

JAN 27 2015 NP/KH

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, December 2, 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,  
Bryan Nelson, Pete Clarke, Jennifer Thompson, Ted Edwards,  
Victoria P. Siplin  
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator  
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County  
Attorney Joel Prinsell, Deputy Clerk Katie Smith, Senior Minutes  
Coordinator Noelia Perez, Senior Minutes Coordinator Craig  
Stopyra

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

- WELCOME

County Mayor Jacobs welcomed the two newest elected members to the Board of County Commissioners, District 2 Commissioner Bryan Nelson and District 6 Commissioner Victoria Siplin.

- OFFICIAL RECOGNIZED: State Senator Gary Siplin

- REMEMBRANCE

Mourning the loss of former long-time City of Apopka Mayor John Land who passed away on November 22, 2014.

- INVOCATION - Pastor Scott Billue, NEXT Community Church

- PLEDGE OF ALLEGIANCE

- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Ben Shoemaker
- Vivien Monaco
- Adrianna Sekula
- Michael Cantone
- Joshua Paladino
- Doug Head

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Mayor deferred action on County Administrator Item 3 for consideration with County Administrator Discussion Item 1; and further, the Board approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the October 14, 2014, meeting of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
  - November 14, 2014, to November 20, 2014; total of \$15,243,720.01
  - November 21, 2014, to November 25, 2014; total of \$23,313,799.43.

(Finance/Accounting)

3. 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 dispose of assets removed by the General Contractor
- d. To exercise buy-back option

County Administrator

1. Approval of Agreement between Orange County, Florida and Laborers' International Union of North America, Local 517 Fiscal Years 2014-15 through 2016-17. (Human Resources Division)
2. Approval of Resolution 2014-M-71 of the Orange County Board of County Commissioners regarding Funky Eyes International, Inc. Qualified Target Industry Tax Refund. (Office of Economic Trade and Tourism Development)
3. Approval of Orange County, Florida and Economic Development Commission of Mid-Florida, Inc. Agreement for Branding and Marketing and authorization to disburse \$500,000 as provided in the FY 2014-2015 adopted budget. (Office of Economic Trade and Tourism Development)

(This item was deferred.)

4. Authorization for the University of Central Florida to receive Department of Economic Opportunity funds on behalf of the National Entrepreneur Center. (Office of Economic Trade and Tourism Development)
5. Approval for the Orange County Sheriff's Office to spend \$2,500 from the Law Enforcement Trust Fund to provide eligible contributions to the Hi-Tech Tutoring Center, Inc. (Office of Management and Budget)
6. Approval of Interlocal Agreement between Orange County, Florida, Orange County Clerk of the Courts, and the Ninth Judicial Circuit Court regarding funding of Jury Services in the amount of \$356,220. (Office of Management and Budget)
7. Approval of budget transfer #15-0489. (Office of Management and Budget)
8. Approval of Ratification of payment of Intergovernmental claims of: July 03, 2014, July 10, 2014, July 24, 2014, August 07, 2014, August 21, 2014, September 04, 2014, September 18, 2014, October 02, 2014, October 16, 2014 and October 30, 2014 totaling \$3,244,637.78 (Risk Management Division)

#### Administrative Services Department

1. Approval to award Invitation for Bids Y14-1039-DG, Landscape Management, Mowing, Trimming, Cutting, Ground Cover, Weeding, Mulching and Irrigation at the Orange County Convention Center, to the low responsive and responsible bidder, Groundtek of Central Florida, in the estimated contract award amount of \$2,940,352.40 for a 36-month contract. Further, authorized the Procurement Division to renew the contract for two additional 12-month periods. ([Convention Center] Procurement Division)
2. Approval to award Invitation for Bids Y15-104-ZM, Golf Cart Preventative Maintenance and Repair for the Orange County Convention Center, to the low, responsive and responsible bidder, Advantage Golf Cars, Inc., for an estimated contract amount of \$681,000 for a 3-year contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Convention Center] Procurement Division)
3. Approval to award Invitation for Bids Y15-105-ZM, Industrial Hygiene Consulting Services, to the low responsive and responsible bidder, GLE Associates, Inc., for an estimated contract amount of \$512,730.00 for a 3-year contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Office of Accountability Risk Management Division] Procurement Division)

4. Approval to award Invitation for Bids Y15-108-CH, Construction Services for the Sidewalk Program, to the low responsive and responsible bidders, Stage Door II, Inc., Parthenon Construction Company, and Paramount Group Construction and Development, Inc. for a total cumulative annual estimated contract award amount of \$4,000,000. Further, authorized the Procurement Division to exercise contract options years one and two. ([Public Works Department Engineering Division] Procurement Division)
5. Approval to award Invitation for Bids Y15-141-JS, MSBU and Non-MSBU Retention Pond Mowing and Maintenance Taft, to the low responsive and responsible bidder, Begley's Cleaning Service, Inc. dba Millennium Grounds & Waters, in the annual estimated contract award amount of \$258,475 for the basic year. Further, authorized the Procurement Division to exercise two additional 1-year options. ([Public Works Department Stormwater Management Division] Procurement Division)
6. Approval to award Invitation for Bids Y15-142-JS, MSBU and Non-MSBU Retention Pond Mowing and Maintenance Three Points, to the low responsive and responsible bidder, Begley's Cleaning Service, Inc. dba Millennium Grounds & Waters, in the annual estimated contract award amount of \$161,350 for the basic year. Further, authorized the Procurement Division to exercise two additional 1-year options. ([Public Works Department Stormwater Management Division] Procurement Division)
7. Approval to award Invitation for Bids Y15-147-DG, Landscape Management – Chemical Application at the Orange County Convention Center, to the low responsive and responsible bidder, TruGreen Lawncare, in the estimated contract award amount of \$302,256 for a 36-month contract. Further, authorized the Procurement Division to renew the contract for two additional 12-month periods. ([Convention Center] Procurement Division)
8. Approval to award Invitation for Bids Y14-1096-DG, Yard Trash Grinding, to the sole responsive and responsible bidder, Consolidated Resource Recovery, Inc., in the estimated contract award amount of \$2,202,000 for a 3-year term. Further, authorized the Procurement Division to renew the contract for two additional 12-month periods. ([Utilities Department Solid Waste Division] Procurement Division)
9. Approval and execution of Second Amendment to Lease Agreement between 701 South LLC, successor in interest to Branch Banking and Trust Company, successor in interest to Green Constitution, LLC, successor in interest to 701 South Investments, LLC and Orange County and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, for office space for Housing and Community Development Lease Renewal, 701 East South Street, Suites 100, 200, and 300, Orlando, Florida. District 5. (Real Estate Management Division)

10. Approval and execution of Quit-Claim Deed and Easement Agreement between Orange County and Central Florida Expressway Authority with Consent from State of Florida Department of Transportation, approval of Non-Exclusive Drainage Easement between Central Florida Expressway Authority and Orange County and authorization to record instruments for Lake Underhill Road (Goldenrod Road to Chickasaw Trail). District 3. (Real Estate Management Division)
11. Approval of Donation Agreement and Signalization Easement between Windermere I-Drive, LLC and Orange County, Subordination of Encumbrances to Property Rights to Orange County from Woodmen of the World Life Insurance Society and/or Omaha Woodmen Life Insurance Society, Subordination of Encumbrance to Property Rights to Orange County from Walgreen Co. and authorization to disburse funds to pay all recording fees and record instruments for International Drive Transit Lanes (Destination Parkway to Sand Lake Road). District 6. (Real Estate Management Division)
12. Approval of General Warranty Deed from SSP I, 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)
13. Approval of Temporary Access and Utility Easement between Meritage Homes of Florida, Inc. and Orange County and authorization to record instrument for Lake Preserve Phase I OCU File # 73805. District 4. (Real Estate Management Division)
14. Approval of Utility Easement between VRS Town Park SC, LLC and Orange County and authorization to record instrument for Cheddars East Colonial OCU File #: 75728. District 5. (Real Estate Management Division)
15. Approval of Utility Easement between Carida Ski Lakes, Inc and Orange County and authorization to record instrument for OCU File # 71307. District 1. (Real Estate Management Division)
16. Approval of Utility Easement between Avalon Seniors Housing, LLC and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Avalon SH Management, LLC, Subordination of Encumbrances to Orange County from Florida First Capital Finance Corporation, Subordination of Encumbrances to Property Rights to Orange County from Mercantile Capital Corporation, Subordination of Encumbrances to Property Rights to Orange County from Seaside National Bank & Trust and authorization to record instruments for Avalon Senior Housing OCU File #: 67085. District 4. (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. Districts 1,2,3,4 and 6. (Code Enforcement Division)

LC 14-1466	LC 14-0733	LC 14-0857	LC 14-1094	LC 14-1231
LC 14-1738	LC 14-0741	LC 14-0862	LC 14-1101	LC 14-1263
LC 14-1337	LC 14-0749	LC 14-0869	LC 14-1106	LC 14-1269
LC 14-1338	LC 14-0750	LC 14-0884	LC 14-1108	LC 14-1276
LC 14-1488	LC 14-0809	LC 14-0901	LC 14-1129	LC 14-1277
LC 14-1096	LC 14-0811	LC 14-0943	LC 14-1130	LC 14-1285
LC 14-1722	LC 14-0820	LC 14-0948	LC 14-1134	LC 14-1287
LC 14-0714	LC 14-0841	LC 14-0953	LC 14-1142	LC 14-1288

- Approval of Resolutions of the Orange County Board of County Commissioners regarding Claim of Special Assessment Lien Pursuant to Section 9-278 of the Orange County Code, Residential Property Maintenance, and approval to file Claim of Special Assessment Liens by Resolution for unsafe structures demolished by Orange County. Districts 1, 2, 5 and 6. (Code Enforcement Division)

<u>Case No.</u>	<u>District No.</u>	<u>Property Owner</u>	<u>Amount</u>
A 13-0385	1	SIMMONS LISA A	\$ 8,591.82
A 13-0104	2	SUNTRUST BANK	\$ 18,551.14
A 13-0184	2	BANK OF NEW YORK MELLON TRUST CO N A TRUSTEE	\$ 18,860.83
A 13-0225	2	SHERMAN AURTHAR DEAN	\$ 7,650.97
A 13-0139	5	MAGNOLIA TC 2 SA LLC	\$ 7,851.63
A 13-0159	6	WALKER & TUDHOPE P A	\$ 11,167.76
A 13-0221	6	COLEMAN LUCILLE	\$ 11,041.95

#### Family Services Department

- Receipt and filing of Head Start Policy Council Program Information and Updates September 2014; Head Start Policy Council Program Information Update October 2014; Head Start Policy Council Meeting Minutes August 21, 2014; and Head Start Policy Council Meeting Minutes September 18, 2014 for the official county record. (Head Start Division)
- Approval of December 2014 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board for Providence Neighborhood Association (\$5,000); Lake Conway Woods Association (\$5,000); Meadow Woods Village 1 & 2 Neighborhood Organization (\$5,000); Carmel Park Villas HOA (\$5,000); and John Young Crossings HOA (\$5,000). Districts 1, 3, 4, 5, and 6 (Neighborhood Preservation and Revitalization Division)
- Approval of December 2014 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for Clarcona Improvement District (\$4,000); Clearview Heights Neighborhood (\$4,700); The Colony Connection

Neighborhood (\$4,200); Westpointe Ridge Neighborhood (\$4,115); Bacchus Gardens Neighborhood (\$4,990) and Lake Tennessee Village Neighborhood (\$4,960). Districts 2 and 3. (Neighborhood Preservation and Revitalization Division)

4. Approval of December 2014 Neighborhood Pride Landscaping Grants as recommended by the Neighborhood Grants Advisory Board for Wekiva Springs Estates HOA (\$2,500) and Moss Park Landings HOA (\$2,500). Districts 2 and 4. (Neighborhood Preservation and Revitalization Division)
5. Approval of the December 2014 Neighborhood Pride Mini-Grants as recommended by the Neighborhood Grants Advisory Board for Caroline Estates Neighborhood (\$1,500); Lake Lovely Residential Association (\$1,500); Green Briar HOA (\$1,500) and Shadow Ridge HOA (\$1,500). Districts 2, 3 and 6. (Neighborhood Preservation and Revitalization Division)

#### Fire Rescue Department

1. Approval of payment of the FY 2014-2015 Annual Fee associated with the Interlocal Agreement between Orange County and the Central Florida Fire Consortium in the amount of \$115,050.60 for membership services.
2. Approval of Orange County/Belle Isle Fourth Amendment to Interlocal Agreement for Fire Protection and Rescue Services.

#### Health Services Department

1. Approval of the renewal Certificate of Public Convenience and Necessity for Reedy Creek Emergency Services to provide Advanced Life Support Transport Service. The term of this certificate is from January 31, 2015 through January 31, 2017. There is no cost to the County. (EMS Office of the Medical Director)
2. Approval of Florida Department of Health Bureau of Emergency Medical Services 2014-2015 EMS County Grant Application in the amount of \$191,934, and approval of Resolution 2014-M-72 of the County Commission of Orange County, Florida, authorizing the application for funding through the County Funds in conjunction therewith and approval for the County Mayor or her designee to sign for the award payment. There is no county match required for this grant. (EMS Office of the Medical Director)

#### Public Works Department

1. Approval of Homeowner's Association Agreement for The Hamptons of Orlando Community Association, Inc. Traffic Control Devices by The Hamptons, in favor of Orange County, Florida, that provides for the Association to maintain decorative street name and traffic control signposts. District 1. (Traffic Engineering Division)

2. Approval of State of Florida Department of Transportation Joint Participation Agreement Supplemental Amendment Number 1, FM# 434917-1-54-01 & FM# 434917-1-54-02, Contract No. ARF30, increasing the project funding by \$25,156 for a total of \$2,663,956 for the purchase of an Adaptive Signal System. Districts 1, 3, 4 and 6. (Traffic Engineering Division)
3. Approval to install a "No Parking" zone on the south side of Shawn Circle along the inside of the curve located at 3928 Shawn Circle. District 5. (Traffic Engineering Division)
4. Approval to install a "No Parking" zone on the north side of Coral Cove Drive from Hiwassee Road extending 375 feet west. District 2. (Traffic Engineering Division)

#### Utilities Department

1. Approval of Resolution 2014-M-73 of the Orange County Board of County Commissioners Regarding Reimbursement of Certain Costs Relating to the Acquisition, Construction and Equipping of Capital Improvements to its Existing Water and Wastewater Facilities; Providing an Effective Date. All Districts. (Fiscal & Operational Support Division)
2. Approval of 1) State of Florida Department of Transportation Utility Work by Highway Contractor Agreement (At Utility Expense); 2) State of Florida Department of Transportation Resolution Utility Agreement; and 3) Memorandum of Agreement for Project No. 239266-4-56-01 – State Road 15 (Hoffner-Narcoossee Road) from west of SR 436 to Conway Road Highway Project in the amount of \$2,038,639.40. District 4. (Engineering Division)
3. Approval of 1) State of Florida Department of Transportation Utility Work by Highway Contractor Agreement (At Utility Expense); 2) State of Florida Department of Transportation Resolution Utility Agreement; and 3) Memorandum of Agreement for Project No. 239266-3-56-02 – State Road 15 (Hoffner-Narcoossee Road) from north of Lee Vista Blvd. to west of SR 436 Highway Project in the amount of \$5,067,650. District 3 and 4. (Engineering Division)

#### • INFORMATIONAL ITEMS

#### County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
  - a. Minutes of the October 30, 2014, Meeting in the Sunshine. Commissioners S. Scott Boyd and Tiffany Moore Russell attended a meeting with local business owners and leaders of the Pine Hills community discussing next steps in



retaining businesses and redevelopment plans for the West Colonial Retail District from Apopka-Vineland Road to Pine Hills Road.

b. City of Apopka Annexation Ordinances (2013 Cycle #4) and Vicinity Maps as follows:

- Ordinance No. 2333, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Douglas M. and Jeri L. Bankson, located north of Sandpiper Street and east of Ustler Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- Ordinance No. 2338, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Norman Sawyer, located north of Nancy Lee Lane and west of Rock Springs Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.

c. City of Apopka Annexation Ordinances (2014 Cycle #1) and Vicinity Maps as follows:

- Ordinance No. 2347, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Larry M. Everly Sr. Family Trust and Corinne F. Everly Family Trust, located south of Ondich Road and west of Plymouth Sorrento Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- Ordinance No. 2348, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Project Orlando, LLC, located north of Ondich Road and west of Plymouth Sorrento Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- Ordinance No. 2349, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Project Orlando, LLC, located north of Ondich Road and west of Plymouth Sorrento Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- Ordinance No. 2350, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by RBGG, LLC, located north of East Semoran Boulevard and east of Semoran Commerce Place; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- Ordinance No. 2351, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange

- County, Florida, owned by Robert Roach, located north of East Keene Road and west of Sheeler Avenue; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- Ordinance No. 2352, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Jeffrey Randazzo, located north of East Keene Road and east of Stanford Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- d. City of Apopka Annexation Ordinances (2014 Cycle #2) and Vicinity Maps as follows:
- Ordinance No. 2366, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by A. Tanner Scofield III and Cathleen P. Scofield, located north of Ondich Road and west of Plymouth Sorrento Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2367, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Kimberly A. Buchheit, located south of Swain Road and west of Mt. Plymouth Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2368, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Bruce Ross, located south of Welch Road and east of Ustler Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2369, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Louis R. Haubner Jr. and Diann Haubner, located north of Tanglewilde Street and west of Ustler Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2370, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Adventist Health System/Sunbelt Inc., d/b/a/ Florida Hospital, located on Ocoee Apopka Road, south of State Road 414 and east of State Road 429; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- e. City of Apopka Annexation Ordinances (2014 Cycle #3) and Vicinity Maps as follows:

- Ordinance No. 2379, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Jason M. Lee, located at 2300 West Ponkan Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2380, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Metzler Family Trust, located at 2133 Vick Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2381, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Property Industrial Enterprises, LLC, located at 320 and 328 West 2nd Street; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2382, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Dewar Keene 40 LLC, located at 632 West Keene Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2383, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Alexander E. and Mary E. Dewar, located at 205 and 251 East Keene Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
  - Ordinance No. 2384, entitled: An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by the City of Apopka, located at 225 West Keene Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- f. City of Orlando Voluntary Annexation Request – Tyson's Corner-ANX2014-00005. Notice of Proposed Enactment. On December 8, 2014 the Orlando City Council will consider proposed Ordinance #2014-58, 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 northeast corner of the intersection of Narcoossee Rd. and Tyson Rd., and comprised of 1.377 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 Avenue, Orlando, Florida.

- g. City of Orlando Ordinance No. 2014-54 with Exhibit A (Legal Description), Exhibit B (Annexation Map), and Exhibits C & D (Future Land Use Maps), Orlando Sentinel Notices of Proposed Enactment and Fiscal Impact Statement. Ordinance No. 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.

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

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

- COUNTY DISCUSSION AGENDA

County Administrator

1. Business Branding Initiative. (Office of Economic Trade and Tourism Development)

Ken Potrock, Senior Vice President and General Manager, Disney Vacation Club & Adventures by Disney, presented a report regarding the new business branding and marketing initiative campaign for the City of Orlando to be managed by the Orlando Economic Development Commission.

Action: None

and

- COUNTY CONSENT AGENDA (CONTINUED)

County Administrator (Deferred)

3. Approval of Orange County, Florida and Economic Development Commission of Mid-Florida, Inc. Agreement for Branding and Marketing and authorization to disburse \$500,000 as provided in the FY 2014-2015 adopted budget. (Office of Economic Trade and Tourism Development)

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): All members

Action: The Board approved the Orange County, Florida and Economic Development Commission of Mid-Florida, Inc. Agreement for Branding and Marketing; and further, authorized to disburse \$500,000 as provided in the FY 2014-2015 adopted budget.

- COUNTY DISCUSSION AGENDA

Office of Regional Mobility

1. I-4 Update. All Districts.

Loreen Bobo, I-4 Ultimate Construction Program Manager, Florida Department of Transportation, presented a report regarding the Ultimate Improvement Project of Interstate 4, which is a complete reconstruction of Interstate 4 from Kirkman Road in Orange County to State Road 434 in Seminole County. The scope of the project will include the following:

- Reconstruct mainline and interchanges
- Addition of 4 Express Lanes
- Reconstruction of bridges
- Increase design speed

The construction, operation and maintenance of the project will begin February 1, 2015, with the estimated completion scheduled for December 2020. Ms. Bobo indicated that the public can learn more about the project at [www.I4Ultimate.com](http://www.I4Ultimate.com). The website provides information regarding road construction, future road closures and detours, real-time traffic updates, and the opportunity to sign up for personalized alerts and e-newsletters.

The following persons addressed the Board:

- Cesar Souza
- John Walker

Board discussion ensued.

The following person addressed the Board: R.P. Mohnacky.

Action: None

County Administrator

2. Approval of 2015 Legislative Priorities. (Legislative Affairs)

County staff presented a report discussing the draft 2015 legislative agenda for Orange County and further provided an overview and timeline of the upcoming legislative session.

The following person addressed the Board: James Zingale.

Board discussion ensued.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board adopted the Legislative Priorities for 2015 outlined by staff as follows:

- Priorities:

- Economic Development:

- Modeling, Simulation & Training
- Florida Film Incentive
- Enterprise Zone Reauthorization

- Springs Protection/Water Initiatives:

- Support balanced efforts to protect water quality and preserve water quantity
- Secure funding for qualified water projects

- Medicaid Billing/IGTs:

- Eliminate tiered disbursement structure of Intergovernmental Transfers (IGTs)
- County cost share for Medicaid services

- State Funding Opportunities:

- Children's Mental Health
- Environmental Preservation
- Pedestrian Safety
- Pine Hills Neighborhood Improvement District (NID)

- Support / Oppose:

- Support: Department of Juvenile Justice cost equity using a billing model based on actual costs, repayment for overbilling

- Support: Funding tools for transportation, including Local Option Rental Car Surcharge
  - Support: Funding for Affordable Housing Trust Fund, SHIP, Sadowski Fund, Homeless Challenge Grants
  - Support: Legislative priorities of community partners consistent with county initiatives
  - Oppose: Legislation that negatively impacts TDT funding, including DOT-COM
  - Oppose: Efforts to erode Home Rule, including zoning, permitting, conservation
  - Oppose: Erosion of existing local government funding sources
  - Oppose: Cost shifts, unfunded mandates
- Monitor:
- Central Florida Expressway Authority
  - Communication Services Tax
  - Florida Retirement System
  - Gaming
  - Red Light Cameras
  - Coast-to-Coast Trail
- Commissioner Issues:
- County Mayor Jacobs: Monitor funding for affordable housing and affordable rental properties
  - Commissioner Clarke: Monitor funding waiver for the LIP (Low Income Pool) Fund; Monitor Homelessness funding to support permanent housing; Monitor failing golf courses for environmental purpose use rather than redevelopment.

• RECOMMENDATIONS

November 6, 2014, Board of Zoning Adjustment

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of November 6, 2014, subject to the usual right of appeal by any aggrieved party.

• PUBLIC HEARINGS

Board of Zoning Adjustment Appeal

1. Jose Holguin, Case # VA-14-10-060, October 2, 2014; District 1

Appellant/Applicant: Jose Holguin  
Case: Board of Zoning Adjustment Case # VA-14-10-060; October 2, 2014  
Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant for variances in R-1AA zone to allow detached accessory buildings to remain as follows: 1) 888 cumulative sq. ft. in lieu of 586 sq. ft. 2) 0.8 ft. from property line in lieu of 5 ft. 3) Made of materials (metal) not commonly used for single family home construction. (Note: This is a result of code enforcement action)  
Location: District 1; property located at 7257 Branchtree Dr.; generally located East side of Branchtree Dr., East of Hiawasse Rd Orange County, Florida (legal property description on file at Zoning Division)

County staff clarified that in the cover memo to the Board, Variance #2 was misstated as 0.6 feet. The actual variance request was processed and advertised as 0.8 feet.

County staff indicated that immediately after the outcome of the Board of Zoning Adjustment hearing in which the first two variances requests were denied the applicant approached County staff with modifications to the plan that the applicant intended to file on appeal. County staff indicated the applicant's modifications as follows:

- To allow a variance for a detached accessory building to remain with 844 cumulative square feet in lieu of 586 square feet, which is a reduction of approximately 44 square feet from the original request.
- Variances #2 and #3 would not be required.

The following person addressed the Board: Jose Holguin.

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

Based upon input from the County Commissioner and County staff the following condition has been added: The applicant must pull a permit to affect this approved site plan within six (6) months.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board overruled the decision of the Orange County Board of Zoning Adjustment; further, approved the request by Jose Holguin, Case # VA-14-10-060; and further, modified the request for a variance in R-1AA zone to allow a detached accessory building to remain with 844 cumulative sq. ft. in lieu of 586 sq. ft., on the described property; subject to the following conditions:



1. Development in accordance with site plan dated "Received October 17, 2014" and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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.
3. The applicant must pull a permit to affect this approved site plan within six (6) months.

#### Substantial Change

2. Amr Gawad, True Engineering & Architecture, Inc., Orangewood Planned Development/Land Use Plan (PD/LUP) ("Orangewood Cove") Case # CDR-14-07-215, amend plan; District 1

Applicant: Amr Gawad, True Engineering & Architecture, Inc., Orangewood Planned Development / Land Use Plan (PD/LUP) ("Orangewood Cove"), Case # CDR-14-07-215

Consideration: Substantial change request to amend the Orangewood Planned Development / Land Use Plan (PD/LUP) ("Orangewood Cove") by retaining existing development entitlements for up to 60,000 square feet of retail uses, while adding a maximum of five hundred (500) standard hotel rooms or two-hundred fifty (250) lock-out time share rooms; and increasing the maximum building height for hotel or timeshare uses only from sixty (60') feet to one hundred twenty-five (125') feet and eleven (11) stories. In addition, the PD trip conversion matrix has been updated by reflecting the uses of retail, hotel, and time share only, and eliminating the previously approved use of "assisted living facility" and "medical office"; 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 along the east side of International Drive, approximately 1,000 feet south of the Central Florida Parkway; Orange County, Florida (legal property description on file)

- MEMBER EXITED: Commissioner Thompson

The County Mayor noted the applicant present, waived time to address the Board and is in concurrence with staff's recommendation.

The following person addressed the Board: Charles Lee Clarke.

Motion/Second: Commissioners Boyd/Edwards

Absent: Commissioner Thompson

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 Amr Gawad, True Engineering & Architecture, Inc., Orangewood Planned Development / Land Use Plan (PD/LUP) ("Orangewood Cove"), Case # CDR-14-07-215, to amend the Orangewood Planned Development / Land Use Plan (PD/LUP) ("Orangewood Cove") by retaining existing development entitlements for up to 60,000 square feet of retail uses, while adding a maximum of five hundred (500) standard hotel rooms or two-hundred fifty (250) lock-out time share rooms; further, increased the maximum building height for hotel or timeshare uses only from sixty (60') feet to one hundred twenty-five (125') feet and eleven (11) stories; further, the PD trip conversion matrix is updated by reflecting the uses of retail, hotel, and time share only; and further, eliminated the previously approved use of "assisted living facility" and "medical office"; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Orangewood / Orangewood Cove PD Land Use Plan dated "Received August 27, 2014," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval of this land use plan and the land use plan dated "Received August 27, 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 issuance of the initial 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.
5. 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.
6. The developer shall obtain water and wastewater service from Orange County Utilities.
7. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed water and wastewater systems have 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 (Tourist Commercial).
9. Outside sales, storage, and display shall be prohibited.
10. The maximum building height for any hotel or time share use shall be limited to one-hundred twenty-five (125) feet and eleven (11) stories. The maximum building

height for all other uses shall be sixty (60) feet, or thirty-five (35) feet within one-hundred feet of single family residential.

11. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 23, 1994, shall apply:
  - a. The proposed median opening and access location are not approved with this plan and shall be determined at development plan submittal.
  - b. To the extent required to comply with the consistency provisions of the Growth Management Act, the following conditions shall be added to the conditions of approval:
    - 1) Commercial land uses shall be limited to those stated in Policy 1.1.3 of the International Drive Activity Center Plan. Furthermore, Policy 1.1.6. of the International Drive Activity Center Plan dealing with prohibited uses shall apply to development approvals.
    - 2) If the housing linkage program is in place prior to development approval, development of nonresidential development shall be conditioned upon the development of residential units within the area designated as Activity Center Residential on the Future Land Use Map. Past affordable housing efforts by the developer shall be recognized in any housing linkage program.
    - 3) The Development Guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to development plan submittal, including but not limited to lighting standards, site regulations, open space regulations, trip reduction program, access management controls, transit access design standards, building orientation and location of parking lots.
    - 4) The property owner shall be required to participate in a property owners' association upon its creation.
    - 5) Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County engineer to be technically unfeasible.
    - 6) A 20-foot wide pedestrian/landscape/utility easement plus a 15-foot wide transit easement along International Drive for a total of 35 feet (with the

transit easement along International Drive) shall be included in the development plan.

- 7) The development plan may provide for interconnection of adjacent developments either by cross-access easements or public right-of-way.
- 8) Sidewalks may be a minimum of 10-foot wide along International Drive.
- 9) Participation in a shuttle service connecting area attractions, major transportation centers, and on-site development shall be required.

### Substantial Change

3. John Prowell, VHB, Inc., Village F Master PD/Parcels N-23A, N-23B, N-24, N-25A, N-25B & N-26A Preliminary Subdivision Plan - Substantial Change - Case # CDR-14-01-015; District 1

Applicant: John Prowell, VHB, Inc., Village F Master PD / Parcels N-23A, N-23B, N-24, N-25A, N-25B & N-26A Preliminary Subdivision Plan – Substantial Change - Case # CDR-14-01-015

Consideration: Substantial change request is proposing to construct 39 single-family townhome units on 47.41 acres; pursuant to Sections 34-69 and 30-89, Orange County Code.

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

County staff stated that the proposed substantial change request is to add 39 single-family townhome units in Phase 2.

- MEMBER RE-ENTERED: Commissioner Thompson

The following person addressed the Board: John Prowell.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by John Prowell, VHB, Inc., Village F Master PD / Parcels N-23A, N-23B, N-24, N-25A, N-25B & N-26A Preliminary Subdivision Plan – Substantial Change - Case # CDR-14-01-015, to construct 39 single-family townhome units on 47.41 acres in Phase 2; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Village F Master Planned Development; Orange County Board of County Commissioners (BCC) approvals; Parcel N-24 and a

portion of Parcel N-23A, N-23B, N-25A, N-25B, and N-26A Preliminary Subdivision Plan dated "Received October 6, 2014," 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 October 6, 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. A waiver from Section 34-152(c) is granted to allow lots to front a new, open space, bike trail or park, etc. Legal access to these lots will be through an alley ingress/ egress easement shown on the plat, in lieu of 20-foot wide fee simple access to an Orange County maintained paved roadway, as required by code.
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. 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.
6. As proof of satisfaction of the project's transportation concurrency obligations, and in compliance with that certain Village F Road Network Agreement recorded at O.R. Book 10591, Page 5123, the developer must provide a valid Assignment of

Vested Trips document together with the applicable Confirmation Letter issued by Orange County, consistent with the Village F Road Network Agreement. In addition, the plan must show a legend with trip allocations by parcel identification number and phase of the development.

7. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
8. Prior to commencement of any earth work or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
9. 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 construction 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.
10. 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).
11. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners of the following: Homeowners own and maintain their individual water services which extend to their homes from public water meters located adjacent to public road right-of-way. The privately-owned water services for Lots 131 to 154 extend to these units through green space tracts which front these lots. The owners of Lots 131 to 154 shall be granted access to these tracts for the purpose of maintaining their water services.
12. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated December 3, 2013, shall apply:

- a. ~~Development shall conform to the Village F Master Planned Development; Orange County Board of County Commissioners (BCC) approvals; Parcel N-24 and a Portion of Parcels N-23A, N-23B, N-25A, N-25B & N-26A Preliminary Subdivision Plan dated "Received October 21, 2013," 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 October 21, 2013," the condition of approval shall control to the extent of such conflict or inconsistency.~~

*10/22/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1*

- 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.~~

*10/22/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #2*

- c. ~~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.~~

*10/22/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #3*



- d. Roads and drainage system, including the retention ponds, 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.
- e. 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.
- 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. ~~A waiver from Section 34-152(c) is granted to allow lots to front a mew. Legal access to these lots will be through an ingress/egress easement shown on the plat, in lieu of 20 feet fee simple as required by code.~~

*10/22/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #4*

- h. ~~As part of the Horizon West Global Infrastructure Term Sheet the applicant must submit the roadway construction schedule in order to receive vesting 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 reservation certificate.~~

*10/22/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #6*

- i. The following Education Condition of Approval shall apply:
  - 1) Developer shall comply with all provisions of the Capacity Enhancement Agreement 06-011-01 and 06-011-07 entered into with the Orange County School Board in November 2006.
  - 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 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. 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.
- j. ~~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.~~

*10/22/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #8*

- k. ~~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.~~

*10/22/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #7*

- 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.~~

*10/22/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #9*

- m. Prior to construction plan submittal, submit a Master Utility Plan (MUP) for the PSP including hydraulically dependent parcels outside the PSP boundaries. Include supporting calculations showing that the PSP is consistent with the approved MUP for Village F, or update the Village F MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
- n. An agreement related to the construction and/or oversizing of the utility mains included in this PSP may be required. Utility agreements, if required, must be approved by the BCC prior to construction plan approval.
- o. 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 façades (except for any waivers explicitly granted by the BCC).
  - 2) House front façades 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.
- p. Signage shall comply with Ch. 31.5, except for the following waiver:

The following waiver from Orange County Code is granted and applicable only to PD Parcels N-23A, N-23B, N-24, N-25A, N-25B and N-26A, and is intended to provide for alternative sign/architectural features from that otherwise required by Orange County Code:

- 1) A waiver from Orange County Code Sections 31.5-67(b) and 31.5-73(c) to allow ~~two (2)~~ three (3) primary ground signs; one at the primary project entrance along Street "T" as depicted on the PSP site plan, and ~~another two (2) others~~ along the project boundary at the northwest corner adjacent to Phil Ritson Way; in lieu of only one (1) sign as allowed by Code. In addition, the ~~two (2)~~ three (3) primary ground signs shall be allowed to include free-standing or attached architectural features (such as an entry tower, large column elements, corner turret, archway, etc.) with a maximum height of thirty-five (35) feet, in lieu of a ground sign with a maximum height of eight (8) feet. These features shall be exclusive of

lightning protection and shall include signage; however, the features shall be consistent with the locations shown on the PSP site plan with no signage exceeding the allowable square footage for a primary entry sign.

#### Ordinance-1st Hearing

4. Amending Orange County Code, Chapter 38, pertaining to Concrete & Asphalt Plants (2nd hearing on December 16, 2014)

Consideration: AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA; AMENDING CHAPTER 38 ("ZONING") OF THE ORANGE COUNTY CODE REGARDING CEMENT, CONCRETE, ASPHALT PLANTS AND OTHER FACILITIES AND USES DESCRIBED UNDER MAJOR GROUP 14 ("MINING AND QUARRYING") OF THE 1987 EDITION OF THE STANDARD INDUSTRIAL CLASSIFICATION MANUAL; REPEALING ORDINANCE NO. 2014-25 THAT ESTABLISHED A MORATORIUM; AND PROVIDING AN EFFECTIVE DATE.

- RELINQUISHED CHAIR

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

Board discussion ensued.

- REASSUMED CHAIR

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

The following persons addressed the Board:

- Elaine Thompson
- Ken Roberts
- Dominique Buhot
- Johnny Stanley

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

Board discussion ensued.

Action: None

• COUNTY DISCUSSION AGENDA (CONTINUED)

County Mayor

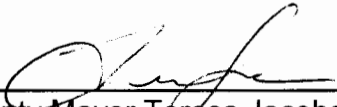
1. Open discussion on issues of interest to the board.

Action: None

• ADJOURNMENT

There being no further business, the Board adjourned the meeting at 4:44 p.m.

ATTEST:

  
\_\_\_\_\_  
County Mayor Teresa Jacobs

Date: 1/27/15 *sd*

ATTEST SIGNATURE:

Martha O. Haynie  
County Comptroller as Clerk

  
\_\_\_\_\_  
Deputy Clerk

