

BCC Mtg. Date: Apr. 5, 2016

## ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS" MEETING

Date: Tuesday, February 9, 2016  
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, Ted Edwards, Victoria P. Siplin  
Member Absent: Commissioner Jennifer Thompson  
Others Present: Chief Deputy Comptroller Margaret A. McGarrity as Clerk, County  
Administrator Ajit Lalchandani, County Attorney Jeffrey J. Newton,  
Deputy County Attorney Joel Prinsell, Senior Minutes Coordinator  
Craig Stopyra, Documents Coordinator Lakela Christian

- CALL TO ORDER, 2:10 p.m.
- INVOCATION – Pastor Arthur Graham, St. Mary's Missionary Baptist Church.
- PLEDGE OF ALLEGIANCE
- PUBLIC COMMENT

The following persons addressed the Board for public comment:

- RJ Mueller
- Bobby Lance

- ANNOUNCEMENT

County Mayor Jacobs announced that Public Hearing E10, Board of Zoning Adjustment Appeal, Centro Christiano Restauracion, Case # SE-15-10-089, was withdrawn by the applicant, and the public hearing will not be heard.

- PUBLIC COMMENT (CONTINUED)

The following persons addressed the Board for public comment:

- Cynthia Lance
- R.P. Mohnacky

The following material was presented to the Board during public comment: Exhibit 1,  
from RJ Mueller

- COUNTY CONSENT AGENDA

Motion/Second: Commissioners Boyd/Clarke

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Mayor

- Deferred action on Community, Environmental and Development Services Department Item 2 for consideration with public hearing for Marc Stehli, Hickory Nut Estates Land Use Plan (LUP), Case # LUP-15-07-204
- Deferred action Community, Environmental and Development Services Department Item 5 for consideration with public hearing for Jim Hall, Lake Avalon Planned Development/Land Use Plan (PD/LUP), Case # LUP-14-04-094

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

County Comptroller

1. Approval of the minutes of the December 15, 2015, meeting of the Board of County Commissioners. (Clerk's Office)
2. Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:
  - January 22, 2016, to January 28, 2016; total of \$18,732,303.05
  - January 29, 2016, to February 4, 2016; total of \$48,230,694.94.

(Finance/Accounting)

County Administrator

1. Approval for the Orange County Sheriff's Office to spend \$250,000 from the FY 2016 Law Enforcement Trust Fund for the purchase of Command and Monitoring Center Equipment. (Office of Management and Budget)
2. Approval of budget amendments #16-21, #16-22, #16-23, #16-24, and #16-25. (Office of Management and Budget)

## Administrative Services Department

1. Approval to award Invitation for Bids Y16-138-J2, Cold In-Place Bituminous Base Recycling with Asphalt Resurfacing, to the sole responsive and responsible bidder, Asphalt Paving Systems, Inc., in the estimated annual contract award amount of \$3,391,350. Further, authorized the Procurement Division to exercise contract option years one and two. ([Public Works Department Roads and Drainage Division] Procurement Division)
2. Approval to award Invitation for Bids Y16-158-JS, MSBU and Non-MSBU Retention Pond Mowing and Maintenance John Young Parkway, to the low responsive and responsible bidder, Groundtek of Central Florida, LLC, in the annual estimated contract award amount of \$172,725 for the basic year. Further, authorized the Procurement Division to exercise two additional 1-year options. ([Public Works Department Stormwater Management Division] Procurement Division)
3. Approval to award Invitation for Bids Y16-159-JS, MSBU and Non-MSBU Retention Pond Mowing and Maintenance Goldenrod and Bithlo, to the low responsive and responsible bidder, Carol King Landscape Maintenance, Inc., in the annual estimated contract award amount of \$272,350 for the basic year. Further, authorized the Procurement Division to exercise two additional 1-year options. ([Public Works Department Stormwater Management Division] Procurement Division)
4. Approval to award Invitation for Bids Y16-160-JS, MSBU and Non-MSBU Retention Pond Mowing and Maintenance Taft I, to the low responsive and responsible bidder, Groundtek of Central Florida, LLC, in the annual estimated contract award amount of \$242,165 for the basic year. Further, authorized the Procurement Division to exercise two additional 1-year options. ([Public Works Department Stormwater Management Division] Procurement Division)
5. Approval to award Invitation for Bids Y16-718-CC, Mildred Dixon Activity Center HVAC Replacement, to the low responsive and responsible bidder, Air Mechanical and Service Corp., in the total contract award amount of \$142,500. ([Administrative Services Department Capital Projects Division] Procurement Division)
6. Approval of Purchase Order M76711, Second Life Re-build of Caterpillar 740 Articulated Dump Truck, to Ring Power Corporation in the total amount of \$401,238.39. ([Utilities Department Solid Waste Division] Procurement Division)
7. Approval and execution of License Agreement between WRI-TC Marketplace at Dr. Phillips, LLC and Orange County, for SOE Voter Parking for Southwest Branch Library, Marketplace at Dr. Phillips, Orlando, Florida. District 1. (Real Estate Management Division)

8. Approval and execution of Grant of Non-Exclusive Utility Easement between Orange County and Peoples Gas System, A Division of Tampa Electric Company and authorization to record instrument for Corrections Kitchen, Laundry, and Staff Dining. District 6. (Real Estate Management Division)
9. Approval and execution of Partial Release of Conservation Easement between South Florida Water Management District and Orange County and authorization to disburse funds to pay recording fees and record instrument for John Young Parkway – South (Florida Turnpike to SR 528). District 6. (Real Estate Management Division)
10. Approval of Donation Agreement between Apopka Woods, LLC and Orange County, Warranty Deed from Apopka Woods, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Apopka Woods Subdivision OCU Permit: 14-E-006 OCU File #: 76285. District 2. (Real Estate Management Division)

Community, Environmental and Development Services Department

1. Approval and execution of the 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 15-1653	LC 15-1519	LC 15-1684	LC 15-1321	LC 15-1381
LC 15-1171	LC 15-1521	LC 16-0002	LC 15-1328	LC 15-1392
LC 15-1202	LC 15-1522	LC 16-0003	LC 15-1329	LC 15-1399
LC 15-1215	LC 15-1581	LC 16-0023	LC 15-1333	LC 15-1411
LC 15-1281	LC 15-1588	LC 16-0024	LC 15-1335	LC 15-1413
LC 15-1282	LC 15-1639	LC 15-1124	LC 15-1337	LC 15-1414
LC 15-1369	LC 15-1643	LC 15-1125	LC 15-1349	LC 15-1415
LC 15-1377	LC 15-1644	LC 15-1133	LC 15-1350	LC 15-1420
LC 15-1398	LC 15-1099	LC 15-1136	LC 15-1351	LC 15-1422
LC 15-1404	LC 15-1245	LC 15-1139	LC 15-1359	LC 15-1423
LC 15-1461	LC 15-1298	LC 15-1228	LC 15-1360	LC 15-1424
LC 15-1503	LC 15-1446	LC 15-1233	LC 15-1371	LC 15-1425
LC 15-1506	LC 15-1525	LC 15-1237	LC 15-1372	LC 15-1426
LC 15-1531	LC 15-1574	LC 15-1268	LC 15-1375	LC 15-1427
LC 15-1311	LC 15-1603	LC 15-1304	LC 15-1379	LC 15-1428
LC 15-1343	LC 15-1682	LC 15-1320	LC 15-1380	LC 15-1443

2. Approval and execution of Adequate Public Facilities Agreement for Hickory Nut Estates PD by and between Horizon West Investment Group, LLC and Orange County. District 1. (Development Review Committee)

(This item was deferred.)

3. Approval to issue refunds totaling \$29,632 for overcharges and write-off of undercharges in the amount of \$5,985 for LDMS System errors. All Districts. (Division of Building Safety)
4. Approval and execution of (1) Agreement Concerning Termination of Carlsbad Orlando, LLC Agreement Regarding Site Investigation and Potential Remediation and Escrow Agreement, with its Exhibits; and (2) Termination of Carlsbad Orlando, LLC Agreement Regarding Site Investigation and Potential Remediation. District 4. (Environmental Protection Division)
5. Approval and execution of Transportation Impact Fee Agreement Lake Avalon PD Avalon Road (County Road 545) by and between Savi Investments, LLC and Orange County, for the conveyance of 0.38 acres of right-of-way for Avalon Road (CR 545) for \$23,560 in transportation impact fee credits. District 1. (Roadway Agreement Committee)

(This item was deferred.)

#### Family Services Department

1. Approval of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at East Orange Head Start. This application is only executed by Orange County. (Head Start Division)
2. Approval of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Lila Mitchell Head Start. This application is only executed by Orange County. (Head Start Division)
3. Approval of February 2016 Neighborhood Pride Entranceway Grant as recommended by the Neighborhood Grants Advisory Board for Ashbury Park HOA (\$5,000). District 3. (Neighborhood Preservation and Revitalization Division)
4. Approval of the February 2016 Neighborhood Pride Capital Improvement Grant as recommended by the Neighborhood Grants Advisory Board for Riversbend Estates of Orange County HOA (\$10,000). District 5. (Neighborhood Preservation and Revitalization Division)

5. Approval of February 2016 Neighborhood Pride Sign Grants as recommended by the Neighborhood Grants Advisory Board for Bel-Aire Pines Neighborhood Association (\$3,000) and Winter Park Estates Community Association (\$5,000). District 5. (Neighborhood Preservation and Revitalization Division)

#### Fire Rescue Department

1. Approval of Federally-Funded Subaward and Grant Agreement Contract Number: 16-CC-S9-05-58-01-XXX between the State of Florida, Division of Emergency Management and Orange County for Fiscal Year 2015-2016 in the amount of \$9,158. (Office of Emergency Management)
2. Approval of Federally-Funded Subaward and Grant Agreement Contract Number: 16-CI-S9-05-58-01-XXX between the State of Florida, Division of Emergency Management and Orange County for Fiscal Year 2015-2016 in the amount of \$9,158. (Office of Emergency Management)

#### Health Services Department

1. Approval of the renewal Certificate of Public Convenience and Necessity for Florida Hospital Emergency Medical Services to provide Advanced Life Support Transport and Basic Life Support Transport Services. The term of this certificate is from March 1, 2016 through March 1, 2018. There is no cost to the County. (EMS Office of the Medical Director)
2. Approval to accept the Federal Health Resources and Services Administration Grant Award for Ryan White Part A funding in the amount of \$9,824,812 for the period of March 1, 2016 through February 28, 2017; approval to increase the Health Services Department Manning Table by two positions; approval for the County Mayor or her designee to approve any increases or decreases in the award amount, and approval for the County Mayor or her designee to approve any increases in Federal Ryan White Part A funding during the period March 1, 2016, through February 28, 2017. (Health Services Department)

#### Public Works Department

1. Authorization to record the plat of Chickasaw Commercial Subdivision. District 3. (Development Engineering Division)
2. Approval to install a "No Parking" zone in front of the odd number addresses on Pontiac Court and on Dolores Drive from Balboa Drive to Pine Hills Road. District 6. (Traffic Engineering Division)
3. Approval to install a "No Parking" zone on the east side of CR 535 from 100 feet north of Chase Rd and extending north 620 feet. District 1. (Traffic Engineering Division)

4. Approval and Execution of Resolution 2016-M-07 of the Orange County Board of County Commissioners regarding the Joint Participation Agreement Supplemental Amendment Number 1 with the State of Florida Department of Transportation Concerning the Purchase of an Advanced Traffic Management System (Financial Management Number 435529-1-54-01) and the State of Florida Department of Transportation Joint Participation Agreement Supplemental Amendment Number 1. All Districts. (Traffic 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 29, and May 27, 2015, Stoneybrook West Community Development District meetings.
  - b. Public Risk Management of Florida (PRM) Intergovernmental Cooperative Agreement - A Contract and By-Laws as Amended and Restated through December 12, 2012; and Affidavit Regarding Authenticity.
  - c. The Board of Supervisors of Valencia Water Control District (formerly Valencia Drainage District) will hold its 2016 regular monthly meetings the second Tuesday of each month. These meetings are held at 1:00 p.m. in the Lake Ridge Village Clubhouse, located at 10630 Larissa Street, Orlando, Florida 32821, in the Williamsburg area.
  - d. City of Orlando Voluntary Annexation Request: 1931 S. Fern Creek Ave. - ANX2015-00024. Notice of Proposed Enactment. On February 8, 2016, the Orlando City Council will consider proposed Ordinance #2016-12, entitled An Ordinance of the City Council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located north of E. Harding St., east of S. Fern Creek Ave., south of E. Kaley St., and west of Kasper Ct., and comprised of 0.15 acres of land, more or less; amending the City's adopted Growth Management Plan to designate the property as Residential Low Intensity on the City's Official Future Land Use Maps; designating the property as the R-2A 1 – 2 family district along with the traditional city overlay district on the City's Official Zoning Maps; providing for amendment of the City's Official Future Land Use and Zoning Maps; providing for severability, correction of scrivener's errors, and an effective date. A public hearing on this Ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida.

- e. Minutes of the September 28, 2015, East Park Community Development District.
  
- f. City of Winter Garden Notice of Annexation Ordinances and Legal Descriptions with Maps as follows:
  - Ordinance 15-31, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.22 ± acres located at 360 West Story Road on the southwest corner of West Story Road and Burch Avenue into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.
  - Ordinance 16-01, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.209 ± acres located at 830 Burch Avenue on the northwest corner of Burch Avenue and Jackson Street into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.
  - Ordinance 16-05, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.45 ± acres located at 882 Magnolia Street on the southeast corner of Magnolia Street and Beulah Road into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.
  - Ordinance 16-08, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.34 ± acres located at 883 Magnolia Street on the north side of Magnolia Street, west of Gillard Avenue and east of Beulah Road into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.
  - Ordinance 16-11, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.17 ± acres located at 873 Magnolia Street on the north side of Magnolia Street, west of Gillard Avenue and east of Beulah Road into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.
  - Ordinance 16-14, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.18 ± acres located at 1211 Beulah Road on the east side of Beulah Road, south of Magnolia Street and north of Palm Avenue into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.



\*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

Office of Regional Mobility

1. MetroPlan Orlando Board Meeting Briefing.

County staff provided an overview of the Agenda for the upcoming MetroPlan Orlando Board meeting. County staff notified the Board that the venue of the MetroPlan Orlando Board meeting will be located in their new facility on Orange Avenue.

Board discussion ensued.

Action: None

Addendum #1

County Administrator

1. Approval of Resolution of the Orange County Board of County Commissioners regarding the current litigation with the Department of Juvenile Justice and proposed legislation amending the shared County and State responsibility for juvenile detention.

County staff presented to the Board the Department of Juvenile Justice billing process and a resolution regarding the dismissal of pending litigation with the Department of Juvenile Justice. The presentation included the current and proposed billing and payments for the Department of Juvenile Justice.

Motion/Second: Commissioners Clarke/Nelson

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board approved Resolution 2016-M-08 of the Orange County Board of County Commissioners regarding the dismissal of pending litigation with the Department of Juvenile Justice provided the 50-50 cost split is signed into law and funds are appropriated for the Department of Juvenile Justice's budget.

County Mayor

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

Commissioner Clarke discussed with the Board his concern with duck hunting on the Chain of Lakes. Commissioner Clarke requested Staff research whether it is possible to draft an ordinance or resolution prohibiting hunting in the Chain of Lakes or designating the area as a bird sanctuary. County Mayor Jacobs directed staff to move forward in drafting an ordinance that will protect the wildlife and the citizens.

Commissioner Edwards requested an update on the platting process. The Board will discuss the platting process at the next Board meeting on February 16, 2016.

Action: None

- RECOMMENDATIONS

January 7, 2016 Board of Zoning Adjustment Recommendations

Motion/Second: Commissioners Clarke/Edwards

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board accepted the recommendations of the Orange County Board of Zoning Adjustment under the date of January 7, 2016; subject to the usual right of appeal by any aggrieved party.

- PUBLIC HEARINGS

Petition to Vacate

1. James H. McNeil, Jr., Akerman, LLP, on behalf of Magnolia Estates LLC, Petition to Vacate # 15-06-016, two 15 ft wide ingress/egress easements; District 1

Applicant: James H. McNeil, Jr., Akerman, LLP, on behalf of Magnolia Estates, LLC

Consideration: Resolution granting Petition to Vacate # 15-06-016, vacating two 15 ft wide ingress/egress easements, containing 0.44 acres and 0.45 acres, respectively, for a total of approximately 0.89 acres

Location: District 1; The parcel is unaddressed; S05/T24/R27; Orange County, Florida (legal property description on file)

The following person addressed the Board: Jim McNeil.

Motion/Second: Commissioners Boyd/Edwards

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board adopted a resolution granting Petition to Vacate # 15-06-016 vacating two 15 ft wide ingress/egress easements, containing 0.44 acres and 0.45 acres, respectively, for a total of approximately 0.89 acres, on the described property.

#### Substantial Change

2. Thomas Sullivan, Gray-Robinson, Vineland Pointe Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-05-145, amend plan; District 1 (Continued from December 15, 2015)

Applicant: Thomas Sullivan, Gray-Robinson, Vineland Pointe Planned Development / Land Use Plan (PD / LUP), Case # CDR-15-05-145

Consideration: Substantial change request to amend the Vineland Pointe PD by increasing PD Phase I development entitlements from 440 residential units to 800 residential units and 120,793 square feet of commercial, and by adding "Tourist Commercial" as a permitted use within PD Phase I; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located East of Darryl Carter Parkway, approximately 2,000 feet north of S. International Drive; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board continued the public hearing until March 15, 2016, at 2 p.m.

3. Erika Hughes, VHB, Inc., Sand Lake Resort Club Planned Development/Land Use Plan (PD/LUP), Case # CDR-15-09-264, amend plan; District 1

Applicant: Erika Hughes, VHB, Inc., Sand Lake Resort Club Planned Development / Land Use Plan (PD/LUP), Case # CDR-15-09-264

Consideration: Substantial change request to increase the maximum number of timeshare units from 1,261 to 1,368 (an increase of 107 units), and to add 10,000 square feet of commercial uses; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property located at 10000 Turkey Lake Road; or generally located on the west side of Turkey Lake Road and south of Sand Lake Road; Orange County, Florida (legal property description on file)

The following persons addressed the Board:

- Jim Hall
- William Corredos
- Carlos Corredos

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from Jim Hall

Board discussion ensued. Deputy County Attorney Prinsell contributed to the discussion.

Motion/Second: Commissioners Boyd/Nelson

Absent: Commissioner Thompson

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 Erika Hughes, VHB, Inc., Sand Lake Resort Club Planned Development / Land Use Plan (PD/LUP), Case # CDR-15-09-264, to increase the maximum number of timeshare units from 1,261 to 1,368 (an increase of 107 units), and to add 10,000 square feet of commercial uses; which constitutes a substantial change to the development on the described property; subject to the following conditions:

1. Development shall conform to the Sand Lake Resort Club Planned Development / Land Use Plan (PD/LUP) dated "Received November 23, 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 and the land use plan dated "Received November 23, 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. 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.
5. The Developer shall obtain wastewater service and reclaimed water service from Orange County Utilities.
6. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing reclaimed water and wastewater systems have been designed to support all development within the PD.
7. 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.
8. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval dated April 19, 1994, April 22, 1985, July 23, 1984, August 8, 1983, July 18, 1983, March 9, 1982, December 22, 1980, and July 26, 1973, shall apply:
  - a. Major street setbacks and right-of-way dedications shall be per Article XXI.

- b. Any removal of shoreline plant material shall be as approved by the Manager of the Orange County Environmental Protection Division and consistent with the Orange County Lakeshore Protection Ordinance. Reverse swales shall be constructed along the rear of Section 3 to prevent runoff of pollutants into Sand Lake.
- c. A five foot wide sidewalk shall be provided along the west side of Turkey Lake Road.
- d. The Support Facilities Use (80,000 square feet) shall be only in conjunction with the retirement center.
- e. The minimum living area shall be 500 square feet for all residential units.
- f. Access rights shall be dedicated to Orange County from land adjacent to Turkey Lake Road at the time of construction plan approval, except at the approved access.
- g. The minimum building setbacks shall be 50 feet from Sand Lake's normal high water elevation (95.5 feet) and 25 feet from property boundary.
- h. Water services to be provided by Orlando Utilities Commission.
- i. A minimum of 25 percent open space area shall be provided for Section 3 and a minimum 20 percent for Section 4, above the normal high water elevation.
- j. The proposed landscape buffer around the professional office and maintenance area shall be increased to a minimum width of 25 feet unless a wall is provided. Specific landscape treatment shall be provided when development plans are submitted for various uses.
- k. The road cross section shall meet Subdivision requirements.
- l. Uses on the lake shall be restricted to residents and their guests (and employees).
- m. Other than an emergency rescue boat, the lake uses shall not include vessels with internal combustion engines.
- n. No more than 20% of the shoreline area shall be cleared in compliance with the Shoreline Protection Ordinance.
- o. Reverse swales should be constructed across the rear of the lawn areas to prevent runoff.

- p. There shall be a minimum of eight acres designated for recreation and open space.
- q. The 100 flood elevation is 102.0. Compensatory storage will be required below the 102.0 elevation.
- r. The mean high water level as computed from County Records is 95.5. A reverse rear yard swale will be required on all lake lots above the 95.5 elevation.
- s. All roads within the townhouse and condominium areas shall be private and maintained by a homeowners' association.
- t. The design of stormwater management systems must comply with Subdivision Regulations and the Growth Management Policy.
- u. The project will be served by two access points from East Sand Lake Road.
- v. Shoreline alteration is limited to ten per cent for each lot and ten per cent of the total shoreline on the resort condominium project, including 500 feet of beach in the South recreation area and 150 feet of beach in the North recreation area.
- w. Stormwater management plan shall comply with Orange County Subdivision Regulations and shall be subject to the approval of the County Engineer and the Director of Pollution Control. Retention/detention facilities shall be designed for storage of the difference between pre/post developed conditions of runoff from a 25 year, 24 hour – 8.6 inch storm with peak rate of discharge limited to predeveloped conditions, or as approved by the County Engineer. Compensating storage will be required for all fill material placed below the 100 Year Flood Elevation of 101.4 feet. Minimum finished floor elevation is to be established at 102.4 feet. A reverse swale should be installed above the 95.5 foot contour to prevent surface runoff from going into Sand Lake.
- x. All roadways shall be constructed to County standards except as modified and approved by the County Engineer. On-site roads may be private except where access is provided to adjacent properties.
- y. All units shall be constructed at a minimum of fifty (50') feet from the Normal High Water Elevation. Every reasonable effort should be made to prevent adverse impacts on the water quality of Sand Lake.
- z. The 100 year flood elevation is 102.0. Compensatory storage will be required below the 102.0 elevation.
- aa. Dedication to County of 60 feet additional right-of-way for East Sand Lake

Road and improvement within the boundaries of this property.

- bb. Building not to exceed 8 stories with maximum height of 144 feet.
- cc. All drainage water must remain on property in same volume as land in undisturbed state.
- dd. No percolation areas near Sand Lake to be located below elevation of 101'.

#### Shoreline Alteration/Dredge and Fill

#### 4. John W. Holloway Revocable Trust, Lake Conway, permit; District 3

Applicant: John W. Holloway Revocable Trust  
Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to construct a vinyl seawall on a portion of the property 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 6301 Matchett Road; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff identified this permit as (SADF-15-11-016).

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

Absent: Commissioner Thompson

AYE (voice vote): All present members

Action: The Board approved the request by John W. Holloway Revocable Trust for a Shoreline Alteration/Dredge and Fill Permit (SADF-15-11-016) to construct a vinyl seawall on a portion of the property, 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 'Holloway Seawall Site Plans' submitted by Sheila Cichra, dated as received on November 18, 2015 and January 4, 2016 by 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 six months or completed within one year this permit is void.

3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. This permit does not authorize any dredging or filling except that which is necessary for the actual construction of the seawall.
5. The native, aquatic plantings must be implemented in accordance with the 'Proposed Seawall' aerial view figure submitted by Sheila Cichra, dated as received on November 18, 2015 by EPD.
6. Re-vegetation shall be in accordance with EPD conditions and/or replanting plan submitted to EPD. New plantings must be initiated within thirty days of receipt of the permit. After one year, if 80% coverage of native species is not established, additional replanting will be required.
7. The permittee must install riprap at a 2 (Horizontal): 1 (Vertical) slope along the entire length of the seawall.
8. The permittee is required to maintain the turbidity and sedimentation barriers during seawall construction.

General Conditions:

9. 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.
10. 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.
11. 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.

12. 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.
13. 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 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 revocation.
14. 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.
15. 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 sovereign lands or other state-owned lands.
16. 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.
17. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.

18. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. Pursuant to Section 125.022, Florida Statutes, issuance of this 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 this 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.
25. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

- RELINQUISHED CHAIR

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

5. Trustee of the John W. Holloway Life Estate, Lake Conway, permit, District 3

Applicant: Trustee of the John W. Holloway Life Estate  
Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to construct a vinyl seawall with rip rap and native vegetation, 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 6201 Matchett Road; Orange County, Florida (legal property description on file in Environmental Protection Division)

County staff stated the conditions listed in the staff report located in the Agenda book were numbered incorrectly, however, a new staff report was submitted to the Clerk, which reflected the same conditions numbered properly.

County staff identified this permit as (SADF-15-11-015).

Motion/Second: Commissioners Clarke/Boyd  
Absent: County Mayor Jacobs; Commissioner Thompson  
AYE (voice vote): All present members  
Action: The Board approved the request by Trustee of the John W. Holloway Life Estate for a Shoreline Alteration/Dredge and Fill Permit (SADF-15-11-015) to construct a vinyl seawall with rip rap and native vegetation, 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 'Holloway Seawall Site Plans' submitted by Sheila Cichra, dated as received on November 18, 2015 and January 4, 2016 by 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 six months or completed within one year this permit is void.
3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. This permit does not authorize any dredging or filling except that which is necessary for the actual construction of the seawall.

5. The planting must be implemented in accordance with the 'Proposed Seawall' aerial view figure submitted by Sheila Cichra, dated as received on November 18, 2015 by EPD.
6. Re-vegetation shall be in accordance with EPD conditions and/or replanting plan submitted to EPD. New plantings must be initiated within thirty days of receipt of the permit. After one year, if 80% coverage of native species is not established, additional replanting will be required.
7. The permittee must install riprap at a 2 (Horizontal): 1 (Vertical) slope along the entire length of the seawall.
8. The permittee is required to maintain turbidity and sedimentation barriers during seawall construction.

General Conditions:

9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
18. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
19. 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.

20. 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.
21. 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.
22. 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.
23. 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.
24. Pursuant to Section 125.022, Florida Statutes, issuance of this 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 this 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.
25. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

#### Rezoning

6. Khalid Hussein, Verona Subdivision Planned Development/ Land Use Plan (PD/LUP), Case # LUP-14-05-127; District 4

Applicant: Khalid Hussein, Verona Subdivision Planned Development / Land Use Plan (PD/LUP)-Case # LUP-14-05-127

Consideration: Request to rezone one (1) parcel containing 17.76 acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct up to seventy (70) single family detached residential dwelling units; pursuant to Orange County Code, Chapter 30

Location: District 4; property located at 1021 South Dean Road; or generally located at the southeast corner of South Dean Road and Dean Haven Court; Orange County, Florida (legal property description on file)

Motion/Second: Commissioners Edwards/Clarke

Absent: County Mayor Jacobs; Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Khalid Hussein, Verona Subdivision Planned Development / Land Use Plan (PD/LUP), Case # LUP-14-05-127, to rezone one (1) parcel containing 17.76 acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct up to seventy (70) single family detached residential dwelling units; on the described property; subject to the following conditions:

1. Development shall conform to the Verona Subdivision Planned Development / Land Use Plan (PD/LUP) dated "Received June 13, 2014," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received June 13, 2014," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to



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

4. No later than construction plan approval, applicant shall enter into a Road Agreement to address the conveyance to the County of right-of-way needed for the Dean Road widening project.
5. The following Education Condition of Approval shall apply:
  - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement approved by the Orange County School Board on 12/08/2015.
  - 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 zero (0) 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.
  - e. 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.
6. Due to roadway deficiencies within the project impact area, a traffic study is required to be submitted with the application for a Capacity Encumbrance Letter (CEL).

7. 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.
8. All acreages identified as conservation areas and buffers are considered approximate until finalized by Conservation Area Determination (CAD) and Conservation Area Impact (CAI) Permits. Approval of this plan does not permit any proposed conservation impacts.
9. A Master Utility Plan (MUP) shall be submitted to Orange County Utilities at least 30 days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.
10. The developer shall obtain water and wastewater service from Orange County Utilities.
11. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

7. Marc Stehli, Hickory Nut Estates Land Use Plan (LUP), Case # LUP-15-07-204; District 1

Applicant: Marc Stehli, Poulos & Bennett, LLC, Hickory Nut Estates Land Use Plan (LUP) Case # LUP-15-07-204

Consideration: Request to rezone four (4) parcels containing 99.86 acres from A-1 (Citrus Rural District) to PD (Planned Development District), in order to develop 40 single-family lots with detached residential dwelling units. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1385.6(b)(2) to allow minimum lot size of 21,780 square feet (1/2 acre), in lieu of a minimum average lot size of 43,560 feet (1acre);
2. A waiver from Section 38-1385.6(b)(4) to allow for a minimum lot width of ninety (90) feet, in lieu of a minimum lot width of one-hundred thirty (130) feet;
3. A waiver from Section 38-1385.6(b)(9)(a) to allow for a minimum front building setback of twenty (20) feet and minimum front porch setback of ten (10) feet, in lieu of a minimum front building setback of thirty-five (35) feet and minimum front porch setback of twenty-five (25) feet; and

4. A waiver from Section 38-1385.6(b)(9)(c) to allow for a minimum rear primary structure setback of twenty-five (25) feet, in lieu of a minimum rear primary structure setback of fifty (50) feet; pursuant to Orange County Code, Chapter 30.

Location: District 1; property generally located South of Old YMCA Road, between the Orange / Lake County Line and Lake Hickory Nut Drive; Orange County, Florida (legal property description on file)

and

- COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

2. Approval and execution of Adequate Public Facilities Agreement for Hickory Nut Estates PD by and between Horizon West Investment Group, LLC and Orange County. District 1. (Development Review Committee)

The following persons addressed the Board:

- Marc Stehli
- R.P. Mohnacky

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs; Commissioner Thompson

AYE (voice vote): All present members

Action: The Board approved and executed the Adequate Public Facilities Agreement for Hickory Nut Estates PD by and between Horizon West Investment Group, LLC and Orange County.

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs; Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Marc Stehli, Poulos & Bennett, LLC, Hickory Nut Estates Land Use Plan (LUP) Case # LUP-15-07-204 to rezone four (4) parcels containing 99.86 acres from A-1 (Citrus Rural District) to PD (Planned Development District), in order to develop 40 single-family lots with detached residential dwelling units. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1385.6(b)(2) to allow minimum lot size of 21,780 square feet (1/2 acre), in lieu of a minimum average lot size of 43,560 feet (1acre).
2. A waiver from Section 38-1385.6(b)(4) to allow for a minimum lot width of ninety (90) feet, in lieu of a minimum lot width of one-hundred thirty (130) feet.

3. A waiver from Section 38-1385.6(b)(9)(a) to allow for a minimum front building setback of twenty (20) feet and minimum front porch setback of ten (10) feet, in lieu of a minimum front building setback of thirty-five (35) feet and minimum front porch setback of twenty-five (25) feet; and
4. A waiver from Section 38-1385.6(b)(9)(c) to allow for a minimum rear primary structure setback of twenty-five (25) feet, in lieu of a minimum rear primary structure setback of fifty (50) feet

on the described property; subject to the following conditions:

1. Development shall conform to the Hickory Nut Estates Land Use Plan dated "Received August 14, 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 14, 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. 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.
5. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
6. The covenants, conditions, and restrictions (CC&Rs) shall contain notification to potential purchasers, builders or tenants of this development of the proximity of the West Orange & 545 solid waste disposal facilities that are located northeast of this site.
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. 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.
9. If approved, the Developer shall reconstruct (full depth) Old YMCA Road from their project entrance (west of Lake Hickory Nut Drive) to the newly paved portion of the Waterleigh PD entrance to the east.
10. The following Education Condition of Approval shall apply:
  - a. Developer shall comply with all provisions of the Capacity Enhancement Agreement approved by the Orange County School Board October 13, 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 three (3) 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. The 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.
  - e. 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.
11. 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.
  12. The Developer shall obtain water, reclaimed water, and wastewater service from Orange County Utilities.
  13. 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.
  14. The Developer shall be responsible for building master utilities transmission and collection infrastructure adequate to serve the PD and to accommodate the ultimate flows for the entire Village (SAP). Utilities infrastructure shall be built connecting to the build-out points of connection approved in the Village F&H Master Utility Plan (MUP).
  15. Prior to construction plan approval, all property owners within Village H, 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 H 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.

16. At the time of approval of a plat for any single-family residential development, the developer shall have prepared and submitted for review a document containing covenants, conditions and restrictions (CC&Rs) for the property being platted. The CC&Rs, which shall be recorded simultaneous with the recording of the plat, shall include a provision incorporating, verbatim, the following requirements:
  - a. The same front façade for single family residential units may not be repeated more than five (5) times within one (1) block length for both sides of any street, and shall be separated by at least two (2) units with different facades.
  - b. House front facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. The front façade of the main body of the house shall not exceed (40) feet in length, except for wings or "L's", which are setback from the façade. In no case shall more than fifty (50) percent of the front façade of the house consist of an unobstructed block wall or garage door.
  - c. At least fifty (50) percent of all single-family residential units shall have a front porch. A front porch shall be a minimum of seven (7) feet in depth and cover a minimum ten (10) feet in width or one third (1/3) of the front façade, whichever is greater.
  - d. Flat roofs shall be prohibited.
  - e. Unless otherwise prohibited by the CC&Rs, fencing in the front yard shall be no higher than three (3) feet, six (6) inches and limited to decorative wrought iron or wood picket style.
  - f. The provisions of the CC&R's incorporating the above referenced requirements shall not be amended, removed or superseded without the prior approval of the Board of County Commissioners, which approval may be withheld in the Board's sole discretion, and the CC&R's shall contain a statement to that effect. Furthermore, the CC&R's shall provide that the homeowner's association and any person owning the property in the development have the right to enforce these requirements in the event they are violated.
  - g. Finally, the CC&Rs shall also state that Orange County shall have the right, but not the duty, to enforce these requirements in the same manner as it enforces other Orange County ordinances and regulations.
17. The following waivers from Orange County Code are granted and applicable within the designated Estate Rural District:

- a. A waiver from Section 38-1385.6(b)(2) to allow a minimum lot size of 21,780 square feet (1/2 acre), in lieu of a minimum average lot size of 43,560 feet (1 acre);
  - b. A waiver from Section 38-1385.6(b)(4) to allow for a minimum lot width of ninety (90) feet, in lieu of a minimum lot width of one-hundred thirty (130) feet;
  - c. A waiver from Section 38-1385.6(b)(9)(a) to allow for a minimum front building setback of twenty (20) feet and minimum front porch setback of ten (10) feet, in lieu of a minimum front building setback of thirty-five (35) feet and minimum front porch setback of twenty-five (25) feet; and
  - d. A waiver from Section 38-1385.6(b)(9)(c) to allow for a minimum rear primary structure setback of twenty-five(25) feet, in lieu of a minimum rear primary structure setback of fifty (50) feet.
18. Prior to PSP approval, the necessary right-of-way along Old YMCA frontage shall be provided.

NOTE: THE FOLLOWING ITEMS WERE CONSIDERED TOGETHER.

8. Jim Hall, Lake Avalon Planned Development/Land Use Plan (PD/LUP), Case # LUP-14-04-094; District 1

Applicant: Jim Hall, VHB, Inc., Lake Avalon Planned Development / Land Use Plan (PD/LUP) Case # LUP-14-04-094

Consideration: Request to rezone four (4) parcels containing 66.0 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District) with a development program consisting of up to 46 lots with single family detached residential dwelling units. In addition, the following waivers from Orange County Code have been requested:

1. A waiver from Orange County Code Section 34-209 to allow the project's entry to be of a "western ranch" style, in lieu of a 6' masonry wall;
2. A waiver from Orange County Code Section 34-266(c) to allow swale drainage in a single-family subdivision with minimum lot widths of eighty (80) feet, in lieu of minimum lot widths of one hundred (100) feet; and
3. A waiver from Orange County Code Section 38-1501 [R-CE (County Estate District) development standards] to allow for a minimum lot width of eighty (80) feet, in lieu of a minimum lot width of 130 feet; a minimum lot area of 10,000 square feet, in lieu of a minimum lot area of 43,560 square feet (1 acre); a minimum front yard building setback of twenty (20) feet, in lieu of a minimum front yard building setback of thirty-five (35) feet; and, a minimum rear yard building setback of twenty (20) feet, in lieu of



a minimum rear yard building setback of fifty (50) feet.; pursuant to Orange County Code, Chapter 30.

Location: District 1; property located at 2221 & 3202 Avalon Road, and 16222 & 16401 Avant Drive; generally located north of Avalon Road (C.R. 545), south of Marsh Road, east of Sanctuary Lane, and west of Avalon Road (C.R. 545); Orange County, Florida (legal property description on file)

and

- COUNTY CONSENT AGENDA (CONTINUED)

Community, Environmental and Development Services Department (Deferred)

5. Approval and execution of Transportation Impact Fee Agreement Lake Avalon PD Avalon Road (County Road 545) by and between Savi Investments, LLC and Orange County, for the conveyance of 0.38 acres of right-of-way for Avalon Road (CR 545) for \$23,560 in transportation impact fee credits. District 1. (Roadway Agreement Committee)

The following persons addressed the Board:

- Jim Hall
- Carol Johnson

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

- Exhibit 1, from Jim Hall
- Exhibit 2, from Jim Hall

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs; Commissioner Thompson

AYE (voice vote): All present members

Action: The Board approved and executed the Transportation Impact Fee Agreement Lake Avalon PD Avalon Road (County Road 545) by and between Savi Investments, LLC and Orange County, for the conveyance of 0.38 acres of right-of-way for Avalon Road (CR 545) for \$23,560 in transportation impact fee credits.

Motion/Second: Commissioners Boyd/Clarke

Absent: County Mayor Jacobs; Commissioner Thompson

AYE (voice vote): All present members

Action: The Board made a finding of consistency with the Comprehensive Plan; and further, approved the request by Jim Hall, VHB, Inc., Lake Avalon Planned Development / Land Use Plan (PD/LUP) Case # LUP-14-04-094 to rezone four (4) parcels containing 66.0 gross acres from A-1 (Citrus Rural District) to PD (Planned

Development District) with a development program consisting of up to 46 lots with single family detached residential dwelling units. In addition, the following waivers from Orange County Code have been requested:

1. A waiver from Orange County Code Section 34-209 to allow the project's entry to be of a "western ranch" style, in lieu of a 6' masonry wall.
2. A waiver from Orange County Code Section 34-266(c) to allow swale drainage in a single-family subdivision with minimum lot widths of eighty (80) feet, in lieu of minimum lot widths of one hundred (100) feet; and
3. A waiver from Orange County Code Section 38-1501 [R-CE (County Estate District) development standards] to allow for a minimum lot width of eighty (80) feet, in lieu of a minimum lot width of 130 feet; a minimum lot area of 10,000 square feet, in lieu of a minimum lot area of 43,560 square feet (1 acre); a minimum front yard building setback of twenty (20) feet, in lieu of a minimum front yard building setback of thirty-five (35) feet; and, a minimum rear yard building setback of twenty (20) feet, in lieu of a minimum rear yard building setback of fifty (50) feet

on the described property; subject to the following conditions:

1. Development shall conform to the Lake Avalon Planned Development / Land Use Plan (PD/LUP) dated "Received November 23, 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 and the land use plan dated "Received November 23, 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. A road agreement for the conveyance of right-of-way required for C.R. 545 (Avalon Road) shall be required prior to approval of the Preliminary Subdivision Plan for this project. The applicant is required to coordinate this process with the Road Agreement Committee.
5. The project contains 37 unvested units that are subject to the County's school capacity policy (a/k/a the "Martinez Doctrine".) The developer acquired school capacity credits established under the Capacity Enhancement Agreement (CEA) #05-022. The number of school capacity credits equals the number of unvested units:
  - a. Upon the County's receipt of written notice from OCPS that the developer is in default or breach of the CEA, the County shall immediately cease issuing building permits for any residential units in excess of the 9 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 CEA.
  - b. The developer and its successor(s) and/or assign(s) under the CEA shall indemnify and hold the County harmless from any third party claims, suits, or actions arising as a result of the cessation of the County's issuance of residential building permits resulting from such notification from OCPS. Developer, and its successor(s) and/or assign(s) under the CEA, 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. Orange County shall be held harmless by the Developer and its successor(s) and/or assign(s) under the CEA, in any dispute between the Developer and OCPS over any interpretation or provision of the CEA.
  - c. Prior to or concurrently with the County's approval of the plat, documentation shall be provided from OCPS that this project is in compliance with the CEA.

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. 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.
8. 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.
9. The Developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities.
10. Tree removal / earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
11. A Level One (1) Environmental Site Assessment (ESA) and existing title opinion shall be submitted to the County for review, as part of the Preliminary Subdivision Plan (PSP) and / or Development Plan (DP) initial submittal.
12. Exterior lighting shall meet "dark sky" standards as described in Sec. 38-1099, Orange County Code, for the Lake Avalon Rural Settlement Overlay District.
13. This development shall not be a gated community.
14. This project shall be designed with perimeter fencing, rather than screen walls, of a style, transparency, and materials in keeping with the Lake Avalon Rural Settlement Overlay District's rural character, as described in Sec. 38-1101, Orange County Code.
15. A waiver from Orange County Code Section 34-209 is granted to allow the project's entry to be of a "western ranch" style, in lieu of a 6' masonry wall.

16. A waiver from Orange County Code Section 34-266(c) is granted to allow swale drainage in a single-family subdivision with minimum lot widths of eighty (80) feet, in lieu of minimum lot widths of one hundred (100) feet.
17. A waiver from Orange County Code Section 38-1501 [R-CE (Country Estate District) development standards] is granted to allow for a minimum lot width of eighty (80) feet, in lieu of a minimum lot width of 130 feet; a minimum lot area of 10,000 square feet, in lieu of a minimum lot area of 43,560 square feet (1 acre); a minimum front yard building setback of twenty (20) feet, in lieu of a minimum front yard building setback of thirty-five (35) feet; and, a minimum rear yard building setback of twenty (20) feet, in lieu of a minimum rear yard building setback of fifty (50) feet; and
18. Applicant shall provide a five-foot (5') wide sidewalk along Avalon Road or pay into the County's Sidewalk Fund pursuant to Orange County Code Section 34-171(7).

Board of Zoning Adjustment Appeal

9. Pedro J. Malaret, Kung Fu-Sion, LLC, Case # VA-15-12-126, December 3, 2015; District 4

Appellant: Pedro J. Malaret  
 Applicant: Kung Fu-Sion, LLC  
 Case: Board of Zoning Adjustment Case # VA-15-12-126; November 5, 2015  
 Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request for a Variance by the applicant to allow for on-site consumption of beer and wine (2COP) 369.8 ft. from Legacy Middle School in lieu of 1000 ft.  
 Location: District 4; property generally located North side of Lake Underhill Rd., east of Rouse Rd.; Orange County, Florida (legal property description on file in Zoning Division)

The following person addressed the Board: Pedro Malaret.

Motion/Second: Commissioners Boyd/Siplin  
 Absent: County Mayor Jacobs; Commissioner Thompson  
 AYE (voice vote): All present members  
 Action: The Board continued the public hearing until February 16, 2016, at 2 p.m.

10. Hector M. Vidal, Centro Cristiano Restauracion, Case # SE-15-10-089, November 5, 2015; District 3 (Continued from January 5, 2016)

Appellant: Hector M. Vidal  
 Applicant: Centro Cristiano Restauracion  
 Case: Board of Zoning Adjustment Case # SE-15-10-089; November 5, 2015

Consideration: Appeal of the recommendation of the Board of Zoning Adjustment's recommendation of denial rendered by the BZA on November 5, 2015. The applicant is the appellant. The applicant/appellant is proposing a child day care center inside the sanctuary. On November 5, 2015, the BZA recommended denial of the request. The applicant/appellant is appealing that recommendation to the BCC.

Location: District 3; property generally located on the West side of N. Chickasaw Trail, approximately 950 ft. south of E. Colonial Drive; Orange County, Florida (legal property description on file in Zoning Division)

• FOR THE RECORD

Commissioner Clarke stated: "Centro Cristiano Church withdraws from the special exception appeal hearing with the Board of County Commissioners scheduled on February 9, 2016, at 2 p.m. The church feels that it is important to address the concerns of the community prior to continuing any further intent to establish the daycare center for the community in our church. We value our position, and the position of our neighbors, in our community locally and throughout Central Florida. We thank you for your support. We will continue working with the Zoning Department to make the necessary corrections within our facilities to reflect the best interest of our church, neighbors and government agencies. Best regards."

(This public hearing was withdrawn.)

Ordinance

11. Amending Orange County Code, Article V, Chapter 2, Section 2-174, pertaining to Orange County Research and Development Authority

Consideration: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, PERTAINING TO ORANGE COUNTY'S RESEARCH AND DEVELOPMENT AUTHORITY; AMENDING ARTICLE V OF CHAPTER 2 OF THE ORANGE COUNTY CODE SECTION 2-174 RELATING TO MEMBERSHIP TO INCLUDE CHANGING THE STATUS OF COUNTY COMMISSIONER MEMBERS OF THE AUTHORITY FROM EX-OFFICIO, NON-VOTING MEMBERS AND ALLOWING THE BOARD TO APPOINT ONE OR MORE COUNTY COMMISSIONERS AS EXOFFICIO, NON-VOTING ADVISORS TO THE AUTHORITY; CHANGING THE NUMBER OF MEMBERS OF THE AUTHORITY FROM NINE TO SEVEN MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

Motion/Second: Commissioners Edwards/Clarke  
Absent: County Mayor Jacobs; Commissioner Thompson  
AYE (voice vote): All present members

Action: The Board adopted Ordinance 2016-06 relating to the Orange County Research and Development Authority; Amending Article V of Chapter 2 of the Orange County Code Section 2-174 relating to Membership changing the status of County Commissioner Members of the Authority from Ex-Officio, Non-Voting Members and allowing the Board to appoint one or more County Commissioners as Ex-Officio Non-Voting Advisors to the Authority.

ADJOURNMENT, 3:52 p.m.

ATTEST:

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

Date: APR 05 2016



ATTEST SIGNATURE:

Martha O. Haynie  
County Comptroller as Clerk

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