

APR 07 2015 KHNP

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, February 10, 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: Chief Deputy Comptroller Margaret A. McGarrity as Clerk, County
Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton,
Senior Minutes Coordinator Craig Stopyra, Minutes Coordinator
Kathy Heard

- CALL TO ORDER, 9:09 a.m.

- RELINQUISHED CHAIR

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

- REMEMBRANCE

For the passing of Bishop Thomas E. Chenault

- INVOCATION – Pastor Frank E. Thompson, The Worship Center

- PLEDGE OF ALLEGIANCE

- PRESENTATION

Resolution recognizing the Bach Festival Society of Winter Park's 80th Anniversary

- REASSUMED CHAIR

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

- PUBLIC COMMENT

The following person addressed the Board for public comment: Lawanna Gelzer.

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Mayor

- Deferred action on County Attorney Item 2 for consideration with County Administrator
Discussion Item 1

- Deferred action on Community, Environmental and Development Services Department Item 3 for consideration with public hearing for Joshua Wallack, Hollywood Plaza Parking Garage Planned Development

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

County Mayor

1. Confirmation of the following managerial appointments: Marc Cannata as the Manager, Capital Planning & Building Systems; Michael Perkins as the Manager, Orange County Regional History Center; and Sherry Priester Paramore as the Manager, Community Action.

County Comptroller

1. Approval of the minutes of the December 16, 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:
 - January 23, 2015, to January 29, 2015; total of \$19,632,327.50
 - January 30, 2015, to February 5, 2015; total of \$69,356,754.77.

(Finance/Accounting)

3. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. To scrap assets.
- b. To return expired leased asset to vendor.
- c. To scrap assets for recycling.
- d. To transfer grant assets to other agencies at the Department of Health and Human Services.

County Sheriff

1. Approval of the Florida Department of Law Enforcement FY14-15 Edward Byrne Memorial Justice Assistance Grant in the amount of \$43,851 for the period of October 1, 2014 through September 30, 2015.

County Administrator

1. Approval of the revision to Orange County Policy 308.3 – Other Leave Types/Witness Duty with an effective date of February 10, 2015. (Human Resources Division)
2. Approval of Resolution 2015-M-05 of the Orange County Board of County Commissioners regarding Camber Corporation Qualified Target Industry Tax Refund. (Office of Economic, Trade and Tourism Development)
3. Approval of budget amendments #15-09, #15-10, #15-11, and #15-12. (Office of Management and Budget)
4. Approval of budget transfer #15C-062. (Office of Management and Budget)
5. Approval of CIP amendment #15C-062. (Office of Management and Budget)

County Attorney

1. Approval of proposed revision to Administrative Regulation 2.12.04, titled "County Motor Vehicle Operations."
2. Approval of Fourth Addendum to 2007 Tourism Promotion Agreement between Orange County, Florida and Orlando/Orange County Convention & Visitors Bureau, Inc.

(This item was deferred.)

Administrative Services Department

1. Approval to award Invitation for Bids Y15-173-J2, Type III Underdrain Installation and Repairs, to the low responsive and responsible bidder, Stage Door II, Inc., in the estimated annual contract award amount of \$657,225. Further, authorized the Procurement Division to exercise contract option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
2. Approval and execution of Declaration of Restrictive Covenant and Access Easement Agreement from Orange County to Florida Department of Environmental Protection and authorization to disburse funds to pay recording fees and record instruments for Western Regional Water Supply Facility. District 2. (Real Estate Management Division)

3. Approval and execution of Facility Use Agreement between Grand Cypress Orlando LLC and Orange County and delegation of authority to the Real Estate Management Division to exercise extension options, if needed, for barn facilities for Sheriff's Mounted Patrol, Grand Cypress Equestrian Center, 1 Equestrian Drive, Orlando, Florida. District 1. (Real Estate Management Division)
4. Approval of As Is Residential Contract for Sale and Purchase with Comprehensive Riders to the Residential Contract for Sale and Purchase between Orange County and Fritz Rogenus and Mona J. Rogenus-Maddy, approval and execution of County Deed from Orange County to Fritz Rogenus and Mona J. Rogenus-Maddy and authorization to perform all actions necessary and incidental to closing for NSP Resale – 13330 Boulder Woods Circle, Orlando, FL 32824 (NCST). District 4. (Real Estate Management Division)
5. 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 Jasmine Cruz, approval and execution of County Deed from Orange County to Jasmine Cruz and authorization to perform all actions necessary and incidental to closing for NSP Resale – 7999 Sagebrush Place, Orlando, FL 32822 (NCST). District 3. (Real Estate Management Division)
6. 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 Jacqueline Herrera Olivero, approval and execution of County Deed from Orange County to Jacqueline Herrera Olivero and authorization to perform all actions necessary and incidental to closing for NSP Resale – 7807 Autumn Wood Dr., Orlando, FL 32825 (NCST). District 3. (Real Estate Management Division)
7. Approval of Transit Easement; and Signalization Easement between ID Center (FL) LLC and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Canadian Imperial Bank of Commerce, Subordination of Encumbrance to Property Rights to Orange County from IDL Master Tenant, LLC, Subordination of Encumbrance to Property Rights to Orange County from IDL Wheel Tenant, LLC, 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.
8. Approval of Utility Easement between Sunshine Realty Partners, LLC and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Sunshine Restaurant Merger Sub, LLC and authorization to record instruments for 7344 W. Colonial Drive – Building and Site (IHOP) OCU File #: 78165. District 6. (Real Estate Management Division)

Community, Environmental and Development Services Department

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

LC 14-0246	LC 14-0360	LC 14-0845	LC 14-1378	LC 14-0243
LC 14-0285	LC 14-0903	LC 14-0255	LC 14-1510	LC 14-0251
LC 14-0351	LC 14-0434	LC 14-0456	LC 14-0748	LC 14-0331
LC 14-0221	LC 14-0643	LC 14-0936	LC 14-0909	LC 14-0333
LC 14-0270	LC 14-0786	LC 14-0957	LC 14-0937	LC 14-0354
LC 14-0281	LC 14-0798	LC 14-1051	LC 14-1017	LC 14-0380
LC 14-0302	LC 14-0804	LC 14-1145	LC 14-1019	LC 14-0423
LC 14-0357	LC 14-0828	LC 14-1042	LC 14-1294	LC 14-0425

2. Approval of Proposed Additional Condition to Solid Waste Management Facility Permit No. 94-F13-6000 for the Pine Ridge Recycling and Disposal Facility - Construction and Demolition Debris Disposal Facility. District 1. (Environmental Protection Division)
3. Approval of Right of Way Agreement Hollywood Plaza Parking Garage International Drive by and between/among Wallack Parking, LLC, 8050 I Drive Realty, LLC, and Orange County providing for the dedication of 0.06 acres of right-of-way for \$196,296.30 in transportation impact fee credits. District 6. (Roadway Agreement Committee)

(This item was deferred.)

Family Services Department

1. Approval of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at East Orange 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 Lila Mitchell Head Start. This application is only executed by Orange County. (Head Start Division)
3. Approval of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Southwood Head Start. This application is only executed by Orange County. (Head Start Division)

4. Approval of the February 2015 Neighborhood Pride Capital Improvement Grant as recommended by the Neighborhood Grants Advisory Board for Victoria Place HOA (\$10,000) and Tanner Road Phases 1 & 2 Property Owners Association (\$10,000). Districts 1 and 5. (Neighborhood Preservation and Revitalization Division)
5. Approval of February 2015 Neighborhood Pride Entranceway Grant as recommended by the Neighborhood Grants Advisory Board for Meadow Oaks HOA (\$5,000). District 2. (Neighborhood Preservation and Revitalization Division)
6. Approval of February 2015 Neighborhood Pride Wall Repair Grant as recommended by the Neighborhood Grants Advisory Board for Harbor Heights Neighborhood (\$8,000) and Lakewood Forest Neighborhood (\$15,000). District 2. (Neighborhood Preservation and Revitalization Division)
7. Approval of February 2015 Neighborhood Pride Landscaping Grants as recommended by the Neighborhood Grants Advisory Board for Hiawassee Oaks HOA (\$2,500) and Windward Estates HOA (\$2,500). Districts 2 and 3. (Neighborhood Preservation and Revitalization Division)
8. Approval of the February 2015 Neighborhood Pride Mini-Grants as recommended by the Neighborhood Grants Advisory Board for Breezy Heights Neighborhood (\$1,500) and Eastbrook HOA (\$1,500). Districts 2 and 5. (Neighborhood Preservation and Revitalization Division)
9. Approval of February 2015 Non-Profit Safety Grants as recommended by the Neighborhood Grants Advisory Board for Victim Service Center of Central Florida, Inc. (\$10,000) All Districts; The IMPACT Outreach Ministry of Central Florida, Inc. (\$5,000) and The Howard Phillips Center for Children and Families (\$9,000). District 6. (Neighborhood Preservation and Revitalization Division)

Public Works Department

1. Approval of Traffic Control Devices and "No Parking" sign installations in Enclave at Windermere Landing (aka Windermere Landing Phase 3). District 1. (Traffic Engineering Division)
2. Approval of Traffic Control Devices and "No Parking" sign installations in Waterleigh PD Phase 1A. District 1. (Traffic Engineering Division)
3. Approval of Traffic Control Device installations in Horizon Commerce Park. District 4. (Traffic Engineering Division)

4. Approval to install a "No Parking" zone on the north side of Royal Palm from Orange Avenue extending 95 feet east to the non-maintained alley and on the south from Orange Avenue to Harvey Street. District 3. (Traffic Engineering Division)
5. Authorization to record the plat of Clubhouse at Windermere Trails. District 1. (Traffic Engineering Division)
6. Approval of Agreement for Traffic Law Enforcement on Private Roads located in the gated community of Royal Cypress Preserve by and between Orange County, Florida, and Toll FL Limited Partnership. District 1. (Development Engineering Division)

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Winter Garden Notice of Annexation Ordinances and Legal Descriptions with Maps as follows:
 - Ordinance 15-05, An Ordinance of the City of Winter Garden, Florida, providing for the annexation of certain additional lands generally described as approximately 0.22 + acres located at 740 South Park Avenue on the west side of South Park Avenue, north of Jackson Street and south of West Story Road into the City of Winter Garden Florida; redefining the City boundaries to give the City jurisdiction over said property; providing for severability; providing for an effective date.
 - Ordinance 15-08, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.52 + acres located at 502 Winter Garden Vineland Road on the west side of Winter Garden Vineland Road, north of High Tide Drive and south of Bradford Creek Boulevard into the City of Winter Garden, Florida; redefining the City boundaries to give the City jurisdiction over said property; providing for severability; providing for an effective date.
 - b. Jurisdictional Boundary Map Update in reference to Ordinance No. 2014-58, 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 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 Land Use Maps; providing for severability, correction of scrivener's errors and an effective date.

- c. Audit Report No. 444 – Audit of the Orange County Utilities Department's Environmental Surcharge Program.

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

- COUNTY DISCUSSION AGENDA

Commissioner's Report

1. Commissioner Thompson would like to discuss abandoned golf courses in residential areas.

Commissioner Thompson initiated discussion regarding Seminole County's nuisance ordinance, which is designed to protect private landowners from improved lands that have been abandoned. Commissioner Thompson requested information from County staff how abandoned lands would impact the citizens of Orange County.

Board discussion ensued.

Action: None

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

County Administrator

1. Visit Orlando Bi-Annual Update. (Convention Center)

George Aguel, President and CEO of Visit Orlando, presented an update on Visit Orlando's ongoing efforts to promote Orange County nationally and internationally as one of the world's premiere vacation and meeting destinations.

Board discussion ensued.

Action: None

and

- COUNTY CONSENT AGENDA (CONTINUED)

County Attorney (Deferred)

2. Approval of Fourth Addendum to 2007 Tourism Promotion Agreement between Orange County, Florida and Orlando/Orange County Convention & Visitors Bureau, Inc.

2. Reappointment of Craig Mateer to the Visit Orlando Board of Directors with a term expiring December 31, 2016 or appointment of an individual to succeed him.

County Mayor Jacobs nominated Bob Miles.

AYE votes cast by voice vote for Bob Miles as follows: County Mayor Jacobs; Commissioners Boyd, Nelson, Clarke, Thompson, Edwards, Siplin.

Bob Miles received a majority to succeed Craig Mateer on the Visit Orlando Board of Directors with a term expiring December 31, 2016; no further votes were cast.

Administrative Services Department

1. Selection of one firm and two ranked alternates to provide Engineering Services for Hunters Creek 3497 and South Central 3499 Master Pump Station Improvements, Y15-802-PH, from the following firms listed alphabetically:

- Black & Veatch Corporation
- CMTS, LLC
- CPH, Inc.
- Tetra Tech, Inc.

Further request the Board authorize execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$450,000.

Motion/Second: Commissioners Siplin/Edwards

AYE (voice vote): All members

Action: The Board selected one firm, Tetra Tech, Inc., and two ranked alternates, #1 Black & Veatch Corporation, and #2 CPH, Inc., to provide Engineering Services for Hunters Creek 3497 and South Central 3499 Master Pump Station Improvements; and further, authorized execution of the final contract by the Procurement Division provided that it does not exceed the budget of \$450,000, Y15-802-PH.

Office of Regional Mobility

1. MetroPlan Orlando Board Meeting Briefing.

County staff provided an overview of the Agenda for the upcoming MetroPlan Orlando Board meeting. County staff notified the Board that the venue location of the MetroPlan Orlando Board meeting has changed and will be held at the Second Harvest Food Bank.

Board discussion ensued.

Action: None

- COUNTY WORK SESSION AGENDA

Fire Rescue Department

1. Evaluation of Crash Impediment Measures.

County staff presented the preliminary research results and findings regarding a countywide assessment of motor vehicle crashes as a public safety threat to vulnerable or at-risk populations, which include children and senior citizens.

County Mayor Jacobs indicated to the Board her direction would be to consider enacting a local ordinance that addresses the use of traffic safety barriers to protect vulnerable groups.

Board discussion ensued.

Action: None

Public Works Department

1. Roadway Lighting Program. (Traffic Engineering Division)

County staff presented an update of the Roadway Lighting Program, which was resumed in Fiscal Year 2014/2015. It is an integral part of the county's roadway and pedestrian safety initiative.

Board discussion ensued.

Action: None

- EXECUTIVE SESSION

DUE TO THE NATURE OF THE DISCUSSION, THIS MEETING IS NOT OPEN TO THE PUBLIC.

Discussion regarding The School Board of Orange County, Florida v. Orange County, Florida, Ninth Judicial Circuit Court Case No. 2013-CA-014749.

- MEETING RECESSED, 11:47 a.m.

- MEETING RECONVENED, 1:58 p.m.

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

Others Present: County Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator Craig Stopyra, Minutes Coordinator Kathy Heard

- MEMBER JOINED: Commissioner Clarke

- PRESENTATION

Employee Service Awards to Michael S. Hom (20), Fleet Management, Administrative Services

- MEMBER JOINED: Commissioner Edwards

- PRESENTATION (continued)

Employee Service Awards to Tony Messires (40), Robert Ryan (25), Fleet Management, Administrative Services; Tammy Lyn Babbs (25), Fiscal and Operational Support, Tammi J. Unser (30), Security Operations, Roberta K. Smith (20), Community Action, Philip P. Whitby (30), Youth and Family Services, Family Services; Stanley Randal Brazell (25), Operations

- MEMBER JOINED: Commissioner Nelson

- PRESENTATION (continued)

Employee Service Awards to Kimberly B. Stewart-Horan (25), Planning and Technical Support, Fire Rescue; Danny C. Wambold (25), Operations, Fire Rescue; Pedro J. Del Valle (20), Information Systems and Services, Office of Accountability; Sandra Dee Cabrera (25), Robert Leo Seals (20), Roads and Drainage, John Paul Trento (25), Traffic Engineering, Public Works; John J. Haak (25), Water Reclamation, Utilities

- RECOMMENDATIONS

January 15, 2015 Planning and Zoning Commission

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of January 15, 2015, subject to the usual right of appeal by any aggrieved party.

• PUBLIC HEARINGS

Petition to Vacate

1. Robert W. Bowser, Petition to Vacate # 14-11-018, portions of unopened and unimproved right of way easements; District 1

Applicant: Robert W. Bowser, Akerman LLP, on behalf of JTD Land at Kailey's Ridge, LLC

Consideration: Resolution granting Petition to Vacate # 14-11-018, vacating several portions of 25 ft wide unopened and unimproved right of way easements containing approximately 3.72 acres

Location: District 1; The parcels are unaddressed; S36/T24/R28; Orange County, Florida (legal property description on file)

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

Motion/Second: Commissioners Boyd/Thompson

AYE (voice vote): All members

Action: The Board adopted a resolution granting Petition to Vacate # 14-11-018 vacating several portions of 25 ft wide unopened and unimproved right of way easements containing approximately 3.72 acres, on the described property.

2. David H. Daniels, Petition to Vacate # 12-05-005, portion of a right of way; District 1

Applicant: David H. Daniels, on behalf of SD New Independence Holdings, LLC

Consideration: Resolution granting Petition to Vacate # 12-05-005, vacating a portion of a 60 ft wide right of way known as New Independence Parkway containing approximately 0.31 acres

Location: District 1; The parcels are unaddressed; S21/T23/R27; Orange County, Florida (legal property description on file)

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

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Board adopted a resolution granting Petition to Vacate # 12-05-005 vacating a portion of a 60 ft wide right of way known as New Independence Parkway containing approximately 0.31 acres, on the described property.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

Rezoning

3. Joshua Wallack, Hollywood Plaza Parking Garage PD, Case # LUP-14-10-310; District 6

Applicant: Joshua Wallack, Hollywood Plaza Parking Garage Planned Development (PD), Case # LUP-14-10-310

Consideration: Request to rezone 1.62 gross acres from C-1 (Retail Commercial District) to PD (Planned Development District), in order to allow for the development of a 226,502 square foot parking structure; 9,000 square feet of retail uses; and 10,000 square feet of restaurant uses. In addition, the following waiver from Orange County Code has been requested:

- 1) A waiver to use the Convention Plaza District Standards in Sec. 38-860 through Sec. 38-866 of the Orange County Code, in lieu of the PD Tourist Commercial Standards found in Sec. 38-1287, Sec. 38-1290 and Sec. 38-1300 of the Orange County Code; pursuant to Orange County Code, Chapter 30.

Location: District 6; property generally located west of International Drive, south of Sand Lake Road; Orange County, Florida (legal property description on file)

Court Reporter: Jean Rohrer, OrangeLegal

The following persons addressed the Board:

- Scott Glass
- James "Trippe" Cheek
- Joshua Wallack
- Chau Nguyen
- Eric Holm

Board Record/Exhibit:

The following exhibits were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Scott Glass
- Exhibit 2, from James "Trippe" Cheek
- Exhibit 3, from James "Trippe" Cheek

Based upon input from the District Commissioner, County staff announced the following new condition of approval:

Parking for the POA shall be addressed at the Development Plan submittal.

Motion/Second: Commissioners Siplin/Boyd

AYE (voice vote): All members

Action: The Board approved the request by Joshua Wallack, Hollywood Plaza Parking Garage Planned Development (PD), Case # LUP-14-10-310 to rezone 1.62 gross acres from C-1 (Retail Commercial District) to PD (Planned Development District), in order to allow for the development of a 226,502 square foot parking structure; 9,000 square feet of retail uses; and 10,000 square feet of restaurant uses; and further, added the following waiver from Orange County Code:

1. A waiver to use the Convention Plaza District Standards in Sec. 38-860 through Sec. 38-866 of the Orange County Code, in lieu of the PD Tourist Commercial Standards found in Sec. 38-1287, Sec. 38-1290 and Sec. 38-1300 of the Orange County Code; on the described property; subject to the following conditions:
 1. Development shall conform to the Hollywood Plaza Parking Garage Land Use Plan dated "Received November 12, 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 November 12, 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. Outdoor sales, storage, and display shall be prohibited.
5. Pole signs and billboards shall be prohibited. Ground and fascia signage shall comply with Orange County Code Chapter 31.5, Tourist Commercial Standards.
6. 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.
7. A waiver is granted to use the Convention Plaza District Standards in ~~Sec. 38-865~~ Sec. 38-860 through Sec. 38-866 of the Orange County Code, in lieu of the PD Tourist Commercial Standards found in Sec. 38-1287, Sec. 38-1290 and Sec. 38-1300 of the Orange County Code.
8. Fourteen feet (14') of Right-of-Way is required for a future south bound bus lane as part of the County's International Drive Transit Lanes project. A Road Agreement for the dedication of Right-of-Way is required prior to Development Plan approval and should be coordinated through the Roadway Agreement Committee.
9. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the PD.
10. The developer shall obtain wastewater service from Orange County Utilities.
11. Parking for the POA shall be addressed at the Development Plan submittal.

and

- COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

3. Approval of Right of Way Agreement Hollywood Plaza Parking Garage International Drive by and between/among Wallack Parking, LLC, 8050 I Drive Realty, LLC, and Orange County providing for the dedication of 0.06 acres of right-of-way for \$196,296.30 in transportation impact fee credits. District 6. (Roadway Agreement Committee)

Motion/Second: Commissioners Siplin/Thompson

AYE (voice vote): All members

Action: The Board approved the Right of Way Agreement Hollywood Plaza Parking Garage International Drive by and between/among Wallack Parking, LLC, 8050 I Drive Realty, LLC, and Orange County providing for the dedication of 0.06 acres of right-of-way for \$196,296.30 in transportation impact fee credits.

- MEMBER EXITED: Commissioner Nelson

- MEMBER EXITED: Commissioner Thompson

4. James G. Willard, Shutts & Bowen, LLP, Hamlin Planned Development/Unified Neighborhood Plan (PD/UNP), Case # LUPA-14-09-276; District 1

Applicant: James G. Willard, Shutts & Bowen, LLP, Hamlin Planned Development / Unified Neighborhood Plan (PD / UNP), Case # LUPA-14-09-276

Consideration: Request to amend the existing 539.55-acre Hamlin Planned Development / Unified Neighborhood Plan (PD/UNP) by rezoning the subject property from PD (Planned Development District) and A-1 (Citrus Rural District) to PD (Planned Development District). More specifically, the request would extract Parcel CCM-5 (~37.13 acres) from the existing PD, and aggregate / rezone SAP Parcel CCM-7 (~38.0 acres) and an adjacent Upland Greenbelt tract (1.93-acres) from A-1 to PD. The request would also reduce existing PD development entitlements by 57 residential dwelling units, three (3) residential bonus units; 205,800 sq. ft. of non-residential uses, and one (1) hotel room; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located on the east side of State Road 429, north and south of New Independence Parkway, and west of Lake Hartley and Lake Hancock; Orange County, Florida (legal property description on file)

The following person addressed the Board: James Willard.

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioners Nelson, Thompson

AYE (voice vote): All present members

Action: The Board approved the request by James G. Willard, Shutts & Bowen, LLP, Hamlin Planned Development / Unified Neighborhood Plan (PD / UNP), Case # LUPA-14-09-276 to amend the existing 539.55-acre Hamlin Planned Development / Unified Neighborhood Plan (PD/UNP) by rezoning the subject property from PD (Planned Development District) and A-1 (Citrus Rural District) to PD (Planned Development District); further, extracted Parcel CCM-5 (~37.13 acres) from the existing PD, and aggregate / rezone SAP Parcel CCM-7 (~38.0 acres) and an adjacent Upland Greenbelt tract (1.93-acres) from A-1 to PD; and further, reduced the existing PD development entitlements by 57 residential dwelling units, three (3) residential bonus units; 205,800 sq. ft. of non-residential uses, and one (1) hotel room; on the described property, subject to the following conditions:

1. Development shall conform to the Hamlin PD / Unified Neighborhood Plan Land Use Plan dated "Received October 21, 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 21, 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. To demonstrate concurrency entitlements have been met for this project the developer must provide an Assignment of Vested Trips document concurrent with or prior to Development Plan submittal. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
5. 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.
6. The following Education Condition of Approval shall apply:
 - e. Developer shall comply with all provisions of the Capacity Enhancement Agreements (CEA 06-11-09) entered into with the Orange County School Board as of 11/14/2006, CEA OC-12-002 entered into with the Orange County School Board on 01/29/2013, and CEA OC-12-002 A1 approved by the Orange County School Board on 01/29/2015.
 - a. 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 22 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.
 - b. Developer, or its successor(s) and/or assign(s) under the Capacity Enhancement Agreements, 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.

- c. 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 Agreements.
7. Except as amended, modified, and/or superseded, the following previous BCC Conditions of Approval, dated July 8, 2014, shall apply:
- a. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination and a Conservation Area Impact Permit. Approval of this plan does not permit any proposed conservation impacts.
 - b. The covenants, conditions, and restrictions (CC&Rs) shall contain notification to potential purchasers, builders or tenants of this development of the proximity of the West Orange & 545 solid waste disposal facilities that are located 0.2 miles to the southwest.
 - c. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Village Center standards of Section 38-1389 (d)(5) with the exception of any waivers explicitly granted by the Board.
8. Except as amended, modified, and/or superseded, the following previous BCC Conditions of Approval, dated March 12, 2013, shall apply:
- a. No activity will be permitted within the boundaries of the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, remediation activities, or with the hydrological zone of influence of the contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection. Such approval may include, but is not limited to: an FDEP No Further Action letter, Site Rehabilitation Completion Order (SRCO), or documentation of specific permission from FDEP. Such documentation shall be provided to the Environmental Protection Division of Orange County.
 - b. Neither potable wells nor irrigation using local groundwater will be allowed on sites where identified soil or groundwater contamination has been documented.
 - c. On properties where contamination has been documented, the covenants, conditions, and restrictions (CC&Rs) and lease agreements shall include notification that the property has been identified with solid and groundwater contamination and shall state the status of the resulting remediation.

- d. The Developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
- e. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities prior to approval of the first PSP/DP. The MUP must be approved prior to Construction Plan approval.
- f. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Master Utilities Plan (MUP).
- g. Prior to construction plan approval, all property owners within the Hamlin PD shall be required to sign an agreement between the parties, addressing their proportionate share of funds for the costs of the offsite and onsite master utilities, sized to the Town Center Village (SAP) build-out requirements.
- h. Prior to final approval of the first PSP/DP for any portion of the project, applicant shall form a Property Owners Association (POA) for the project, which association shall be responsible for the maintenance of (i) street lighting, landscaping, irrigation, common signage and hardscape within the rights-of-way of New Independence Parkway, Hamlin Trail and Porter Road, and (ii) public sidewalks, multi-use trails, master stormwater system, on-street parking and common areas I open space and park elements within the project and as required by the Town Center Planned Development Code. A Right-of-Way Use Agreement describing maintenance responsibilities will be required. It is understood that none of the foregoing public areas or elements will be owned or maintained by the County unless herein specifically agreed to in writing by the County.
- i. Waivers to any development standard of Chapter 38 of the Orange County Code may be granted by the Board of County Commissioners at a public hearing in conjunction with the approval of any PSP for a parcel(s) of land within the Hamlin PD/UNP, except as may be provided to the contrary in Section 38-1207 regarding substantial changes to a PD Land Use Plan. A revised PD/UNP noting the requested waivers (applicable to the specific PSP) shall be submitted with the PSP application. Notification of waiver requests prior to the public hearing shall be the same as that required for a substantial change to a PD Land Use Plan, e.g., including notice to owners of property within 300 feet of the perimeter of the PD/UNP. Board approval of the PSP and requested waivers shall constitute Board approval of the revised PD/UNP (waivers applicable to the specific PSP), which shall be deemed a non-substantial change.

5. Gregory P. Ohe, Orlando Health Central, Inc., Orlando Health Central - Porter Road Medical Campus Planned Development/Unified Neighborhood Plan (PD/UNP), Case # LUP-14-09-280; District 1

Applicant: Gregory P. Ohe, Orlando Health Central, Inc., Orlando Health Central – Porter Road Medical Campus Planned Development / Unified Neighborhood Plan (PD / UNP), Case # LUP-14-09-280

Consideration: Request to rezone 73.59 gross acres from A-1 (Citrus Rural District) and PD (Planned Development District) to PD (Planned Development District) in order to allow for the development of up to 288 age-restricted / senior adult housing units and 636,800 square feet of medical-related uses, including ancillary office, personal service and retail uses; pursuant to Orange County Code, Chapter 30.

Location: District 1; property located at 16855 Porter Road; generally located on the south side of Porter Road, east of the Western Beltway (SR 429) and Avalon Road (CR 545); Orange County, Florida (legal property description on file)

• MEMBER RE-ENTERED: Commissioner Nelson

• RELINQUISHED CHAIR

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

• MEMBER RE-ENTERED: Commissioner Thompson

The following person addressed the Board: Lonnie Cahoon.

Motion/Second: Vice-Mayor Boyd/Commissioner Clarke

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved the request by Gregory P. Ohe, Orlando Health Central, Inc., Orlando Health Central – Porter Road Medical Campus Planned Development / Unified Neighborhood Plan (PD / UNP), Case # LUP-14-09-280 to rezone 73.59 gross acres from A-1 (Citrus Rural District) and PD (Planned Development District) to PD (Planned Development District) in order to allow for the development of up to 288 age-restricted / senior adult housing units and 636,800 square feet of medical-related uses, including ancillary office, personal service and retail uses; on the described property, subject to the following conditions:

1. Development shall conform to the Orlando Health Central - Porter Road Medical Campus Land Use Plan dated "Received October 30, 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 30, 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. To demonstrate concurrency entitlements have been met for this project the developer must provide an Assignment of Vested Trips document concurrent with or prior to Development Plan submittal. In addition, the Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
5. No activity will be permitted on the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through FDEP and such approval has been provided to the Environmental Protection Division of Orange County. An owner / operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the

contamination pursuant to the provisions in section 376.308, F.S.

6. The covenants, conditions, and restrictions (CC&Rs) shall contain notification to potential purchasers, builders or tenants of this development of the proximity of the West Orange & 545 solid waste disposal facilities that are located 0.2 miles to the southwest.
7. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
8. 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.
9. The developer shall obtain water, wastewater and reclaimed water service from Orange County Utilities.
10. The developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the project to accommodate the ultimate flows for the entire Town Center Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village Master Utilities Plan (MUP).
11. Prior to construction plan approval, all property owners within the Town Center Village, excluding public entities shall be required to sign an agreement between the parties, addressing their proportionate share of funds for the costs of the offsite and onsite master utilities, sized for Village requirements. Property owners may elect to use alternative financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
12. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PD; such MUP shall include supporting calculations showing that the PD-level MUP is consistent with the approved MUP for the Village, or shall include an update to the Village MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
13. 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.

14. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the standards of Orange County Code Section 38-1389(d)(5) with the exception of any waivers/variances explicitly granted by the Board of County Commissioners.
15. Applicant shall comply with the road agreement for the conveyance of the Right-of-Way on C.R. 545 (Avalon Road) for Parcel CCM-5.
16. The 636,800 square feet of non-residential shall be for medical-related uses only, and may include ancillary office, personal service and retail uses.
17. Because the project includes senior adult housing, prior to Development Plan (DP) approval, the developer shall submit to the DRC, for its review and approval, conditions, covenants, and/or restrictions (CC&Rs) that restrict occupancy to senior adults and that comply with the requirements of the Housing for Older Persons Act [42 U.S.C. §3607(b).] Such CC&Rs shall be recorded in the public records of Orange County, Florida and shall run with the land. The CC&Rs shall include language that at least one owner/resident shall be at least 55 years of age and in no case shall there be any residents aged 18 years or under. No permanent residency by school-aged children shall be generated as a result of any development within a subsequent DP. Any proposed future conversion of the senior adult housing to unrestricted housing or any proposal to add permanent residency by school-aged children shall constitute a substantial change that must be approved by the BCC at a public hearing. If the substantial change is approved, school impact fees in effect at that time shall be paid and the project shall comply with any school capacity and school concurrency regulations in effect at that time.

Conservation Area Impact

6. Seidel Road Investments, LLC., Seidel Road Investments, permit; District 1

Applicant: Seidel Road Investments, LLC
 Consideration: Request for a Conservation Area Impact Permit to impact 0.17-acre of Class I wetlands in order to construct portions of a single family development.
 Location: District 1; property generally located at Seidel Road, Winter Garden, Florida 34787; Parcel ID 03-24-27-0000-00-005; Orange County, Florida (legal property description on file in Environmental Protection Division)

County Staff identified this permit as (CAI-14-05-013).

The following person addressed the Board: Lance Bennett.

Motion/Second: Vice-Mayor Boyd/Commissioner Edwards

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved the request by Seidel Road Investments, LLC, for a Conservation Area Impact Permit (CAI-14-05-013) to impact 0.17-acre of Class I wetlands in order to construct portions of a single family development, on the described property; subject to the following conditions:

Specific Conditions:

1. 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 the requisite approval or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in violation of state or federal law.
2. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. The wetland impacts must be done in accordance with Sheet C4.00 of the plans prepared by Poulos & Bennett, as dated as received by the Environmental Protection Division (EPD) on August 19, 2014. Construction shall be completed within five (5) years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to the Environmental Protection Division (EPD) prior to the expiration date.
4. The operational phase of this permit is effective upon the completion of construction and continues in perpetuity.
5. The mitigation plan must be implemented in accordance with Sheet C4.00 as dated as received by EPD on August 19, 2014. The preservation area must total at least 7.32 acres in size.
6. Conservation areas must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every fifty (50) feet on any open space and on every other individual lot line. The signage must conform to the detail shown on Sheet C4.00, dated as received by the EPD on August 19, 2014. The signs must be located as shown on Sheet C4.00, dated as received by EPD on August 19, 2014. The signs must be installed prior the certificate of completion.
7. A split rail fence shall be constructed in accordance with Sheet C4.00, dated as received by EPD on August 19, 2014.

8. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision. A copy of the notification that is to be provided to purchasers shall be submitted to EPD at the time of platting.
9. Properties must have an environmental berm and swale installed prior to the certificate of completion for any of the subject lots (as approved in the Preliminary Subdivision Plan). The berm and swale must be maintained throughout construction. EPD must be notified for inspection purposes prior to issuance of certificate of occupancy. Perpetual maintenance is the responsibility of the homeowners' association and the respective property owner. Berm and swale shall have a slope no greater than 4:1, be located landward of and immediately adjacent to the conservation area and/or surface waters (including any upland buffer), be immediately sodded after construction and be included within an environmental or drainage easement.
10. Prior to initiating any construction within the wetlands, surface waters or upland buffers that require mitigation, this permit requires the recording of a conservation easement in the public records of Orange County, and when applicable, notation of the conservation easement on the corresponding plat. The conservation easement shall be dedicated to Orange County and cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners. The conservation easement shall be at least 7.32 acres and include restrictions on the real property pursuant to the requirements set forth below:
 - (a) The conservation easement shall include restrictions on the real property pursuant to Section 704.06, Florida Statutes. The conservation easement cannot be recorded unless and until the conservation easement is accepted and approved by the Orange County Board of County Commissioners.
 - (b) Within thirty (30) days of issuance of this permit, the permit holder shall provide to EPD for review and written approval a copy of the surveyor's sketch and legal description of the area to be encumbered by the conservation easement pursuant to the County-approved mitigation plan. The Orange County Surveyor must approve the sketch of description and legal description. The permit holder shall ensure that the conservation easement identifies and is executed by the correct grantor who must hold sufficient record title to the land encumbered by the conservation easement. Accordingly, when the permit holder submits the surveyor's sketch and legal description, the permit holder shall contemporaneously submit current evidence of title of the proposed easement area to EPD. The evidence of title

is subject to review and approval by the Orange County Real Estate Management Division.

- (c) The conservation easement shall be in a form approved by the Orange County Attorney's Office and the Orange County Real Estate Management Division and provided to the permittee. Pursuant to Section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which this permit specifically authorize. The conservation easement shall contain the provisions set forth in Florida Statutes section 704.06(1)(a) through (h). The conservation easement shall contain provisions that grant the County the right to access and inspect the conservation easement area, and to enforce the terms and conditions of the conservation easement. Unless specifically prohibited by law, the conservation easement shall include a provision whereby the permit holder shall warrant title and agree to defend the same. The Grantor shall not amend the conservation easement without approval by the Board of County Commissioners.
- (d) If the grantor of the conservation easement is a partnership, the partnership shall provide to EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land.
- (e) If there exist any mortgages on the land, the permit holder shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement which shall be subject to review and approval of the County Attorney's Office and the Real Estate Management Division. The consent and joinder of mortgagee shall be recorded simultaneously with the conservation easement in the public records of Orange County at the permit holder's sole expense.
- (f) Upon approval of the final executed documents by Orange County, the conservation easement shall be scheduled to be heard by the Orange County Board of County Commissioners. Upon approval by the Board of County Commissioners, the easement and its attachments shall be recorded in the public records of Orange County, at the permit holder's sole expense.
- (g) Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently marked by monument above ground on the project site. The location, form, and material of the monuments shall be subject to the review and approval of EPD.
- (h) At least forty-five (45) days prior to (1) dredging, filling, or clearing of any wetland or surface water for which mitigation is required, (2) clearing any upland within the River Corridor Protection Area or as required per Chapter 15, Article XI, Section 15-442(f), (3) the sale of any lot or parcel, (4) the

recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever first occurs, the permit holder shall submit to EPD a copy of the preliminary plat depicting the area to be encumbered by the conservation easement.

- (i) If during the review of the submitted evidence of title, the Orange County Real Estate Management Division finds any encumbrances or irregularities that will render the proposed mitigation as not adequately offsetting the impact(s); the applicant must submit a revised mitigation plan for staff review and approval. The approval may also require Board of County Commissioner's approval.
11. In the event that the permittee does not successfully record the conservation easement, the permittee shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to the commencement of any construction activities.
 12. The wetland enhancement and monitoring must be conducted in accordance with the narrative received by EPD on May 16, 2014. Successful establishment of the wetland mitigation will have occurred when:
 - a. At least 85 percent cover by appropriate wetland herbaceous species has been obtained, and
 - b. Hydrologic conditions generally conform to those specified in the mitigation plan, and
 - c. The mitigation area comprises less than ten (10) percent nuisance vegetation and less than five (5) percent exotic vegetation, as listed in the Florida Exotic Pest Plant Council's 2013 List of Invasive Species Category I and II, and
 - d. The above criteria has been met at the end of a five year monitoring period to EPD's satisfaction.
 13. The Permittee is required to submit annual monitoring reports that contain the following information: site location, GPS location of fixed transect, field sampling design, sampling methodology, photographic documentation, fish and wildlife observations, hydrology, results and discussion. If at the end of the five (5) year monitoring period, the mitigation area is not meeting the monitoring success criteria, the Permittee is required to provide a restoration plan or modified mitigation plan, and may be required to continue monitoring until success has been demonstrated.

General Conditions:

14. **Effective Date.** If no objections have been filed with the Environmental Protection Officer, this permit shall be final and effective as of the date of issuance. If a written objection has been received, this permit shall become final and effective upon expiration of the fifteen (15) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall

stay the effective date of this permit until any and all appeals are resolved.

15. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit.
16. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
17. At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
18. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
19. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
20. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty (60) days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
21. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
22. Should any other regulatory agency require changes to the permitted system, the

permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.

23. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
24. Prior to any filling within the 100-year flood zone a Flood Plain Permit shall be obtained from the Orange County Stormwater Management authorizing the fill.
25. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
26. The permittee shall notify EPD, in writing, within thirty days prior to any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
27. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
28. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
29. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
30. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
31. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
32. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.

33. Any un-permitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact to the satisfaction of EPD.
34. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.

Preliminary Subdivision Plan

7. Eric Warren, Poulos & Bennett, LLC, Seidel Road Investments PD/Seidel Road Investments Preliminary Subdivision Plan, Case # PSP-14-04-087; District 1

Applicant: Eric Warren, Poulos & Bennett, LLC
 Consideration: Seidel Road Investments Planned Development (PD) / Seidel Road Investments Preliminary Subdivision Plan (PSP), Case # PSP-14-04-087, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is proposing to construct 9 single-family residential dwelling units on a total of 11.33 acres.
 Location: District 1; property generally located North of Seidel Road / West of Reams Road; Orange County, Florida (legal property description on file-Planning Division)

County staff noted that the 0.51 acre Tract APF-1 has already been deeded to Orange County as approved by the Board of County Commissioners on June 24, 2014 and recorded at OR Book 10767/Page 3465.

County staff further noted the tract size was advertised as 11.33 acres when the actual tract size is 11.49 acres.

The following person addressed the Board: Lance Bennett.

Motion/Second: Vice-Mayor Boyd/Commissioner Siplin
 Absent: County Mayor Jacobs
 AYE (voice vote): All present members
 Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Seidel Road Investments Planned Development (PD) / Seidel Road Investments Preliminary Subdivision Plan (PSP), Case # PSP-14-04-087 on the described property, subject to the following conditions:

1. Development shall conform to the Seidel Road Investments Planned Development; Orange County Board of County Commissioners (BCC) approvals; Seidel Road Investments Preliminary Subdivision Plan dated "Received October 15, 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 15, 2014" the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. 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.

5. The old Seidel Road shall be re-surfaced prior to the issuance of the Certificate of Completion for this subdivision.
6. A HOA shall be established for this subdivision.
7. 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.
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. 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.
10. At least thirty (30) days prior to construction plan submittal, the applicant shall submit a Master Utility Plan (MUP) for the PSP including hydraulically dependent parcels outside the PSP boundaries; such MUP shall include supporting calculations showing that the PSP is consistent with the approved MUP for Village F, or shall include an update to the Village F MUP to incorporate any revisions. The MUP(s) must be approved prior to construction plan approval.
11. 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:
 - a. 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.
 - b. House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are

setback from the façade. In no case shall more than fifty (50) percent of the front façade of the house consist of an unobstructed block wall or garage door.

- c. 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.
- d. Flat roofs shall be prohibited.
- e. 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.

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.

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.

- COUNTY DISCUSSION AGENDA (Continued)

Community, Environmental and Development Services Department

- 1. Blossom Park Condominium. (Code Enforcement Division)

County staff presented an update on the Blossom Park Condominiums detailing the results of the County-funded engineering report outlining unsafe structures on the 2nd and 3rd floors, continued efforts by the Code Enforcement Division to obtain compliance from the court-appointed Receiver who is responsible for the property conditions, relocation assistance being offered to residents by the Family Services Division and steps the County can undertake to protect the residents.

- REASSUMED CHAIR

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

Board discussion ensued.

Action: None

County Mayor

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

Board discussion ensued.

Action: None

• ADJOURNMENT, 4:12 p.m.

ATTEST:



County Mayor Teresa Jacobs

Date: APR 07 2015

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk



Deputy Clerk

