

JAN 13 2015 CS/ES

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, November 11, 2014
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners Fred Brummer, Pete
Clarke, Ted Edwards; Commissioners S. Scott Boyd and 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 County
Attorney Joel Prinsell, Assistant Deputy Clerk Jessica Moore,
Senior Minutes Coordinator Craig Stoprya, Senior Minutes
Coordinator Noelia Perez

- CALL TO ORDER, 1:40 p.m.
- REMEMBRANCE
Mayor Jacobs recognized Veteran's Day and the servicemen and women currently
serving and veterans who have served in the military.
- INVOCATION - Pastors Caleb and Sarah Wehrli, Victory Orlando Church
- PLEDGE OF ALLEGIANCE
- MEMBERS JOINED: Commissioners Boyd and Thompson
- PRESENTATION
Proclamation designating November 15, 2014 as Orange County Recycles Day
- ANNOUNCEMENT
Mayor Jacobs announced the 4th Annual Holiday Toy Drive
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Theresa Blumer
- Robert Kunst
- Denise George
- Maria Bolton-Joubert
- David Siegel

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board approved the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the September 9, 18, and 23, 2014, meetings of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
 - October 17, 2014, to October 23, 2014; total of \$21,780,823.96
 - October 24, 2014, to October 30, 2014; total of \$36,070,792.23
 - October 31, 2014, to November 6, 2014; total of \$31,809,367.87

(Finance/Accounting)

County Administrator

1. Approval of the Membership and Mission Review Board recommendations for advisory board appointments/reappointments: (Agenda Development Office)
 - A. Affordable Housing Advisory Board: Appointment of Ruben D. Feliciano to succeed Richard A. Wentzell in the not-for-profit provider of affordable housing representative category with a term expiring June 30, 2016.
 - B. Development Advisory Board: Reappointment of Joseph Morgan (licensed architect) and Elaine Imbruglia (environmental specialist) in the primary group representative category and Mohammed N. Abdallah (professional civil engineer) and Michael Statham (licensed landscape architect) in the secondary group representative category with terms expiring June 30, 2016. Note: This would be a third term for Mr. Morgan and will require a supermajority vote of the Board of County Commissioners.
 - C. Industrial Development Authority: Appointment of Wade C. Vose to succeed Gina Dole in the at large representative category with a term expiring December 31, 2017.
 - D. Nuisance Abatement Board: Appointment of Steven Alexander to succeed Wendy Rivera-Aguilar in the at large representative category with a term expiring January 1, 2016.
 - E. Parks and Recreation Advisory Board: Reappointment of Sue N. Carpenter in the District 1 representative category with a term expiring June 30, 2016. Note: This would be a fourth term for Ms. Carpenter and will require a supermajority (5) vote of the BCC.
2. Approval of Resolution 2014-M-66 of the Orange County Board of County Commissioners regarding NeoSystems Corporate Services Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)

3. Approval of Orange County, Florida and Hispanic Business Initiative Fund of Florida, Inc. FY 2015 Grant Agreement and authorization to disburse \$125,941 as provided in the FY 2014-15 adopted budget. (Office of Economic, Trade and Tourism Development)
4. Approval of Orange County, Florida and University of Central Florida FY 2015 Grant Agreement and authorization to disburse \$750,000 as provided in the FY 2014-15 adopted budget. (Office of Economic, Trade and Tourism Development)
5. Approval of budget transfers #14-1658 and #15C-025. (Office of Management and Budget)
6. Approval of CIP amendment #15C-025. (Office of Management and Budget)

County Attorney

1. Approval of Mediated Settlement Agreement in the case *Orange County v. Lake Nona Land Company, LLC*, Case No. 2012-CA-4932-O and authorization for County Attorney's Office to execute the proposed Stipulated Final Judgment on behalf of Orange County.

Administrative Services Department

1. Approval to award Invitation for Bids Y15-111-PD, Interior Painting Services, to the low responsive and responsible bidder, Sunciti Industries, Inc., in the estimated contract award amount of \$291,510 for a 1-year term. Further, authorized the Procurement Division to renew the contract for four additional years. ([Administrative Services Department Facilities Management Division] Procurement Division)
2. Approval to award Invitation for Bids Y15-120-DG, Trees for the Orange County Streetscape Program, to the low responsive and responsible bidder, Florida Landscape Brokers, Inc., in the estimated annual contract amount of \$241,050 for a 1-year term contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Family Services Department Cooperative Extension Office] Procurement Division)
3. Approval to award Invitation for Bids Y14-627-PD, Custom Portable Podiums, to the low responsive and responsible bidder, Interior Contract Services, in the total contract award amount of \$200,952.90. ([Convention Center] Procurement Division)
4. Approval to award Invitation for Bids Y15-701-RM, Corrections – Main Communications Room Upgrades, to the low responsive and responsible bidder, Morrissette, Inc., for the total contract award amount of \$340,300. ([Administrative Services Department Capital Projects Division] Procurement Division)

5. Approval to award Contract Y15-118-JS, Bathymetric Survey of Wet ponds with the University of South Florida in the total contract award amount of \$438,000 for a 3-year term. ([Public Works Department Stormwater Management Division] Procurement Division)
6. Approval of Contract Y15-2051, Enhanced Treatment Alternatives, with Aspire Health Partners, Inc. in the estimated contract award amount of \$1,200,000, for a one year term. Further, authorized Procurement Division to renew the contract for two additional 1-year periods. ([Health Services Department] Procurement Division)
7. Approval of Contract Y15-2057, Health Care Services for the PCAN Program, with Victim Services Center of Orange County, Inc., in the estimated annual contract award amount of \$165,000 for a 1-year period. Further, authorized the Procurement Division to renew the contract for one additional 1-year periods. ([Health Services Department Medical Clinic Division] Procurement Division)
8. Approval of Contract Y15-2060, Prenatal Care, with Florida Department of Health Orange County, for a 1-year period in the annual amount of \$1,400,000. ([Health Services Department] Procurement Division)
9. Approval of Contract Y15-2062-LC, Family Drug Court Substance Abuse Treatment and Case Management Program with Aspire Health Partners, Inc. in the estimated contract award amount of \$222,729 for a 1-year period. ([Health Services Department Orange County Drug Court] Procurement Division)
10. Approval of Purchase Order M70467 – Renewal of Software Support and Licensing for GIS Software, with Environmental Systems Research Institute, Inc., (ESRI) in the total amount of \$145,554.12. ([Community, Environmental and Development Services Department] Procurement Division)
11. Approval Amendment No. 5, Contract Y9-1077-GC, Insurance Broker and Consultant Services with Arthur J. Gallagher & Co., to extend the contract for six-months in the amount of \$225,000. The revised total contract amount is \$550,000. ([Office of Accountability Risk Management Division] Procurement Division)
12. Approval of Purchase Order M69578, Purchase of Aerator Gear Boxes, to Chalmers & Kubeck, Inc. in the estimated amount of \$225,551.20. ([Utilities Department Water Reclamation Division] Procurement Division)
13. Approval to award Invitation for Bids Y15-112-PD, Exterior Painting Services, to the low responsive and responsible bidder, Paintsmart USA, Inc., in the estimated contract award amount of \$407,197.75 for a 1-year term. Further, authorized the Procurement Division to renew the contract for four additional years. ([Administration Services Department Facilities Management Division] Procurement Division)

14. Ratification of Negotiations for Third Party Claim Administration and Managed Care Services with Johns Eastern Company, Inc. in the estimated amount of \$4,729,827. ([Office of Accountability Risk Management Division] Procurement Division)
15. Approval and execution of Resolution and authorization to initiate condemnation proceedings for Pine Hills Trail (Alhambra Drive to Silver Star Road). District 6. (Real Estate Management Division)
16. Approval and execution of Easement Agreement (Pedestrian Bridge across International Drive) between Orange County and HC-SJ Orlando LLC, HC-FW Orlando LLC, HT Orlando LLC, FP Orlando LLC and HE-CA Orlando LLC and authorization to disburse funds to pay recording fees and record instrument for I-Drive Pedestrian Bridge. District 6. (Real Estate Management Division)
17. 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 Marlene Franco, approval and execution of County Deed from Orange County to Marlene Franco and authorization to perform all actions necessary and incidental to closing for NSP Resale – 10353 Arbor Ridge Trail, Orlando, FL 32817 (NCST). District 5. (Real Estate Management Division)
18. Approval of As Is Residential Contract for Sale and Purchase with Addendums to Contract between Orange County and Marc Andre Duverglas, approval and execution of County Deed from Orange County to Marc Andre Duverglas and authorization to perform all actions necessary and incidental to closing for NSP Resale – 6629 Meritmoor Cir., Orlando, FL 32818 (NCST). District 2. (Real Estate Management Division)
19. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase between Orange County and Luciamne Recio Bautista, approval and execution of County Deed from Orange County to Luciamne Recio Bautista and authorization to perform all actions necessary and incidental to closing for NSP Resale – 3612 Narroline Dr., Orlando, FL 32818. District 2. (Real Estate Management Division)
20. Approval of As Is Residential Contract for Sale and Purchase between Orange County and Lorna Augustin, approval and execution of County Deed from Orange County to Lorna Augustin and authorization to perform all actions necessary and incidental to closing for NSP Resale – 6406 Lauren Court, Orlando, FL 32818. District 6. (Real Estate Management Division)
21. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase between Orange County and Joel W. Boyter and Amy L. Boyter, approval and execution of County Deed from Orange County to Joel W. Boyter and Amy L. Boyter and authorization to

perform all actions necessary and incidental to closing for NSP Resale – 7923 Snipe St., Orlando, FL 32822. District 3. (Real Estate Management Division)

22. Approval of purchase price above appraised value, Purchase Agreement, Warranty Deed, Slope and Fill Easement, Temporary Construction Easement, Holdover Agreement between Alhambra Club Management, Inc. and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Brighthouse Networks, LLC, delegation of authority to Real Estate Management Division to extend Holdover Agreement if needed, authorization to disburse funds to pay purchase price, attorney fees, costs, expert fees and closing costs and perform all actions necessary and incidental to closing for Holden Avenue RCA (John Young Parkway to Orange Blossom Trail). District 6. (Real Estate Management Division)
23. Approval of Special Warranty Deed from Lake Hancock Investments, LLC to Orange County, Drainage Easement and Temporary Slope Easement from KB Home Orlando LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Village F (Seidel Road) RAC. District 1. (Real Estate Management Division)
24. Approval of Special Warranty Deed, Drainage Easement, Utility Easement and Temporary Slope Easement from Vineland Express, LLC to Orange County, Subordination of Encumbrances to Property Rights to Orange County from Emerald, LLC and authorization to perform all actions necessary and incidental to closing for Village F (Seidel Road) RAC. District 1. (Real Estate Management Division)
25. Approval of Temporary Utility Easement between Eagle Creek Development Corp. and Orange County and authorization to record instrument for Eagle Creek PD Parcel N Lot 2 & 3 OCU File #:77266. District 4. (Real Estate Management Division)
26. Approval of Conservation and Access Easement between JTD Land at Kailey's Ridge, LLC and Orange County with Joinder and Consent to Conservation Easement from New Traditions Bank and authorization to record instrument for Conservation Area Impact Permit #CAI-13-03-003 (Kailey's Ridge). District 1. (Real Estate Management Division)
27. Authorization to provide written notice to the Tax Collector to initiate applications for Tax Deeds on behalf of Orange County, authorization to Comptroller to pay all fees and costs and perform all actions necessary and incidental to Tax Deed Sales for Tax Certificates valued over \$5,000 for Tax Year 2007. Districts 1, 2, 3, 4, 5 and 6. (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 14-0292	LC 14-1173	LC 14-0997	LC 14-0512	LC 14-0761
LC 14-1358	LC 14-1183	LC 14-1058	LC 14-0719	LC 14-0849
LC 14-1493	LC 13-1063	LC 14-1152	LC 14-0720	LC 14-0856
LC 14-0835	LC 14-1052	LC 14-1178	LC 14-0724	LC 14-0861
LC 14-0947	LC 14-1298	LC 14-1188	LC 14-0731	LC 14-0865
LC 14-1091	LC 14-1306	LC 14-1293	LC 14-0737	LC 14-0867
LC 14-1171	LC 14-1308	LC 14-1295	LC 14-0759	LC 14-0922
LC 14-1172	LC 14-1392	LC 14-1296	LC 14-0760	LC 14-0954

2. Approval to process payment in the amount of \$200,975 to the East Central Florida Regional Planning Council for the Fiscal Year 2015 Annual Assessment. All Districts. (Community, Environmental and Development Services Department)
3. Approval of Recommendation by the Environmental Protection Commission for the Fitzgerald Boat Dock Permit BD-14-03-032 to Uphold the Environmental Protection Officer's Recommendation to Approve a Waiver to Section 15-342(B), Terminal Platform Size and a Variance to Section 15-343(A), Side Setback Distance to Construct a Replacement Dock with the Condition that the Applicant pay \$396 to the Conservation Trust Fund as Mitigation for the Additional Shading Impacts to the Surface Water. District 2. (Environmental Protection Division)
4. Approval of Agreement between Orange County, Florida and Aspire Health Partners, Inc. regarding the Community Development Block Grant for the construction of a transitional housing unit, in the amount of \$135,000. District 6. (Housing and Community Development Division)
5. Approval of Project Administration Agreements between Orange County and public service agencies utilizing Community Development Block Grant and Emergency Solutions Grant funds under Orange County's 2014-2015 Action Plan. All Districts. (Housing and Community Development Division)

Project Administration Agreements regarding Community Development Block Grant Fiscal Year 2014-2015 are between Orange County and the following agencies:

- Boys and Girls Clubs of Central Florida, Inc.
- The Center for Drug Free Living, Inc. (Aspire Health Partners)
- Center for Independent Living in Central Florida, Inc.

- Coalition for the Homeless of Central Florida, Inc.
- Community Coordinated Care for Children, Inc.
- Covenant House Florida, Inc.
- Harbor House of Central Florida, Inc.
- Health Care Center for the Homeless, Inc.
- Jewish Family Services of Greater Orlando, Inc.
- Justice Peace Office, Inc., dba Apopka Family Learning Center
- Life Concepts Inc., dba Quest, Inc.
- LifeStream Behavioral Center
- Lighthouse of Central Florida, Inc.
- Primrose Center, Inc.
- Seniors First, Inc. (Meals on Wheels)
- Seniors First (H.E.A.R.T. Program)

Project Administration Agreements regarding The Emergency Solutions Grant Fiscal Year 2014-2015 are between Orange County and the following agencies:

- Coalition for the Homeless of Central Florida, Inc.
- Covenant House Florida, Inc.
- Harbor House of Central Florida, Inc.
- Family Promise of Greater Orlando, Inc.
- Heart of Florida United Way (Homeless Prevention, Rapid-Rehousing)
- Homeless Services Network of Central Florida (HMIS)

6. Approval of Continuum of Care Program Consolidation Agreement by and between the United States Department of Housing and Urban Development and Orange County, Florida resulting in an award for the sum of \$512,633 for the Shelter Plus Care Program under Grant FL0106L4H071306. All Districts. (Housing and Community Development Division)

Family Services Department

1. Approval of the October 2014 Business Assistance for Neighborhood Corridors Program grants for: Primo's Gourmet Catering, Inc. (\$5,000); South Orlando Christian Academy (\$5,000); and Speed Auto Group (\$5,000). District 3. (Neighborhood Preservation and Revitalization Division)

Health Services Department

1. Approval of the Orange County Health Services Department Physician Employment Agreement between Orange County and Boro Gavric, M.D., for the position of Corrections Health Services Psychiatrist effective November 4, 2014. (Health Services Department)

Public Works Department

1. Approval of Interlocal Agreement between Orange County, Florida and the Town of Oakland, Florida regarding Jurisdiction to Operate and Maintain Remington Road between John's Landing Way and John's Lake Drive. District 1. (Roads and Drainage Division)
2. Approval to install a "No Parking Anytime" zone on the east side of Sunbeam Avenue from Wallace Road extending south 300 feet. District 1. (Traffic Engineering Division)
3. Approval of Transportation Impact Fee Agreement regarding an Alternative Impact Fee Calculation for Rooms To Go Waterford Oaks by and between Cardinal ALF, LLC and Orange County, Florida. District 4. (Traffic Engineering Division)
4. Approval to construct speed humps on Susannah Boulevard between Beach Boulevard and Harston Avenue. District 5. (Traffic Engineering Division)
5. Approval to construct speed humps on 6th Avenue between Pine Street and 4th Street. District 4. (Traffic Engineering Division)
6. Approval of Agreement for Traffic Law Enforcement on Private Roads located in Somerset Park by and between Orange County, Florida, and Greenway Park DRI, LLC. District 4.
7. Approval of Mutual Release Regarding July 1985 International Cove Developer's Agreement between Orange County, Florida, 7th Ave. Gardens, Inc., and 183 Center, Inc. District 6. (Development Engineering Division)
8. Approval to record the plat of Wallace Road. District 1. (Roads and Drainage Division)

Utilities Department

1. Approval of the Utility Line Construction Reimbursement Agreement for Moss Park Parcel N-1 by and between Orange County, Florida and Lennar Homes, LLC, for utility improvements in the amount of \$87,853.20. District 4. (Engineering Division)
2. Approval of Resolution 2014-M-67 of the Orange County Board of County Commissioners Regarding Compliance with Section 2 of That Certain Interlocal Agreement of the Water Cooperative of Central Florida Recognizing the Mayor as a Supervisor of the Water Cooperative of Central Florida Governing Board and Naming District 3 Commissioner Pete Clarke as the Designated Supervisor. All Districts. (Administration)

3. Approval of Cost-Share Agreement By and Between the St. Johns River Water Management District and Orange County, DBA Orange County Utilities which will commit \$31,135.50 to Orange County Utilities for the implementation of the Efficient Irrigation Nozzle Replacement Program. All Districts. (Water Division)

- INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Orlando Voluntary Annexation Request: Narcoossee Oaks-ANX2014-00009. Notice of Proposed Enactment. On November 3, 2014, the Orlando City Council will consider proposed Ordinance #2014-54, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located at the southeast corner of the intersection of Narcoossee Rd. and Clapp Simms Duda Rd., and comprised of 3.657 acres, more or less; amending the City's adopted Growth Management Plan to designate the property as Urban Village on the City's official future land use maps and establishing a New Subarea Policy for the same property to provide a Maximum Development Program, required Land Development Regulations, and inclusion in the Southeast Orlando Sector Plan; providing for amendment of the City's official future land use maps; providing for severability, correction of scrivener's errors, and an effective date. A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida.
 - b. City of Winter Garden Notice of Annexation Ordinances and Legal Descriptions with Maps as follows:
 - Ordinance 14-22, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 38.655 ± acres located at 17806 Marsh Road on the south side of Marsh Road at the western boundary of Orange County into the City of Winter Garden Florida; redefining the City boundaries to give the City jurisdiction over said property, providing for severability; providing for an effective date.
 - Ordinance 14-24, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 9.527 ± acres located on the south side of Seidner Road at the western boundary of Orange County into the City of Winter Garden Florida; redefining the City boundaries to give the City jurisdiction over said property; providing for severability; providing for an effective date.

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

• COUNTY DISCUSSION AGENDA

Administrative Services Department

1. Selection of one firm and an alternate to provide Continuing Professional Services for ADA Compliance for Transportation Networks in Public Rights-of-Way, Request for Proposals Y14-910-CH, from the following firms listed alphabetically.

- HDR Engineering, Inc.
- Tindale-Oliver & Associates, Inc.

Further recommend the Board authorize execution of the final contract by the Procurement Division to establish hourly rates for future requirements. The performance period of the contracts will be for one year with two 1-year renewals.

([Public Works Department Engineering Division] Procurement Division)

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board selected one firm, HDR Engineering, Inc., and an alternate, Tindale-Oliver & Associates, Inc., to provide Continuing Professional Services for ADA Compliance for Transportation Networks in Public Rights-of-Way; and further, authorized execution of the final contract by the Procurement Division to establish hourly rates for future requirements. The performance period of the contracts will be for one year with two 1-year renewals, Request for Proposals Y14-910-CH.

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 Developed by Florida East Coast Industries, LLC. All Districts.

County staff presented a report regarding the "All Aboard Florida" project which is a privately operated intercity passenger rail system being proposed by Florida East Coast Industries, LLC., that will connect Miami to the Central Florida area. The presentation included background issues regarding connectivity of the rail system.

The following person addressed the Board: Rusty Roberts.

Board discussion ensued.

Motion/Second: Commissioners Thompson/Brummer

AYE (voice vote): All members

Action: The Board approved Resolution 2014-M-68 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 Developed by Florida East Coast Industries, LLC; with the following revision: Section 1, Page 2 insert the following: Approval of the resolution does not equate to support for any alignment related to the expansion of the Osceola Expressway.

Office of Regional Mobility

2. MetroPlan Orlando Board Meeting Briefing.

County staff provided an overview of the Agenda for the upcoming MetroPlan Orlando Board meeting.

Board discussion ensued.

Action: None

• RECOMMENDATIONS

October 16, 2014, Planning and Zoning Commission

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of October 16, 2014; subject to the usual right of appeal by any aggrieved party.

• PUBLIC HEARINGS

Petition to Vacate

1. John Philip Bland, Petition to Vacate # 13-12-029, access easement; District 5

Applicant: John Philip Bland, on behalf of Faith Assembly of God of Orlando, Inc.

Consideration: Resolution granting Petition to Vacate # 13-12-029, vacating a 135 ft wide access easement containing approximately 1.904 acres

Location: District 5; property located at 2008 N. Goldenrod Road; S14/T22/R30; Orange County, Florida (legal property description on file)

• RELINQUISHED CHAIR

County Mayor Jacobs relinquished the Chair to Vice-Mayor Clarke.

The following person addressed the Board: John Philip Bland.

Motion/Second: Commissioners Edwards/Boyd

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution granting Petition to Vacate # 13-12-029 vacating a 135 ft wide access easement containing approximately 1.904 acres, on the described property.

2. Steve Smith, Petition to Vacate # 14-07-013, portion of utility easement; District 1

Applicant: Steve Smith, Southeastern Surveying and Mapping Corp., on behalf of K. Hovnanian at Lake Burden, LLC

Consideration: Resolution granting Petition to Vacate # 14-07-013, vacating a 5.50 ft wide portion of a 10 ft wide utility easement containing approximately 607 square feet

Location: District 1; property located at 11401 Brownstone Street; S25/T23/R27; Orange County, Florida (legal property description on file)

The following person addressed the Board: Steve Smith.

Motion/Second: Commissioners Boyd/Brummer

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board adopted a resolution granting Petition to Vacate # 14-07-013 vacating a 5.50 ft wide portion of a 10 ft wide utility easement containing approximately 607 square feet, on the described property.

Planning and Zoning Commission Appeal

3. Lee JV Investments, LLC; Vincent Wolle, Results Real Estate Partners, LLC, Case # RZ-14-08-017, August 21, 2014; District 2

Appellant: Lee JV Investments, LLC

Applicant: Vincent Wolle, Results Real Estate Partners, LLC

Case: Planning and Zoning Commission Case # RZ-14-08-017; August 21, 2014

Consideration: Appeal of the recommendation of the Planning and Zoning Commission on a request by applicant to rezone 0.98 gross acres located at 1551 Lee Road from C-2 (General Commercial District) to C-2 (General Commercial District), by eliminating a previously approved restriction limiting development to C-1 uses, plus the C-2 use of general automotive repair only.

Location: District 2; property located at 1551 Lee Road; generally located at the northeast intersection of Lee Road and Davisson Avenue; Orange

County, Florida (legal property description on file in the Planning Division)

Motion/Second: Commissioners Brummer/Boyd

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board upheld the decision of the Orange County Planning and Zoning Commission; further, made a finding of inconsistency with the Comprehensive Plan; and further, denied the request by Vincent Wolle, Results Real Estate Partners, LLC, Case # RZ-14-08-017, to rezone 0.98 gross acres located at 1551 Lee Road from C-2 (General Commercial District) to C-2 (General Commercial District), by eliminating a previously approved restriction limiting development to C-1 uses, plus the C-2 use of general automotive repair only, on the described property.

Preliminary Subdivision Plan

4. David L. Evans, Evans Engineering, Inc., Sheeler Avenue Townhomes PD / Sheeler Avenue Townhouse Preliminary Subdivision Plan Case # PSP-13-08-197; District 2

Applicant: David L. Evans, Evans Engineering, Inc.

Consideration: Sheeler Avenue Townhomes Planned Development (PD) / Sheeler Avenue Townhomes Preliminary Subdivision Plan (PSP), Case # PSP-13-08-197, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is proposing to construct 152 single-family attached residential dwelling units on 21.22 acres

Location: District 2; property generally located East of Sheeler Avenue / South of S. Orange Blossom Trail; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- David Evans
- Russell Bryant

Motion/Second: Commissioners Brummer/Edwards

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 Sheeler Avenue Townhomes Planned Development (PD) / Sheeler Avenue Townhomes Preliminary Subdivision Plan (PSP), Case # PSP-13-08-197 on the described property, subject to the following conditions:

1. Development shall conform to the Sheeler Avenue Townhomes PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Sheeler Avenue Townhomes Preliminary Subdivision Plan dated "Received August 25,

2014" and to the 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, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received August 25, 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. When the PSP is platted and if the County does not already own the right-of-way for Sheeler Road, the 33-foot wide right-of-way easement shall be dedicated to the County.
5. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
6. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in

this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

7. The stormwater management system shall be designed to retain the 100-year / 24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year / 24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
8. The developer shall construct a left turn lane on Sheeler Road at the entrance into the project and reflect such left turn lane on the construction plans.
9. Prior to construction plan approval, the applicant shall provide a letter, or other communication, of no objection, from the gas company.
10. Prior to construction plan approval, documentation shall be provided that Pond 3 of this project has the legal right to drain to the existing pond to the south.
11. 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. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
12. 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 platting. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision 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.
13. 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).

14. The site shall be stabilized following grubbing, clearing, earth work, or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans, a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.

15. Prior to commencement of any earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.

Substantial Change

5. Momtaz Barq, Terra-Max Engineering, Inc., Turkey Lake Plaza Planned Development (PD) Land Use Plan (LUP) Case # CDR-14-01-013, amend plan; District 1

Applicant: Momtaz Barq, Terra-Max Engineering, Inc., Turkey Lake Plaza Planned Development/Land Use Plan (PD/LUP), Case # CDR-14-01-013

Consideration: Substantial change request to amend the Turkey Lake Plaza Planned Development / Land Use Plan (PD / LUP) by adding "resort condo hotel" as a permitted use and increasing the maximum building height from 115 feet to 135 feet. The applicant is also requesting to convert / amend existing development entitlements for up to 200,000 sq. ft. of medical office uses, 235,000 sq. ft. of general office uses, 220,000 sq. ft. of retail uses, and 260 timeshare units; into new development entitlements for up to 200,000 sq. ft. of medical offices uses, 410,000 sq. ft of general office uses, 150,000 sq. ft. of retail uses, 260 timeshare units, and 327 condo hotel units; 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 9278 Turkey Lake Road; generally located on the west side of Turkey Lake Road, north of Sand Lake Commons Boulevard; Orange County, Florida (legal property description on file)

The following person addressed the Board: Momtaz Barq.

Motion/Second: Commissioners Boyd/Brummer

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 Momtaz Barq, Terra-Max Engineering, Inc., Turkey Lake Plaza Planned Development/Land Use Plan (PD/LUP), Case # CDR-14-01-013, to amend the Turkey Lake Plaza Planned Development / Land Use Plan (PD / LUP) by adding "resort condo hotel" as a permitted use and increasing the maximum building height from 115 feet to 135 feet; and further, approved to convert / amend existing development entitlements for up to 200,000 sq. ft. of medical office uses, 235,000 sq. ft. of general office uses, 220,000 sq. ft. of retail uses, and 260 timeshare units; into new development entitlements for up to 200,000 sq. ft. of medical offices uses, 410,000 sq. ft of general office uses, 150,000 sq. ft. of retail uses, 260 timeshare units, and 327 condo hotel units; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Turkey Lake Plaza PD Land Use Plan dated "Received June 24, 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 June 24, 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. Unless the property is otherwise vested or exempt, 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 approval of the plat. Nothing in this condition, and nothing in the decision to approve this land use plan/preliminary subdivision 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.
5. All acreages identified as conservation areas and buffers are considered approximate until finalized by Conservation Area Determination (CAD) and Conservation Area Impact (CAI) Permits. Approval of this plan does not permit any proposed conservation impacts.
6. The Developer shall obtain waste water and reclaimed water service from Orange County Utilities.
7. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that the proposed wastewater system has been designed to support all development within the PD.
8. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
9. Length of stay for Timeshare and Condo Hotel shall not exceed 179 days.
10. Building height shall be limited to twelve (12) stories and a maximum of one hundred thirty-five (135) feet, including fifteen (15) feet for architectural features and mechanical equipment.
11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 17, 2010 and October 25, 2005 shall apply:
 - a. The reservation of a 20-foot transit easement along Turkey Lake Road is a Condition of Approval for development of this project along the Turkey Lake

Road Corridor. When the Turkey Lake Road Corridor Transit Plan is implemented, any unused portions of easements shall be abandoned and vacated. Until the easement is utilized or abandoned, the fee title holder shall be entitled to make use of such easement areas for temporary uses such as, but not limited to, non-code required parking, landscaping, and recreation areas. Such easement areas shall be considered as a part of the site area for development purposes.

- b. In order to accommodate a 20-foot transit easement along Turkey Lake Road, a waiver from Section 38-1476 is granted to allow the number of required on-site parking spaces to be reduced from 325 to 310 by fifteen (15) spaces.

12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 1, 1992, shall apply:

- a. The northern most access will be addressed at the time of Development Plan approval.
- b. This plan contains details (i.e. parking spaces, building envelope, etc.) that are not ordinarily required for a Land Use Plan Amendment. This information shall be submitted at the Development Plan stage. Approval of this plan does not constitute approval of the details shown on the plan.
- c. The site layout is not approved with this plan. Setbacks shall comply with the PO district and Chapter 38, Article XV- Major Street Setbacks.

- 6. Jim Hall, VHB, Inc., Boggy Creek Enclave PD / Boggy Creek Enclave Preliminary Subdivision Plan (PSP) Substantial Change Case # CDR # 13-11-277, amend plan; District 4

Applicant: Jim Hall, VHB, Inc., Boggy Creek Enclave PD / Boggy Creek Enclave Preliminary Subdivision Plan – Substantial Change, Case # CDR-13-11-277

Consideration: Substantial change request to the Boggy Creek Enclave PD / Boggy Creek Enclave PSP to add eight (8) single-family lots adjacent to the western boundary of the PSP, modify the November 27, 2012 BCC condition of approval #5 to clarify that the stormwater pond will be owned by the Homeowners' Association in lieu of Orange County, add language to allow for private docks on the pond, and other minor design modifications; pursuant to Sections 34-69 and 30-89, Orange County Code.

Location: District 4; property generally located West of Boggy Creek Road / South of State Road 417; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Jim Hall.

Motion/Second: Commissioners Thompson/Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Jim Hall, VHB, Inc., Boggy Creek Enclave PD / Boggy Creek Enclave Preliminary Subdivision Plan – Substantial Change, Case # CDR-13-11-277, to add eight (8) single-family lots adjacent to the western boundary of the PSP; further, modified the November 27, 2012 BCC condition of approval #5 to clarify that the stormwater pond will be owned by the Homeowners' Association in lieu of Orange County; and further, added language to allow for private docks on the pond, and other minor design modifications; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Boggy Creek Enclave PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Boggy Creek Enclave Preliminary Subdivision Plan dated "Received August 5, 2014," and to the 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, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received August 5, 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. Road(s) and drainage system(s) will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. The retention pond will be owned by the Home Owners Association with routine maintenance, including mowing, being the responsibility of the Home Owners Association. A drainage easement over the retention pond shall be dedicated to Orange County.
5. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 27, 2012, shall apply:
 - a. ~~Development shall conform to the Boggy Creek Enclave Planned Development; Orange County Board of County Commissioners (BCC) approvals; Boggy Creek Enclave Preliminary Subdivision Plan dated "Received June 25, 2012," and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the actual preliminary subdivision plan dated "Received June 25, 2012," the condition of approval shall control to the extent of such conflict or inconsistency.~~
 - b. ~~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.~~
 - c. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the Development Engineering Division for review and approval.
 - d. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted, which demonstrates that a positive outfall is available. If the

applicant can show the existence of a positive outfall for the subject basin, then the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

- ~~e. Roads and drainage system, including the retention pond, will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Home Owners' Association.~~
- f. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a Letter of Commitment prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
- g. Prior to issuance of the Certificate of Completion for this project, any offsite roadway, drainage and utility improvements deemed necessary in the Preliminary Subdivision Plan must be substantially complete.
- h. 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 platting. However, nothing in this condition and nothing in the decision to approve this preliminary subdivision plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
- i. 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. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.

- j. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted.
 - k. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.
 - l. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of 70% coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, approval of mass grading or construction plans, a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit.
 - m. A Master Utility Plan and connection points shall be approved prior to Construction Plan approval.
 - n. This property lies within Airport Noise Land Use Control Zone "E" as defined in Section 9-603. A waiver of claim is required at platting.
 - o. Right-of-way along Boggy Creek Road shall be dedicated at no cost to the County with the plat or via separate instrument. Such dedication shall occur prior to December 31, 2013.
 - p. As soon as practicable after the issuance of the Certificate of Completion for the Stonewyck Street Extension improvements and prior to issuance of any vertical building permits, the right-of-way for Stonewyck Street Extension shall be conveyed to the County at no cost to the County.
7. Stephen M. Stone, Esq., Grand Oaks Village Planned Development / Land Use Plan (PD/LUP) Case # CDR-14-07-200, amend plan; District 1

Applicant: Stephen M. Stone, Esq., Grand Oaks Village Planned Development / Land Use Plan (PD/LUP), Case # CDR-14-07-200

Consideration: Substantial change request to amend the Grand Oaks Village PD / Land Use Plan by modifying an existing Condition of Approval dated July 8, 2003 to eliminate "liquor stores" from a list of prohibited

commercial uses; 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 generally located Southwest corner of Conroy Windermere Road and Dr. Phillips Boulevard; Orange County, Florida (legal property description on file)

• REASSUMED CHAIR

County Mayor Jacobs reassumed the Chair from Vice-Mayor Clarke.

The following persons addressed the Board:

- Stephen Stone
- Jeffrey Yorinks

Motion/Second: Commissioners Boyd/Brummer

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

NO (voice vote): Commissioner Edwards

Action: The Board made a finding of inconsistency with the Comprehensive Plan; and further, denied the substantial change request by Stephen M. Stone, Esq., Grand Oaks Village Planned Development / Land Use Plan (PD/LUP), Case # CDR-14-07-200, to amend the Grand Oaks Village PD / Land Use Plan by modifying an existing Condition of Approval dated July 8, 2003 to eliminate "liquor stores" from a list of prohibited commercial uses.

Rezoning

8. Adam Smith, VHB, Inc., Boggy Creek Enclave Planned Development / Land Use Plan Amendment (PD / LUPA), Case # LUPA-14-05-133; District 4

Applicant: Adam Smith, VHB, Inc., Boggy Creek Enclave Planned Development / Land Use Plan Amendment (PD / LUPA) – Case # LUPA-14-05-133

Consideration: Request to rezone the subject property from PD (Planned Development District) and R-CE-5 (Rural County Estate Residential District) to PD (Planned Development District). More specifically, the request would aggregate and rezone an adjacent 5.0-acre R-CE-5 zone parcel into the existing 134.26-acre Boggy Creek Enclave PD, resulting in 139.26 acres. The existing development program of 336-single family residential units is unaffected by this application and no waivers from Orange County Code have been requested; pursuant to Orange County Code, Chapter 30.

Location: District 4; property generally located south of the Central Florida Greenway (S.R. 417), between Ward Road and Boggy Creek Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Jim Hall.

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the request by Adam Smith, VHB, Inc., Boggy Creek Enclave Planned Development / Land Use Plan Amendment (PD / LUPA) – Case # LUPA-14-05-133 to rezone the subject property from PD (Planned Development District) and R-CE-5 (Rural County Estate Residential District) to PD (Planned Development District); further more specifically, the request aggregated and rezoned an adjacent 5.0-acre R-CE-5 zone parcel into the existing 134.26-acre Boggy Creek Enclave PD, resulting in 139.26 acres. The existing development program of 336-single family residential units is unaffected by this application and no waivers from Orange County Code have been requested, on the described property; subject to the following conditions:

1. Development shall conform to the Boggy Creek Enclave PD Land Use Plan dated "Received June 16, 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 June 16, 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. All acreages identified as 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. This property lies within Airport Noise Zone "E." An executed waiver of claim between the Developer and Greater Orlando Airport Authority shall be required prior to Platting. Residential plats recorded within Noise Zones C, D and E shall note the potential for objectionable aircraft noise on the plat. Specifically, the plat shall note in twelve (12) point or larger font type the following: "The properties delineated on this plat are subject to aircraft noise that may be objectionable." Also, the plat and CC&R's shall comply with Airport Noise Zoning Ordinance.
6. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of 11/14/2006.
 - 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 0 residential units allowed under the zoning existing prior to the approval of the PD zoning. 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 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 and 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.

- e. 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 Agreement.
- 7. The applicant will be required to obtain an approved Capacity Encumbrance Letter if development exceeds the 336 SF units in the currently approved CEL/TCRC # 12-201.
- 8. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated December 19, 2006, shall apply:
 - a. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
 - b. Master water, wastewater, and reclaimed water plan including preliminary calculations shall be required to be submitted for review and approval prior to submission of construction plans.
 - c. Access to the west of Boggy Creek Development of Regional Impact is allowed with this plan. However, prior to construction, the access, the Conservation Area Determination, and the OCPS Agreement shall be acceptable in form by Orange County.

Road Closure

- 9. Jennifer Stickler, Kimley-Horn and Associates, Inc., Zen Luxury Living Planned Development/Land Use Plan (PD/LUP); District 1

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

Consideration: The applicant is seeking to close the southern portion of the Vista Oaks Court and relocate Vista Oaks Court approximately 100 feet to the south. The applicant will provide additional right of way for the relocated roadway. The applicant shall be responsible for all costs associated with the road closure, the new road construction, the right of way dedication for the relocated road, and modifications to the median access on County Road 535. The old Vista Oaks Court shall remain county right of way and used for landscaping and a stormwater facility; pursuant to Florida Statutes 336.10 - Closing and Abandonment of Road.

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 in Development Engineering Division)

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

Motion/Second: Commissioners Boyd/Clarke

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

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) for road closure of Vista Oaks Court.

Ordinance-2nd Hearing

10. Amending Orange County Code, Chapter 38, pertaining to Medical Marijuana Treatment Centers (1st hearing on October 14, 2014)

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, RELATING TO MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING SECTION 38-1, DEFINITIONS; AMENDING 38-77, ZONING USE TABLE; AMENDING SECTION 38-79, CONDITIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS; PROVIDING FOR COUNTY-WIDE APPLICABILITY UNLESS MUNICIPALITY HAS AN ORDINANCE ON THE SUBJECT MATTER; AND PROVIDING AN EFFECTIVE DATE.

(This public hearing was cancelled.)

• COUNTY DISCUSSION AGENDA (CONTINUED)

County Mayor

1. Open Discussion on issues of interest to the board.

Action: None

• ADJOURNMENT, 3:45 p.m.

ATTEST:



County Mayor Teresa Jacobs

Date: JAN 13 2015

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk



Deputy Clerk

