

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Tuesday, September 22, 2015
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Teresa Jacobs; Commissioners Bryan Nelson, Pete
Clarke, Jennifer Thompson, Ted Edwards, Victoria P. Siplin;
Commissioner S. Scott Boyd joined the meeting where indicated.
Others Present: Finance & Accounting Director Paul Wunderlich as Clerk, County
Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton,
Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator
Craig Stopyra, Documents Coordinator Jennifer Lara-Klimetz

- CALL TO ORDER, 2:05 p.m.
- INVOCATION – Pastor Kevin Goza, Trinity Baptist Church
- MEMBER JOINED: Commissioner Boyd
- PLEDGE OF ALLEGIANCE
- PRESENTATION
Proclamation designating October 4 through October 10, 2015, as Fire Prevention
Week
- PUBLIC COMMENT

The following person addressed the Board for public comment: Lorenzo Pinkston.

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke

AYE (voice vote): All members

Action: The Mayor deferred action on Community, Environmental and Development
Services Department Item 7; and further, the Board approved the balance of the County
Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the July 13 and July 16, 2015, meetings of the Board of
County Commissioners. (Clerk's Office)

2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Period as follows: September 11, 2015, to September 17, 2015; total of \$32,416,560.86. (Finance/Accounting)
3. Disposition of Tangible Personal Property (Property Accounting)

Approval is requested of the following:

- a. To scrap assets.

County Administrator

1. Receipt and filing of the minutes received by the Agenda Development Office of various advisory board meetings for the official county record. (Agenda Development Office)

Administrative Services Department

1. Approval to award Invitation for Bids Y15-1143-JS, Street Sweeping Services for EPD Lake Management, to the low responsive and responsible bidder, USA Services of Florida, Inc., in the estimated annual contract amount of \$173,232 for the basic year. Further, authorized the Procurement Division to exercise the option years as required. ([Community, Environmental and Development Services Department Environmental Protection Division] Procurement Division)
2. Approval to award Invitation for Bids Y15-624-PD, 10,000 Gallon Underground Grease Interceptor Tanks, to the sole responsive and responsible bidder, Highland Tank & Manufacturing Co., in the total contract award amount of \$146,673.84. ([Convention Center Capital Planning Division] Procurement Division)
3. Approval to award Invitation for Bids Y15-779-CH, County Road 545 (Avalon Road) Culvert Replacement Project, to the low responsive and responsible bidder, Prime Construction Group, Inc., in the estimated contract award amount of \$1,438,665. ([Public Works Department Engineering Division] Procurement Division)
4. Approval to award Invitation for Bids Y15-787-CH, Lake Underhill Road at Woodbury Road Intersection Improvements, to the low responsive and responsible bidder, Stage Door II, Inc., in the estimated contract award amount of \$1,022,025.80. ([Public Works Department Engineering Division] Procurement Division)
5. Approval to award Invitation for Bids Y15-788-J2, Solid Waste Landfill Cells 9-12 Class I Landfill Phase-1 Sequential Closure, to the sole responsive and responsible bidder, Southeast Environmental Contracting, Inc., in the total contract award amount of \$8,988,500 (Base Bid). ([Utilities Department Solid Waste Division] Procurement Division)

6. Approval to award Invitation for Bids Y15-794-J2, Belmont Estates Drainage Improvements, to the low responsive and responsible bidder, Gregori Construction, Inc., in the estimated contract award amount of \$649,105. ([Public Works Department Highway Construction Division] Procurement Division)
7. Approval to award Invitation for Bids Y15-795-J2, Little Wekiva River Erosion Control – South of Wallington, to the sole responsive and responsible bidder, Construct Co Inc., in the estimated contract award amount of \$416,268.15. ([Public Works Department Highway Construction Division] Procurement Division)
8. Approval to award Invitation for Bids Y15-7002-MM, Orange County Convention Center West Building Grease Trap Replacement, to the low responsive and responsible bidder, Axios Construction Services, LLC, for the total contract award amount of \$258,644. ([Convention Center] Procurement Division)
9. Approval to award Invitation for Bids Y15-7008-EB, Orange County Public Works Perimeter Fence, to the low responsive and responsible bidder, All-Rite Fence Services, Inc., in the total contract award amount of \$169,995. ([Administrative Services Department Facilities Management Division] Procurement Division)
10. Ratification of Purchase Order M74868, Legion Kettles for the New Corrections Kitchen, with Culinary Depot, Inc. in the total amount of \$244,994. ([Administrative Services Department Capital Projects Division] Procurement Division)
11. Ratification of Purchase Order M75083, Supply and Install Intercom System in the Corrections Kitchen, with Diebold, Inc. in the total amount of \$181,058.31. ([Administrative Services Department Capital Projects Division] Procurement Division)
12. Approval of funding for the Orange County/City of Orlando Water Conserv II (WCII) Joint Facilities Annual Target Budget with Woodard and Curran, Inc. The County's share of the estimated project budget is \$3,225,438.13. ([Utilities Department Water Reclamation Division] Procurement Division)
13. Selection of SGM Engineering, Inc. to provide Design Services for Orange County Convention Center (OCCC) Exterior LED Digital Signs, Request for Proposal Y15-812-MM. Further, authorized negotiation and execution of the final contract by the Procurement Division within a budget of \$600,000. ([Convention Center] Procurement Division)
14. Approval and execution of Resolutions and authorization to initiate condemnation proceedings for Holden Heights Phase IV. District 6. (Real Estate Management Division)

15. Approval of Warranty Deed from M/I Homes of Orlando, LLC to Orange County and authorization to record instrument for Retreat at Lake Bosse (Enclave at Maitland Blvd PSP Case #PSP-13-11-268). District 2. (Real Estate Management Division)
16. Approval of Warranty Deed and Utility Easement between Greenway Park DRI, LLC and Orange County and authorization to record instruments for Greenway Park Orange County Lift Station F3037, OCU Permit: 14-E-115 OCU File #: 79526. District 4. (Real Estate Management Division)
17. Approval of Conservation and Access Easement between Sierra Construction Group, LLC and Orange County and authorization to record instrument for Ortega Street (CAIP #15-04-011). District 5. (Real Estate Management Division)

Community, Environmental and Development Services Department

1. Approval of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 1, 2, 3, 5, and 6. (Code Enforcement Division)

LC 15-0944	LC 15-0882	LC 15-0865	LC 15-0781	LC 15-0852
LC 15-0945	LC 15-0883	LC 15-0866	LC 15-0784	LC 15-0856
LC 15-0978	LC 15-0884	LC 15-0870	LC 15-0785	LC 15-0858
LC 15-0697	LC 15-0885	LC 15-0873	LC 15-0793	LC 15-0859
LC 15-0698	LC 15-0924	LC 15-0920	LC 15-0794	LC 15-0861
LC 15-0704	LC 15-0940	LC 15-0921	LC 15-0795	LC 15-0887
LC 15-0711	LC 15-0959	LC 15-0933	LC 15-0840	LC 15-0892
LC 15-0734	LC 15-0988	LC 15-0934	LC 15-0841	LC 15-0894
LC 15-0735	LC 15-0833	LC 15-0774	LC 15-0842	LC 15-0895
LC 15-0749	LC 15-0872	LC 15-0776	LC 15-0844	LC 15-0902
LC 15-0879	LC 15-0909	LC 15-0777	LC 15-0846	LC 15-0904
LC 15-0881	LC 15-1007	LC 15-0780	LC 15-0851	LC 15-0905

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. Districts 2 and 6. (Code Enforcement Division)

<u>Case No.</u>	<u>Dist. #</u>	<u>Property Owner</u>	<u>Amount*</u>
A 13-0410	2	CANUP MARVIN; CANUP JAMES	\$ 6,327.94
A 14-0206	6	RADICE EUGENE	\$ 10,166.65

3. Approval of DEP Agreement No. G0335 Amendment No. 2 between the State of Florida Department of Environmental Protection and Orange County, Florida for Lake Down Sub-Basin 15 Alum Stormwater Treatment System. District 1. (Environmental Protection Division)
 4. Approval of Conservation Area Impact Permit Modification (CAI-13-09-022) for Lennar Homes, LLC, Moss Park Planned Development. District 4. (Environmental Protection Division)
 5. Approval of renewal of Solid Waste Management Facility Permit No. SW-192228-MRF-10/1011 for American Recycling Group, LLC (Materials Recovery Facility) with waivers and conditions. District 2. (Environmental Protection Division)
 6. Approval of HOME Investment Partnership Program Housing Rehabilitation Agreement between Orange County, Florida and Housing and Neighborhood Development Services of Central Florida, Inc. in the amount of \$600,000 to rehabilitate nine single-family homes. All Districts. (Housing and Community Development Division)
 7. Approval of Interlocal Agreement for a Joint Planning Area between the City of Orlando and Orange County. District 4. (Planning Division)
- (This item was deferred.)
8. Approval of Proportionate Share Agreement for 7-Eleven at E. Colonial Drive/ (SR50) and Bonnevill Drive Woodbury Road: From Waterford Lakes Parkway to Colonial Drive by and between 7-Eleven, Inc. and Orange County for a proportionate share payment in the amount of \$13,464. District 5. (Roadway Agreement Committee)

Family Services Department

1. Receipt and filing of Head Start Policy Council Program Information and Updates August 2015 and Head Start Policy Council Meeting Minutes July 16, 2015 for the official county record. (Head Start Division)
2. Approval of Florida Department of Children and Families Application for a License to operate a Child Care Facility at Taft Head Start. This application is only executed by Orange County. (Head Start Division)

Fire Rescue Department

1. Approval of Assistance to Firefighters Grant Program - Fire Prevention and Safety Grant, Grant No. EMW-2014-FP-00789 between the U.S. Department of Homeland Security through the Federal Emergency Management Agency and Orange County in the amount of \$114,381 with a required match of \$5,719 for a total of \$120,100.

• INFORMATIONAL ITEMS

County Comptroller

1. Receipt of the following items to file for the record: (Clerk's Office)
 - a. Minutes of the May 18, 2015, East Park Community Development District meeting.
 - b. City of Apopka Annexation Ordinances and Vicinity Maps as follows:
 - Ordinance No. 2423 An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Debra Reid Wilbarger Life Estate; Diana Nichole Reid-McClure; and Dwana Michelle Ried-McClure, located at 4528 Plymouth Sorrento Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
 - Ordinance No. 2422 An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Daniel Joshua Reid Life Estate and David Dwayne Reid, located at 4640 Plymouth Sorrento Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
 - Ordinance No. 2421 An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Diana Donohoe Life Estate and Debra Reid Wilbarger, located at 4634 Plymouth Sorrento Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
 - Ordinance No. 2420 An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Diane Reid-Goolsby, located at 4622 Plymouth Sorrento Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
 - Ordinance No. 2419 An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Diane Reid-Goolsby and Debra Reid Wilbarger,

- located at 4680 Plymouth Sorrento Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- Ordinance No. 2418 An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Diane Reid-Goolsby, located at 4668 and 4672 Plymouth Sorrento Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
 - Ordinance No. 2417 An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Diane Donohoe Life Estate and Debra Reid Wilbarger, located at 4664 and 4646 Plymouth Sorrento Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.
- c. Florida Public Service Commission Notice of Proposed Agency Action Order Approving Duke Energy Florida, Inc.'s Demand-Side Management Plan and Order Approving Tariff. In re: Petition for approval of demand-side management plan of Duke Energy Florida, Inc.

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

• COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

7. Approval of Interlocal Agreement for a Joint Planning Area between the City of Orlando and Orange County. District 4. (Planning Division)

Motion/Second: Commissioners Thompson/Edwards

AYE (voice vote): All members

Action: The Board approved the Interlocal Agreement for a Joint Planning Area between the City of Orlando and Orange County.

• COUNTY DISCUSSION AGENDA

Administrative Services Department

1. Selection of one firm and two ranked alternates to provide Continuing Professional Services for Geotechnical and Construction Materials Testing, Request for Proposals Y15-905-MM, from the following firms listed alphabetically.
- Ardaman & Associates, Inc./Tetra Tech
 - Terracon Consultants, Inc./Nodarse
 - Universal Engineering Sciences Inc.

Further recommend the Board authorize negotiation and execution of the final contract by the Procurement Division to establish hourly rates for future requirements. The contract performance period will be for one year with two one-year renewals.

([Convention Center] Procurement Division)

Motion/Second: Commissioners Siplin/Edwards

AYE (voice vote): All members

Action: The Board selected one firm Universal Engineering Sciences, Inc., and two ranked alternates, #1 Ardaman & Associates, Inc./Tetra Tech, and #2 Terracon Consultants, Inc./Nodarse, to provide Continuing Professional Services for Geotechnical and Construction Materials Testing; and further, authorized negotiation and execution of the final contract by the Procurement Division to establish hourly rates for future requirements. The contract performance period will be for one year with two one-year renewals, Request for Proposals Y15-905-MM.

Fire Rescue Department

1. Fire Prevention Update. (Planning & Technical Services Division)

County staff presented information pertinent to Fire Rescue's fire safety and prevention efforts. The presentation highlighted accomplishments including Fire Rescue's successful partnership with the American Red Cross within the Orange County Community as well as details of the federal emergency management fire prevention and safety grant award.

- RELINQUISHED CHAIR

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

Board discussion ensued.

Action: None

- COUNTY WORK SESSION AGENDA

Community, Environmental and Development Services Department

1. Golf Courses Update. District 4. (Planning Division)

County staff presented a report regarding the rising concern of maintenance as well as the potential changes in land use associated with underutilized golf courses throughout Orange County.

- REASSUMED CHAIR

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

County staff presented an update regarding the mechanisms to enforce the maintenance and preservation of existing golf course communities in Orange County.

Board discussion ensued.

Action: None

- RECOMMENDATIONS

September 3, 2015 Board of Zoning Adjustment Recommendations

Motion/Second: Commissioners Thompson/Boyd

AYE (voice vote): All members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of September 3, 2015, with the exception of and authorizing a public hearing be scheduled for Case VA-15-08-062, Wawa, Inc., on October 20, 2015, at 2 p.m. (Appeal filed); subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

NOTE: THE FOLLOWING PUBLIC HEARINGS WERE CONSIDERED TOGETHER.

Conservation Area Impact

2. DFD One, LLC., permit; District 1

Applicant: DFD One, LLC.

Consideration: Request for a Conservation Area Impact for Class I and III Wetlands, and permit modification and transfer of previously issued Conservation Area Impact Permit CAI-01-002P

Location: District 1; property located at 7701 Palm Parkway, Orlando, Florida 32836; generally located southwest of the intersection of Daryl Carter Parkway and Palm Parkway; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff indicated the previously issued permit (CAI-01-002P) has been identified as permit (CAI-15-03-007).

County staff stated the conditions listed in the staff report located in the Agenda packet were numbered incorrectly. Due to this error, County staff indicated beginning with Condition of Approval #13, all remaining conditions should be renumbered sequentially from #13 to #35.

The following person addressed the Board: Chuck Whittall.

and

Preliminary Subdivision Plan

1. Adam Smith, VHB, Inc., Ruby Lake PD / Lot 3 Preliminary Subdivision, Case # PSP-14-12-347; District 1

Applicant: Adam Smith, VHB, Inc., Ruby Lake PD / Lot 3 PSP - Case # PSP-14-12-347

Consideration: Ruby Lake PD / Lot 3 Preliminary Subdivision Plan, Case # PSP-14-12-347, submitted in accordance with Sections 34-69, 30-89, and 38-1381 Orange County Code; The request is to subdivide and construct 236 single-family residential dwelling units on 157.88 acres. The request also includes the following waivers from the Orange County Code: 1. A waiver from Orange County Code Sec. 38-1391.3(a) is requested to eliminate the requirement for landscaping and sidewalks within the unopened right-of-way on the west side of the property. 2. A waiver from Orange County Code Sec. 38-1394 is requested to eliminate the requirement for landscaping within the unopened right-of-way on the west side of the property.

Location: District 1; property generally located West of Palm Parkway / North of Lake Street; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Patrick Brandt
- Mark Miller
- Chuck Whittall

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board approved the request by DFD One, LLC, for a Conservation Area Impact Permit (CAI-15-03-007) for Class I and III Wetlands and permit modification and transfer of previously issued Conservation Area Impact Permit to DFD ONE, LLC, on the described property; subject to the following conditions:

Specific Conditions:

1. The rights and responsibilities of previously issued CAI permit 01-002P are hereby transferred from JPC Development Corporation to DFD ONE, LLC. This permit modification replaces CAI 01-002P.
2. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.

3. In addition to the wetland impacts previously authorized, this modification authorizes 2.55 acres of additional Class I surface water impacts to Lake Ruby, 1.79 acres of additional Class I wetland impacts, 1.49 acres of additional Class III wetland impacts and 2.13 acres of secondary impacts, contingent upon approval of the Ruby Lake Lot 3 Preliminary Site Plan (PSP-14-12-347) (PSP). If the PSP is not approved by the Orange County Board of County Commissioners (BCC), this permit is void and invalid.
4. The wetland impacts must be done in accordance with Sheet C1 of the "Preliminary Site Plan" prepared by Poulos & Bennett, as dated as received by the Environmental Protection Division (EPD) on August 10, 2015, and "Figure 11 - Post Development Map" prepared by Bio-Tech Consulting, Inc., as dated as received by EPD on August 6, 2015. Construction shall be completed within five (5) years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to the Environmental Protection Division (EPD) prior to the expiration date.
5. A total of 5.7 WRAP wetland mitigation credits from the Florida Mitigation Bank were provided to offset the wetland impacts authorized herein. The mitigation credits were purchased on July 14, 2006.
6. Boat docks shall be prohibited on Lake Ruby for residential lots. This restriction shall be recorded in the community Covenants, Codes and Restrictions (CCRs). A single boat dock may be authorized for the Park Tract (P-1), as depicted on Sheet C7 of the "Preliminary Site Plan" prepared by Poulos & Bennett, as dated as received by the Development Review Committee (DRC) on July 27, 2015, subject to Chapter 15, Article IX, Orange County Code.
7. Establishment of either a MSTU or MSBU shall be required for management of Lake Ruby. The MSTU or MSBU shall be established prior to plat approval.
8. Conservation areas must be clearly marked with signs that identify any preserved wetland, surface water or upland buffer, where applicable. These signs must be installed every fifty (50) feet on any open space and on every other individual lot line. The signage must conform to the detail shown on Sheet C7 of the "Preliminary Site Plan" prepared by Poulos & Bennett, as dated as received by the Development Review Committee (DRC) on July 27, 2015. The signs must be located as shown on Sheet C7, C8, C9, and C10 of the PSP. The signs must be installed prior to plat approval.

9. The applicant shall provide written notification to property owners that no alteration or encroachment of the platted conservation areas shall occur unless approved by Orange County and any other appropriate state or federal agencies. These restrictions shall be recorded as covenants and restrictions on the subdivision plat and shall be part of the documents provided to purchasers of lots within the subdivision.
10. Where applicable, lots must have an environmental berm and swale installed prior to the certificate of completion. The berm and swale must be maintained throughout construction. Perpetual maintenance is the responsibility of the homeowners' association and the respective property owner. Berms and swales shall have a slope no greater than 4:1, be located landward of and immediately adjacent to the conservation area and/or surface waters (including any upland buffer), be immediately sodded after construction and be included within an environmental or drainage easement.
11. Construction shall be initiated within two (2) years, and completed within five (5) years from the date of issuance of this permit, unless extended in writing. Requests for permit extension must be submitted to the Environmental Protection Division (EPD) prior to the expiration date. In the event construction timeframes are not met, and a timely request for extension is not received, this permit shall be void and invalid.
12. Any modifications to this permit that include additional conservation area impacts shall require a public hearing before the BCC. Any minor modifications to permit conditions may be approved by way of Consent Agenda. Permit extensions may be approved by EPD staff.

General Conditions:

13. **Effective Date.** 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.
14. 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.
15. 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.

16. At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a "Construction Notice" (form CN-001-04) indicating the actual start date and expected completion date.
17. 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.
18. 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.
19. 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, the permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within sixty (60) days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.
20. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions.
21. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
22. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
23. Prior to any filling within the 100-year flood zone, a Flood Plain Permit shall be obtained from Orange County Stormwater Management authorizing the fill.
24. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.

25. The permittee shall notify EPD, in writing, within thirty (30) days prior to any sale, conveyance, or other transfer of ownership or control of the real property is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
26. 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.
27. 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.
28. 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.
29. The 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.
30. 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.
31. All excess lumber, scrap wood, trash, garbage and similar materials shall be removed from the preservation areas and/or surface water(s) immediately.
32. Any unpermitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact to the satisfaction of EPD.
33. For one (1) acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.

34. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain the requisite approval or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in violation of state or federal law.
35. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Motion/Second: Commissioners Boyd/Nelson

AYE (voice vote): All members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved Ruby Lake PD / Lot 3 Preliminary Subdivision Plan (PSP) - Case # PSP-14-12-347, on the described property, subject to the following conditions:

1. Development shall conform to the Ruby Lake PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Lot 3 Preliminary Subdivision Plan dated "Received July 27, 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 27, 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 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.
5. This project shall be a gated community and shall comply with the minimum requirements of the Gated Community Ordinance, Orange County Code Sections 34-280, 34-290, and 34-291, as they may be amended from time to time.
6. Prior to the issuance of any vertical building permits, the property shall be replatted.
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. 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. 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.
11. 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.
12. Signage shall comply with BVN standards and Chapter 31.5, unless otherwise approved by the BCC.
13. Prior to Lot 3 DP approval, the Utility Easement Agreement between the owners of Lot 3 and the Hilton property shall be updated to grant the Hilton access to the private water and reclaimed water mains extending from Palm Parkway across Lot 3 to the Hilton property. These mains are to be privately owned and maintained. The water and reclaimed water meters currently located at the property boundary between Lot 3 and the Hilton shall be relocated to be adjacent to Palm Parkway as part of the Lot 3 construction project, or prior to the completion of Lot 3 development.
14. 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.
15. The conveyance of right-of-way required for Connector Road / Fenton Street / Daryl M. Carter Parkway shall be conveyed by plat or separate instrument as required by the Road Agreement Committee. (OR Book 5138, Page 1988)
16. 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.
17. 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.

18. 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.
19. A waiver from Orange County Code Sec. 38-1391.3(a) is granted to eliminate the requirement for landscaping and sidewalks within the unopened right-of-way on the west side of the property.
20. A waiver from Orange County Code Sec. 38-1394 is granted to eliminate the requirement for landscaping within the unopened right-of-way on the west side of the property.
21. A Use Agreement is required for landscaping and hardscape improvements along Palm Parkway.
22. An MSTU / MSBU for Ruby Lake for the purpose of funding lake management shall be established prior to the sale of any lots.
23. All lakefront lots and common tracts shall be platted to the Normal High Water Elevation.
24. Docks shall not be permitted for individual residential lots.
25. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated January 6, 2015, shall apply:
 - a. ~~Development shall conform to the Ruby Lake PD Land Use Plan; Orange County Board of County Commissioners (BCC) approvals; Ruby Lake Preliminary Subdivision Plan dated "Received November 10, 2014," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received November 10, 2014," the condition of approval shall control to the extent of such conflict or inconsistency.~~
 - b. ~~This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have~~

~~been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.~~

- ~~c. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.~~
- ~~d. A 20-foot-wide pedestrian/landscape/utility easement and a 15-foot-wide transit easement (for a total of 35 feet) along Palm Parkway shall be included in the development plan.~~
- ~~e. 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.~~
- ~~f. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities for approval at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.~~

26. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated February 7, 2006, shall apply:

- ~~a. Development shall conform to the Ruby Lake PD; Orange County Board of County Commissioners' (BCC) approvals; Ruby Lake PSP, dated "Received November 28, 2005"; and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable 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.~~

~~PSP approval automatically expires on February 7, 2007, in accordance with the Orange County Subdivision Regulations as amended.~~

- b. Prior to construction plan approval, a master stormwater management plan shall be submitted to the Development Engineering Division for review and approval.
- c. ~~Outdoor storage and display shall be prohibited.~~
- d. ~~Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with the approved Master Utility Plan for this PD.~~
- e. All development shall comply with Buena Vista North Standards as well as the Tourist Commercial Activity Center with the exception of the waivers approved with this plan.
- f. A waiver from Section 38-1501 and Section 38-830(7) of the Orange County Code is granted to allow a 15-foot setback from the normal high water elevation in lieu of 50-foot setback for Lot 3as Ruby Lake is wholly contained within the limits of this development. Any such setback reductions shall comply with Conservation Area Impact Permit 01-002 & 15-03-007.
- g. ~~In recognition of the developer forgoing pole signs, a waiver from Section 28-1395.2 of the Orange County Code is granted to allow the sign requirements set forth in the approved Master Sign Plan.~~
- h. A waiver from Section 38-1396.1(2) of the Orange County Code is granted to allow light fixtures other than the acorn-style light fixtures.
- i. A waiver from Section 38-1393.2(4) of the Orange County Code is granted to allow metal roofs for architectural diversity.
- j. Development shall comply with the Orange County Conservation Area Impact Permit 01-002 & 15-03-007 as approved by the BCC on May 22, 2001, and September 22, 2015, respectively.
- k. ~~The drainage easement in the area northwest of Lake Ruby shall be restricted to the area as allowed in the Conservation Area Impact Permit 01-002.~~
- l. ~~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 his or her authorized agent) to the BCC at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the BCC in approving the development, could have reasonably been expected to have been relied upon~~

~~by the BCC in approving the development, or could have reasonably induced or otherwise influenced the BCC to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the BCC by the applicant (or his or her authorized agent) if it was expressly made to the BCC at a public hearing where the development was considered or approved.~~

- m. Ruby Lake will be utilized for stormwater attenuation; therefore, fishing and swimming shall be prohibited.
- n. ~~Development on the northwest strip of the project shall be limited to 1 story and shall be shielded from residential uses.~~

Ordinance, Continued from August 4, 2015

3. Amending Orange County Code, Chapter 31.5, pertaining to Sign Code

Consideration: AN ORDINANCE OF ORANGE COUNTY, FLORIDA, AMENDING THE SIGN CODE, CODIFIED AT CHAPTER 31.5 OF THE ORANGE COUNTY CODE; REPEALING CERTAIN SIGNAGE PROVISIONS FROM CHAPTER 38; AND PROVIDING AN EFFECTIVE DATE

County staff highlighted the following revisions to the draft ordinance:

- Sec. 31.5-5 Definitions

- A-Frame sign shall mean a portable sign not secured or attached to the ground or surface upon which it is located, typically constructed in such a manner as to form an "A" or tent-like shape, and primarily or exclusively intended to advertise to pedestrian traffic.
- Ground sign, including a monument-style ground sign, shall mean a sign commonly supported by uprights or braces which that is placed on, near or at ground level, and which that is not attached to any building, and that does not exceed fifteen (15) feet above the finished grade level. The definitions of ground sign and pole sign are mutually exclusive.
- Property frontage shall mean the length of the property line along the public right-of-way on which the property borders. "Right-of-way" shall not include right-of-way of a limited access highway, unopened right-of-way, vacated right-of-way, easements, and retention ponds.

- Sec. 31.5-67(b)

The maximum height of any ground sign in a commercial, industrial or agricultural district shall be twelve (12) feet, except that a monument-style ground sign may be a maximum of fifteen (15) feet in height, provided it has a solid structural base and generally maintains the same width from bottom to top, and is compatible with the architectural style of the principal building or structure. The maximum height of any ground sign in a professional-office district shall be ten (10) feet. If a ground sign on a

commercial, industrial, agricultural, or professional-office parcel is located within one hundred (100) feet of a residential district, and no right-of-way exists between the sign and the residential district, the maximum height of the sign shall be eight (8) feet. The maximum height of a ground sign in a residential district shall be eight (8) feet. Any sign that would otherwise fall within the definition of a ground sign and proposed through a variance application to be more than fifteen (15) feet in height shall be deemed to be a pole sign, and therefore subject to the applicable provisions regulating pole signs.

- Sec. 31.5-127(b)(9) Off-Site Directional Signs

No ~~physical location~~ place, area, or street address, as applicable, may be the subject of off-site directional signs in the public rights-of-way more than ~~three (3)~~ six (6) weekends per calendar year.

Clerk's note:

See subsequent revisions below.

- Sec. 31.5-162(a) Tourist Commercial Development

Signs in the "tourism district" shall comply with the provisions of this division, and any other provisions of this chapter that are not inconsistent with and do not conflict with the provisions of this division.

- Sec. 31.5-167(g) EMC's on Pole Signs

The minimum spacing of pole signs on a single parcel shall be two hundred (200) feet. An EMC shall be permitted pursuant to Section 31.5-16, provided it does not exceed twenty-five percent (25%) of allowable copy area.

- Sec. 31.5-190 PD Master Sign Plans

Large Planned Developments are encouraged to have a Master Sign Plan ("MSP"). In order to be eligible to submit an MSP, a PD shall be at least fifteen (15) developable acres in size and have at least one thousand (1,000) feet of right-of-way frontage, as that term is defined in Section 31.5-5. The intent and purpose of an MSP is to provide an applicant with an opportunity to create attractive, aesthetic signage having uniform or cohesive design of color, texture, materials and architectural features that continue throughout the overall development. Absent an MSP, a Planned Development shall comply with all applicable signage requirements in this chapter.

- Sec. 31.5-194 Horizon West Town Center

All signage in the Horizon West Town Center shall comply with the provisions of Chapter 31.5 Section 31.5-193 relating to the neighborhood center district and village center district, as described in Article VIII, Division 8, Chapter 38, Orange County Code relating to the Village PD, except as follows:

- A big box development shall comply with the sign provisions regulating big box developments.

- An A-frame sign may be permitted, subject to the following:

- A-frame signs shall be placed in locations that are noted on an approved MSP.

- The maximum size of an A-frame sign shall be twenty-five (25) inches by forty-five (45) inches.
- An A-frame sign shall not be lit.
- An A-frame sign shall be removed at the end of each business day.
- An A-frame sign shall not block a sidewalk; an unobstructed area on the sidewalk shall be at least four (4) feet wide.
- Community identification signs may be permitted, subject to the threshold standards in Section 31.5-74 and the following:
- Community identification signs shall be placed only in entry point locations that are noted on an approved MSP;
- Regardless of the approved height of an community identification sign, copy located more than ten (10) feet above finished grade shall be restricted to sixteen (16) square feet in size;
- A community identification sign shall not be internally lit; and
- For individual or multiple PDs under common ownership or management, a community identification sign may be up to twenty-five (25) feet in height, provided it is integrated or incorporated into an entry feature structure that employs an architectural design that is unified or consistent with other entry features.

The following persons addressed the Board:

- Adrianna Sekula
- Frankie Elliott
- Chuck Whittall
- Allison Turnbull
- Georgette Lemieux
- Greg Oerther

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Frankie Elliott.

Board discussion ensued.

The following person addressed the Board: Crissy Foglesong.

Board discussion ensued.

Based upon input from the County Mayor, County staff proposed the following additional amendment to the ordinance:

Page 19

- Section 31.5-127(b)(9) Off-Site Directional Signs

"(9) No ~~physical location~~ place, area, phase of a residential development, or street address, as applicable, may be the subject of off-site direction signs in the public rights-of-way more than three (3) six (6) weekends per calendar year."

Board discussion ensued.

Based upon input from the County Mayor, County staff proposed the following additional amendment to the ordinance:

"Section 31. Effective Date. This ordinance shall become effective on September 30, 2015. However, with respect to any sufficient permit application that is filed by September 30, 2015, the applicant may elect to proceed forward under the sign code as it existed prior to this ordinance's effective date."

Board discussion ensued.

Motion/Second: Commissioners Edwards/Clarke

AYE (voice vote): All members

Action: The Board made a determination that this ordinance with revised language as presented by staff will not have a substantial economic impact on development; further, made a finding of consistency with the Comprehensive Plan; and further, adopted Ordinance 2015-17, amending Orange County Code, Chapter 31.5, pertaining to Sign Code with the aforementioned additional changes as described below (with permission to correct any scrivener's errors):

Page 19:

- Sec. 31.5-127(b)(9) Off-Site Directional Signs

No ~~physical location~~ place, area, phase of a residential development, or street address, as applicable, may be the subject of off-site directional signs in the public rights-of-way more than ~~three (3)~~ six (6) weekends per calendar year.

"Section 31. Effective Date. This ordinance shall become effective on September 30, 2015. However, with respect to any sufficient permit application that is filed by September 30, 2015, the applicant may elect to proceed forward under the sign code as it existed prior to this ordinance's effective date."

Ordinance

4. Re-enacting Ordinance 2009-13 Orange County Code, pertaining to Neighborhood Stabilization Program

Consideration: AN ORDINANCE RELATING TO THE ACQUISITION AND DISPOSITION OF REAL PROPERTY UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM AUTHORIZED BY THE HOUSING AND ECONOMIC RECOVERY ACT OF 2008; RE-ENACTING ORDINANCE 2009-13; AND PROVIDING FOR RATIFICATION AND AN EFFECTIVE DATE.

- MEMBER EXITED: Commissioner Thompson

Motion/Second: Commissioners Clarke/Edwards

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board adopted Ordinance 2015-18, re-enacting Ordinance 2009-13, Relating to the acquisition and disposition of Real Property under the Neighborhood Stabilization Program Authorized by the Housing and Economic Recovery Act of 2008.

- RELINQUISHED CHAIR

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

Substantial Change

5. John Townsend, Donald W. McIntosh Associates, Inc., World Design Center Planned Development (PD) Land Use Plan (LUP), Case # CDR-14-10-317, amend plan; District 6

Applicant: John Townsend, Donald W. McIntosh Associates, Inc., World Design Center Planned Development / Land Use Plan (PD / LUP) Master Sign Plan - Case # CDR-14-10-317

Consideration: Substantial change request is to amend the World Design Center Planned Development / Land Use Plan (PD/LUP), to incorporate a Master Sign Plan for nine (9) new ground signs. The applicant is also requesting the following waivers from the Orange County Code:

- 1) A waiver from Orange County Code Section 31.5-67(b) to allow a maximum height of 19 feet, in lieu of 12 feet for primary entry ground signs type "eA".
- 2) A waiver from Orange County Code Section 31.5-67(b) to allow a maximum height of 14 feet, in lieu of 12 feet for secondary entry ground signs type "eB"; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 6; property located at 9395 S. John Young Parkway; generally located between S. John Young Parkway and Florida's Turnpike, north of Commerce Parkway, and approximately 700 feet south of Destination Parkway; Orange County, Florida (legal property description on file)

County staff noted that for clarification the Notice of Public Hearing advertisement referenced nine (9) ground signs and the plan shows ten (10) ground signs.

The following person addressed the Board: John Florio.

- MEMBER RE-ENTERED: Commissioner Thompson

Motion/Second: Commissioners Siplin/Edwards

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 substantial change request by John Townsend, Donald W. McIntosh Associates, Inc., World Design Center Planned Development / Land Use Plan (PD / LUP) Master Sign Plan - Case # CDR-14-10-317, to amend the World Design Center Planned Development / Land Use Plan (PD/LUP), to incorporate a Master Sign Plan for ten (10) new ground signs; and further, the applicant requested the following two (2) waivers from Orange County Code:

- 1) A waiver from Orange County Code Section 31.5-67(b) to allow a maximum height of 19 feet, in lieu of 12 feet for primary entry ground signs type "eA".
- 2) A waiver from Orange County Code Section 31.5-67(b) to allow a maximum height of 14 feet, in lieu of 12 feet for secondary entry ground signs type "eB";

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

1. Development shall conform to the World Design Center PD Land Use Plan dated "August 7, 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 "August 7, 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. Unless the property is otherwise vested or exempt, the applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to issuance of the initial certificate of occupancy. Nothing in this condition and nothing in the decision to approve this development plan shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
5. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code, unless otherwise approved by the BCC. Entry and directional signage shall be per the Master Sign Plan.
6. A waiver from Orange County Code Section 31.5-67(b) to allow a maximum height of 19 feet, in lieu of 12 feet for primary entry ground signs type "eA".
7. A waiver from Orange County Code Section 31.5-67(b) to allow a maximum height of 14 feet, in lieu of 12 feet for secondary entry ground signs type "eB".
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated March 18, 2008, shall apply:
 - a. A Master Utility Plan shall be submitted to Orange County Utilities prior to approval of the first Preliminary Subdivision/Development Plan.
 - b. Prior to construction plan approval, a Master Stormwater Management Plan shall be submitted to the County Engineer for review and approval.
 - c. Outdoor storage and display shall be prohibited.

- d. All acreages regarding conservation areas and buffers are considered approximate until finalized by Conservation Area Determination and Conservation Area Impact Permits. Approval of this plan does not permit any proposed conservation impacts.
 - e. The Developer shall obtain reclaimed water and wastewater service from Orange County Utilities.
 - f. A waiver from Section 38-1272 (a)(3)(d) is granted to allow an internal street setback of 0 feet in lieu of 30 feet.
 - g. A waiver from Section 38-1008 (a)(6) is granted to allow a maximum building height of 350 feet in lieu of the 100-foot maximum allowed.
 - h. No development shall occur on the portion of the property affected by the contamination until such time a No Further Action Letter is received.
6. Carmen Hunter, Duke Energy, Zellwood Station Planned Development (PD), Case # CDR-15-06-151, amend plan; District 2

Applicant: Carmen Hunter, Duke Energy, Zellwood Station Planned Development (PD) - Case # CDR-15-06-151

Consideration: Substantial change request to expand an existing 2.21-acre institutional tract owned by Duke Energy Florida, Inc., by aggregating an adjacent 0.23-acre PD tract that is currently designated for residential use. The resulting 2.44-acre tract would allow for the development of a Duke Energy electrical substation; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 2; property generally located South of West Ponkan Road, and approximately 1,800 feet west of Plymouth-Sorrento Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Jamie Poulos.

Motion/Second: Commissioners Nelson/Clarke

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 Carmen Hunter, Duke Energy, Zellwood Station Planned Development (PD) - Case # CDR-15-06-151, to expand an existing 2.21-acre institutional tract owned by Duke Energy Florida, Inc., by aggregating an adjacent 0.23-acre PD tract, resulting in the 2.44-acre tract allowing for the development of a Duke Energy electrical substation; which constitutes a substantial

change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Zellwood Station PD Land Use Plan dated "Received June 22, 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 zoning and the land use plan dated "Received June 22, 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. 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.
5. The substation shall provide a Type B buffer adjacent to residential boundaries.
6. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 5, 2008, shall apply:
 - a. No permanent school-aged children shall be generated as a result of any development on this development plan. Any proposal to add permanent school-aged children will be deemed a substantial change and shall require BCC approval.
 - b. At the time of platting, the Covenants, Conditions, and Restrictions (CC&R's) shall include language to give notice of the proximity to the existing landfill.
7. All previous applicable conditions of approval dated January 10, 1996, shall apply:
 - a. Since a positive outfall is not available, the stormwater management system shall be designed to retain the 100-year/24-hour storm on-site.
 - b. Approval of this plan will constitute approval of a development plan.
 - c. Developer shall build a five-foot sidewalk along Ponkan Road or contribute ten dollars (\$10) per foot toward construction of sidewalks in Orange County.

Substantial Change, Continued from September 1, 2015

7. Jim Hall, VHB, Meadow Woods Planned Development (PD) Land Use Plan (LUP), Case # CDR-15-05-137, amend plan; District 4

Applicant: Jim Hall, VHB, Meadow Woods Planned Development / Land Use Plan (PD/LUP) - Case # CDR-15-05-137

Consideration: Substantial change request to amend the Meadow Woods Planned Development / Land Use Plan (PD/LUP) to introduce a High Density Residential (HDR) land use designation to PD Parcel 50 in order to accommodate 234 multi-family residential units. The request would increase overall PD entitlements by 234 units. In addition, a waiver has been requested from Orange County Code Section 38-1258(j) to allow for a minimum twenty (20) foot separation between all multi-family buildings within PD Parcel 50 only; in lieu of a minimum separation of thirty (30) feet for two-story buildings, forty (40) feet for

three-story buildings, and proportional separations for additional structural heights, where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4; property generally located South of the Central Florida Greenway, west of Landstar Boulevard, and north of Town Center Boulevard; Orange County, Florida (legal property description on file)

The following person addressed the Board: Rebecca Wilson.

Motion/Second: Commissioners Thompson/Boyd

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 substantial change request by Jim Hall, VHB, Meadow Woods Planned Development / Land Use Plan (PD/LUP) - Case # CDR-15-05-137, to amend the Meadow Woods Planned Development / Land Use Plan (PD/LUP) to introduce a High Density Residential (HDR) land use designation to PD Parcel 50 in order to accommodate 234 multi-family residential units; further, the request increased the overall PD entitlements by 234 units; and further, a waiver has been requested from Orange County Code Section 38-1258(j) to allow for a minimum twenty (20) foot separation between all multi-family buildings within PD Parcel 50 only; in lieu of a minimum separation of thirty (30) feet for two-story buildings, forty (40) feet for three-story buildings, and proportional separations for additional structural heights, where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Meadow Woods PD Land Use Plan dated "Received August 24, 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 August 24, 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. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County Code.
5. 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.
6. The following Education Condition of Approval shall apply:
 - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement entered into with the Orange County School Board as of September 15, 2015.
 - b. Upon the County's receipt of written notice from Orange County Public Schools that the developer is in default or breach of the Capacity Enhancement Agreement, the County shall immediately cease issuing building permits for any residential units in excess of the 0 (zero) residential units allowed under the zoning existing prior to the approval of the PD zoning. The County may again

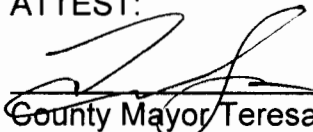
begin issuing building permits upon Orange County Public Schools' written notice to the County that the developer is no longer in breach or default of the Capacity Enhancement Agreement. The developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the act of ceasing the County's issuance of residential building permits.

- c. Developer, and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, agrees that it shall not claim in any future litigation that the County's enforcement of any of these conditions are illegal, improper, unconstitutional, or a violation of developer's rights.
 - d. Orange County shall be held harmless by the developer and its successor(s) and/or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement. 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.
- 7. Construction plans within this PD 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.
 - 8. The developer shall obtain water and wastewater service from Orange County Utilities.
 - 9. A waiver from Orange County Code Section 38-1258(j) is granted to allow for a minimum twenty (20) foot separation between all multi-family buildings within PD Parcel 50 only; in lieu of a minimum separation of thirty (30) feet for two-story buildings, forty (40) feet for three-story buildings, and proportional separations for additional structural heights, where doors, windows, or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings.
 - 10. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 4, 2015, shall apply:
 - a. No trucks or trailers may be parked in the Right of Way.
 - b. For parcels 15, 15.1, and 15.2 only, one truck for hire may be parked in the customer parking area.
 - c. Outside storage of vehicles shall be permitted along the south property line for Parcels 15, 15.1, and 15.2 only.

11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated May 24, 2011, shall apply:
- a. The access configuration point to Parcel 12 shall be determined at the (Development Plan) DP submittal.
 - b. All previous applicable Conditions of Approval shall apply:
 - 1) Reduce the number of units from 14.9 units per acre to 6 units per acre for a total of 296 units. *(This condition pertains only to Parcels 28, 29, AND 30.2)*
 - 2) Restrict the type of structure to townhomes with fee simple ownership. *(This condition pertains only to Parcels 28, 29, and 30.2)*
 - 3) Tower shall meet all the requirements of the communication tower ordinance. Any variance shall require approval by the Board of Zoning Adjustment.
 - c. A waiver from Section 38-1258(e) is granted for Parcel 12 in order to allow for understory trees with a maximum height of ten (10) feet in lieu of all shade trees as required per Type C buffers due to the existing power lines.
 - d. A waiver from Section 24-4(a)(3) c. and d. is granted for Parcel 12 in order to allow for understory trees with a maximum height of ten (10) feet in lieu of all required shade trees within interior landscaped areas due to the existing power lines.
 - e. A waiver from Section 38-1258(f) is granted to allow a fence in lieu of a six (6) foot high masonry wall. *(Note: This applies to Parcel 12, but was not specified, when adopted by the BCC)*

• ADJOURNMENT, 4:37 p.m.

ATTEST:



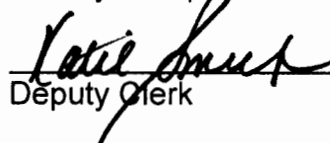
 County Mayor Teresa Jacobs

Date: **NOV 17 2015**

ATTEST SIGNATURE:

Martha O. Haynie

 County Comptroller as Clerk



 Deputy Clerk

