

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, October 21, 2014
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Fred
Brummer, Pete Clarke, Jennifer Thompson, Tiffany Moore Russell;
Commissioner 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
Katie Smith, Senior Minutes Coordinator Noelia Perez, Minutes
Coordinator Kathy Heard

• CALL TO ORDER, 9:05 a.m.

• NONAGENDA

County Mayor Jacobs announced that this would be the last meeting Commissioner Moore Russell would be attending due to her running for election of Clerk of the Courts. Mayor Jacobs thanked her for her contribution and service as a County Commissioner.

• MEMBER JOINED: Commissioner Edwards

• INVOCATION - Dr. Larry G. Mills, Mt. Sinai Missionary Baptist Church

• PLEDGE OF ALLEGIANCE

• PRESENTATION

Proclamation designating the week of November 1 through November 8, 2014 as Week of the Family

• PRESENTATION

Proclamation designating October 23, 2014 as Lights on After School Day

• PRESENTATION

Proclamation designating the week of October 23 through October 31, 2014 as Red Ribbon Week

• PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Bobby Beagles
- Deborah Tyrone
- Mary Wilson

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Mayor

- Deleted County Comptroller Item 3
- Deleted Office of Regional Mobility Item 1

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

County Comptroller

1. Approval of the minutes of the September 4, 2014, meeting of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed county funds, having been certified that same had not been drawn on overexpended accounts. Period as follows: October 10, 2014, to October 16, 2014; total of \$36,715,125.24. (Finance/Accounting)

3. ~~Disposition of Tangible Personal Property : (Property Accounting)~~

~~Approval is request of the following:~~

- ~~a. To dispose of an asset that was totaled by our Third Party Administrator for its salvage value.~~
- ~~b. To scrap assets.~~
- ~~c. To trade assets for allowance toward purchase of new equipment.~~
- ~~d. To abandon assets.~~
- ~~e. To trade assets for credit toward the lease of a non-capital asset.~~
- ~~f. To return expired leased asset to vendor.~~

(This item was deleted.)

4. Approval to dispose of records held by the Comptroller in accordance with record retention schedules (GS1-SL and GS 11) as approved by the State of Florida, Bureau of Archives, and Records Management. Section 28.31, Florida Statutes requires Board approval to dispose of records maintained for the BCC. Records of importance are microfilmed archived prior to destruction of the paper version. (Records Management Department)

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 Resolution 2014-M-63 of the Orange County Board of Commissioners regarding the Community Redevelopment Agency of the City of Maitland, Florida. (Fiscal and Business Services Division)
3. Approval of Orange County, Florida and National Center for Simulation FY 2015 Grant Agreement and authorization to disburse \$35,000 as provided in the FY 2014-15 adopted budget. (Office of Economic, Trade and Tourism Development)
4. Approval of a) Agreement for Economic Development Services Metro Orlando Economic Development Commission and Orange County Fiscal Year 2014-2015 and authorization to disburse \$614,969 as provided in the FY 2014-15 adopted budget; and b) Orange County, Florida and Economic Development Commission of Mid-Florida, Inc. Agreement Related to an Industrial Development Authority Fiscal Year 2014-2015. (Office of Economic, Trade and Tourism Development)
5. Approval to disburse CRA funds totaling \$23,310,880 to Orange County's 15 Community Redevelopment Agencies. (Office of Management and Budget)
6. Approval of Resolution 2014-B-06 of the Orange County Board of County Commissioners regarding a Resolution pertaining to Financing; authorizing transfers of surplus funds in the County Water Utilities System Reserve Revenue account to the County's General Fund; specifically revising and superseding any Resolution in conflict with this Resolution; and providing an effective date. (Office of Management and Budget)
7. Approval of budget transfer #14-1583. (Office of Management and Budget)
8. Approval of CIP amendment #14-1396. (Office of Management and Budget)
9. Authorization to pay SunTrust Bank for Letters of Credit Commissions and Fees, in the approximate amounts of \$46,000 and \$27,000, respectively. (Risk Management Division)

Administrative Services Department

1. Approval to award Invitation for Bids Y14-1070-LC, Furnish Asphalt Products, to the low responsive and responsible bidder, Hubbard Construction Company, in the estimated contract award amount of \$2,714,750 for a 1-year term. Further, authorized the Purchasing and Contracts Division to renew the contract for two

additional 1-year periods.([Public Works Department Roads and Drainage Division] Procurement Division)

2. Approval to award Invitation for Bids Y15-113-PD, Animal Care Pharmaceuticals, to the low responsive and responsible bidders, Merritt Vet Supplies, Inc. for Line Items 23, 24, 25, 26, 27 and 28 in the contract award amount of \$114,704 and Butler Animal Health dba Henry Schein Animal Health for Line Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17 and 19 in the contract award amount of \$463,959. Further, authorized the Procurement Division to renew the contracts for four additional 1-year terms. ([Health Services Department Animal Services Division] Procurement Division)
3. Approval to award Invitation for Bids Y15-710-RM, Great Oaks Village Basketball Pavilion, to the low responsive and responsible bidder, P.W. Hearn, Inc., for the total contract award amount of \$148,198. ([Administrative Services Department Capital Projects Division] Procurement Division)
4. Approval and execution of Airspace Agreement with Addendum between Orange County and the State of Florida Department of Transportation for parking for Orange County Convention Center employee and contractor parking. District 6. (Real Estate Management Division)
5. Approval of Parking Agreement between R & R Palmetto Avenue, Ltd., formerly known as R & R Ltd. and Orange County for parking for R & R Ltd. Parking Garage, 305 Palmetto Avenue, Orlando, Florida. District 5. (Real Estate Management Division)
6. Approval and execution of Distribution Easement from Orange County to Duke Energy Florida, Inc., d/b/a Duke Energy and authorization to record instrument for Pump Station No. 3051 (Waterford Trails). District 4. (Real Estate Management Division)
7. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Rider to the Residential Contract for Sale and Purchase between Orange County and Anh K. Tran and Hung S. Vo, approval and execution of County Deed from Orange County to Hung S. Vo and Anh K. Tran and authorization to perform all actions necessary and incidental to closing for NSP Resale – 2525 Smithfield Dr., Orlando, FL 32837 (NCST). District 1. (Real Estate Management Division)
8. Approval of Conservation and Access Easement between Community Development Capital Group LLC and Orange County and authorization to record instrument for Ashlin Park CAI-13-06-013. District 1. (Real Estate Management Division)

9. Approval of Utility Easement between Sterling Heights Titleholder, L.P. and Orange County and authorization to record instrument for Florida Potting Soil Building UF #75425. District 2. (Real Estate Management Division)

Community, Environmental and Development Services Department

1. Approval of Orange County, Florida, 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 13-1337	LC 14-0803	LC 14-1155	LC 14-1025	LC 14-0534
LC 14-1169	LC 14-0906	LC 14-1303	LC 14-1055	LC 14-0668
LC 14-1264	LC 14-1140	LC 14-1115	LC 14-1147	LC 14-0685
LC 14-1486	LC 14-1191	LC 14-1292	LC 14-1151	LC 14-0686
LC 14-1671	LC 14-1038	LC 14-0995	LC 13-0990	LC 14-0687
LC 13-0830	LC 14-1121	LC 14-1004	LC 13-1285	LC 14-0690
LC 13-1321	LC 14-1153	LC 14-1010	LC 14-0314	LC 14-0692
LC 14-0757	LC 14-1154	LC 14-1015	LC 14-0501	LC 14-0694

2. Approval of License Agreement between Orange County School Board and Orange County for Air Quality Monitoring Station. District 3. (Environmental Protection Division)

Corrections Department

1. Approval of the U.S. Department of Justice, Bureau of Justice Assistance grant award under the State Criminal Alien Assistance Program for FY 2014 in the amount of \$81,099 for reimbursement of costs incurred for the incarceration of undocumented criminal aliens. No local match is required. (Fiscal and Operational Support Division)

Fire Rescue Department

1. Approval of Interlocal Agreement for Fire Dispatch Services between Orange County, Florida and City of Maitland, Florida. (Planning and Technical Services Division)
2. Approval of Interlocal Agreement for Fire Dispatch Services between Orange County, Florida and City of Ocoee, Florida. (Planning and Technical Services Division)
3. Approval of Interlocal Agreement for Fire Dispatch Services between Orange County, Florida and City of Winter Garden, Florida. (Planning and Technical Services Division)

Health Services Department

1. Approval of the Paratransit Service License for Promed Transportation Corp. to provide wheelchair/stretchers service. The term of this license is from October 31, 2014 through October 31, 2016. There is no cost to the County. (EMS Office of the Medical Director)

Office of Regional Mobility

- ~~1. Approval of Resolution of the Orange County Board of County Commissioners regarding Expressing Support for the Proposed "All Aboard Florida" Privately Owned, Operated and Maintained Intercity Passenger Rail Service between Downtown Miami and the Orlando International Airport being Development by Florida East Coast Industries, LLC; and Urging the Florida Department of Transportation and Other Regulatory/funding Agencies to Support the Project as Necessary. All Districts~~

(This item was deleted.)

2. Approval of Resolution 2014-M-64 of the Orange County Board of County Commissioners regarding affirming its support for Senate Bill 820 Designating State Road 436 Between Sheeler Avenue and the Seminole County Line in Orange County as "Robert G. Pittman, Jr., Road." District 5.
3. Approval of Resolution 2014-M-65 of the Orange County Board of County Commissioners regarding Affirming its support for Senate Bill 820 designating the SunRail stop near State Road 528/Sand Lake Road and State Road 527/Orange Avenue in Orange County as "Historic Pine Castle Station." District 3.

Public Works Department

1. Approval to install a "No Parking" zone on the south side of Rose Park Drive from Apopka Vineland Road extending east 650 feet. District 1. (Traffic Engineering Division)
2. Approval of Amendment 1 to Contract No. AR116, Financial Project No. 413019-5-88-01, F.E.I.D. No. F596000773125 Traffic Signal Maintenance and Compensation Agreement with the State of Florida Department of Transportation. All Districts. (Traffic Engineering Division)
3. Approval of First Amendment to the Homeowner's Association Agreement for Parkside PD Tract One Phase Two Subdivision Traffic Control Devices by Parkside, at Buena Vista Woods Homeowner's Association and Orange County, Florida, that provides for the Association to maintain decorative street name and traffic control signposts. District 1. (Traffic Engineering Division)

4. Approval of Traffic Control Device installations in Savina Park. District 3. (Traffic Engineering Division)
5. Approval of Indemnification and Hold Harmless Agreement and Agreement to comply with Applicable Regulations between Metropolitan Systems, Inc. and Orange County, Florida. All Districts. (Development Engineering Division)
6. Approval of Traffic Control Devices and "No Parking" sign installations in Stillwater Crossings and Center Bridge PD Parcel CB-6 (aka Summerport Trail). District 1. (Traffic Engineering Division)
7. Approval to install a 'No Parking, Stopping, Standing' zone on the north side of Wallace Road from Dr. Phillips Boulevard to a point 1000 feet east, and on the east side of Doctor Phillips Boulevard from Wallace Road to a point 550 feet north. District 1. (Traffic Engineering Division)
8. Approval to install a "No Parking" zone on the south side of El Prado from Chickasaw Trail east 725 feet. District 3. (Traffic Engineering Division)
9. Approval of Traffic Control Devices and "No Parking" sign installations in Stillwater Crossings Parcel SC-13, Phase 2. District 1. (Traffic Engineering Division)
10. Approval of Agreement for Traffic Law Enforcement on Private Roads by and between Orange County, Florida, The Ryland Group, Inc. and Isles of Lake Hancock Homeowners' Association, Inc. District 1. (Development Engineering Division)
11. Approval to install an All-Way "Stop" condition at the intersection of Bridgewater Crossing Boulevard and Keene's Pheasant Drive. District 1. (Traffic Engineering Division)
12. Approval to install an All-Way "Stop" condition at the intersection of Keene's Pheasant Drive and Bluebird Park Road. District 1. (Traffic Engineering Division)

Utilities Department

1. Approval of Utility Line Construction Reimbursement Agreement for Horizon West Spring Hill PD – Off Site Utilities by and between Orange County, Florida and Lennar Homes, LLC, for utility improvements in the amount of \$775,075. District 1. (Engineering Division)
2. Approval of a) Temporary Construction Easement by and between Orange County and Apopka Woods, LLC and b) Utility Line Construction Reimbursement Agreement for Apopka Woods Subdivision by and between Orange County and Apopka Woods, LLC, for utility improvements in the amount of \$140,000. District 2. (Engineering Division)

- COUNTY DISCUSSION AGENDA

Family Services Department

1. Citizens' Commission for Children Annual Report.

County staff presented an overview on the Citizens' Commission for Children Annual Report for 2013-2014 which included a history of the Neighborhood Center for Families, the Citizens' Review Panel, and the After School Zone. The report also focused on the accomplishments of the Citizens' Commission for Children, budget funding, community partners, and the members of the Citizens' Review Advisory Board.

The following person addressed the Board: Alex Hernandez.

Action: None

County Administrator

1. Approval to increase the Florida Virtual Schools contracted behind-the-wheel driver education training rate to \$93 per student per two hour session. (Office of Management and Budget)

County staff presented a report regarding an increase to the driver education contracted training rate for Florida Virtual Schools as it relates to The Dori Slosberg Drive Education Safety Act. The report also featured a presentation by Florida Virtual Schools COO, Dr. Bill Gordon.

Motion/Second: Commissioners Thompson/Brummer

AYE (voice vote): All members

Action: The Board approved to increase the Florida Virtual Schools contracted behind-the-wheel driver education training rate from \$88 to \$93 per student per 2-hour session.

- MEETING RECESSED, 10:31 a.m.

- MEETING RECONVENED, 1:46 p.m.

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

Others Present: County Administrator Ajit Lalchandani, Deputy County Attorney Joel Prinsell, Deputy Clerk Katie Smith, Senior Minutes Coordinator Noelia Perez

- PRESENTATION

Employee Service Awards to Julie Ann Danielson (20), Procurement, Administrative Services; Timothy Walter Groth (25), Event Operations, Convention Center; Ginger Bickett Fox (20), Parks and Recreation, Community, Environmental and Development Services; Nicole N. Sutton (25), In-Custody Support, Corrections; Hogla Milca Rivera (25), Fiscal and Operational Support, Alfred C. Lewis III (20), Operations, Fire Rescue; Angel L. Rodriguez (25), Solid Waste, Laura L. Shemanski (25), Water Reclamation, Terri Joan Malys-Thill (20), Water, Esteban Lopez Jr. (20), Field Services, Utilities

- PRESENTATION

2014 Achievement of Excellence in Procurement Award

- RECOMMENDATIONS

October 2, 2014 Board of Zoning Adjustment Recommendations

Motion/Second: Commissioners Clarke/Moore Russell

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of October 2, 2014, with the exception of and authorizing public hearings be scheduled for those listed below; subject to the usual right of appeal by any aggrieved party:

- Case VA-14-10-060, Jose Holguin, on December 2, 2014 (appeal filed)
- Case SE-14-10-064, First Korean Presbyterian Church of Orlando, on December 16, 2014 (appeal filed)

- PUBLIC HEARINGS

Rezoning

1. Jennifer Stickler, P.E. – Kimley-Horn and Associates, Inc., Zen Luxury Living Planned Development/Land Use Plan (PD/LUP), Case # LUP-14-01-005; District 1

Applicant: Jennifer Stickler, P.E. – Kimley-Horn and Associates, Inc., Zen Luxury Living Planned Development / Land Use Plan (PD/LUP) – Case # LUP-14-01-005

Consideration: Request to extract 13.83 acres from the existing Perrihouse I Planned Development (PD), to convey 0.45 acres of the extracted property to Orange County for a new and realigned segment for Vista Oaks Court right-of-way; and to rezone the remaining 13.38 acres of the extracted property into the proposed Zen Luxury Living PD. As part of the request, existing development entitlements for 32 single-family detached residential units and an existing 140 foot high telecommunications tower would be converted and increased into 231

attached multi-family residential units and an existing 140 foot high telecommunications tower.

The request also includes the following six (6) waivers from Orange County Code:

- 1) A waiver from Orange County Code Section 38-1258(a) to allow for a maximum height of four (4) stories and sixty (60) feet for multi-family residential buildings located within one hundred (100) feet of single family zoned property (as measured from the property line of the proposed multifamily development to the nearest property line of single family zoned property); in lieu of a maximum height of a single story when multi-family residential buildings are located within one hundred (100) feet of single family zoned property.
- 2) A waiver from Orange County Code Section 38-1258(b) to allow for a maximum height of four (4) stories and sixty (60) feet for multi-family residential buildings located greater than thirty-five (35) feet of single family zoned property, in lieu of the varying maximum multi-family building height requirements that limit fifty percent (50%) of the buildings to three (3) stories and forty (40) feet, with the remaining buildings being one (1) story or two (2) stories, when the multi-family buildings are located between one-hundred (100+) feet to one hundred-fifty (150) feet of single family zoned property.
- 3) A waiver from Orange County Code Section 38-1258(c) to allow a maximum height of four (4) stories and sixty (60) feet for multi-family residential buildings located greater than thirty-five (35) feet of single family zoned property, in lieu of a maximum height of three (3) stories and forty (40) feet when the multi-family buildings are located within one hundred fifty (150) feet of single family zoned property.
- 4) A waiver from Orange County Code Section 38-1258(d) to allow a maximum height of four (4) stories and sixty (60) feet in height, in lieu of a maximum height of three (3) stories and forty (40) feet in height.
- 5) A waiver from Orange County Code Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located at least ten (10) feet from any single family zoned property, in lieu of the requirement that parking and other paved areas for multi-family development be located at least twenty-five (25) feet from any single family zoned property.
- 6) A waiver from Orange County Code Section 38-1258(g) to allow for multi-family development to directly access a right-of-way serving platted single-family residential development, in lieu of not allowing a multi-family development to directly access a right-of-

way serving platted single-family residential development; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property located at 10463 Perrihouse Acres Lane; generally located north of Perrihouse Acres Lane and east of Winter Garden Vineland Road (CR 535), immediately north and west of the existing Grand Cypress Golf Course; Orange County, Florida (legal property description on file)

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

Motion/Second: Commissioners Boyd/Edwards

AYE (voice vote): County Mayor Jacobs; Commissioners Boyd, Clarke, Thompson, Edwards, Moore Russell

NO (voice vote): Commissioner Brummer

Action: The Board approved the request by Jennifer Stickler, P.E. – Kimley-Horn and Associates, Inc., Zen Luxury Living Planned Development/Land Use Plan (PD/LUP), Case # LUP-14-01-005 to extract 13.83 acres from the existing Perrihouse I Planned Development (PD), to convey 0.45 acres of the extracted property to Orange County for a new and realigned segment for Vista Oaks Court right-of-way; further, approved to rezone the remaining 13.38 acres of the extracted property into the proposed Zen Luxury Living PD. As part of the request, existing development entitlements for 32 single-family detached residential units and an existing 140 foot high telecommunications tower would be converted and increased into 231 attached multi-family residential units and an existing 140 foot high telecommunications tower; and further, approved the following six (6) waivers from Orange County Code:

- 1) A waiver from Orange County Code Section 38-1258(a) to allow for a maximum height of four (4) stories and sixty (60) feet for multi-family residential buildings located within one hundred (100) feet of single family zoned property (as measured from the property line of the proposed multifamily development to the nearest property line of single family zoned property); in lieu of a maximum height of a single story when multi-family residential buildings are located within one hundred (100) feet of single family zoned property.
- 2) A waiver from Orange County Code Section 38-1258(b) to allow for a maximum height of four (4) stories and sixty (60) feet for multi-family residential buildings located greater than thirty-five (35) feet of single family zoned property, in lieu of the varying maximum multi-family building height requirements that limit fifty percent (50%) of the buildings to three (3) stories and forty (40) feet, with the remaining buildings being one (1) story or two (2) stories, when the multi-family buildings are located between one-hundred (100+) feet to one hundred-fifty (150) feet of single family zoned property.
- 3) A waiver from Orange County Code Section 38-1258(c) to allow a maximum height of four (4) stories and sixty (60) feet for multi-family residential buildings located greater than thirty-five (35) feet of single family zoned property, in lieu of a

maximum height of three (3) stories and forty (40) feet when the multi-family buildings are located within one hundred fifty (150) feet of single family zoned property.

- 4) A waiver from Orange County Code Section 38-1258(d) to allow a maximum height of four (4) stories and sixty (60) feet in height, in lieu of a maximum height of three (3) stories and forty (40) feet in height.
- 5) A waiver from Orange County Code Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located at least ten (10) feet from any single family zoned property, in lieu of the requirement that parking and other paved areas for multi-family development be located at least twenty-five (25) feet from any single family zoned property.
- 6) A waiver from Orange County Code Section 38-1258(g) to allow for multi-family development to directly access a right-of-way serving platted single-family residential development, in lieu of not allowing a multi-family development to directly access a right-of-way serving platted single-family residential development, on the described property;

subject to the following conditions:

1. Development shall conform to the Zen Luxury Living Land Use Plan dated "Received August 28, 2014," 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, 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. 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 land use plan and the land use plan dated "Received August 28, 2014," 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. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. The project contains unvested units that are subject to the County's school capacity policy (a/k/a the Martinez Doctrine). The developer has purchased 162 Owner's Units established under the Capacity Enhancement Agreements by and between McKinney Groves General Partnership and the School Board dated August 29, 2005 (CEA # 05-022), as well as 83 Owner's Units established under the Capacity Enhancement Agreements by and between KB Home Orlando, LLC and the School Board dated August 26, 2005 (CEA #05-019) and as amended on December 12, 2010 and on March 12, 2013. The Developer shall comply with all provisions of the Capacity Enhancement Agreements.
 - a. Upon the County's receipt of written notice from OCPS that the developer is in default or breach of the Capacity Enhancement Agreements, the County shall immediately cease issuing building permits for any unvested units. The County may 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 Agreements. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreements shall indemnify and hold the County harmless from any third party claims, suits or actions arising as a result of the cessation of the County's issuance of residential building permits resulting from such notification from OCPS.
 - b. The Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreements, agrees that is 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.
 - c. Orange County shall be held harmless by the Developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreements, in any dispute between the Developer and OCPS over any interpretation or provision of the Capacity Enhancement Agreements.
 - d. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreements.

5. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal. Nothing in this condition, and nothing in the decision to approve this PD, 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.
6. All acreages identified as conservation areas and buffers are considered approximate until finalized by Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not permit any conservation impacts.
7. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
8. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
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. Short term / transient rental is prohibited. Length of stay shall be for 180 days or greater.
11. The following waivers from Orange County Code are granted:
 - a. A waiver from Orange County Code Section 38-1258(a) to allow for a maximum height of four (4) stories and sixty (60) feet for multi-family residential buildings located within one hundred (100) feet of single family zoned property (as measured from the property line of the proposed multi-family development to the nearest property line of single family zoned property); in lieu of a maximum height of a single story when multi-family residential buildings are located within one hundred (100) feet of single family zoned property.
 - b. A waiver from Orange County Code Section 38-1258(b) to allow for a maximum height of four (4) stories and sixty (60) feet for multi-family residential buildings located greater than thirty-five (35) feet of single family zoned property, in lieu of the varying maximum multi-family building height requirements that limit fifty percent (50%) of the buildings to three (3) stories and forty (40) feet, with the remaining buildings being one (1) story or two (2) stories, when the multi-family buildings are located between one-hundred (100+) feet to one hundred-fifty (150) feet of single family zoned property.

- c. A waiver from Orange County Code Section 38-1258(c) to allow a maximum height of four (4) stories and sixty (60) feet for multi-family residential buildings located greater than thirty-five (35) feet of single family zoned property, in lieu of a maximum height of three (3) stories and forty (40) feet when the multi-family buildings are located within one hundred fifty (150) feet of single family zoned property.
 - d. A waiver from Orange County Code Section 38-1258(d) to allow a maximum height of four (4) stories and sixty (60) feet in height, in lieu of a maximum height of three (3) stories and forty (40) feet in height.
 - e. A waiver from Orange County Code Section 38-1258(3) to allow parking and other paved areas for multi-family development to be located at least ten (10) feet from any single family zoned property, in lieu of the requirement that parking and other paved areas for multi-family development be located at least twenty-five (25) feet from any single family zoned property.
 - f. A waiver from Orange County Code Section 38-1258(g) to allow for a multi-family development to directly access the right-of-way serving platted single-family residential development in lieu of a multi-family development shall not directly access any right-of-way serving platted single-family residential development.
12. Prior to closing, modification, or alteration of the existing Vista Oaks Court (as it exists on September 24, 2014), the Board of County Commissioners shall hold a duly-noticed public hearing in accordance with the procedure set forth in Section 336.10, Florida Statutes to consider approving such closure, modification, or alteration. If the Board does not approve such closure, modification, or alteration, the applicant shall be required to submit revised plans to the County.
 13. A use agreement shall be required prior to Construction Plan approval for utilizing existing right-of-way on Vista Oaks Court.
 14. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
 15. Outside sales, storage, and display shall be prohibited.
 16. Flagpole design for the 140 foot high telecommunications tower shall be as follows, and shall be enforced by the Orange County Code Enforcement Board:
 - Only the United States flag shall be flown;
 - Flag shall be proportionate to the pole height and width:

- The flag and the pole shall be maintained in accordance with proper flag etiquette and in a dignified condition at all times; and
- Lighting of the flag shall be minimum wattage and broadcast illumination.

Preliminary Subdivision Plan/Development Plan

2. Scott M. Gentry, Kelly, Collins & Gentry, Inc., Hamlin Planned Development (PD)/Hamlin North Mass Grading and Stormwater Preliminary Subdivision Plan/Development Plan (PSP/DP), Case # DP-14-04-086; District 1

Applicant: Scott M. Gentry, Kelly, Collins & Gentry, Inc.

Consideration: Hamlin Planned Development (PD) / Hamlin North Mass Grading and Stormwater Preliminary Subdivision Plan / Development Plan (PSP/DP) - Case # DP-14-04-086, submitted in accordance with Sections 38-1390.18, 34-69 and 30-89, Orange County Code; This PSP / DP is proposing a mass grading and stormwater management plan for 124.4 acres within the Hamlin PD.

Location: District 1; property generally located East of State Road 429 / North of New Independence Parkway; Orange County, Florida (legal property description on file in the Planning Division)

The following person addressed the Board: Jim Willard.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Hamlin Planned Development (PD) / Hamlin North Mass Grading and Stormwater Preliminary Subdivision Plan / Development Plan (PSP/DP) - Case # DP-14-04-086 on the described property, subject to the following conditions:

1. Development shall conform to the Hamlin Planned Development; Orange County Board of County Commissioners (BCC) approvals; Hamlin North Mass Grading & Stormwater Development Plan dated "June 11, 2014" and to the following conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, and/or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.
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) 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. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Prior to the issuance of a mass grading permit, a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. Developer shall submit an engineer's cost estimate to establish and maintain a dense stand of grass over the minimum 70% coverage of the disturbed land area.
5. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
6. Prior to commencement of any earth work or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
7. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
8. A Road alignment has not yet been determined north of New Independence Parkway. Once the alignment is determined, the plans will need to be revised to reflect the approved road alignment and right of way will be required from this property.

9. This Preliminary Subdivision Plan (PSP) is intended to address preliminary mass grading and stormwater management only, and does not obviate the applicant / developer from having to submit any subsequent PSP(s) for the subject 124.36-acre tract, pursuant to the procedural requirements and specifications addressed in Orange County Code. All mass grading geometries and stormwater ponds as depicted on this PSP are subject to change based on review and approval of the subject and any forthcoming PSP(s).

Shoreline Alteration/Dredge and Fill

3. Underwood Holdings, LLC., Lake Holden, permit; District 3

Applicant: Underwood Holdings, LLC.

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to construct a seawall, pursuant to Orange County Code, Chapter 15, Article VI, Section 15-218(d)

Location: District 3; on property located adjacent to Lake Holden, located at 913 Springwood Drive, Orlando, FL 32839; Section 11, Township 23 South, Range 29, East; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff indicated the request is for a Shoreline Alteration Dredge and Fill Permit to construct a new seawall on the subject property.

County staff identified this permit as (SADF-14-08-009).

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

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board approved the request by Underwood Holdings, LLC., for a Shoreline Alteration/Dredge and Fill Permit (SADF-14-08-009) to construct a new seawall, on the described property, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day appeal period following the date of the filing of the Board of County Commissioners (BCC) determination with the Clerk of the Board, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. Construction activities shall be completed in accordance with the "Construction Plans" submitted by Streamline Permitting, Inc., dated as received on September 17, 2014, and September 24, 2014, by the Environmental Protection Division (EPD). The permitted work must be commenced within six (6) months and

completed within one (1) year from the date of issuance of the permit. In the event that project has not commenced within six (6) months or completed within a year this permit is void.

3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. This permit does not authorize any dredging or filling, except for the actual construction of the seawall. This permit does not authorize any dredging or filling which may be necessary to provide maintenance or creation of a navigable access from the seawall to the open water.
5. The permittee may maintain a clear access corridor below the Normal High Water Elevation (91.0 msl 1929 NGVD) of Lake Holden, not to exceed thirty (30) feet in width, of sufficient length waterward from the shoreline, to allow access to open water. Any structures, such as a boat dock, must be located within this corridor.
6. Native vegetation, including but not limited to, pickerelweed (*Pontederia cordata*) and duck potato (*Sagittaria lancifolia*), may not be removed from the shoreline outside of the specified access corridor, specific to the project.
7. The permittee must install riprap at a 2 (Horizontal): 1 (Vertical) slope as depicted on the "Construction Plans" submitted by Streamline Permitting, Inc., dated as received on September 17, 2014, and September 24, 2014, by EPD.
8. All dredged debris material shall be removed to an upland location.

General Conditions:

9. 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.
10. 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.
11. 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.

12. 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 (60) 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.
13. 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 VI 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.
14. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
15. 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.
16. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
17. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
24. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Ordinance

4. Amending Orange County Code, Chapter 37, pertaining to Water and Wastewater

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY BY AMENDING CHAPTER 37 OF THE ORANGE COUNTY CODE RELATING TO WATER AND WASTEWATER; AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO CONTRIBUTE AN AMOUNT NOT TO EXCEED 25% OF THE TOTAL COSTS OF A SEPTIC TANK AND/OR POTABLE WELL RETROFIT PROJECT, WHERE THE TOTAL COSTS OF THE PROJECT COULD INCLUDE CAPITAL CHARGES, AND WHERE A FEDERAL OR STATE

PROGRAM OR GRANT PAYS AT LEAST 75% OF THOSE TOTAL PROJECT COSTS, AND WHERE THE PROJECT MAKES WATER AND/OR WASTEWATER IMPROVEMENTS THAT SERVE OR BENEFIT SINGLE FAMILY RESIDENCES; AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO WAIVE CAPITAL CHARGES FOR SINGLE FAMILY RESIDENCES AS PART OF THE 25% CONTRIBUTION TO THE TOTAL PROJECT COSTS; AND PROVIDING AN EFFECTIVE DATE.

County staff noted the following changes within the draft Ordinance:

- Page 2, Line 61, delete the words "Section 37-5(a)(1)" and insert the words "Section 37-5(b)(1)."
- Page 3, Line 88, should read as follows: "Also whenever a federal, state, or other non county program pays at least 75% of the total costs of a septic tank and/or potable well retrofit project making wastewater and/or water improvements that serve or benefit single-family residences, the board in its sole discretion may contribute an amount not to exceed 25% of those total costs, and may waive capital charges for single-family residences as part of such contribution."

Motion/Second: Commissioners Brummer/Boyd

AYE (voice vote): All members

Action: The Board adopted Ordinance 2014-28, amending Orange County Code, Chapter 37, pertaining to Water and Wastewater; with the following changes:

- Page 2, Line 61, delete the words "Section 37-5(a)(1)" and insert the words "Section 37-5(b)(1)."
- Page 3, Line 88, to read as follows: "Also whenever a federal, state, or other non county program pays at least 75% of the total costs of a septic tank and/or potable well retrofit project making wastewater and/or water improvements that serve or benefit single-family residences, the board in its sole discretion may contribute an amount not to exceed 25% of those total costs, and may waive capital charges for single-family residences as part of such contribution."

Motion/Second: Commissioners Boyd/Brummer

AYE (voice vote): Commissioners Boyd, Brummer, Clarke, Moore Russell

NO (voice vote): County Mayor Jacobs; Commissioners Thompson, Edwards

Action: The Board approved for further discussion funding costs of the septic tank and/or potable well retrofit project.

Motion/Second: Commissioners Brummer/Moore Russell

AYE (voice vote): All members

Action: The Board approved to offer to the communities in Little Egypt and the Wekiva Area twenty five percent funding of the septic tank and/or potable well retrofit project.

• ADJOURNMENT, 2:56 p.m.

ATTEST:



County Mayor Teresa Jacobs

Date: DEC 16 2014

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk

Jessica Moore
for Deputy Clerk

