

JAN 13 2015 CS/BS

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, November 18, 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, Ted Edwards
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County
Attorney Joel Prinsell, Senior Minutes Coordinator Craig Stopyra,
Minutes Coordinator Kathy Heard

- CALL TO ORDER, 1:36 p.m.

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

- INVOCATION – Courtney Harrison and Isaiah Rojas, students from The Christ School

- PLEDGE OF ALLEGIANCE

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

- RECOGNITION
The Apopka Blue Darters bowling team was recognized for winning their second state title.

- RECOGNITION
Commissioner Brummer was recognized for his contribution, service and eight-year tenure as a County Commissioner.

- NONAGENDA
Commissioners Brummer and Clarke commented on the recent coyote attacks against pets in the College Park and East Orange area.

- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Ken Bowman
- Richard Mueller
- Richard Vyce

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Mayor

- Deferred action on Community, Environmental and Development Services Department Item 2 for consideration with public hearing for Gregory Lee, Baker & Hostetler, LLP, Orange Lake Country Club Planned Development / Land Use Plan (PD/LUP)

and further, the Board approved the balance of the County Consent Agenda items as follows, including Addendum #1, Administrative Services Department Item 11:

County Comptroller

1. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Period as follows: November 7, 2014, to November 13, 2014; total of \$33,974,221.51. (Finance/Accounting)
2. Disposition of Tangible Personal Property: (Property Accounting)

Approval is requested 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 abandon assets.
- d. To trade assets for credit toward the lease of a non-capital asset.
- e. To return expired leased asset to vendor.

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-69 of the Orange County Board of County Commissioners regarding the County's official intent to reimburse itself from the proceeds of a tax-exempt or other tax-advantaged obligations for certain capital expenditures to be made by the County with respect to the financing of certain vehicles and equipment for the Fire Rescue Department; authorizing certain incidental actions; and providing for an effective date. (Fiscal and Business Services Division)

3. Approval for the Orange County Sheriff's Office to spend \$2,000 from the Law Enforcement Trust Fund to provide eligible contribution to Greater Orlando CARES Mentoring Movement. (Office of Management and Budget)
4. Approval to pay the Clerk of Courts \$120,900 for FY 2014-15 communication expenses. (Office of Management and Budget)
5. Approval of CIP amendment #15C-026. (Office of Management and Budget)

Administrative Services Department

1. Approval to re-award Invitation for Bids Y14-1084-JS, Automotive Batteries, to the second low responsive and responsible bidder, Future Plus of Florida, Inc., d/b/a Batteries Plus Bulbs, in the estimated annual contract award amount of \$119,318.75, for a 1-year term contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Administrative Services Department Fleet Management Division] Procurement Division)
2. Approval to award Invitation for Bids Y14-1094-LC, Electrical Maintenance Repair and Replacement Services, to the low responsive and responsible bidders, Greater Florida Electrical Contractors as the primary contractor with Heron Electric, Inc. and Yang, Inc. dba Semco Electric Company as secondary contractors for an overall total estimated annual contract award amount of \$750,000. Further, authorized the Procurement Division to renew the contracts for two additional 1-year periods. ([Administrative Services Department Facilities Division] Procurement Division)
3. Approval to award Invitation for Bids Y15-139-JS, Cleaning of Catch Basin Sediment Filter Baskets, to the low responsive and responsible bidder, USA Services of Florida, Inc., for the total annual estimated contract amount of \$108,252. Further, authorized the Procurement Division to exercise two 1-year options. ([Community, Environmental and Development Services Department] Procurement Division)
4. Approval to award Invitation for Bids Y14-7031-PH, Orange County Operations Center Pre-Engineered Metal Buildings and Fuel Facility Project, to the low responsive and responsible bidder, Mulligan Constructors, Inc., for the total contract award amount of \$2,352,000. ([Utilities Department Field Services Division] Procurement Division)
5. Approval to award Invitation for Bids Y14-7032-PH, Pump Station 3090 Orange Avenue Wall Project, to the low responsive and responsible bidder, TLC Diversified, Inc., for the total contract award amount of \$556,200. ([Utilities Department Field Services Division] Procurement Division)

6. Approval to award Invitation for Bids Y14-7033-PH, Exchange Drive 4-inch Forcmain Replacement, to the low responsive and responsible bidder, Sun Road, Inc., for the total contract award amount of \$274,804.20. ([Utilities Department Engineering Division] Procurement Division)
7. Approval to award Invitation for Bids Y14-7034-PH, West Service Area Pump Station Improvements (Treehouse Drive 3194 and Stillwater Crossing 3961), to the low responsive and responsible bidder TLC Diversified, Inc., for the total contract award amount of \$1,032,200. ([Utilities Department Engineering Division] Procurement Division)
8. Approval to award Invitation for Bids Y14-7035-PH, Allison Oaks 3293A, Greenview Pines 3887, Bradford Cove 3290, Rouse and University 3365 and Lena Street 3309 Pump Stations Improvements, to the low responsive and responsible bidder Prime Construction Group, Inc., for the total contract award amount of \$1,695,000. ([Utilities Department Engineering Division] Procurement Division)
9. Approval of Amendment No. 5, Contract Y11-1001, Infrastructure Location Contractor, to add an estimated amount of \$100,000 to the contract for a total contract amount of \$1,016,760. ([Utilities Department Field Services Division] Procurement Division)
10. Approval of purchase price above appraised value, approval and execution of Contract for Sale and Purchase between Orange Blossom Trail Orlando LLC and Orange County, approval of Warranty Deed from Orange Blossom Trail Orlando LLC to Orange County, approval and execution of Assignment of Lease Agreement between Orange Blossom Trail Orlando LLC and Orange County, approval and execution of Assignment of Lease Agreement between Faye Setzer Trust and Orange County, authorization to disburse funds to pay purchase price, attorney fees, 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)

Addendum #1

11. Approval and execution of Resolution 2014-M-70 and non-exclusive utility easement from Orange County to Florida Emergency Medicine Foundation, Inc. and Authorization to record instrument for Florida Emergency Medicine Foundation (Fire Station #72 – 3705 S. Conway Road). (Real Estate Management)

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 14-1803	LC 14-1246	LC 14-1327	LC 14-1024	LC 14-0787
LC 14-1224	LC 14-1247	LC 14-1333	LC 14-1297	LC 14-0843
LC 14-1227	LC 14-1248	LC 13-1065	LC 14-1310	LC 14-0844
LC 14-1235	LC 14-1265	LC 14-0967	LC 14-1413	LC 14-0850
LC 14-1236	LC 14-1274	LC 14-1600	LC 14-0730	LC 14-0851
LC 14-1240	LC 14-1286	LC 14-1617	LC 14-0765	LC 14-0853
LC 14-1241	LC 14-1322	LC 14-1498	LC 14-0771	LC 14-0919
LC 14-1244	LC 14-1324	LC 14-1519	LC 14-0773	LC 14-0928

2. Approval of Second Amendment to the Eighth Restated and Amended Development Order for Orange Lake Country Club Development of Regional Impact. District 1. (Development Review Committee)

(This item was deferred.)

3. Approval of Integrated Lot Agreement by and between Cardinal ALF, LLC and Orange County for the Waterford Oaks PD/Rooms to Go Waterford Oaks Development Plan. District 4. (Development Review Committee)
4. Approval of First Amendment to Proportionate Share Agreement for Waterford Oaks PD Phase I Woodbury Road: From Waterford Lakes Parkway to Colonial Drive by and between Cardinal ALF, LLC and Orange County to provide for a modification to the land use to and retain the same proportionate share payment amount. District 4. (Roadway Agreement Committee)

Family Services Department

1. Approval of Standard Contract, CBCCF Contract #OROS035-1415, between Community Based Care of Central Florida, Inc. and Orange County, Florida Division of Youth and Family Services; State and Federal Single Audit Certification of Exemption; Debarment, Suspension, Ineligibility and Voluntary Exclusion Contracts/Subcontracts; Affidavit Certification Regarding Lobbying; Certification for Contracts, Grants, Loans, and Cooperative Agreements and Certification of Adequate Insurance Coverage, for Court Liaison in the amount of \$32,119 for the period of July 1, 2014 through June 30, 2015; and authorization for the County Mayor or designee to approve any increases, decreases or amendments to this contract. (Youth and Family Services Division)

Fire Rescue Department

1. Approval of Contract Number: 15-CP-11-06-58-01-XXX, CSFA Number: 31.067, State-Funded Subgrant Agreement between the State of Florida Division of Emergency Management and Orange County for Fiscal Year 2014-2015 in the amount of \$21,714.

Public Works Department

1. Removal of a "No Parking" zone during school drop-off and pick-up times on both sides of Bentry Street from 11416 Bentry Street to 11455 Bentry Street. District 4. (Traffic Engineering Division)

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Interlocal Agreement between Orange County Industrial Development Authority and Marion County Industrial Development Authority dated October 21, 2014, with Exhibit A (2002 Project Description) and Exhibit B (New Project Description).
 - b. Interlocal Agreement between Orange County Industrial Development Authority and Brevard County, Florida dated October 21, 2014, with Exhibit A (2002 Project Description).
 - c. Interlocal Agreement between Orange County Industrial Development Authority and Osceola County, Florida dated October 15, 2014, with Exhibit A (2002 Project Description).
 - d. Interlocal Agreement between Orange County Industrial Development Authority and Seminole County, Florida dated September 23, 2014, with Exhibit A (2002 Project Description) and Exhibit B (New Project Description).
 - e. City of Winter Garden Notice of Annexation Ordinance, Attachment A (Legal Description) with Map. Ordinance 14-39 entitled: An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.24 ± acres located at 1030 Vineland Road on the west side of Vineland Road south of West Morgan Street and north of West Colonial Drive 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.
 - f. City of Maitland Notice of Public Hearing - Voluntary Annexation and Proposed Ordinance No. 1262 entitled: An Ordinance of the City of Maitland, Florida, relating to annexation; making certain findings; proposing to annex certain property into the City of Maitland inclusive of property owned by Maitland West, LLLP; OP Estates at Maitland Apartments, LP, a Delaware Limited Partnership; and Maitland Summit Property Owners Association, Inc., located within Section 28, Township 21, Range 29 and Section 27, Township

21, Range 29, and portions of rights-of-way for Albemarle Road and Orange County FDOT Surplus Parcels; providing an effective date for the annexation; providing an effective date for this ordinance; providing a severability clause; and providing for liberal construction of this ordinance. The second reading/public hearing will be held by the City Council of the City of Maitland, Florida on Monday, December 8, 2014, in the Maitland City Hall Council Chambers, 1776 Independence Lane, Maitland, Florida 32751.

- g. City of Orlando Ordinance No. 2014-44 with Exhibit A (Legal Description), Exhibit B (Annexation Map), and Exhibit C (Future Land Use Map), Orlando Sentinel Notice of Proposed Enactment and Fiscal Impact Statement. Ordinance No. 2014-44 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 north of Lee Vista Blvd., east of Narcoossee Rd., south of Elmstone Cir., and west of Lightner Dr., and comprised of 4.091 acres, more or less; amending the City's adopted Growth Management Plan to designate the property as Airport Support District Medium Intensity on the City's Official Future Land Use Maps; providing for amendment of the City's Official Future Land Use Map; providing for severability, correction of scrivener's errors, and 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.

• PUBLIC HEARINGS

Board of Planning and Zoning Commission Appeal

1. Kim Pham, Case # RZ-14-09-025, September 18, 2014; District 3

Appellant: Kim Pham
Applicant: Kim Pham
Case: Planning and Zoning Commission Case # RZ-14-09-025;
September 18, 2014
Consideration: Appeal of the decision to deny a request to rezone 0.92 gross acres from A-2 (Farmland Rural District) and C-1 (Retail Commercial District) to C-2 (General Commercial District).
Location: District 3; property located at 9476 E. Colonial Drive; generally located on the south side of E. Colonial Drive, approximately 650 feet west of N. Econlockhatchee Trail Orange County, Florida (legal property description on file at Planning Division)

The following person addressed the Board: Kim Pham.

The following exhibit was received by the Clerk prior to the close of the public hearing: Exhibit 1, from Kim Pham.

Based on input from the applicant, County staff modified the request to rezone from an A-2 (Farmland Rural District) to a C-1 (Retail Commercial District) in lieu of the C-2 (General Commercial District) zoning request.

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board overruled the decision of the Orange County Board of Planning and Zoning Commission; further, approved the request by Kim Pham, Case # RZ-14-09-025; and further, modified the zoning request to rezone 0.92 gross acres from A-2 (Farmland Rural District) and C-1 (Retail Commercial District) to C-1 (Retail Commercial District) in lieu of C-2 (General Commercial District), on the described property.

Substantial Change

2. Jim Hall, VHB MillerSellen, Inc., Eastmar Commons Planned Development/Land Use Plan (PD/LUP) Case # CDR-14-09-265, amend plan; District 4

Applicant: Jim Hall, VHB MillerSellen, Inc., Eastmar Commons Planned Development/Land Use Plan (PD/LUP), Case # CDR-14-09-265

Consideration: Substantial change request to amend the Eastmar Commons Planned Development/Land Use Plan (PD/LUP) to incorporate the following waivers from Orange County Code:

1. A waiver from Section 38-1258(d) to allow for a maximum multi-family building height of three (3) stories and fifty feet (50'), in lieu of the requirement that precludes multi-family building heights in excess of three (3) stories or forty feet (40'); and
2. A waiver from Section 38-1258(j) to allow for a minimum separation of twenty feet (20') between three (3) story multi-family buildings, in lieu of a minimum separation of forty feet (40') between three (3) story multi-family buildings. There are no changes to the approved development program, which allows for up to 908 multi-family residential units and 45,000 square feet of commercial (C-1) uses in three (3) phases; 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 4; property generally located on the southeast corner of State Road 408 and Dean Road; Orange County, Florida (legal property description on file in Planning Division)

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 substantial change request by Jim Hall, Eastmar Commons Planned Development/Land Use Plan (PD/LUP), Case # CDR-14-09-265; and further, amended the Eastmar Commons Planned Development/Land Use Plan (PD/LUP) to incorporate the following waivers from Orange County Code:

1. A waiver from Section 38-1258(d) to allow for a maximum multi-family building height of three (3) stories and fifty feet (50'), in lieu of the requirement that precludes multi-family building heights in excess of three (3) stories or forty feet (40'); and
2. A waiver from Section 38-1258(j) to allow for a minimum separation of twenty feet (20') between three (3) story multi-family buildings, in lieu of a minimum separation of forty feet (40') between three (3) story multi-family buildings. There are no changes to the approved development program, which allows for up to 908 multi-family residential units and 45,000 square feet of commercial (C-1) uses in three (3) phases;

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

1. Development shall conform to the Eastmar Commons PD Land Use Plan dated "Received September 15, 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 September 15, 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 following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(d) to allow for a maximum multi-family building height of three (3) stories and fifty feet (50'), in lieu of the requirement that precludes multi-family building heights in excess of three (3) stories or forty feet (40'); and
 - b. A waiver from Section 38-1258(j) to allow for a minimum separation of twenty feet (20') between three (3) story multi-family buildings, in lieu of a minimum separation of forty feet (40') between three (3) story multi-family buildings.
5. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated June 3, 2014, shall apply:
 - a. 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 land use plan amendment, 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.
 - b. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - c. Within PD Parcel 3, Multi-family residential shall be limited to a maximum of 380 dwelling units on a maximum of 19 acres and commercial shall be limited to a maximum of 45,000 square feet; however, the combined development program shall be limited to the maximum number of 4,689 new daily trips and 424 new PM peak hour trips addressed by the approved traffic study.

- d. Billboards, portable signs and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.
 - e. 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.
 - f. Outdoor sales, storage and display shall be prohibited.
 - g. The following Education Condition of Approval shall apply:
 - 1) Developer shall comply with all provision of the Capacity Enhancement Agreement (#OC-13-031) entered into with the Orange County School Board as of February 25, 2014.
 - 2) 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 shall again begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and / or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.
 - 3) Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - 4) 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.
 - 5) 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.
6. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated April 1, 1985 shall apply:

- a. Access rights along Dean Road shall be dedicated to Orange County, except at the approved entrance.
 - b. The proposed plan identified two Conservation Areas on the site. The Planning Department has performed a preliminary field inspection of these areas and determined that the areas are larger than shown on the plan. Additional information regarding the location of wetland vegetation and soils (including muck probes), must be provided with the Development Plan for these areas so that the precise boundaries can be established. Development rights over all Conservation Areas shall be dedicated to Orange County.
 - c. The developer shall obtain water service from Orange County subject to County Resolutions and Ordinances.
 - d. The developer shall obtain wastewater service from Orange County subject to County Resolutions and Ordinances.
 - e. Prior to any development plan approval, the developer shall submit a master water/wastewater plan to Orange County Public Utilities for review and approval.
 - f. Prior to any development plan approval, the entranceways for this property and the adjoining property shall be approved by the Orange County Engineering Department.
3. Jim Hall, VHB MillerSellen, Inc., Lake Reams Neighborhood Planned Development/Land Use Plan (PD/LUP) Case # CDR-13-10-260, amend plan; District 1

Applicant: Jim Hall, VHB MillerSellen, Inc., Lake Reams Neighborhood Planned Development/Land Use Plan (PD/LUP), Case # CDR-13-10-260

Consideration: Substantial change request to amend the Lake Reams Planned Development/Land Use Plan (PD/LUP) to decrease the number of units within PD Parcel 5 from 751 to 731 through the use of twenty (20) TDR (Transfer of Development Rights) Credits; 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 north of Reams Road and south/southwest of Winter Garden Vineland Road (C.R. 535); Orange County, Florida (legal property description on file)

The following person addressed the Board: Jim Hall.

Motion/Second: Commissioners Boyd/Brummer

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Jim Hall, VHB MillerSellen, Inc., Lake Reams Neighborhood Planned Development/Land Use Plan (PD/LUP), Case # CDR-13-10-260, to amend the Lake Reams Planned Development/Land Use Plan (PD/LUP) to decrease the number of units within PD Parcel 5 from 751 to 731 through the use of twenty (20) TDR (Transfer of Development Rights) Credits; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Lake Reams Neighborhood PD Land Use Plan Amendment dated "Received August 22, 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 zoning and the land use plan dated "Received August 22, 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. An updated Master Utility Plan (MUP) shall be approved by Orange County Utilities at least thirty (30) days prior to the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
5. The lot grading plan for 32-foot wide single-family detached lots (and similar narrow lots) shall include design features to ensure positive drainage from the side yard to the front roadway or rear alley. These design features may include, (a) A/C units on same side of homes so that A/C units are not located adjacent to each other, (b) A/C units on same side placed at high elevation point of side yard so that drainage flows away from the A/C units to the front roadway or rear alley, (c) A/C units located behind the home when garage is detached from the home, (d) other lot grading plan approved by the County Engineer.
6. The TDR Agreement as submitted provides for a reduction of twenty (20) units within Parcel 5 of the Lake Reams Neighborhood PD for a total of 731 units.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 16, 2013, shall apply:
 - a. A waiver from Orange County Code Section 38-1386(a)(1) is granted to allow accessory dwelling units within PD Parcel 6 only to not be counted towards required density calculations.
 - b. The following waivers from Orange County Code are granted and applicable for PD Parcel 18 only:
 - 1) A waiver from Orange County Code Section 38-1385.5(b)(2) to allow a minimum average lot size of 6,500 square feet, in lieu of a minimum average lot size of 7,200 square feet; and
 - 2) A waiver from Orange County Code Section 38-1382(g)(2) to allow the use of a cul-de-sac as an acceptable method of street termination.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated March 13, 2013, shall apply:
 - a. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.

- b. All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
 - c. 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.
 - d. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village (SAP).
 - e. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
9. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated August 7, 2012, shall apply:
- a. A road agreement for the conveyance of the right-of-way required for Reams Road and Ficquette Road, pursuant to the Reams Road Alignment Study dated July 2005, is required to be in place prior to PSP approval for any parcels in which such right-of-way is located.
 - b. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, Mass Grading Plan approval or earthwork, no conservation area or buffer encroachments shall be permitted.
 - c. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village ((Specific Area Plan) SAP).
 - d. The following four (4) waivers are granted for Parcel 5 (Village Home District) ~~for twenty (20) percent of the detached lots within Parcel 5 (maximum number of 163 lots):~~
 - 1) From Section 38-1386(b)(2) to decrease the minimum average lot size from 4,800 square feet to 3,840 square feet for lots less than 40' wide;
 - 2) From Section 38-1386(b)(4) to decrease the minimum lot width from 40' to 32' for single family detached dwellings;
 - 3) From Section 1386(b)(8)(a) to reduce the minimum front porch setback from 10' to 7' within lots less than 40' wide; and

- 4) From Section 1386(b)(8)(b) to decrease the minimum side building setback from 5' to 4' within lots less than 40'.
- e. Billboards, pole signs, and outdoor storage are prohibited.
- f. At the time of approval of a plat for a single-family residential unit project, the developer shall have prepared and submitted for review a document containing covenants, conditions and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
- 1) The same front façade for single family residential units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (2) units with different facades.
 - 2) House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are setback from the façade. In no case shall more than fifty (50) percent of the front façade of the house consist of an unobstructed block wall or garage door.
 - 3) At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover a minimum ten (10) feet in width or one third (1/3) of the front façade, whichever is greater.
 - 4) Flat roofs shall be prohibited.
 - 5) Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.
 - 6) The provisions of the CC&R's incorporating the above referenced requirements shall not be amended, removed or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&R's shall contain a statement to that effect. Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.
 - 7) Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.

- g. 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. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated January 10, 2012, shall apply:
- a. Applicable to Parcel 2 only, the following waivers from the original version of the Horizon West Village Code are granted:
- 1) A waiver from Sections 38-1384(g)(3)(d) and 38-1387(b)(10) to allow the first floor elevations to be twelve (12) inches above the finished grade of the sidewalk in lieu of eighteen (18) inches above the finished grade of the sidewalk;
 - 2) A waiver from Section 38-1387(a)(3)(c) to allow parking on New Reams Road and the New Connector Road. Parking may be provided on the sides of the buildings provided the stalls are screened with 36" knee walls with caps and landscaping;
 - 3) A waiver from Section 38-1387(b)(5) to allow an increase in the maximum building height to three (3) stories and forty five (45) feet in lieu of forty (40) feet, and
 - 4) A waiver from Sections 38-1387(b)(11) and 38-1384(e) to modify the porch requirements as follows: Front porches (i.e., covered entrances at the breezeways) will only be required for each building fronting a public right of-way (southern connector road and Lake Village Road.
- b. The following waivers for Multi-Family residential are granted:
- 1) A waiver from Sections 38-1258(a), 38-1258(b), and 38-1258(c) to allow three (3) story multi-family buildings to be located within eighty (80) feet of single-family zoned property, and
 - 2) A waiver from Section 38-1258(j) to allow for a minimum building separation of twenty (20) feet for two-story and three-story buildings, in lieu of thirty (30) feet and forty (40) feet, respectively.
- c. A waiver from Section 38-1254 is granted to allow for a minimum front setback from twenty-five (25) and thirty-five (35) feet to fifteen (15) feet.
- d. A waiver from Sections 38-1476(a) and 38-1477 to allow for a maximum of twenty-five (25) on-street parking spaces to be located on the same side of the property line in lieu of being located on the same lot or within three hundred (300) feet from the principal entrance. These twenty-five (25) spaces may be used to meet the minimum parking requirement for this development.

11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated October 4, 2011, shall apply:
- a. At the time Parcel 1 or any portion of Parcel 1 is platted or a development plan is submitted, the adequate public facilities parkway and road right-of-way which is comprised of 1 segment (4 lanes as more fully described below), as generally depicted on the amended Land Use Plan (LUP) shall be conveyed to Orange County for road right-of-way purposes. However, notwithstanding how the subject road right-of-way is generally depicted on the amended LUP, the actual alignment of the segment of the newly constructed portion of Reams Road lying between the Frye Property north of the property line of the Lake Reams (Planned Development) PD and the roundabout shall be shown on the exhibits, that are concurrently introduced.
 - b. The developer shall construct or have constructed the segment of the road (the first 2 lanes) from the roundabout to C.R. 535 upon issuance of the first Certificate of Completion of subdivision improvements the effect of which is to allow development of Parcel 2, or any portion thereof (the segment is described as a connection point to the realigned Reams Road extending southwest from C.R. 535 to the roundabout on the newly constructed portion of Reams Road).
 - c. The developer shall construct or have constructed the segment of the road (the first 2 lanes) at the occurrence of any of the following events, whichever happens first: The developer shall construct or have constructed the segment of the road (the first 2 lanes) at the occurrence of any of the following events, whichever happens first:
 - 1) Issuance of the first Certificate of Completion of subdivision improvements allowing development on Parcel 1 or 2 of the Lake Reams PD; or
 - 2) When the following events occur:
 - i. Issuance of the First Certificate of Completion of subdivision improvements allowing development of residential units (single-family or multi-family) in Parcel 1 or 2; and
 - ii. Opening of the middle school in Lakeside Village; or
 - iii. Opening of the elementary school on Parcel 11 of the Lake Reams PD Property.
 - 3) Prior to the issuance of the first Certificate of Completion for any commercial development on Parcel 1, the second 2 lanes of segment 1 from the roundabout to C.R. 535 shall be constructed.

12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated August 23, 2011, March 15, 2005 and August 25, 1998, shall apply:
- a. Liquor stores and video arcades are prohibited in the neighborhood commercial portion.
 - b. Section 38-1384(c)(1) of Ordinance #97-09 shall be waived concerning block length. The block length for lots less than 60 feet shall be up to 540 feet in length where the lots at the end of the block are perpendicular to the intersecting street.
 - c. Block length shall be measured from the street crossing, public open space, or alley intersection. Variation in the block length shall be permitted where the variation will create a public open space or when it will allow continuation of an adjacent public open space.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

4. Gregory Lee, Baker & Hostetler, LLP, Orange Lake Country Club Planned Development/Land Use Plan (PD/LUP) Case # CDR-14-06-157, amend plan; District 1

Applicant: Gregory Lee, Baker & Hostetler, LLP, Orange Lake Country Club Planned Development/Land Use Plan (PD/LUP), Case # CDR-14-06-157

Consideration: Substantial change request to amend the Orange Lake Country Club Planned Development (PD) and Land Use Plan (LUP) by reclassifying the approved land use of "timeshare" as "timeshare/short term rental", while incorporating a new condition of approval stating that short term rentals shall not exceed 179 days. The request would also amend the PD/LUP by reflecting a modified Hartzog Road alignment and access points; an updated trip conversion matrix; updated project phasing dates; and revised notes addressing short term rental setbacks and alley design requirements. Finally, a note indicating that up to 25,000 square feet of retail uses and 400 hotel rooms may be located in the North Village has been added to the amended PD/LUP; 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 east of County Road 545 (Avalon Road), north of U.S. Highway 192, and along both sides of the realigned segment of Hartzog Road; Orange County, Florida (legal property description on file)

and

- COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

2. Approval of Second Amendment to the Eighth Restated and Amended Development Order for Orange Lake Country Club Development of Regional Impact. District 1. (Development Review Committee)

The following person addressed the Board: Greg Lee.

Motion/Second: Commissioners Boyd/Brummer

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Gregory Lee, Baker & Hostetler, LLP, Orange Lake Country Club Planned Development/Land Use Plan (PD/LUP), Case # CDR-14-06-157, to amend the Orange Lake Country Club Planned Development (PD) and Land Use Plan (LUP) by reclassifying the approved land use of "timeshare" as "timeshare/short term rental"; further, incorporated a new condition of approval stating that short term rentals shall not exceed 179 days; further, amended the PD/LUP by reflecting a modified Hartzog Road alignment and access points; an updated trip conversion matrix; updated project phasing dates; and revised notes addressing short term rental setbacks and alley design requirements; further, a note indicating that up to 25,000 square feet of retail uses and 400 hotel rooms may be located in the North Village has been added to the amended PD/LUP; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Orange Lake Country Club Land Use Plan dated "Received September 9, 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 September 9, 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. Length of stay for short term rentals shall not exceed 179 days.
6. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 5, 2014, shall apply:
 - a. 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 within Orange County Utilities service area. The MUP must be approved prior to Construction Plan approval.

- b. The Developer shall obtain water, waste water, and reclaimed water service from Orange County Utilities for those portions that are within the Orange County Utilities service area.
 - c. A waiver from Orange County Code Section 38-1272(a)(3)(c) is granted to allow for a minimum expressway setback of thirty-five (35) feet, in lieu of the minimum required expressway setback of sixty (60) feet.
 - d. A waiver from Orange County Code Section 38-1272(a)(3) is granted to allow for a minimum PD perimeter setback of ten (10) feet in lieu of a minimum required PD perimeter setback of twenty-five (25) feet; 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.
7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 20, 2005, shall apply:
- a. Billboards and pole signs shall be prohibited.
 - b. Outdoor storage and display shall be prohibited.
 - c. This project shall comply with Lighting Ordinance 2003-08.
 - d. Conservation areas determined to be Class I wetlands may only incur impacts where there is no other feasible or practical alternative or where development may be shown to represent an overriding public benefit as determined before the BCC.

and further, approved the Second Amendment to the Eighth Restated and Amended Development Order for Orange Lake Country Club Development of Regional Impact.

Ordinance

5. Amending Orange County Code, Chapter 9, pertaining to property maintenance

Consideration: AN ORDINANCE OF ORANGE COUNTY, FLORIDA RELATING TO BUILDING AND CONSTRUCTION REGULATIONS; AMENDING IN PART CHAPTER 9 ("BUILDING AND CONSTRUCTION REGULATIONS") OF THE ORANGE COUNTY CODE BY AMENDING ARTICLE I ("GENERAL PROVISIONS") AND ARTICLE VII ("PROPERTY MAINTENANCE CODE"); ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board adopted Ordinance 2014-29 amending Orange County Code, Chapter 9, pertaining to property maintenance.

• ADJOURNMENT, 2:23 p.m.

ATTEST:



County Mayor Teresa Jacobs

Date: JAN 13 2015

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk



Deputy Clerk

