners Edwards/Thompson

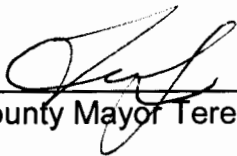
Absent: Commissioner Martinez

AYE (voice vote): All present members

Action: The Board upheld the decision of the Orange County Board of Zoning Adjustment and denied the request by Tony Rahbany for Special Exception in R-1A zone to construct a 14,000 sq. ft. Children's Day Care Center, on the described property.

• ADJOURNMENT, 5:49 p.m.

ATTEST:



County Mayor Teresa Jacobs

Date: AUG 07 2012

ATTEST SIGNATURE:

Martha O. Haynie

County Comptroller as Clerk



Deputy Clerk

