

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, January 13, 2015
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, Assistant County Attorney Lila McHenry, Deputy
Clerk Katie Smith, Senior Minutes Coordinator Craig Stopyra

- CALL TO ORDER, 9:08 a.m.
- REMEMBRANCE
For the passing of Orange County Correctional Officer, Pamela Mobley
- REMEMBRANCE
Marking the fifth year anniversary of the earthquake in Haiti.
- INVOCATION - Reverend Kathy Schmitz, First Unitarian Church of Orlando
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Antonio Urdaneta
- Charles Buchanan
- Jose Datil Colon
- Doug Head
- Lesline Powe-Barton
- Joshua Paladino
- RJ Mueller

Board Record/Exhibit:

The following exhibits were presented to the Board during public comment:

- Exhibit 1, from RJ Mueller
- Exhibit 2, from Emmett O'Dell
- Exhibit 3, from Emmett O'Dell
- Exhibit 4, from Emmett O'Dell

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

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

County Comptroller

1. Approval of the minutes of the November 11 and 18, 2014, meetings of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Period as follows: January 2, 2015, to January 8, 2015; total of \$45,889,425.48. (Finance/Accounting)

County Administrator

1. Approval of the Membership and Mission Review Board recommendations for advisory board appointments/reappointments. (Agenda Development Office)
 - A. Building Codes Board of Adjustments and Appeals: Reappointment of William E. Zetterlund in the general contractor category and Raymond T. Kilmer in the roofing contractor category with terms expiring December 31, 2016.
 - B. Children and Family Services Board: Reappointment of Leah B. Shepherd, Wanda W. Brewer, and Wilhemina K. Ford in the at large representative category with terms expiring December 31, 2016 and the appointment of Dr. Lisa M. King to succeed Traci Woods in the at large representative category with a term expiring December 31, 2015. Note: This will be third terms for both Ms. Shepherd and Ms. Brewer and will require a supermajority (5) vote of the Board of County Commissioners.
 - C. Disability Advisory Board: Appointment of Nancy B. Morales-Benitez to succeed Regina Singleton in the at large representative category with a term expiring June 30, 2015.
 - D. International Drive CRA Advisory Committee: Reappointment of Jeroline G. Adkinson in the Tangelo Park Civic Association representative category with a term expiring January 1, 2017 and the appointment of Elisabeth J. Mendes to succeed Dan Brown in the at large representative category with a term expiring January 1, 2016.
 - E. M/WBE Advisory Committee: Reappointment of Valerie J. Odom and Francine V. Thomas; the appointment of John G. Marshall to succeed LaTeah S. Lockett; and the appointment of Augusto Sanabria to succeed Mercedes McCall, all in the at large representative category with terms expiring June 30, 2016. Note: This will be a third term for Ms. Odom and will require a supermajority vote of the Board of County Commissioners.

- F. MetroPlan Orlando Citizens' Advisory Committee: Reappointment of Kenneth J. Dwyer, II and the appointment of Fr. Jabriel S. Ballentine to succeed Tezlyn Figaro in the Orange County representative category with terms expiring December 31, 2017.
 - G. Neighborhood Grants Advisory Board: Reappointment of Karen S. Willis in the District 5 representative category and the appointment of Frank E. Blanco to succeed Laquita Davis-Harrison in the District 1 representative category with terms expiring June 30, 2016.
 - H. Nuisance Abatement Board: Reappointment of Jason G. Toll in the at large representative category with a term expiring January 1, 2016 and Don S. Mitchell and Jeffrey R. DeFelice in the at large representative category with terms expiring January 1, 2017.
 - I. Public Works Advisory Board: Appointment of Mara Lugo Rudner to succeed John C. Harris in the at large representative category with a term expiring June 30, 2016.
 - J. Sustainability Advisory Board: Appointment of Hal H. Kantor in the arts and cultural affairs representative category, Samuel B. Graham in the economic development or business representative category, Jocelyn Jones in the social services or community health representative category, and Christopher Rizzolo in the at large representative category with terms expiring June 30, 2015 and the appointment of Luz Aviles in the environmental protection, natural resources management, or sustainability practices representative category, Melvin Pittman in the neighborhood improvement related organization or activities leadership representative category; Paul (Tommy) Boroughs in the urban planning or transportation planning representative category; and John M. Martinez in the at large representative category with terms expiring June 30, 2016.
2. Reappointment of City of Winter Garden Commissioner Robert Olszewski to the Community Action Board in the municipal elected official category with a term expiring December 31, 2018. (Agenda Development Office)
 3. Confirmation of the appointment of Jaja J. Wade to the Planning and Zoning Commission as the District 6 representative with a term expiring December 31, 2016. (Agenda Development Office)
 4. Approval of Agreement between Orange County, Florida and Orange County Professional Firefighters, Local 2057, International Association of Firefighters (IAFF), Battalion Chief Unit Agreement for Fiscal Years 2011-12 through 2013-14. (Human Resources Division)
 5. Confirmation by the Board of County Commissioners of the County Mayor's staff reappointments for the 1st Quarter (October – December) FY 2014-2015. (Human Resources Department)

Lonnie Bell, Jr., Director, Family Services
Kathleen Canning-Glassman, Executive Director, Convention Center
J. Ricardo Daye, Director, Human Resources, Office of Accountability
Otto Drozd, III, Director, Fire Rescue Services
Sara Flynn-Kramer, Manager, Capital Projects, Administrative Services
Rodney Gutierrez, Manager, Sales and Event Management, Convention Center
Robin Hammel, Manager, Engineering, Public Works
Raymond Hanson, Director, Utilities
Glenn Kramer, Manager, Fiscal and Operational Support, Utilities
Anne Kulikowski, Manager, Fiscal and Operational Support, Administrative Services
Rodney Lynn, Manager, Storm Water, Public Works
Rafael Mena, Chief Information Officer, Information Systems Services, Office of Accountability
David Rathbun, Division Chief, Fire Strategic Business Plan, Fire Rescue Services
Cornita Riley, Chief of Corrections, Corrections
Tracy Salem, Manager, Youth and Family Services, Family Services
Dean Stites, Manager, Fiscal and Operational Support, Community, Environmental and Development Services
Larry Tunnell, Manager, Water Reclamation, Utilities
Ann Marie Varga, Manager, Communications, County Administration
Alberto Vargas, Manager, Planning, Community, Environmental and Development Services
Frederick Winterkamp, Manager, Fiscal and Business Services, Office of Accountability

6. Approval of Orange County, Florida and Black Business Investment Fund of Central Florida, Inc. FY 2015 Grant Agreement and authorization to disburse \$138,438 as provided in the FY 2014-15 adopted budget. (Office of Economic, Trade and Tourism Development)
7. Approval for the Orange County Sheriff's Office to spend \$1,000 from the Law Enforcement Trust Fund to provide eligible contribution to the National Latino Peace Officers Association (NLPOA), Central Florida Chapter. (Office of Management and Budget)
8. Approval to pay up to \$1,348,055 to the Supervisor of Elections for voting system upgrades. (Office of Management and Budget)
9. Approval of budget amendments #15-03 and #15-04. (Office of Management and Budget)
10. Approval of Ratification of payment of Intergovernmental claims of: November 13, 2014, December 4, 2014, December 18, 2014. Totaling: \$1,056,581.99. (Risk Management Division)

Administrative Services Department

1. Approval to award Invitation for Bids Y15-155-MA, Food Products, to the sole responsive and responsible bidder, Sysco Central Florida, for an estimated contract amount of \$157,281 for a 1-year term. Further, authorized the Procurement Division to renew the contract for four additional 1-year terms. ([Family Services Department Youth and Family Services Division] Procurement Division)
2. Approval to award Invitation for Bids Y15-179-JS, Infrastructure Location Contractor, to the low responsive and responsible bidder, High Tech Engineering, Inc., for an estimated contract award amount of \$3,383,095.20 for a 3-year term contract. Further, authorized the Procurement Division to renew the contract for two additional 1-year terms. ([Utilities Department Field Services Division] Procurement Division)
3. Approval to award Invitation for Bids Y15-714-EB, Orange County Maxey Community Center HVAC Replacement, to the low responsive and responsible bidder, Pipeline Mechanical, Inc. in the total contract award amount of \$421,360. ([Administrative Services Department Capital Projects Division] Procurement Division)
4. Approval to award Invitation for Bids Y15-724-J2, Lake Serene Drainage Well Replacement, to the sole responsive and responsible bidder, Henderson Wilder, Contractor, in the estimated contract award amount of \$142,967.50. ([Public Works Department Stormwater Management Division] Procurement Division)
5. Approval of Purchase Order M71732 – Purchase of Supplemental Disk Filter for South Water Reclamation Facility, with Aqua-Aerobic Systems, Inc., in the contract award amount of \$288,893. ([Utilities Department Engineering Division] Procurement Division)
6. Approval of Contract Y15-2064-LC, Juvenile Addictions Receiving Facility, with Aspire Health Partners, Inc., in the estimated annual contract award amount of \$264,852 for a 1-year period. Further, authorized the Procurement Division to renew the contract for one additional 1-year period. ([Health Services Department Mental Health and Homeless Issues Division] Procurement Division)
7. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Rider to the Residential Contract for Sale and Purchase between Orange County and Michele Shimko, approval and execution of County Deed from Orange County to Michele Shimko and authorization to perform all actions necessary and incidental to closing for NSP Resale – 5154 Laval Drive, Orlando, FL 32829 (NCST). District 3. (Real Estate Management Division)

8. Approval of Amended and Restated Conservation and Access Easement between Meritage Homes of Florida, Inc. and Orange County and authorization to record instrument for Compass Rose Project CAI #13-05-011. District 1. (Real Estate Management Division)
9. Approval of Temporary Utility Easement between Meritage Homes of Florida, Inc. and Orange County and authorization to record instrument for Watermark Phase 1A OCU Project #74187. District 1. (Real Estate Management Division)
10. Approval of Utility Easement between Meritage Homes of Florida, Inc. and Orange County and authorization to record instrument for Windermere Trails Parcel 3 OCU File #: 13-S-087. District 1. (Real Estate Management Division)

Community, Environmental and Development Services Department

1. Approval of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division)

LC 13-1615	LC 13-1422	LC 14-1549	LC 14-1423	LC 14-0091
LC 14-0036	LC 13-1702	LC 14-1554	LC 14-1602	LC 14-0095
LC 14-1482	LC 14-1335	LC 14-1627	LC 14-1712	LC 14-0101
LC 14-1535	LC 14-1405	LC 13-1890	LC 13-1512	LC 14-0103
LC 14-1562	LC 14-1445	LC 14-0031	LC 13-1605	LC 14-0107
LC 14-1640	LC 14-1447	LC 14-1848	LC 13-1693	LC 14-0127
LC 14-1795	LC 14-1526	LC 13-1859	LC 13-1878	LC 14-0152
LC 14-1865	LC 14-1534	LC 14-1097	LC 14-0076	LC 14-0192

2. Approval of Resolution 2015-M-01 of the Orange County Board of County Commissioners regarding the Expansion of Photovoltaic (PV) Solar Energy in the State of Florida and Recognizing a Florida Solar Financing Action Plan. All Districts. (Environmental Protection Division)

Family Services Department

1. Approval of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Bithlo Head Start. This application is only executed by Orange County. (Head Start Division)
2. Approval of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Hal Marston Head Start. This application is only executed by Orange County. (Head Start Division)

3. Approval of January 2015 Neighborhood Pride Entranceway Grants as recommended by the Neighborhood Grants Advisory Board for Carriage Pointe HOA (\$5,000); Greenview HOA (\$5,000); Lake Conway East HOA (\$5,000); Pine Meadows HOA (\$5,000); Hunters Trace Community Association (\$5,000) and Kensington Subdivision (\$5,000). Districts 1, 3, 5 and 6. (Neighborhood Preservation and Revitalization Division)
4. Approval of the January 2015 Neighborhood Pride Mini-Grants as recommended by the Neighborhood Grants Advisory Board for Magnolia Lakes Neighborhood (\$1,500); University Place Neighborhood and Washington Park Neighborhood Association (\$1,500). Districts 2, 5 and 6. (Neighborhood Preservation and Revitalization Division)
5. Approval of the December 2014 Business Assistance for Neighborhood Corridors Program Grants for Accounting Alliance for Small Business, P.A. (\$4,920) and Fairlane Auto Sales (\$5,000). Districts 3 and 4. (Neighborhood Preservation and Revitalization Division)
6. Approval of January 2015 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for Little Lake Barton Shores Neighborhood (\$4,400) and Wedgefield HOA (\$5,000). District 5. (Neighborhood Preservation and Revitalization Division)
7. Approval of the December 2014 Business Assistance for Neighborhood Corridors Program Grants for A.A. Ali, CPA., PA (\$5,000) and Modern Industry Services (\$5,000) to be funded from the Community Development Block Grant. District 6. (Neighborhood Preservation and Revitalization Division)

Health Services Department

1. Approval to accept the 2014 Paul Coverdell Forensic Sciences Improvement Grant in the amount of \$3,048 from the Florida Department of Law Enforcement/National Institute of Justice (NIJ) for the grant period October 1, 2014 through September 30, 2015, and approval for the Mayor, or her designee, to sign future amendments to this grant. No county match is required. (Medical Examiner)

Utilities Department

1. Approval of Utility Construction Reimbursement Agreement for Dowden Road and Innovation Way South by and between Orange County and Lennar Homes, LLC in the not to exceed amount of \$5,057,419. District 4. (Utilities Engineering Division)

- INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Town of Oakland Notice of Voluntary Annexation - 17690 SR 438 (PID 30-22-27-0000-00-035); Ordinance with Location Map and Orlando Sentinel Advertisement Proof. Ordinance 2014-22, entitled: An Ordinance of the Town of Oakland, Florida, relating to voluntary annexation of approximately 0.40 ± acres; making findings; annexing to and including within the corporate limits of the Town of Oakland, Florida, certain lands located in Section 30, Township 22S, Range 27E; redefining the corporate limits of the Town of Oakland, Florida; providing for the interim provision of Land Development Regulations; providing that effective in accordance with the law, the lands to be annexed shall be assessed for payment of Municipal Ad Valorem Taxes; directing the Town Clerk to file certified copies of the ordinance with the County Comptroller and the Secretary of State of the State of Florida; and providing for codification, conflicts, severability, and effective date.
 - b. Notice of Application for Amendment to Water and Wastewater Certificates given on December 11, 2014 by Pluris Wedgefield, Inc.
 - c. City of Orlando Voluntary Annexation Request: 4257 Daubert Street; Orlando Sentinel Advertisement Proof, Notice of Proposed Enactment. Proposed Ordinance 2014-70, 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 Daubert St., east of Maltby Ave., south of Roush Ave., and west of Lake Baldwin Ln. and comprised of 0.46 acres, more or less; amending the City's adopted Growth Management Plan to designate the property as Industrial on the City's Official Future Land Use Maps; and designating the property as the Industrial-Commercial District with the Aircraft Noise Overlay District on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, and an effective date. The public hearing and request for the second reading and adoption of the annexation ordinance is scheduled for the City Council meeting on January 12, 2015. The first reading of this ordinance is scheduled for Monday, December 15, 2014.
 - d. City of Orlando Ordinance No. 2014-58 with Exhibit A (Legal Description), Exhibit B (Annexation Map), Exhibits C & D (Future Land Use Maps) and Orlando Sentinel Affidavit of Publication. Ordinance No. 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.

- e. St. Johns River Water Management District's Governing Board 2015 Meeting Schedule.
- f. City of Ocoee Notice of Annexation Ordinances and Legal Descriptions with Maps as follows:
 - Ordinance 2014-021 (Annexation Ordinance for 2nd Street, Homes in Partnership), Tax Parcel ID #s: 17-22-28-3624-02-040 and 17-22-28-3624-02-050; Case No. AX-07-14-45: Homes in Partnership Annexation. An Ordinance of the City of Ocoee, Florida, annexing into the corporate limits of the City of Ocoee, Florida, certain real property containing approximately 0.31 acres located on the west side of 2nd Street, approximately 250 feet north of the intersection of Nay Avenue and 2nd Street; pursuant to the application submitted by the property owner, finding said annexation to be consistent with the Ocoee Comprehensive Plan, the Ocoee City Code, and the Joint Planning Area Agreement; providing for and authorizing the updating of official City Maps; providing direction to the City Clerk; providing for severability; repealing inconsistent ordinances; providing for an effective date.
 - Ordinance 2014-023 (Annexation Ordinance for 2nd and Whittier, Homes in Partnership), Tax Parcel ID #s: 17-22-28-3624-01-010, 17-22-28-3624-01-020, 17-22-28-3624-01-030, 17-22-28-3624-01-160, 17-22-28-3624-01-170, and 17-22-28-3624-01-180; Case No. AX-07-14-50: Homes in Partnership Annexation. An Ordinance of the City of Ocoee, Florida, annexing into the corporate limits of the City of Ocoee, Florida, certain real property containing approximately 0.93 acres located on the west side of 2nd and east side of Whittier Avenue, approximately 150 feet north of E Silver Star Road; pursuant to the application submitted by the property owner, finding said annexation to be consistent with the Ocoee Comprehensive Plan, the Ocoee City Code, and the Joint Planning Area Agreement; providing for and authorizing the updating of official City Maps; providing direction to the City Clerk; providing for severability; repealing inconsistent ordinances; providing for an effective date.
- g. City of Apopka Annexation Ordinances (2014 Cycle #4) and Vicinity Maps as follows:
 - Ordinance No. 2394, 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 Leslie and Nancy Hebert, located at 3600 West Kelly Park Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
 - Ordinance No. 2395, 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 McCarthy McCollough, located at 1505 West Kelly Park

Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.

- Ordinance No. 2396, 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 Ahmed and Moira L. Al-Malt, located at 308, 316 and 318 East Welch Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- Ordinance No. 2397, 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 Afzal and Sabiya Khan, located at 382 and 400 East Welch Road, providing for directions to the City Clerk, severability, conflicts, and an effective date.
- Ordinance No. 2398, 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 Guarda and Son, LLC, located at 1240 Ustler Road; providing for directions to the City Clerk, severability, conflicts, 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.

- **NONAGENDA**

Commissioner Edwards presented his concerns regarding the Informational Items listed in the Agenda that contain annexation enclaves that are being created, and further requested information regarding the timeframe to appeal such annexations. County staff stated that the Planning Division, Real Estate Division, Public Works Department, County Attorney's Office, among other County divisions and departments affected by the annexation, review all annexations primarily looking for consistency with contiguity, creation of enclaves and other criteria within Chapter 171 of the Florida Statutes. County staff reported that the majority of the annexations are relatively small acreages. County staff noted that to object to the annexation, it must be done during the second public hearing of the annexation ordinance.

Action: None

- **COUNTY DISCUSSION AGENDA**

County Sheriff

1. Sheriff's Office Body Cameras.

Orange County Sheriff Jerry Demings addressed the Board regarding the use of body cameras for sheriff's deputies. Orange County Sheriff Officer Major Ron Stucker

presented a report regarding the Orange County Sheriff's Office body worn camera project. The presentation detailed the current use of cameras, policy development and issues, public records and retention, technology research, timeline for implementation and budget considerations.

Orange County Sheriff Office returned unexpended budgeted revenue of approximately \$476,000 to the Board of County Commissioners. The Sheriff's Office requested from the Board that the unused funds be allocated back to the Sheriff's Office for the purchase of network storage, upload infrastructure and body cameras.

Board discussion ensued.

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board allocated the unused funds; and further, made the funding available for the Orange County Sheriff's Office to move forward with the purchase and deployment of body cameras.

County Administrator

1. Approval of First Amendment to Amended and Restated Orlando/Orange County Interlocal Agreement Performing Arts Center, Events Center, Citrus Bowl, Soccer Stadium by and among Orange County, Florida, the City of Orlando, Florida and the City of Orlando, Florida Community Redevelopment Agency.

Jim Pugh, Chairman, Epoch Properties, Inc., addressed the Board regarding the Dr. Phillips Performing Arts Center. Kathy Ramsberger, President of the Dr. Phillips Performing Arts Center, presented an update on Phases 1 and 2 of the Dr. Phillips Performing Arts Center (DPAC). Her presentation detailed information on the successful grand opening, upcoming shows and events, business operations, membership, philanthropy support, arts and wellness education, collaboration and economic activity.

Ms. Ramsberger also presented information regarding variables of Phase 2 project costs. The County's additional \$25 million contribution from the Tourist Development Tax (TDT) is contingent upon DPAC meeting its fund raising goal. DPAC did not reach their goal and requested from the Board an extension of the fund raising deadline.

Board discussion ensued.

The following persons addressed the Board:

- Rebecca Sutton
- County Comptroller Haynie

Motion/Second: County Mayor Jacobs/Commissioner Edwards

AYE (voice vote): All members

Action: The Board approved the First Amendment to Amended and Restated Orlando/Orange County Interlocal Agreement Performing Arts Center, Events Center, Citrus Bowl, and Soccer Stadium by and among Orange County, Florida, the City of Orlando, Florida and the City of Orlando, Florida Community Redevelopment Agency.

2. Tinker Field.

The Board held a discussion regarding the City of Orlando's future plans for Tinker Field. The Board requested the City of Orlando provide an update on plans for the site.

Action: None

Addendum #1

Office of Regional Mobility

1. SR 50/UCF Connector Alternatives Analysis.

John Lewis, Executive Director, Lynx addressed the Board. Carleen Flynn, Project Manager, Central Florida Regional Transportation Authority (LYNX), presented a report regarding the eighteen month alternatives analysis study of the SR 50/UCF Connector. The corridor of State Road 50 has six service routes from Winter Garden to State Road 434 and to the University of Central Florida (UCF) area. The purpose of the study evaluated the following:

- Performance of LYNX's existing service with the current and future demand
- Identify transit needs
- Conduct cost analysis
- Provide data that supports the efforts of regional leaders

Jane Lim-Yap, Associate Planner, Kittelson & Associates, Inc., presented the results of the SR 50/UCF Connector Alternatives Analysis Study.

Board discussion ensued.

Action: None

• COUNTY WORK SESSION AGENDA

Public Works Department

1. Authorization to allow crime prevention cameras to be permitted in the public right-of-way. All Districts. (Development Engineering Division)

(This item was deferred until the afternoon session at the conclusion of the public hearings.)

- MEETING RECESSED, 11:48 a.m.
- MEETING RECONVENED, 1:44 p.m.

Members Present: County Mayor Teresa Jacobs; Commissioners S. Scott Boyd, Bryan Nelson, Pete Clarke, Jennifer Thompson, Victoria P. Siplin; Commissioner Ted Edwards joined the meeting where indicated.

Others Present: County Administrator Ajit Lalchandani, Assistant County Attorney Roberta Alfonso, Deputy Clerk Katie Smith, Senior Minutes Coordinator Craig Stopyra

- PRESENTATION

Employee Service Awards to Ronda Yvette Robinson (20), County Administration; Robert L. Hogue (30), Parks and Recreation, Community, Environmental and Development Services; Monique Renee Nichols (25), Paulette Faye Hinton (20), Youth and Family Services, Annie Ruth Williams (20), Cynthia M. Watkins (25), Citizens Resource and Outreach, Sonya Letitia Hill (20), Laura H. Giancola (20), Laura Ann Baumgartner (25), Head Start, Family Services

- MEMBER JOINED: Commissioner Edwards

- PRESENTATION CONTINUED

Ricardo Rivera (20), Victoria L. Quick (20), Operations, Fire Rescue; Lowell Kernal Lawson (25), Customer Service, Ronald L. Green (25), Solid Waste, Kenneth M. Perkins (25), Water, Utilities

- PRESENTATION

Recognition of Battalion Chief Victoria Quick

- RECOMMENDATIONS

December 18, 2014, Planning and Zoning Commission

The following persons addressed the Board:

- Larry Simmons
- Emily Bonilla
- RJ Mueller

Public Record:

The following public record was received by the Clerk during public comment. The document referenced by the speaker was not presented to the Board. Public Record 1, from Emily Bonilla.

Board discussion ensued.

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of December 18, 2014; subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Substantial Change

1. Momtaz Barq, Terra-Max Engineering, Inc., Wise Planned Development (PD) Land Use Plan (LUP) Case # CDR-14-06-160, amend plan; District 6

Applicant: Momtaz Barq, Terra-Max Engineering, Inc., Wise Planned Development / Land Use Plan (PD / LUP) Case # CDR-14-06-160

Consideration: Substantial change request to amend the Wise Planned Development / Land Use Plan (PD/LUP) to permit a maximum of 34,000 square feet of C-1 (Retail Commercial District) uses within PD Tract B only; and excluding the uses of liquor store, automotive service station, convenience stores, pawn shops, drive-in restaurants, laundromats, bottle clubs/private lounges, cocktail lounges, hotel/motels, skating rinks, bowling alleys, and video arcades/billiard parlors. The request also includes the following waiver from the Orange County Code: 1) A waiver from Orange County Code Section 38-1272(3) to allow for a ten foot (10') PD perimeter building setback along the east, west and south property lines of PD Tract B only (excluding the east property line adjacent to residentially zoned parcels and the south property line along Old Winter Garden Road), in lieu of the required twenty-five foot (25') PD perimeter building setback; 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 6; property located at 6549 Old Winter Garden Road; generally located on the north side of Old Winter Garden Road and east side of Hiawassee Road (legal property description on file)

The following person addressed the Board: Momtaz Barq.

Motion/Second: Commissioners Siplin/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Momtaz Barq, Terra-Max Engineering, Inc., Wise Planned Development / Land Use Plan (PD / LUP) Case # CDR-14-06-160, to amend the Wise Planned Development / Land Use Plan (PD/LUP) to permit a maximum of 34,000 square feet of C-1 (Retail Commercial District) uses within PD Tract B only; further, excluded the uses of liquor store, automotive service station, convenience stores, pawn shops, drive-in restaurants, laundromats, bottle clubs/private lounges, cocktail lounges, hotel/motels, skating rinks, bowling alleys, and video arcades/billiard parlors; and further, included the following waiver from the Orange County Code:

- 1) A waiver from Orange County Code Section 38-1272(3) to allow for a ten foot (10') PD perimeter building setback along the east, west and south property lines of PD Tract B only (excluding the east property line adjacent to residentially zoned parcels and the south property line along Old Winter Garden Road), in lieu of the required twenty-five foot (25') PD perimeter building setback;

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

1. Development shall conform to the Wise Plan Development / Land Use Plan (PD/LUP) dated "Received October 13, 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 October 13, 2014," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to

the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. All acreages identified as conservation areas and buffers are considered approximate until finalized by Conservation Area Determination (CAD) and Conservation Area Impact (CAI) Permits. Approval of this plan does not permit any proposed conservation impacts.
5. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
6. Outside sales, storage, and display shall be prohibited.
7. 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.
8. This project is located in an Alternative Mobility Area (AMA), and therefore the applicant/developer shall be required to provide for alternative mobility strategies related to the development, and submit a Planning Context Assessment Study to be reviewed and approved by transportation planning.
9. 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, 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.
10. The Developer shall obtain wastewater service from Orange County Utilities.
11. The stormwater management system shall be designed to retain the 100-year / 24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all

applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.

12. A waiver from Orange County Code Section 38-1272(3) is granted to allow for a ten foot (10') PD perimeter building setback along the east, west and south property line of PD Tract B only (excluding the east property line adjacent to residentially zoned parcels and the south property line along Old Winter Garden Road), in lieu of the required twenty-five foot (25') PD perimeter building setback.
13. A 35-foot (35') Type B landscape buffer shall be provided along the northern property line.
14. Prior to the issuance of any vertical building permits, the property shall be platted.
15. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 26, 2007 and February 21, 1995 shall apply.
 - a. Access from Hiwassee Road shall be right turn in / right turn out. No deceleration lane is recommended due to spacing. The developer shall relocate the school entrance. The developer will install flashers at the exit with warning signs and will install illuminated "No Right Turn" signs at all four approaches to Hiwassee Road-Old Winter Garden Road. These will be operated by time clock when school is in session.
 - b. Access to this PD shall be limited to:
 - 1) One access from Old Winter Garden Road to Tract "B";
 - 2) One access from Old Winter Garden Road to Tract "A";
 - 3) One access from Hiwassee Road to Tract "A"; and
 - 4) One right in/right out access from Old Winter Garden Road for Tract "A".
 - c. No video arcade/billiard parlors shall be permitted.
 - d. A masonry wall shall be provided along the north property line.
2. Jennifer Stickler, Kimley-Horn and Associates, Wal-Mart East Planned Development / Land Use Plan (PD / LUP), Case # CDR-14-09-282, amend plan; District 4

Applicant: Jennifer Stickler, Kimley-Horn and Associates, Wal-Mart East Planned Development / Land Use Plan (PD / LUP), Case # CDR-14-09-282

Consideration: Substantial change request to amend the Wal-Mart East Planned Development / Land Use Plan (PD/LUP) by increasing commercial entitlements from 236,109 square feet to 239,476 square feet. The request also includes the following waiver from the Orange County Code: 1) A waiver from Orange County Code Section 38-1476 to allow four and one-half (4.5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area, in lieu of the requirement for five (5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area; 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 located at 11250 East Colonial Drive; generally located south of East Colonial Drive (SR 50) and east of Lake Berge Road; Orange County, Florida (legal property description on file)

County staff indicated the request was to increase the commercial square footage from 236,110 square feet to 239,476 square feet.

The following person addressed the Board: Jennifer Stickler.

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Jennifer Stickler, Kimley-Horn and Associates, Wal-Mart East Planned Development / Land Use Plan (PD / LUP), Case # CDR-14-09-282, to amend the Wal-Mart East Planned Development / Land Use Plan (PD/LUP) by increasing commercial entitlements from 236,110 square feet to 239,476 square feet; and further, included the following waiver from the Orange County Code:

- 1) A waiver from Orange County Code Section 38-1476 to allow four and one-half (4.5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area, in lieu of the requirement for five (5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area;

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

1. Development shall conform to the Wal-Mart East PD Land Use Plan dated "Received October 29, 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 October 29, 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. The Developer shall obtain water and wastewater service from Orange County Utilities.
6. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.

7. Outside sales, storage, and display shall be prohibited.
8. A waiver from Orange County Code Section 38-1476 is granted to allow four and one-half (4.5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area, in lieu of the requirement for five (5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area.
9. This approval does not constitute approval of a liquor license, or of a liquor store/liquor sales on the property.
10. A bicycle parking rack shall be provided to accommodate at least four (4) bicycles.

Note: All previous conditions dated January 5, 1999 have been superseded by the proposed conditions.

3. Jennifer Stickler, Kimley-Horn and Associates, Clarcona Grove Planned Development / Land Use Plan (PD / LUP), Case # CDR-14-09-283, amend plan; District 2

Applicant: Jennifer Stickler, Kimley-Horn and Associates, Clarcona Grove Planned Development / Land Use Plan (PD / LUP), Case # CDR-14-09-283

Consideration: Substantial change request to amend the Clarcona Grove Planned Development / Land Use Plan (PD/LUP) by granting the following waiver from Orange County Code: 1) A waiver from Orange County Code Section 38-1476 to allow four and one-half (4.5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area, in lieu of the requirement for five (5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area; 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 2; property located at 5559 Clarcona-Ocoee Road; generally located at the northwest corner of Clarcona-Ocoee Road and North Pine Hills Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Jennifer Stickler.

Motion/Second: Commissioners Nelson/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 Jennifer Stickler, Kimley-Horn and Associates, Clarcona Grove Planned Development / Land Use Plan (PD / LUP), Case #

CDR-14-09-283, to amend the Clarcona Grove Planned Development / Land Use Plan (PD/LUP) by granting the following waiver from Orange County Code:

- 1) A waiver from Orange County Code Section 38-1476 to allow four and one-half (4.5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area, in lieu of the requirement for five (5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area;

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

1. Development shall conform to the Clarcona Grove Land Use Plan dated "Received October 29, 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 October 29, 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. The Developer shall obtain water and wastewater service from Orange County Utilities.
6. New Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code. Only one (1) pole sign shall be permitted and limited to 20 feet in height with a maximum of 150 square feet.
7. Outside sales, storage, and display shall be prohibited.
8. A waiver from Orange County Code Section 38-1476 is granted to allow four and one-half (4.5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area, in lieu of the requirement for five (5) parking spaces for each 1,000 square feet of gross floor area of shopping centers with over 50,000 square feet of gross floor area.
9. This approval does not constitute approval of a liquor license, or of a liquor store / liquor sales on the property.
10. A bicycle parking rack shall be provided within the designated commercial tract to accommodate at least four (4) bicycles.
11. Except as amended, modified, and / or superseded the following BCC Conditions of Approval, dated July 1, 1997, shall apply:
 - a. A six (6) or eight (8) foot-high wall, at the discretion of the abutting property owners in the Quail Ridge Subdivision and a 50-foot natural landscape buffer shall be provided along the western boundary adjacent to the residential portion of Quail Ridge.
 - b. Maximum density shall be 15 units per acre for the multi-family.

- c. Minimum living area for one bedroom units shall be 600 square feet, two bedroom units shall be 800 square feet, and three bedroom units shall be 1,000 square feet.
 - d. No shallow wells will be allowed within the development within 700 feet of the landfill.
 - e. The developer shall include a notice in the public record for the property within 700 feet of the landfill site to acknowledge the location of the landfill next to the property.
 - f. A 50-foot natural buffer shall be provided along the southern portion of Clarcona-Ocoee Road.
4. Jim Hall, VHB, Inc., Boggy Creek Enclave PD / Boggy Creek Enclave Preliminary Subdivision Plan (PSP) – Substantial Change, Case # CDR-14-09-277, amend plan; District 4

Applicant: Jim Hall, VHB, Inc., Boggy Creek Enclave Planned Development (PD) / Boggy Creek Enclave Preliminary Subdivision Plan (PSP) – Substantial Change – Case # CDR-14-09-277

Consideration: Substantial change request to the Boggy Creek Enclave PD / Boggy Creek Enclave PSP to grant a waiver from Section 31.5-73(c) to allow a subdivision sign attached to an architectural structure, to grant a waiver from Section 31.5-67(b) to allow the maximum height of the architectural feature with a sign to be 26'-10", and to grant a waiver from Section 31.5-73(c) to allow the architectural feature with the sign in addition to the allowed primary entrance and secondary entrance sign; pursuant to Sections 34-69 and 30-89, Orange County Code

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

County staff indicated the waiver request to allow architectural feature with the sign to be located not at the primary or secondary entrance of the development.

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, VHB, Inc., Boggy Creek Enclave Planned Development (PD) / Boggy Creek Enclave Preliminary Subdivision Plan (PSP) – Substantial Change – Case # CDR-14-09-277, to the Boggy Creek Enclave PD / Boggy Creek Enclave PSP to grant a waiver from Section 31.5-73(c) to allow a subdivision sign attached to an architectural structure; further, granted a waiver from

Section 31.5-67(b) to allow the maximum height of the architectural feature with a sign to be 26'-10"; and further, granted a waiver from Section 31.5-73(c) to allow the architectural feature with the sign to be located not at the primary or secondary entrance of the development;

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

1. Development shall conform to the Boggy Creek Enclave PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Boggy Creek Enclave Preliminary Subdivision Plan dated "Received November 13, 2014," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received November 13, 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 Section 31.5 of the Orange County Code are granted:
 - a. A waiver from Section 31.5-73(c) to allow a subdivision sign attached to an architectural structure to be located adjacent to Beacon Park Boulevard in lieu of

the requirement that a primary subdivision sign be placed only at the main entrance or median of the main entrance and secondary signs be located only at a secondary entrance or median of the secondary entrance.

- b. A waiver from Section 31.5-67(b) to allow the maximum height of the architectural feature with a sign to be 26'-10" in lieu of the maximum ground sign height of 8 feet.
- c. A waiver from Section 31.5-73(c) to allow the architectural feature with the sign in addition to the allowed primary entrance and secondary entrance sign in lieu of one primary entrance sign and one secondary entrance sign.
- 5. Road(s) and drainage system(s) will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. The retention pond will be owned by the Home Owners Association with routine maintenance, including mowing, being the responsibility of the Home Owners Association. A drainage easement over the retention pond shall be dedicated to Orange County.
- 6. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 11, 2014, shall apply:
 - a. ~~Development shall conform to the Boggy Creek Enclave PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Boggy Creek Enclave Preliminary Subdivision Plan dated "Received August 5, 2014," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received August 5, 2014," the condition of approval shall control to the extent of such conflict or inconsistency.~~

12/03/2014: 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.~~

12/03/2014: 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.~~

12/03/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #3

- ~~d. Road(s) and drainage system(s) will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. The retention pond will be owned by the Home Owners Association with routine maintenance, including mowing, being the responsibility of the Home Owners Association. A drainage easement over the retention pond shall be dedicated to Orange County.~~

12/03/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #5

7. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated November 27, 2012, shall apply:

- a. Prior to construction plan approval, a master stormwater management plan including a drainage study to establish the 100-year flood elevation shall be submitted to the Development Engineering Division for review and approval.
- b. 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.
- c. 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.

- d. Prior to issuance of the Certificate of Completion for this project, any offsite roadway, drainage and utility improvements deemed necessary in the Preliminary Subdivision Plan must be substantially complete.
- e. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this preliminary subdivision plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
- f. 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.
- g. 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.
- h. 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.
- i. 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.

- j. A Master Utility Plan and connection points shall be approved prior to Construction Plan approval.
 - k. This property lies within Airport Noise Land Use Control Zone "E" as defined in Section 9-603. A waiver of claim is required at platting.
 - l. Right-of-way along Boggy Creek Road shall be dedicated at no cost to the County with the plat or via separate instrument. Such dedication shall occur prior to December 31, 2013.
 - m. As soon as practicable after the issuance of the Certificate of Completion for the Stonewyck Street Extension improvements and prior to issuance of any vertical building permits, the right-of-way for Stonewyck Street Extension shall be conveyed to the County at no cost to the County.
5. Lance Bennett, Poulos & Bennett, LLC., Moss Park PD / Parcel E Phase # 3 Preliminary Subdivision Plan (PSP) Substantial Change, Case # CDR-14-09-273, amend plan; District 4

Applicant: Lance Bennett, Poulos & Bennett, LLC, Moss Park Planned Development (PD) / Parcel E Phase 3 Preliminary Subdivision Plan (PSP) – Substantial Change, Case #CDR-14-09-273

Consideration: Substantial change request to modify the November 19, 2013, BCC condition of approval #7 related to the maintenance of street lighting; pursuant to Sections 34-69 and 30-89, Orange County Code

Location: District 4; property generally located South of Wewahootee Road / West of John Wycliffe Boulevard; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Chuck Costar.

Motion/Second: Commissioners Thompson/Edwards

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 Lance Bennett, Poulos & Bennett, LLC, Moss Park Planned Development (PD) / Parcel E Phase 3 Preliminary Subdivision

Plan (PSP) – Substantial Change, Case #CDR-14-09-273, to modify the November 19, 2013, BCC condition of approval #7 related to the maintenance of street lighting;

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

1. Development shall conform to the Moss Park Planned Development; Orange County Board of County Commissioners (BCC) approvals; Parcel E Phase 3 Preliminary Subdivision Plan dated "Received August 26, 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 August 26, 2013" 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. 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.

5. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Planned Development.
6. Prior to construction plan approval, documentation shall be provided that this project has the legal right to tie into the master drainage system.
7. Unless an existing HOA has provided the County with documentation that such HOA has set aside funds in its budget, and intends to continue to do so, for the operation and maintenance of street lighting, 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.
8. 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.
9. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
10. 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.

11. The Applicant for the Parcel E Phase 3 PSP shall enter into an agreement with the Enclave at Moss Park HOA to annex that part of the Parcel E Phase 3 not being conveyed to the County for right of way into the Enclave at Moss Park HOA. Annexation of Parcel E Phase 3 into the Enclave at Moss Park HOA shall occur pursuant to an amendment to the existing Declaration of Covenants and Restrictions for The Enclave at Moss Park currently titled "Sixth Amendment to Declaration of Covenants and Restrictions for The Enclave at Moss Park" that has been reviewed by the County Attorney's office and approved by the Enclave at Moss Park HOA. The annexation shall occur prior to or concurrent with the platting of Parcel E Phase 3.
12. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with an approved Master Utility Plan (MUP) for this PD.

Preliminary Subdivision Plan

6. Dave Schmitt, Dave Schmitt Engineering, Inc., Avalon Town Center Planned Development (PD) / Avalon Town Center – A Portion of Tract 3 Uptown Avalon Preliminary Subdivision Plan, Case # PSP-14-05-132; District 4

Applicant: Dave Schmitt, Dave Schmitt Engineering, Inc.

Consideration: Avalon Town Center PD / Avalon Town Center – A Portion of Tract 3 Uptown Avalon Preliminary Subdivision Plan – Case # PSP-14-05-132, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is proposing to construct 16 single-family residential dwelling units and 10 office / retail units on 1.15 acres.

Location: District 4; property generally located East of Alafaya Trail / South of Lake Underhill Road; Orange County, Florida (legal property description on file in Planning Division)

Based upon concerns from the District Commissioner, the County Engineer proposed new Condition of Approval #16 as follows:

The construction plan submittal shall include a Traffic Control Signage and Striping Plan for installation of stop signs at the project entrance on Tanja King Boulevard for review and approval by the County.

The following person addressed the Board: Bruce Taylor.

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Avalon Town Center PD / Avalon Town Center – A Portion of Tract 3 Uptown Avalon Preliminary Subdivision Plan – Case # PSP-14-05-132, on the described property, subject to the following conditions:

1. Development shall conform to the Avalon Park Town Center PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Avalon Town Center A Portion of Tract 3 Uptown Avalon Preliminary Subdivision Plan dated "Received October 23, 2014," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received October 23, 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. Prior to commencement of any earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
5. Prior to construction plan approval, documentation with supporting calculations shall be submitted which certifies that this project is consistent with an approved master stormwater plan for this PD.

6. Prior to construction plan approval, documentation must be provided that this project has the legal right to tie into the master drainage system.
7. Prior to construction plan approval, documentation shall be provided that proves this project has the legal authority to utilize land owned by the adjacent property owner to the northwest corner.
8. Prior to construction plan approval, the existing drainage easement under Lots 11-16 shall be vacated.
9. 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.
10. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is otherwise vested or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.
11. The CC&Rs for this project shall provide notifications to homeowners describing ownership of any wastewater collection system components to be owned and maintained by the Property Owner's Association. In addition, the CC&Rs shall address ownership, maintenance, and access for the individual privately-owned water services extending to Lots 11 to 16 from the public meter bank.
12. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP; such MUP shall include supporting calculations showing that the PSP is consistent with the approved MUP for Avalon Park, or shall include an update to the Avalon Park MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
13. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of

the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

14. Provide a copy of the recorded ingress/egress easement through the adjacent properties, prior to approval of the plat.
15. A waiver from Section 34-152(c) is granted to allow (1) access from existing external streets and (2) access via a cross access easement, both in lieu of access from an internal subdivision street.
16. The construction plan submittal shall include a Traffic Control Signage and Striping Plan for installation of stop signs at the project entrance on Tanja King Boulevard for review and approval by the County.

- COUNTY WORK SESSION AGENDA (Continued)

Public Works Department (Deferred)

1. Authorization to allow crime prevention cameras to be permitted in the public right-of-way. All Districts. (Development Engineering Division)

County staff presented a report regarding the placement of crime prevention cameras in the public right-of-way, which have been installed by Homeowner's Associations (HOA's) without permits. Orange County policy or code does not currently address cameras in the right-of-way. Orange County has proposed a program that will allow HOA's to install crime prevention cameras in the right-of-way by obtaining a right-of-way utilization permit, registration of low voltage electrical and execution of a use agreement with Orange County.

Board discussion ensued.

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board authorized County staff to move forward with the process to allow crime prevention cameras to be permitted in the public right-of-way.

• ADJOURNMENT

There being no further business, the Board adjourned the meeting at 3:07 p.m.

ATTEST:



County Mayor Teresa Jacobs

Date: MAR 10 2015

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk



Deputy Clerk

