

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, September 15, 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, Victoria P. Siplin;  
Commissioner Ted Edwards joined the meeting where indicated  
Others Present: County Comptroller Martha Haynie as Clerk, County Administrator  
Ajit Lalchandani, County Attorney Jeffrey J. Newton, Senior  
Minutes Coordinator Noelia Perez, Documents Coordinator Jennifer  
Lara-Klimetz

- CALL TO ORDER, 9:03 a.m.
- INVOCATION – Pastor Julia Agosto, Iglesia Llamado De Dios
- PLEDGE OF ALLEGIANCE
- MEMBER JOINED: Commissioner Edwards
- PRESENTATION  
Proclamation designating Hispanic Heritage Month
- PRESENTATION  
Proclamation designating September 21 through September 27, 2015 as Pollution  
Prevention Week
- PRESENTATION  
Art in the Chambers
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- Trini Quiroz
- David Siegel
- Tom Narut
- Luiza Semrad
- Kelly Semrad
- Emily Bonille
- William Lutz
- Umut Kocaman

The following materials were presented to the Board during public comment.

- Exhibit 1, from Tom Narut
- Exhibit 2, from Tom Narut
- Exhibit 3, from Kelly Semrad

The following material was received by the Clerk during public comment. The material referenced by the speaker was not presented to the Board: Submittal 1, from Umut Kocaman.

• COUNTY CONSENT AGENDA

Motion/Second: Commissioners Thompson/Clarke

AYE (voice vote): All members

Action: The Mayor deferred action on Community, Environmental and Development Services Department Item 3 for consideration with public hearing for James G. Willard, Hamlin West PD / UNP, Case # LUP-15-02-042; and further, the Board approved the balance of the County Consent Agenda items as follows:

County Mayor

1. Confirmation of the following managerial appointments: Sheena Ferguson as Manager, Business Development, Administrative Services Department; Kimberly Stewart-Horan as Division Chief, Communications, Fire Rescue Department; and Timothy Wood as Manager, Guest & Facility Security, Convention Center.

County Comptroller

1. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
  - August 28, 2015, to September 3, 2015; total of \$31,168,146.99.
  - September 4, 2015, to September 10, 2015; total of \$21,438,843.90.

(Finance/Accounting)

2. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. To scrap assets.
- b. To dispose of an asset that was totaled by our Third Party Administrator for its salvage value.

County Administrator

1. Approval of the Membership and Mission Review Board recommendations for advisory board appointments/reappointments. (Agenda Development Office)

- A. Animal Services Advisory Board: Appointment of William F. Gouveia to succeed Erin M. Koski in the at large representative category with a term expiring December 31, 2015.
- B. Citizens Review Panel for Human Services: Reappointment of Mark A. Arias, Shirley A. Walker Hightower, and Tiffany S. Dziekan in the at large representative category with terms expiring December 31, 2017; the Appointment of Frank Blanco to succeed Pedro Padua in the economically distressed representative category with a term expiring December 31, 2015; the Appointment of Courtney E. Karem to succeed Erin M. Nurse and Maribel Gomez-Cordero to succeed Bonnie Y. Morales in the at large representative category with terms expiring December 31, 2017; the Appointment of Elizabeth Nelson to succeed Edwin B. Harvey in the at large representative category with a term expiring December 31, 2015; and the Appointment of Shannon K. Brown to succeed Clinton Jackson, Cindy Underwood to succeed G. Sean Sandiford, and Samia Solh to succeed Isa Dora Dean in the at large member in training category with terms expiring December 31, 2017. Note: Current at large members in training Corey L. Douglas, G. Sean Sandiford, and Isa Dora Dean will now be serving in the at large representative category, succeeding Dr. Sylvia T. Caceres, Ron Landon, and Ralph Martin, respectively, with terms expiring December 31, 2017.
- C. Commission on Aging: Appointment of Catherine W. Kerns in the media/public relations representative category to succeed Lewis E. Mattox in the transportation representative category with a term expiring June 30, 2017 and Augustin Martinez in the faith representative category to succeed Monserrate Vargas in the health care representative category with a term expiring June 30, 2016.
- D. Health Council of East Central Florida, Inc.: Appointment of Stephanie K. Prewitt to succeed Tiffany J. Kalnas in the health care purchaser representative category with a term expiring September 30, 2016.
- E. Neighborhood Grants Advisory Board: Appointment of Assonta Lysius to succeed Mike D. Houlihan in the District 6 representative category with a term expiring June 30, 2017.
- F. Orange Blossom Trail Development Board: Appointment of Commissioner Victoria P. Siplin to succeed former Commissioner Tiffany Moore Russell in the Orange County representative category with a term expiring January 14, 2019 and Tasha M. Golis to succeed Monica King and Richard A. Fender to succeed Jonathan M. Brown in the Orange County representative category with terms expiring January 14, 2017.
- G. Sustainability Advisory Board: Reappointment 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, 2017.

- H. Tourist Development Council: Appointment of Mayor A. Dale McDonald to succeed former Mayor Howard Schieferdecker in the elected municipal official category with a term expiring April 30, 2017.
2. Approval of Agreement Between Orange County, Florida and AFSCME Florida Public Employees' Council 79, American Federation of State, County and Municipal Employees, AFL-CIO, Article 23 – Wages for Fiscal Year 2015-2016. (Human Resources Division)
  3. Approval of a 3% Fiscal Year 2014-15 salary increase to ID# 109048 retroactive to October 12, 2014. (Human Resources Division)
  4. Approval for the Orange County Sheriff's Office to spend \$5,000 from the Law Enforcement Trust Fund to provide an eligible contribution to YMCA of Central Florida Teen Achievers (\$5,000). (Office of Management and Budget)
  5. Approval of budget amendments #15-56, #15-57, and #15-58. (Office of Management and Budget)
  6. Authorization to pay SunTrust Bank for Letters of Credit Commissions and Fees, in the approximate amounts of \$36,000 and \$27,000, respectively. (Risk Management Division)

#### County Attorney

1. Approval of amendments to the Board of County Commissioners' Rules of Procedure.

#### Administrative Services Department

1. Approval to award Invitation for Bids Y15-1121-PD, Pest Control Services, to the low responsive and responsible bidder, Terminix Pest Control Company, in the estimated contract award amount of \$127,751 for a 1-year term. Further, authorized the Procurement Division to renew the contract for four additional years. ([Administrative Services Department Facilities Management Division] Procurement Division)
2. Approval to award Invitation for Bids Y15-1122-PD, Veterinary Medication, to the low responsive and responsible bidder, Merritt Veterinary Supplies, Inc., for Line Items 3, 6, 14, 15, 16, 19, 21, 28, 31, 32, 34, 35, 43, and 46 for a 1-year term contract in the total estimated contract award amount of \$244,826.80. Further, authorized the Procurement Division to renew the contract for four additional 1-year terms. ([Health Services Department Animal Services Division] Procurement Division)
3. Approval to award Invitation for Bids Y15-1139-JS, Aluminum Sulfate, to the low responsive and responsible bidder, Chemtrade Chemicals US LLC, for a 1-year contract in the estimated contract award amount of \$339,739.20. Further, authorized

the Procurement Division to renew the contract for two additional 1-year terms. ([Community, Environmental and Development Services Department Environmental Protection Division] Procurement Division)

4. Approval to award Invitation for Bids Y15-1142-JS, Fire Rescue and Hazmat Supplies and Equipment, to the low responsive and responsible bidders, Anclote Fire and Safety, LLC, Bennett Fire Products Company, Inc., Dana Safety Supply, Inc., Fisher Scientific Company, LLC, Municipal Equipment Company, LLC, Team Equipment, Inc. and Ten-8 Fire Equipment, Inc. for 3-year contracts in the following amounts based on low bidders for each lot:

<u>Bidders</u>	<u>Amount</u>
Anclote Fire and Safety, LLC	\$360,000
Bennett Fire Products Company, Inc.	\$300,000
Dana Safety Supply, Inc.	\$150,000
Fisher Scientific Company, LLC	\$2,500,000
Municipal Equipment Company, LLC	\$130,000
Team Equipment, Inc.	\$750,000
Ten-8 Fire Equipment, Inc.	<u>\$1,000,000</u>
Total	\$5,190,000

Further, authorized the Procurement Division to renew the contracts for two additional 1-year terms. ([Fire Rescue Department] Procurement Division)

5. Approval to award Invitation for Bids Y15-619-JS, Hydraulic Excavator, to the low responsive and responsible bidder, GSX, Inc. dba Great Southern Construction Equipment Company, in the contract award amount of \$364,583. ([Utilities Department Solid Waste Division] Procurement Division)
6. Approval to award Invitation for Bids Y15-630-MA, Body Scanner for Corrections, to the low responsive and responsible bidder, Virtual Imaging, Inc. A Cannon USA Company in the total contract award amount of \$175,000. ([Corrections Department] Procurement Division)
7. Approval to award Invitation for Bids Y15-766-RM, Willow Street Community Center – HVAC Replacement, to the low responsive and responsible bidder, Ellis Mechanical Corporation, in the total contract award amount of \$366,210. ([Administrative Services Department Capital Projects Division] Procurement Division)
8. Approval to award Invitation for Bids Y15-778-CH, Stoneybrook Subdivision Wall (between Golfway Boulevard and Stoneybrook Boulevard), to the low responsive and responsible bidder, Cathcart Construction Company – Florida, in the estimated contract award amount of \$494,554. ([Public Works Department Engineering Division] Procurement Division)

9. Approval to award Invitation for Bids Y15-792-J2, Peppermill Pond Erosion Control, to the low responsive and responsible bidder, Construct Co Inc, in the estimated contract award amount of \$682,800. ([Public Works Department Highway Construction Division] Procurement Division)
10. Approval of Amendment 7, Contract Y12-1065-ZM, Recycling Services with Waste Not, Inc. for an estimated amount of \$45,512.88 for a revised total estimated contract amount of \$151,865.48. ([Administrative Services Department Facilities Management Division] Procurement Division)
11. Ratification of Contract Y15-799-CH, Wyndham Sea Harbor Drive Access Driveway Intersection Improvements, to the low responsive and responsible bidder, Atlantic Civil Constructors Corporation, for the estimated contract award amount of \$291,548.17. ([Public Works Department Engineering Division] Procurement Division)
12. Ratification of Contract Y15-7009-PH, Eastern Water Reclamation Facility Automatic Backwash Filter Rehabilitation to the low responsive and responsible bidder, Wharton-Smith, Inc, for the contract award amount of \$981,000. ([Utilities Department] Procurement Division)
13. Approval and execution of First Amendment to Drainage Easement between Meritage Homes of Florida, Inc. and Orange County and authorization to record instrument for Village F (Seidel Road) RAC. District 1. (Real Estate Management Division)
14. Approval and execution of License Agreement for Lay Down Area at Sea Splash Way between Hubbard Construction Company and Orange County for International Drive Improvement Project (Westwood Boulevard south to Westwood Boulevard north). District 1. (Real Estate Management Division)
15. Approval and execution of Resolution 2015-M-32 and County Deed from Orange County to City of Orlando and authorization to disburse funds to pay recording fees and record instrument for Lake Holden Alum Treatment Building. District 3. (Real Estate Management Division)
16. Approval and execution of Modified Recreational Easement between City of Orlando and Orange County and authorization to disburse funds to pay recording fees and record instrument for Barber Park Addition. District 3. (Real Estate Management Division)
17. Approval of Donation Agreement and Utility Easement between Joshua C. Eick and Annah Lovelace Eick and Orange County and authorization to disburse funds to pay all recording fees and record instrument for Park Manor (10590 & 10594 Jonathan Drive). District 4. (Real Estate Management Division)

Community, Environmental and Development Services Department

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

LC 15-0620	LC 15-0563	LC 15-0814	LC 15-0834	LC 15-0837
LC 15-0692	LC 15-0567	LC 15-0815	LC 15-0835	LC 15-0382
LC 15-0699	LC 15-0575	LC 15-0816	LC 15-1008	LC 15-0643
LC 15-0736	LC 15-0602	LC 15-0817	LC 15-0728	LC 15-0746
LC 15-0753	LC 15-0621	LC 15-0818	LC 15-0803	LC 15-0747
LC 15-0757	LC 15-0634	LC 15-0822	LC 15-0811	LC 15-0748
LC 15-0853	LC 15-0637	LC 15-0823	LC 15-0819	LC 15-0750
LC 15-0890	LC 15-0677	LC 15-0807	LC 15-0824	LC 15-0751
LC 15-0915	LC 15-0694	LC 15-0809	LC 15-0826	LC 15-0752
LC 15-0925	LC 15-0724	LC 15-0813	LC 15-0829	LC 15-0764
LC 15-0926	LC 15-0806	LC 15-0825	LC 15-0831	LC 15-0768
LC 14-1734	LC 15-0810	LC 15-0827	LC 15-0836	LC 15-0769

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

<u>Case No.</u>	<u>Dist. #</u>	<u>Property Owner</u>	<u>Amount*</u>
A 14-0200	6	CUMMINGS CLAYTON C	\$10,166.65
A 14-0201	6	INGLENOOK INC	\$10,166.65
A 14-0205	6	CUMMINGS CLAYTON C	\$10,166.65
A 14-0207	6	SALAS MARTHA E	\$12,116.65
A 14-0208	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SEC THREE INC	\$11,376.54
A 14-0267NSP	6	TENORIO SARA	\$10,515.92
A 14-0269NSP	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SECTION ONE INC	\$10,515.92
A 14-0271NSP	6	TYMBER SKAN ON THE LAKE OWNERS ASSOCIATION SECTION ONE	\$10,930.41
A 14-0272NSP	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SEC ONE INC	\$11,455.41
A 14-0273NSP	6	SCHOONOVER STEVEN DALE TRUSTEE 25% INT; EADS PEGGY LEE TRUSTEE 25% INT; FABBIAN MARK A; FABBIAN BRIDGET 50% INT	\$11,455.41
A 14-0274NSP	6	LEUNG KEVIN	\$13,305.41
A 14-0275NSP	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SEC THREE INC	\$10,295.39
A 14-0278NSP	6	MARTIN RAMIREZ CESAR	\$10,820.39

A 14-0280NSP	6	4163 TYMBERWOOD TRUST	\$10,820.39
A 14-0293NSP	6	VAZQUEZ JOSE O	\$11,455.41
A 14-0581	6	HURLEY JAMES F	\$12,156.34
A 14-0582	6	MARTIN RAMIREZ CESAR	\$12,256.35
A 14-0583	6	TYMBER SKAN ON THE LAKE OWNERS ASSOCIATION SECTION TWO INC	\$12,156.35
A 14-0584	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SECTION TWO INC	\$12,156.35
A 14-0585	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SEC TWO INC	\$12,156.35
A 14-0586	6	TYMBER SKAN ON THE LAKE OWNERS ASSN SECTION TWO INC	\$12,156.35

3. Approval of Adequate Public Facilities Agreement for Hamlin West PD/UNP by and between Hamlin Retail Partners West, LLC and Carter-Orange 45 SR 429 Land Trust and Orange County. District 1. (Development Review Committee)

(This item was deferred.)

4. Approval of Conservation Area Impact Permit Request CAI-15-05-019 for Siridell LLC, Abhiram Properties LLC, and SVPL LLC. District 5. (Environmental Protection Division)
5. Approval of Partners For Fish and Wildlife Program Landowner Agreement between Orange County and U.S. Fish and Wildlife Service for Shadow Bay Park in the amount of \$25,000, approval of Assurances - Non-Construction Programs OMB Approval No. 4040-007, and approval of Application of Federal Assistance SF-424 OMB No. 4040-0004. District 1. (Parks and Recreation Division)
6. Approval of First Amendment to Amended and Restated 2006 Innovation Way/Beachline Interchange Agreement Innovation Way and Beachline Expressway by and among Suburban Land Reserve, Inc., Orange County, Florida and Central Florida Expressway Authority. District 4. (Roadway Agreement Committee)
7. Approval of Hold Harmless and Indemnification Agreement Parcel ID 32-23-28-1872-00-140 by and between The Robert Kantecki Revocable Trust and Orange County to construct a one-story open pergola accessory structure at 10203 Trout Road, Orlando, Florida. District 1. (Zoning Division)

#### Health Services Department

1. Approval of Florida Department of Agriculture and Consumer Services Division of Administration Mosquito Control Contractual Services Agreement FDACS Contract # 022256 by and between the Department of Agriculture and Consumer Services, State of Florida, and Orange County, in the estimated amount of \$43,009 and



approval for the County Mayor or her designee to sign future amendments to this Agreement. No county match is required. (Mosquito Control Division)

2. Approval of the Paratransit Services License for ChildrenFirst PPEC to provide wheelchair/stretchers service. The term of this license is from September 30, 2015 through September 30, 2017. There is no cost to the County. (EMS Office of the Medical Director)
3. Approval of the Paratransit Services License for Life Alliance, Incorporated to provide wheelchair/stretchers service. The term of this license is from September 30, 2015 through September 30, 2017. There is no cost to the County. (EMS Office of the Medical Director)
4. Approval of the Paratransit Services License for 10/10 Taxi to provide wheelchair/stretchers service. The term of this license is from September 30, 2015 through September 30, 2017. There is no cost to the County. (EMS Office of the Medical Director)
5. Approval of the Paratransit Services License for UNIQUE N.E.M.T.S. to provide wheelchair/stretchers service. The term of this license is from September 30, 2015 through September 30, 2017. There is no cost to the County. (EMS Office of the Medical Director)
6. Authorization to accept Grant Number 1U79SM062453-01 from the Substance Abuse and Mental Health Services Administration for the Wraparound Orange Expansion. (Mental Health and Homelessness Issues Division)

#### Public Works Department

1. Approval of Agreement for Traffic Law Enforcement on Private Roads located in the gated community of Lake Pickett Reserve by and between Orange County, Florida and Pulte Home Corporation. District 5. (Public Works Administration)
2. Approval of Use Agreement between City of Maitland and Orange County to construct, operate and maintain the Lake Sybelia Outfall improvements within the County's drainage easement on Audubon Way. District 5. (Development Engineering Division)

- INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
  - a. Minutes of the July 27, 2015, Invitation for Bids Y15-144-PD, Residential Solid Waste Recyclable Collection Services protest meeting with Commissioner Ted Edwards, Osceola County Commissioner Fred Hawkins, Jr., Matthew E. Morrall, P.A., and representatives from Stovash Case & Tingley, Shutts and Bowen, LLP, and Burr & Forman LLP.
  - b. Minutes of the July 27, 2015, Invitation for Bids Y15-144-PD, Residential Solid Waste Recyclable Collection Services protest meeting with Commissioner S. Scott Boyd, Osceola County Commissioner Fred Hawkins, Jr., Matthew E. Morrall, P.A., and representatives from Stovash Case & Tingley, Shutts and Bowen, LLP, and Burr & Forman LLP.
  - c. Minutes of the July 27, 2015, Invitation for Bids Y15-144-PD, Residential Solid Waste Recyclable Collection Services protest meeting with Commissioner Bryan Nelson, Osceola County Commissioner Fred Hawkins, Jr., Matthew E. Morrall, P.A., and representatives from Stovash Case & Tingley, Shutts and Bowen, LLP, and Burr & Forman LLP.

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

- COUNTY DISCUSSION AGENDA

Administrative Services Department

1. Selection of Consultant, Request for Proposals Y15-1089, Medicare Supplement and Medicare Part D Employer Group Waiver Plan Coverage:
  - a. Selection of one firm and an alternate to provide Medicare Supplement from the following firms listed alphabetically:
    - CIGNA
    - United Healthcare
  - b. Selection of CIGNA to provide Medicare Part D Employer Group Waiver Plan Coverage.

Further, authority is requested for the Procurement Division to execute a 3-year contract with two additional 1 year periods with the selected firm. ([Office of Accountability Human Resources Division] Procurement Division)

Motion/Second: Commissioners Siplin/Boyd

AYE (voice vote): All members

Action: The Board selected one firm CIGNA, and an alternate, United Healthcare, to provide Medicare Supplement; further, selected CIGNA to provide Medicare Part D Employer Group Waiver Plan Coverage; and further, authorized the Procurement Division to execute a 3-year contract with two additional 1 year periods with the selected firm, Request for Proposals Y15-1089.

County Attorney

1. Board Decision regarding Request for Stay of Board's Rezoning Decision Approving Wedgefield K-8 School; *Dawn Vroombout and others vs. Orange County and the School Board of Orange County*, Circuit Court Case No. 2015-CA-3922.

County Staff presented on the "Request for a stay" filed by citizens regarding the Board's Rezoning Decision approving the Wedgefiled K-8 School. Subsequently, the School Board filed an Objection to the Request for Stay. County staff indicated attorneys for the petitioners and the School Board will address the Board, before the Board makes a decision regarding the Request for Stay.

Board discussion ensued.

The following persons addressed the Board:

- Gregory A. Fencik
- Scott Glass

Motion/Second: Commissioners Edwards/Thompson

AYE (voice vote): All members

Action: The Board denied the Request for Stay of the Board's Rezoning Decision Approving Wedgefield K-8 School; *Dawn Vroombout and others vs. Orange County and the School Board of Orange County*, Circuit Court Case No. 2015-CA-3922.

Community, Environmental and Development Services Department

1. Board direction regarding major roadway agreement conditions for incorporation into a Road Network Agreement with Lake Pickett South. District 5.

County staff summarized the recent discussions regarding Lake Pickett South and the proposed transportation conditions, including overall mitigation responsibilities, the performance thresholds and timing of transportation concurrency requirements related to phases of development.

Board discussion ensued.

Action: None

- MEETING RECESSED, 11:09 a.m.
- MEETING RECONVENED, 2:08 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, County Attorney Jeffrey J. Newton, Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator Noelia Perez, Documents Coordinator Jennifer Lara-Klimetz

- COUNTY DISCUSSION AGENDA (CONTINUED)

Community, Environmental and Development Services Department

2. Blossom Park Condominium Update. District 4.

County staff presented an update on the developments of the Blossom Park Condominiums. The presentation focused on the safety concerns, code enforcement improvements on Building G, various community meetings, and the appointment of a new Receiver.

- MEMBER JOINED: Commissioner Edwards

Sheriff Michael Dolby presented to the Board law enforcement concerns regarding the Blossom Park Condominiums which include drugs, prostitution, overdoses, mandatory patrols, and the police impact on the area.

Board discussion ensued.

Action: None

By consensus, the Board adjourned as the Orange County Board of County Commissioners and convened as the Pine Hills Local Government Neighborhood Improvement District Board of Directors.

- COUNTY DISCUSSION AGENDA (CONTINUED)

Family Services Department

1. Acceptance of the Pine Hills Neighborhood Improvement District Annual Report and recommendations. (Neighborhood Preservation and Revitalization Division)

County staff presented an overview of the Pine Hills Neighborhood Improvement District its community vision, mission and goals. Michelle Owens, Executive Director of the Pine Hills Improvement District, provided an overview on the Pine Hills Neighborhood Improvement District 2014-2015 Annual Plan and the recommendations of the advisory council.

- RELINQUISHED CHAIR

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

The following material was received by the Clerk during public comment. The material referenced by the speaker was not presented to the Board: Submittal 1, from Lavon Williams.

Motion/Second: Commissioners Siplin/Nelson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board approved the Pine Hills Neighborhood Improvement District Annual Report and Recommendations.

By consensus, the Board adjourned as the Pine Hills Local Government Neighborhood Improvement District Board of Directors and reconvened as the Orange County Board of County Commissioners.

- RECOMMENDATIONS

August 20, 2015 Planning and Zoning Commission Recommendations

Motion/Second: Commissioners Clarke/Nelson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Planning and Zoning Commission under the date of August 20, 2015; subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Preliminary Subdivision Plan/Development Plan

1. Scott M. Gentry, Kelly, Collins & Gentry, Inc., Hamlin PD/UNP/ Publix Preliminary Subdivision Plan/Development Plan (PSP/DP), Case # DP-15-03-078; District 1

Applicant: Scott M. Gentry, Kelly, Collins & Gentry, Inc., Hamlin PD / UNP / Publix Preliminary Subdivision Plan / Development Plan

Consideration: Hamlin PD / UNP / Publix Preliminary Subdivision Plan / Development Plan - Case #DP-15-03-078, submitted in accordance with Sections 34-69, 30-89, and 38-1381 Orange County Code; The request is to

subdivide 20.33 acres into 5 commercial lots with a 54,244 square foot grocery store on Lot D of the PSP. The request also includes the following waivers from the Orange County Code:

1. A waiver from Sec. 38-1272(a)(3) is requested to allow a rear property line setback of forty (40) feet in lieu of the required sixty (60) foot setback when fronting expressways.
2. A waiver from Sec. 24.5 is requested to allow the setback and frontage zones of the framework streets or alternative framework streets within the Town Center Code to provide the buffering and separation for residential uses from non-residential uses in the Retail Wholesale (RW) and Corporate Campus Mixed Use (CCM) districts are provided for in Sec. 38-1390.41 and 38-1390.51 of the Town Center Code in lieu of applying the Sec. 24.5 buffer yard requirements.
3. A waiver from Sec. 38-1272(a)(5) is requested to allow the maximum heights permitted under the Town Center Code within one hundred (100) feet of any residential use, in lieu of a maximum height of thirty five (35) feet within one hundred (100) feet of any residential use.

Location: District 1; property generally located South of New Independence Parkway / North of Porter Road; Orange County, Florida (legal property description on file in Planning Division)

- MEMBER EXITED: Commissioner Nelson

County Staff clarified the waiver requested to allow a rear property line setback is forty (40) feet in lieu of sixty (60) feet.

The following person addressed the Board: Scott Gentry.

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs/Commissioner Nelson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Hamlin PD / UNP / Publix Preliminary Subdivision Plan / Development Plan, Case # DP-15-03-078 on the described property, subject to the following conditions:

1. Development shall conform to the Hamlin PD Land Use Plan / UNP Unified Neighborhood Plan ; Orange County Board of County Commissioners (BCC) approvals; Publix Preliminary Subdivision Plan dated "Received June 29, 2015," 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 June 29, 2015," 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 construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.
5. Prior to the issuance of any vertical building permits, the property shall be platted.
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 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.
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. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, 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. Construction plans within this DP shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
10. A Master Sign Plan shall be approved prior to any permits relating to signage.
11. Outside sales, storage, and display shall be prohibited, unless otherwise approved by the BCC.
12. A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
13. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of Construction Plan submittal.
14. A waiver from Sec. 38-1272(a)(3) is granted to allow a rear property line setback of forty (40) feet in lieu of the required sixty (60) foot setback when fronting expressways.
15. A waiver from Sec. 24-5 is granted to allow the setback and frontage zones of the framework streets or alternative framework streets within the Town Center Code to provide the buffering and separation for residential uses from non-residential uses in the Retail Wholesale (RW) and Corporate Campus Mixed Use (CCM) districts are provided for in Sec. 38-1390.41 and 38-1390.51 of the Town Center Code in lieu of applying the Sec. 24-5 buffer yard requirements.
16. A waiver from Sec. 38-1272(a)(5) is granted to allow the maximum heights permitted under the Town Center Code within one hundred (100) feet of any residential use, in lieu of a maximum height of thirty five (35) feet within one hundred (100) feet of any residential use.



NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER

Rezoning

2. James G. Willard, Shutts & Bowen, LLP, Hamlin West PD/UNP, Case # LUP-15-02-042; District 1

Applicant: James G. Willard, Shutts & Bowen, LLP, Hamlin West PD/UNP, Case # LUP-15-02-042

Consideration: Request to rezone four (4) parcels containing 155.74 acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct up to 763,400 square feet of non-residential uses, including 137,710 square feet of mixed uses and 625,690 square feet of retail / wholesale uses; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located between S.R. 429 (Western Beltway) and C.R. 545 (Avalon Road), along the north and south sides of New Independence Parkway; Orange County, Florida (legal property description on file)

and

- COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

3. Approval of Adequate Public Facilities Agreement for Hamlin West PD/UNP by and between Hamlin Retail Partners West, LLC and Carter-Orange 45 SR 429 Land Trust and Orange County. District 1. (Development Review Committee)

County staff indicated the proposal to the development site is to construct 763,400 square feet of non-residential uses and 54 hotel rooms.

- MEMBER RE-ENTERED: Commissioner Nelson

Based upon input from County staff and agreed upon by the applicant, new condition of Approval #16 was added to read as follows: A Road Network Agreement will be in place prior to PSP/DP approval for the Hamlin West PD pursuant to the BCC-approved Town Center West Term Sheet.

The following person addressed the Board: Jim Willard.

Motion/Second: Commissioners Boyd/Nelson

Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the request by James G. Willard, Shutts & Bowen, LLP, Hamlin West PD/UNP, Case # LUP-15-02-042 to rezone four (4) parcels containing 155.74 acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to construct up to 763,400 square feet of non-residential uses and 54 hotel rooms, including 137,710 square feet of mixed uses and 625,690 square feet of retail / wholesale uses, on the described property; subject to the following conditions as modified:

1. Development shall conform to the Hamlin West Planned Development / Unified Neighborhood Plan dated "Received March 13, 2015," 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 March 13, 2015," 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. 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.
5. Outside sales, storage, and display shall be prohibited.
6. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a Capacity Encumbrance Letter (CEL) prior to construction plan submittal and must apply for and obtain a Capacity Reservation Certificate (CRC) 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 CEL or a CRC.
7. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (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.
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. 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-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.
11. 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).

12. 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 to Village requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement provided master utilities sized for Village requirements are constructed.
13. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County Water Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, provide calculations and documentation certifying that the design complies with this condition.
14. A Level-One (1) Environmental Site Assessment (ESA) shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
15. Interconnectivity to the property to the south shall be addressed during subsequent PSP/DP reviews.
16. A Road Network Agreement will be in place prior to PSP/DP approval for the Hamlin West PD pursuant to the BCC-approved Town Center West Term Sheet.

we

#### Preliminary Subdivision Plan

3. Jennifer J. Stickler, P.E., Kimley-Horn and Associates, Inc., North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP), Case # PSP-15-02-052; District 1

Applicant: Jennifer J. Stickler, P.E., Kimley-Horn and Associates, Inc., North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP) – Case # PSP-15-02-052

Consideration: North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP), submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This request is to subdivide and create six (6) lots to accommodate the PD-approved development program of 151 single-family detached units, 346 multi-family units (including 44 with townhome design standards), 70,700 square feet of retail, and a public middle school on a total of 116.8 acres. In addition the following waiver from Orange County Code has been requested: 1. A waiver from Section 34-152(c) is requested to allow Tracts B and C

within Lot 4 access through a twenty (20) foot wide private easement in lieu of a twenty (20) foot dedicated public paved street.

Location: District 1; property generally located West side of Winter Garden Vineland Road (C.R. 535) / immediately north of Lakeside Village Lane; Orange County, Florida (legal property description on file in Planning Division)

County staff noted that Condition of Approval #16 was modified to read as follows:

16. ~~Need to have a road agreement in place for the conveyance of right-of-way required for Road "A", Road "B" and Road "C"~~ The applicant must comply with the requirements of the North of Albert's Transportation Agreement approved by the BCC on August 4, 2015.

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

Motion/Second: Commissioners Boyd/Nelson

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 North of Albert's Planned Development (PD) / Westside Preliminary Subdivision Plan (PSP), Case # PSP-15-02-052 on the described property, subject to the following conditions as modified:

1. Development shall conform to the North of Alberts PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Westside Preliminary Subdivision Plan dated "Received July 10, 2015," 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 July 10, 2015," 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 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).
5. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
6. 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.
7. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division (EPD) 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.

8. 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.
9. Prior to the issuance of any vertical building permits, the property shall be platted.
10. 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.
11. A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
12. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) submittal.
13. 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.
14. 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.

15. 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.
16. The applicant must comply with the requirements of the North of Albert's Transportation Agreement approved by the BCC on August 4, 2015.
17. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval, and include main sizes supporting Village-wide demands.
18. A waiver from Section 34-152 (c) of Orange County Code is granted to allow Tracts B and C within Lot 4 access through a twenty foot (20') wide private easement in lieu of a twenty foot (20') dedicated public paved street.

#### Substantial Change

4. Eric Warren, Poulos & Bennett, LLC, Village F Master PD/ Horizon West Village F Parcels S-7, S-15, S-16, S-17, S-18, S-19, & S-20 PSP, Case # CDR-15-06-170, amend plan; District 1

Applicant: Eric Warren, Poulos & Bennett, LLC, Village F Master PD / Horizon West Village F Parcels S-7, S-15, S-16, S-17, S-18, S-19, & S-20 PSP - Substantial Change - Case # CDR-15-06-170

Consideration: Substantial change request to the Village F Master PD / Horizon West Village F Parcels S-7, S-15, S-16, S-17, S-18, S-19, & S-20 PSP to combine previous Phases 2 through 5 into a single Phase 2 and to modify Condition of Approval #21 to require the developer to provide a valid Assignment of Vested Trips prior to plat approval in lieu of prior to plat submittal; pursuant to Sections 34-69 and 30-89, Orange County Code.

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

The following person addressed the Board: Eric Warren.

Motion/Second: Commissioners Boyd/Nelson



Absent: County Mayor Jacobs

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the substantial change request by Eric Warren, Poulos & Bennett, LLC, Village F Master PD / Horizon West Village F Parcels S-7, S-15, S-16, S-17, S-18, S-19, & S-20 PSP - Substantial Change - Case # CDR-15-06-170, to request the Village F Master PD / Horizon West Village F Parcels S-7, S-15, S-16, S-17, S-18, S-19, & S-20 PSP to combine previous Phases 2 through 5 into a single Phase 2; and further, modified Condition of Approval #21 to require the developer to provide a valid Assignment of Vested Trips prior to plat approval in lieu of prior to plat submittal; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Village F Master PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Horizon West Village F Parcel S-7, S-15, S-16, S-17, S-18, S-19, and S-20 Preliminary Subdivision Plan dated "Received June 18, 2015," 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 June 18, 2015," 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(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.
5. 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.
6. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
7. 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 the 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 the 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.
8. 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.

9. 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.
10. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
11. 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).
12. Where public gravity main will be located within alleyways, the distance from garage to garage shall be a minimum of 38 feet. To meet this requirement, the Rear Setback for Lots 230 to 243 shall be a minimum of 9 feet from the property line (11 feet from edge of pavement) based on the utility configuration shown in the PSP.
13. A Utilities Developer Agreement related to the oversizing of utility mains included in this PSP may be required. The need for an agreement and the terms of the agreement will be determined based on the MUP for this PSP. Agreements must be approved by the BCC prior to construction plan approval.
14. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners of the following: Homeowners own and maintain their individual water services which extend to their homes from public water meters located adjacent to public road right-of-way. The privately-owned water services for Lots 238 to 243 extend to these units through the HOA-owned green space, park tract P-4, fronting these homes. The owners of Lots 238 to 243 shall be granted access to Tract P-4 for the purpose of maintaining their water services.
15. 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-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.

16. Outside sales, storage, and display shall be prohibited.
17. A separate Development Plan for the park tracts shall be reviewed by DRC, approved and constructed prior to certificate of completion for the infrastructure for each phase.
18. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
19. The following waiver is for Parcels S-15 & S-18 only:

A waiver from Orange County Code Sections 38-1382(h)(4) and 38-1384(i)(3) is granted to allow blocks with townhome lots less than fifty (50) feet in width, to have rear vehicular access from a public right-of-way when the block and lots are designed to front an open space or mews as described in Section 38-1382(h)(6); in lieu of the requirement that any block containing any lots with a width of fifty (50) feet or less be accessed from a rear alley easement.
20. A waiver from Section 34-152(c) is granted to allow lots 238 - 297 to front a mew, park, open space, etc. in lieu of a County roadway. Legal access to these lots shall be through an ingress/egress easement shown on the plat, in lieu of the twenty-foot (20') fee simple access required by code.
21. As proof of satisfaction of the project's transportation concurrency obligations, the project must comply with that certain Village F Road Network Agreement recorded at O.R. Book 10591, Page 5123, Public Records of Orange County, Florida. The developer must provide a valid Assignment of Vested Trips document together with the applicable Confirmation Letter issued by Orange County, prior to plat approval. In addition, any Development Plan must show a legend with trip allocations by parcel identification number and phase of the development.
22. Simultaneously with the recording of the subdivision plat, the developer shall record in the public records of Orange County, Florida, a declaration of covenants, conditions, and restrictions governing Parcels S-7, S-15, S-16, S-17, S-18, S-19 and S-20, the terms of which shall include notification that the subdivision is adjacent to a future high school site and a conspicuous requirement that each purchaser of a residential lot in the subdivision for the personal or family uses of the purchaser(s) must be given a copy of the declaration at or prior to the time the sales contract is executed by the purchaser(s), together with a disclosure statement to be executed by the initial purchaser(s) stating as follows: "I/We acknowledge, understand, and accept that I/we am/are purchasing a lot or home in

a subdivision that, on the date of its approval by the Board of County Commissioners on March 24, 2015, is located east of a future high school site, as depicted on the Village F Specific Area Plan. I/We also acknowledge, understand, and accept that the development of such high school may include athletic fields, stadiums, tracks, etc. and the accompanying seating, lighting, and public address system that may be associated with those uses."

In addition to the declaration requirement described above, the developer shall incorporate the following statement into each deed initially conveying title to a lot: "The property being conveyed is part of the Watermark Subdivision, which is located adjacent to a future high school site." (PSP Condition of Approval #22 from BCC Minutes of March 24, 2015).

The proximity of the subdivision to the future high school site shall also be conspicuously notated on the plat.

23. 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.
24. Applicant and its assigns agrees to cooperate with the owner of parcel S-21 as shown on the Village F PD and the County for potential connectivity by providing access easements, temporary construction easements and rights of way across parcel S-16 of the PD to connect to the cul-de-sac shown within that parcel on the PSP. The land required for said access, easements or right-of-way shall be provided at no cost to the owners of Parcel S-21 or the County. All approvals and costs related to such connectivity and access shall be at no expense to Applicant.

## Substantial Change

5. Jay Jackson, Kimley-Horn & Associates, Inc., Universal Boulevard Planned Development (PD)/West and Northwest Parcels PSP – Substantial Change, Case # CDR-15-04-113, amend plan; District 6

Applicant: Jay Jackson, Kimley-Horn & Associates, Inc., Universal Boulevard PD / West and Northwest Parcels PSP – Substantial Change – Case # CDR-15-04-113

Consideration: Substantial change request to reconfigure Lot 5 to conform to the current property ownership. The request also includes the following waiver from the Orange County Code: 1. A waiver from Section 34-152(c) is requested to allow Lot 5A access through a minimum thirty (30) foot wide private easement in lieu of a twenty (20) foot dedicated public paved street. This waiver will also apply to future lots that will be required to use this easement (to be determined at a later date), as a lot split; pursuant to Sections 34-69 and 30-89, Orange County Code.

Location: District 6; property generally located South of Sand Lake Road / North and East of Universal Boulevard; Orange County, Florida (legal property description on file in Planning Division)

County staff noted a correction in the staff report for the building height which references 400 ft. A portion of the site also includes the Convention Plaza District which allows for a greater height.

County staff modified Conditions of Approval #4 and #5 to read as follows:

4. The applicant is required to ~~coordinate~~ comply with the ~~Roadway Agreement Committee regarding the right-of-way needed from this project for the~~ Road Impact Fee Agreement for the Mandarin Drive Extension approved by the BCC on June 4, 2013.
5. The applicant is required to coordinate with the Roadway Agreement Committee regarding the right-of-way needed from this project for the Kirkman Road Extension, as applicable.

County staff indicated modified Conditions of Approval #4 and #5 that apply to Public Hearing D5 were inadvertently shown during the previous Public Hearing D4 however Conditions of Approval #4 and #5 are to apply to Public Hearing D5 and will not be applied to the previous Public Hearing D4.

### • REASSUMED CHAIR

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

The following person addressed the Board: Vivien Monaco.

Motion/Second: Commissioners Siplin/Boyd

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; further, approved the substantial change request by Jay Jackson, Kimley-Horn & Associates, Inc., Universal Boulevard PD / West and Northwest Parcels PSP – Substantial Change – Case # CDR-15-04-113 to reconfigure Lot 5 to conform to the current property ownership; and further, includes the following waiver from the Orange County Code:

1. A waiver from Section 34-152(c) is requested to allow Lot 5A access through a minimum thirty (30) foot wide private easement in lieu of a twenty (20) foot dedicated public paved street. This waiver will also apply to future lots that will be required to use this easement (to be determined at a later date), as a lot split.

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

1. Development shall conform to the Universal PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; West and Northwest Parcels Preliminary Subdivision Plan dated "Received August 3, 2015," 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 3, 2015," 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 applicant is required to comply with the for the Road Impact Fee Agreement for the Mandarin Drive Extension approved by the BCC on June 4, 2013.
5. The applicant is required to coordinate with the Roadway Agreement Committee regarding the right-of-way needed from this project for the Kirkman Road Extension, as applicable.
6. The covenants, conditions, and restrictions (CC&Rs) shall include notification to potential purchasers, builders, tenants and Property Owner Associations of this development that neither potable wells nor irrigation wells using local groundwater will be allowed on site.
7. 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 soil and groundwater contamination and shall state the status of the resulting remediation.
8. Prior to clearing, grubbing or mass grading plan approval or construction plan approval, or any other disturbance in a soil or groundwater contaminated area, a Florida Department of Environmental Protection (FDEP) No Further Action letter or Site Rehabilitation Completion Order (SRCO), or documentation of specific permission from FDEP shall be submitted to the Orange County EPD.
9. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (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.
10. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
11. 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.

12. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
13. Construction plans within this PSP shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
14. Prior to the issuance of any vertical building permits, the property shall be platted.
15. A mandatory pre-application / sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application / sufficiency review meeting prior to formal submittal of the plat to the County.
16. A current Level One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review and approval as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
17. A waiver from Orange County Code Section 34-152(c) is granted to allow lot 5A access through a minimum thirty (30) foot wide private easement in lieu of a twenty (20) foot dedicated public paved street. This waiver will also apply to future lots that will be required to use this easement (to be determined at a later date), as a lot split.
18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 29, 2000, shall apply:
  - a. ~~Development shall conform to the U.S.I. South Campus Planned Development; Orange County Board of County Commissioners' (BCC) approvals; West and Northwest Parcels Preliminary Subdivision Plan, dated "Received May 31, 2000"; and to the following conditions of approval. Development based on this~~

~~approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable 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. This Preliminary Subdivision Plan approval automatically expires on August 29, 2001, in accordance with the Orange County Subdivision Regulations as amended.~~

- b. The developer shall relocate the existing wastewater and reclaimed water mains and easements, if required, due to conflicts with proposed construction except along Universal Boulevard.
- c. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved master drainage, water, and wastewater and utility plans for this planned development.
- d. Prior to the first development plan submittal, a master sign plan shall be submitted and approved by the Planning and Zoning Divisions.
- e. The Performance Standards for the Convention Plaza District Equivalent Zone shall apply to Lots 4 through 9 as a non-substantial change to the approved Land Use Plan.
- f. All lots within this subdivision utilized for hotels are subject to the same "Revenue Surcharge" now applicable to the Peabody, Clarion, and Rosen hotels adjacent to the existing Convention Center.

#### Development Plan

- 6. Jennifer J. Stickler, P.E., Kimley-Horn and Associates, Inc., North of Albert's Planned Development (PD) / Westside PSP Lots 1 & 2 / Westside Shoppes

Applicant: Jennifer J. Stickler, P.E., Kimley-Horn and Associates, Inc., North of Albert's Planned Development (PD) / Westside PSP Lots 1 & 2 / Westside Shoppes Development Plan (DP) - Case # DP-15-02-057

Consideration: North of Albert's Planned Development (PD) / Westside PSP Lots 1 & 2 / Westside Shoppes Development Plan (DP) submitted in accordance with Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207; This request is to construct 48,482 square feet of non-residential uses within the North of Albert's PD / Westside PSP Lots 1 & 2 / Westside Shoppes Development Plan (DP), which is designated "Village Center District" on the adopted Horizon West - Lakeside Village Specific Area Plan (SAP). In addition the following two (2) waivers from Orange County Code have been requested:

1. A waiver from Section 38-1389(c)(4) to allow a maximum allowable gross floor area of 15,000 square feet per retail establishment (*excluding grocery stores and self-storage facilities / buildings*), in lieu of a maximum allowable gross floor area of 7,500 square feet per retail establishment (*excluding grocery stores and self-storage facilities / buildings*); and
2. A waiver from Section 38-1389(d)(3)(g)(1) to allow up to fifty (50) percent of any street frontage of a building to vary from the build to line, but not less than zero (0) feet or more than thirty-five (35) feet in variation; in lieu of the requirement that up to twenty-five (25) percent of any street frontage of a building may vary from the build to line, but shall not be less than five (5) feet or more than twenty-five (25) feet in variation.

Location: District 1; property generally located West side of Winter Garden Vineland Road (C.R. 535), immediately north of Lakeside Village Lane; 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 approved the request by Jennifer J. Stickler, P.E., Kimley-Horn and Associates, Inc., North of Albert's Planned Development (PD) / Westside PSP Lots 1 & 2 / Westside Shoppes Development Plan (DP) - Case # DP-15-02-057 to construct 48,482 square feet of non-residential uses within the North of Albert's PD / Westside PSP Lots 1 & 2 / Westside Shoppes Development Plan (DP), which is designated "Village Center District" on the adopted Horizon West - Lakeside Village Specific Area Plan (SAP); and further, approved the following two (2) waivers from Orange County Code:

1. A waiver from Section 38-1389(c)(4) to allow a maximum allowable gross floor area of 15,000 square feet per retail establishment (*excluding grocery stores and self-storage facilities / buildings*), in lieu of a maximum allowable gross floor area of 7,500 square feet per retail establishment (*excluding grocery stores and self-storage facilities / buildings*).
2. A waiver from Section 38-1389(d)(3)(g)(1) to allow up to fifty (50) percent of any street frontage of a building to vary from the build to line, but not less than zero (0) feet or more than thirty-five (35) feet in variation; in lieu of the requirement that up to twenty-five (25) percent of any street frontage of a building may vary from the build to line, but shall not be less than five (5) feet or more than twenty-five (25) feet in variation.

subject to the following conditions:

1. Development shall conform to the North of Albert's Planned Development; Orange County Board of County Commissioners (BCC) approvals; Westside Preliminary Subdivision Plan; BCC approvals; Westside Shoppes Development Plan dated "Received July 10, 2015" 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.
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 the issuance of any vertical building permits, the property shall be platted.
5. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
6. A current Level One (1) Environmental Site Assessment (ESA) and a current title work shall be submitted to the County for review and approval, as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal.
7. Prior to construction plan approval, documentation must be provided certifying that this project has the legal right to tie into the master drainage system.

8. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
9. 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.
10. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
11. 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.
12. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division (EPD) 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.
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. Need to have a road agreement in place for the conveyance of right-of-way for Road "A," Road "B," and Road "C." (Note: Agreement approved by the BCC on 8/4/2015).
15. 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.
16. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing water, wastewater, and reclaimed water systems have been designed to support all development within the DP, and that construction plans are consistent with an approved Master Utility Plan.
17. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Horizon West Village Center Standards of Orange County Code Section 38-1389.
18. Outside sales, storage, and display shall be prohibited.
19. No vertical permits will be accepted for review until the Orange County Property Appraisers Office has transferred PID and addressing information to the permitting system.
20. A waiver from Section 38-1389(c)(4) is granted to allow a maximum gross floor area of 15,000 square feet per retail establishment (excluding grocery stores and self-storage facilities / buildings), in lieu of a maximum allowable gross floor area of 7,500 square feet per retail establishment (excluding grocery stores and self-storage facilities / buildings).
21. A waiver from Section 38-1389(d)(3)(g)(1) is granted to allow up to fifty (50) percent of any street frontage of a building to vary from the build to line, but not

less than zero (0) feet or more than thirty-five (35) feet in variation; in lieu of the requirement that up to twenty-five (25) percent of any street frontage of a building may vary from the build to line, but shall not be less than five (5) feet or more than twenty-five (25) feet in variation.

22. The off-site roadway improvements to Lakeside Village Lane shall be completed as part of the on-site improvements for this Development Plan, prior to issuance of a Certificate of Completion for the Westside Shoppes development.

#### Shoreline Alteration/Dredge and Fill

7. Thomas and Margaret Csencsitz, Lake Conway, District 3

Applicant: Thomas and Margaret Csencsitz

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to construct a new seawall, pursuant to Orange County Code, Chapter 33, Article II. Lake Conway Water and Navigation Control District; Section 33-37(d)

Location: District 3; on property located adjacent to Lake Conway, located at 1660 Waterwitch Drive; Section 13, Township 23 South, Range 29, East; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (SADF-15-04-002) and indicated the Shoreline Alteration/Dredge and Fill Permit was to construct a new vinyl seawall.

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

Motion/Second: Commissioners Clarke/Boyd

AYE (voice vote): All members

Action: The Board approved the request by Thomas and Margaret Csencsitz for a Shoreline Alteration/Dredge and Fill Permit (SADF-15-04-002) to construct a new vinyl seawall, on the described property, subject to the following conditions:

#### Specific Conditions:

1. This permit shall become final and effective upon expiration of the thirty (30) 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.
2. Construction activities shall be completed in accordance with the Construction Plan submitted by Streamline Permitting, Inc., dated as received on August 17, 2015, by the Environmental Protection Division (EPD). The permitted work must be commenced within six months and completed within one year from the date of

issuance of the permit. In the event that project has not commenced within 6 months or completed within a year this permit is void.

3. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
4. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
5. New plantings must be initiated within thirty days of completion of the seawall. The planting must be implemented in accordance with the Planting Plan submitted by Streamline Permitting, Inc., dated as received on August 11, 2015, by EPD. After one year, if 80% coverage of native species is not established, additional replanting will be required.
6. The permittee must install riprap in front of the new vertical seawall at a 2 (Horizontal): 1 (Vertical) slope as depicted on the Construction Plan dated as received on August 17, 2015.
7. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE), not to exceed 30 feet in width, of sufficient length waterward from the shoreline, to allow access to open water. Any current or future structures such as a boat dock must be located within this corridor.
8. Native vegetation may not be removed from the shoreline outside of the specified access corridor, specific to project.
9. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County (OC) Zoning Division at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OC Zoning Division at (407) 836-5525.
10. After approved by OC Zoning, the certified site plans will need to be reviewed by the OC Building Division in order to obtain a building permit. For further information, please contact the OC Division of Building Safety at (407) 836-5550.

General Conditions:

11. 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. 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.

12. 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.
13. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
14. 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.
15. 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 or encroachment within sixty 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 revocation.
16. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
17. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the

required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

18. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, 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.
19. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
20. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.

27. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

- ADJOURNMENT, 3:23 p.m.

ATTEST:

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

Date: 11/3/15

ATTEST SIGNATURE:

Martha O. Haynie  
County Comptroller as Clerk

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

