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The Development Review Committee met on Wednesday, March 26, 2014, in the first floor conference room, Public Works Building, 4200 South John Young Parkway. John Smogor called the meeting to order at 9:00 a.m. with a quorum of DRC members present. The DRC Minutes of March 12, 2014, were reviewed and approved with a MOTION by Alberto Vargas, seconded by Mitch Gordon, TO APPROVE THE DRC MEETING MINUTES OF MARCH 12, 2014, as amended.

MOTION CARRIED.

DRC MEMBERS PRESENT FOR DISCUSSION:

Chair of DRC  
John Smogor
Public Works Department  
Joe Kunkel
Planning Division  
Alberto Vargas
Utilities Division  
Vincent Peluso / Andres Salcedo
Zoning Division  
Mitch Gordon

LEGAL ADVISOR:

County Attorney’s Office  
Whitney Evers

CONSENT AGENDA – DEVELOPMENT PLAN APPROVALS

EAGLE CREEK PD / PARCEL N COMMERCIAL CENTER PSP / LOTS 2 & 3 INFRASTRUCTURE DP
Plan Date Stamped "Received February 21, 2014"
DISTRICT 4

TURKEY LAKE ROAD CONDOMINIUMS (AKA SAND LAKE CONDO’S) PD / LAKEVUE SHORES DP
Plan Date Stamped "Received January 28, 2014"
DISTRICT 1

SKY LAKE SOUTH PD / WATERBRIDGE DOWNS SHOPPING CENTER / LOT 5 – KRYSRATL RESTAURANT DP
Plan Date Stamped "Received March 7, 2014"
DISTRICT 4

WATERFORD LAKES PD / WATERFORD LAKES TOWN CENTER / “J” SHOPS EXPANSION DP
Plan Date Stamped “Received February 25, 2014”
DISTRICT 4

GRANADA PD / TRADER JOE’S AT PARKSIDE DP
Plan Date Stamped “Received March 20, 2014”
DISTRICT 1
MOTION by Joe Kunkel, seconded by Andres Salcedo, TO APPROVE THE CONSENT AGENDA ITEMS AND RECOGNIZE THAT THE 15-DAY APPEAL PERIOD FOR THESE APPROVALS SHALL BEGIN MARCH 26, 2014.

MOTION CARRIED.

DISCUSSION ITEMS

1. CDR-13-09-233 DISTRICT 1
ORANGEWOOD PD / LAKE RIDGE VILLAGE PSP

Present for discussion was Bryan Funk. This item went to DRC on November 20, 2013, and approval was recommended subject to submittal of documentation that the applicant meets the ADA definition that would require the applicant to have a pool on her property as a treatment for her existing orthopedic disabilities. During today’s meeting, staff from the County Attorney’s Office stated that the required documentation has been provided, no further action is necessary, and this item may move forward to the Board of County Commissioners’ with a substantial change to the previously approved Lake Ridge Village PSP to modify BCC Condition of Approval #5 to allow an above ground temporary pool. No action taken.

2. CDR-14-02-037 – DISTRICT 1
THE RIALTO PD / THE RIALTO PSP

Present for discussion were Ted Brown and Rhett Banning (representing the property owners to the West of Rialto). Also present was Laura Roberts, District 1 Commissioner’s Office. This item was previously heard at the DRC meeting of February 26, 2014, related to the September 16, 2008, BCC Condition of Approval 3(l) regarding a cross access easement that is mutually acceptable to the owner of this project and the adjacent property owner(s) to the west and north. During the March 12, 2014, meeting, both parties reported that they were in agreement to the easement and that the language of the agreement was deferred to legal staff for approval.

During today’s meeting, staff stated that the county is in receipt of a non-executed cross-access easement agreement. The adjacent property owners to the west (Mr. Banning), requested clarification related to where the responsibility lies in bearing the cost for the improvements required as a result of the stub-out and the traffic signal. Mr. Banning was under the impression that the entire cost is the sole responsibility of the owners of the Rialto (Mr. Brown).
Mr. Brown is under the impression that the adjacent property owners to the west should pay a portion of the cost as they generate about 8% of the traffic.

After some discussion, it was the consensus of the DRC that the conditions of approval require The Rialto to pay for the installation of the traffic signal and construct a stub out to the property to the west and north, which will allow the adjacent property owner(s) access to the light, but do not require the Rialto to be responsible for any improvements on the adjacent property to the west or north to enable access to the signal by those property owners.

**MOTION by Mitch Gordon, seconded by Joe Kunkel, opposed by Public Works, TO RECOMMEND APPROVAL OF A SUBSTANTIAL CHANGE TO THE PREVIOUSLY APPROVED RIALTO PRELIMINARY SUBDIVISION PLAN TO MODIFY BCC CONDITION OF APPROVAL #3(l) TO NOW READ, “The applicant shall pay for a signal at the intersection of Sand Lake Road and the Rialto’s western entrance and the improvements related to the signal. The applicant shall also provide a cross-access easement to the adjacent property owners to the West and North and construct stub-outs to the adjacent properties to the West and North to allow the adjacent property owners access to the signal; provided, however, that the applicant is not responsible for any improvements on the adjacent property to the West or North to enable access to the signal by those property owners.”**

1. The applicant shall pay for a signal at the intersection of Sand Lake Road and the Rialto’s western entrance and the improvements related to the signal. The applicant shall also provide a cross-access easement to the adjacent property owners to the West and North and construct stub-outs to the adjacent properties to the West and North to allow the adjacent property owners access to the signal; provided, however, that the applicant is not responsible for any improvements on the adjacent property to the West or North to enable access to the signal by those property owners.

2. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated September 16, 2008, shall apply:
a. Development shall conform to the Rialto Planned Development; Orange County Board of County Commissioners (BCC) approvals; Rialto Preliminary Subdivision Plan dated "Received July 3, 2008 ", including the architectural renderings; and sides and rear of the residential buildings will have consistent architectural treatments as those shown on the front of the residential building; and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, 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 actual preliminary subdivision plan dated "Received July 3, 2008", 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.

3. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated August 29, 2006, shall apply:

   a) Prior to construction plan approval, a master stormwater management plan shall be approved.

   b) Outdoor storage and display shall be prohibited.

   c) No motorized watercraft from this development shall be permitted on Spring Lake.

   d) New billboards and pole signs shall be prohibited.

   e) Unless a Conservation Area Impact Permit is approved by Orange County consistent with Chapter 15 prior to Construction Plan approval, no conservation area encroachments are permitted.
f) Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.

g) A waiver is granted from Section 34-152(c) Orange County Code for no internal streets and access to Sand Lake Road due to the configuration of the subdivision and to the fact that the subdivision has only two lots.

h) A waiver is granted from Section 38-1476 of the Orange County Code to allow for reduced parking for the nonresidential portion of the project consistent with the parking study submitted by HDR Engineering.

i) A waiver is granted from Section 34-7(c) of the Orange County Code to allow recording of the plat prior to issuance of the first certificate of occupancy in lieu of the first building permit.

j) At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

k) Based on the warrant study conducted by the applicant, a signal is warranted at the intersection of Sand Lake Road and the Rialto's western entrance provided the four conditions below are met:

The Rialto driveway on the west property line shall be aligned with the access to the property on the south side of Sand Lake Road.

- The driveway must be designed with a 35-foot right turn radii and 75-foot left-turn control radii at Sand Lake Road.
- Two exit lanes must be provided.
- The property owners shall bear the cost of the signal installation.
1) A stub-out shall be addressed at the Development Plan stage. Also, prior to construction plan approval, a cross-access easement that is mutually-acceptable to the owner of this project and the adjacent property owner(s) to the west shall be provided for the access point at the southwest corner of the project (as depicted on the land-use plan), and a second cross-access easement that is mutually-acceptable to the owner of this project and the adjacent property owner(s) to the north shall be provided for the access point at the north side of this project (also as depicted on the land-use plan).

03/26/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION OF APPROVAL #1

MOTION CARRIED.

PROJECTS PREVIOUSLY REVIEWED

1. CDR-14-03-068 – DISTRICT 4
LAKE BARTON PD / LA SHORE SUBDIVISION PSP

Present for discussion was Bill Beckett. Also present was Susan Makowski, District 4 Commissioner’s Office. A change determination was requested to the previously approved La Shore Subdivision PSP to subphase the project into multiple phases. Staff stated that all improvements shall be constructed with whichever phase is constructed first. The applicant was directed to revise the plan showing the phasing and to include a note that the master stormwater and infrastructure will be built with the first phase.

MOTION by Joe Kunkel, seconded by Mitch Gordon TO APPROVE A NON-SUBSTANTIAL CHANGE TO THE PREVIOUSLY APPROVED LA SHORE SUBDIVISION PRELIMINARY SUBDIVISION PLAN TO SUBPHASE THE PROJECT INTO MULTIPLE PHASES, subject to submittal and approval of a revised plan including a note that the master stormwater and infrastructure will be built with the first phase.

MOTION CARRIED.
2. **PSP-13-08-204 – DISTRICT 4**  
**MOSS PARK PD / WESTERN PORTION OF PARCEL N PSP**

Present for discussion were Chuck Costar and Nina DeMartino. Also present was Susan Makowski, District 4 Commissioner’s Office and Mirna Barq, Transportation Planning Division. This item was previously reviewed and was recommended for approval at the February 12, 2014 DRC Meeting subject to approval of a revised plan.

During review of the revised plan, Transportation Planning denied the plan in order to request verification whether or not the trip threshold had been met for Phase 2 and for the applicant to confirm that the first prop share payment was paid.

During today’s meeting, the applicant indicated that the eastern part of Parcel N will be labeled as “future development” (Tract FD-02) in order to move forward with the PSP in response to concerns regarding the alignment of the Innovation Way South, with the understanding that a decision will be made by Orange County regarding the alignment of Segment 4 to the proposed location of a potential southern dip.

A meeting was held on March 25, 2014, to discuss the alignment of Segment 4 of Innovation Way South. A graphic was distributed with three (3) conceptual alternative alignments of the eastern extension of Segment 4.

Staff stated that alternative #1 will not be an option for consideration, and further stated that staff will only be reviewing alternative’s 2 & 3.

During Staff’s review of the conditions of approval, the applicant expressed concern with condition of approval #14 regarding the CC&R’S and would like to limit the condition to the initial sale of the property, not for subsequent sales. DRC informed the applicant to work with legal to modify the language in condition #14. If the two cannot come to an agreement regarding the language, then this item will come back to DRC. Staff also modified conditions of approval #13, #16 and added #17 (as shown below). Staff also noticed that there is no secondary vehicular access shown on the plan or in either of the phases; there was only one shown on the original submittal. The applicant will need to show another access point to Innovation Way South. The applicant stated that an additional access point will be provided with a later submittal.
MOTION by Joe Kunkel, John Smogor stepped out of the Chair and seconded the motion TO RECOMMEND APPROVAL OF THE WESTERN PORTION OF PARCEL N PRELIMINARY SUBDIVISION PLAN subject to the following conditions of approval, subject to the applicant and legal working out language related to Condition of Approval #14 and upon legal’s approval, the DRC Chair has the ability to insert the condition into the public hearing report at a later time without having to bring it back to DRC, and subject to submittal and approval of a revised plan.

1. Development shall conform to the Moss Park Planned Development; Orange County Board of County Commissioners (BCC) approvals; Western Portion of Parcel N Preliminary Subdivision Plan dated "Received"; and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, 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<new date>," 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 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. Roads and drainage system(s), including the retention ponds, will be owned and maintained by Orange County with an MSBU established for stormwater system functionality. Routine maintenance, including mowing above and beyond the frequency provided by the County, shall be the responsibility of the Homeowners' Association.

6. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Section via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records Department. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.

7. At the time of platting, documentation shall be provided from Orange County Public Schools stating that this project is in compliance with the Capacity Enhancement Agreement. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to platting.

8. The applicant must apply for a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. Nothing in this condition, and nothing in the decision to approve this preliminary subdivision plan, shall be construed as a guarantee that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
9. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.

10. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with 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. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with an approved and up-to-date Master Utility Plan for the PD.

12. Design of the intersection at the entrance to Parcel “N” must be approved by the County Engineer, with notice provided to property owner(s) to the north of the project.

13. Developer shall provide pedestrian connectivity to the Innovation Way South Sidewalk from Park & Rec Tracts 3, P3 and P4 at the time Tract FD02 is developed.

14. The Applicant shall include in the declaration of covenants, conditions, and restrictions governing Parcel N a notification of the existence and proximity of a fuse and explosive element manufacturing and testing facility operated by Kaman Precision Products, Inc located at 13336 Wewahootee Road, the Orange County Shooting Range located at 14500 Wewahootee Road, and the Central Florida Rifle Pistol Club located at 14646 Wewahootee Road. The notification in the declaration shall also include possible impacts of such proximity, including noise, vibration, and other conditions caused by these uses that may be objectionable.

The declaration shall also require that no contract for the sale and purchase of a residential home or lot in Parcel N shall be effective until a disclosure form disclosing the existence, proximity and manufacturing and testing facility, and gun ranges is provided to and executed by the purchaser.

15. A Utilities Developer Agreement related to the oversizing of utility mains included in this PSP will be required and executed prior to construction plan approval. The terms of the agreement will be determined based on the MUP for this PSP.”
16. Prior to Certificate of Completion for any phase, a Development Plan shall be submitted, approved and constructed for the park tracts located within that phase of the PSP.

17. The area designated on the plan as “future development” (Tract FD-02) is not approved with this plan and shall be resubmitted as a later phase of the PSP.

MOTION CARRIED.

3. CDR-13-11-279 – DISTRICT 1 VOA / NERBONNE PD

Present for discussion were Jay Jackson and Randi Fitzgerald. Also present were Mirna Barq, Transportation Planning Division and Eric Raasch, Planning Division. This item was continued from the February 26, 2014 DRC meeting in order for the applicant to meet with the Transportation Planning Division to resolve the increase in trips over the previously approved trip entitlements.

During the last meeting, a change determination was requested to amend PD Tract 4 by increasing the amount of hotel entitlements from 360 rooms to 600 rooms (an increase of 240 rooms).

DRC reviewed and discussed the conditions of approval and found an issue with existing Condition #5, which states, “Tracts 1, 2 & 4 shall not exceed their current or previous trip entitlements of 1,056 maximum peak hour traffic.” The applicant confirmed that trips would increase; therefore, it was determined that the item will need to be continued in order for this issue to be further reviewed. New Condition #6 was also modified to read as follows: “This approval is for hotel land use only, and residency by school-age children that makes them subject to the jurisdiction of Orange County Public Schools is prohibited.”

Additionally, at the applicant’s request, a New Condition #9 was added which reads as follows: “In lieu of the easements prescribed by I Drive Activity Center Policies ID1.2.15, ID2.3.3, and ID2.2.2, a bus pull-out bay shall be provided on Fenton Street (aka Daryl Carter Parkway) just south of the Fenton / Lake Street intersection, and two pedestrian accesses to Fenton Street shall be provided from the property, one near the Lake Street intersection and the other in the middle of the parcel near the southern end of the bus pull-out bay. Setbacks are as approved on the plan date stamped “Received January 29, 2014.”
MOTION by Alberto Vargas, seconded by Joe Kunkel, TO RECOMMEND APPROVAL OF A SUBSTANTIAL CHANGE TO THE PREVIOUSLY APPROVED VOA / NERBONNE PD LAND USE PLAN TO INCREASE THE AMOUNT OF HOTEL ENTITLEMENTS FROM 360 ROOMS TO 600 ROOMS (AN INCREASE OF 240 ROOMS) ON TRACT 4, AND TO MODIFY PREVIOUS BCC CONDITION OF APPROVAL #5, NEW CONDITION OF APPROVAL #6, AND ADD NEW CONDITION OF APPROVAL #9.

1. Development shall conform to the VOA-Nerbonne Land Use Plan dated "Received January 29, 2014," and shall comply with all applicable federal, state and county laws, ordinances and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities and intensities described in such Land Use Plan, subject to those uses, densities and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state and county laws, ordinance 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 January 29, 2014," the condition of approval shall control to the extent of such conflict or inconsistency.

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

4. The developer shall obtain water, wastewater, and reclaimed water from Orange County Utilities.

5. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed water, wastewater, and reclaimed water systems have been designed to support the PD.

6. No permanent school-aged children shall be generated as a result of any development within this PD.

7. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with the Tourist Commercial standards of Ch. 31.5.

8. Length of stay shall not exceed 179 days.

9. If Tracts 1, 2 and 4 exceed their trip entitlements of 1,056 maximum peak hour traffic trips, then the excess trips shall be subject to concurrency.

10. In lieu of the easements prescribed by I Drive Activity Center Policies ID1.2.15, ID2.3.3 and ID2.2.2, a bus pull-out bay shall be provided on Fenton Street (aka Daryl Carter Parkway) just south of the Fenton / Lake Street intersection, and two pedestrian accesses to Fenton Street shall be provided from the property, one near the Lake Street intersection and the other in the middle of the parcel near the southern end of the bus pull-out bay. Setbacks are as approved on the plan date stamped “Received January 29, 2014”.
11. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated June 2, 2009, shall apply:

   a. Development shall conform to the VOA-Nerbonne PD–Land Use Plan dated "Received March 4, 2009" 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, ordinance 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 March 4, 2009" the condition of approval shall control to the extent of such conflict or inconsistency.

03/26/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION #1

b. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

03/26/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION #2

12. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated May 2, 2006, and June 10, 2008, shall apply:

   a. I-Drive Condition of Approval: the following International Drive strategic conditions shall apply:
DEVELOPMENT REVIEW COMMITTEE
APPROVED MEETING MINUTES
MARCH 26, 2014

i. Permitted and prohibited uses shall be those specified in Policies 1.1.4 and 1.1.6 of the International Drive Activity Center element. If the housing linkage program is in place prior to the Development Plan approval, the development of nonresidential development shall be conditioned upon the development of residential units within the area designated Activity Center Residential on the Future Land Use Map.

ii. The development guidelines of the International Drive Activity Center shall apply to the subject property if they are established or in progress prior to each development plan submittal including but not limited to, landscaping standards, lighting standards, sign regulations, open space standards, building orientation and design, and location of parking lots.

iii. The property owners shall be required to participate in the International Drive Property Owner's Association upon its creation.

iv. Stormwater management facilities shall be designed as an aesthetic feature except when determined by the County Engineer to be technically unfeasible.

v. The Development Plan shall provide for interconnection of adjacent developable parcels either by cross-access easements or public right-of-way. This shall include connection into and continuation of an area wide transportation plan for the International Drive Activity Center.

vi. Electrical distribution lines shall be underground.

vii. Participation in a shuttle service connecting area attractions, major transportation centers, and on-site development shall be provided.

b. Billboards and pole signs shall be prohibited.

c. A minimum of 30 percent open space shall be provided for Tracts 1, 2 & 4 (combined).

d. Tracts 1, 2 & 4 shall not exceed their current or previous trip entitlements of 1,056 maximum peak-hour traffic.

03/26/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW CONDITION #9.

e. The maximum height for Tract 2 shall be 200 feet / 20 stories and the maximum heights for Tracts 1 & 4 shall be 100 feet / 6 stories.
f. This approval is for Hotel, Retail, Timeshares (and Ancillary Commercial). Conversion of these uses per the equivalency matrix may be permitted subject to review and approval by the County.

MOTION CARRIED.

4. LUP-14-01-004 – DISTRICT 5
LOW IMPACT OFFICE CENTER LAND USE PLAN

This item was continued at the request of the applicant.

5. CDR-14-01-012 – DISTRICT 1
SUMMERLAKE PD / SUMMERLAKE PSP

Present for discussion was John Prowell. David Pearce, the Project Manager presented, the TRG Summary Report to DRC.

This project went to TRG on February 19, 2014. A change determination was requested to the previously approved Summerlake PSP, to modify the phase line between Phase 2E and 3B at Lot 726. Only the cover sheet and Sheet 8 of the Summerlake PSP have been modified. A revised plan has been submitted and none of the TRG reviewing divisions have any further comments on this development.

MOTION by Joe Kunkel, seconded by Alberto Vargas, TO APPROVE A NON-SUBSTANTIAL CHANGE TO THE PREVIOUSLY APPROVED SUMMERLAKE PRELIMINARY SUBDIVISION PLAN TO MODIFY THE PHASE LINE BETWEEN PHASE 2E AND 3B AT LOT 726.

MOTION CARRIED.
NEW PROJECTS

1. **LUPA-14-01-016 – DISTRICT 4 EASTMAR COMMONS PD LAND USE PLAN AMENDMENT**

   Present for discussion were Jim Hall, Erika Hughes, Laurence Lewis, and Melody Butler. Also present was Mirna Barq, Transportation Planning Division. Eric Raasch, the Project Manager, presented the TRG Summary Report to DRC.

   This item went to TRG on February 19, 2014. The applicant is proposing a land use plan amendment to the existing Eastmar Commons PD, to aggregate and rezone 12.65 acres of Professional Office (P-O) property, to increase multi-family entitlements by 380, and to add 45,000 square feet of commercial entitlements.

   The applicant has submitted a concurrent Comprehensive Plan amendment (2014-1-A-4-1) to amend the FLUM designation of the subject property to Planned Development – Commercial / Medium Density Residential (PD-C/MDR).

   The applicant addressed all “revised plan” comments provided by TRG staff, except for an outstanding issue from Transportation Planning regarding trips. Mirna Barq informed the applicant to modify the number of trips on the revised plan to 3,303. The applicant was also directed to verify if the proposed access on Dean Road crosses a limited access driveway line.

   **MOTION by Andres Salcedo, seconded by Alberto Vargas, TO RECOMMEND APPROVAL OF THE EASTMAR COMMONS PD LAND USE PLAN AMENDMENT subject to the following conditions of approval, subject to submittal and approval of a revised plan, and subject to the applicant verifying the limited access prior to requesting a public hearing with the P&ZC.**
1. Development shall conform to the Eastmar Commons PD Land Use Plan dated "Received March 31, 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, ordinance 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 March 31, 2014," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal. Nothing in this condition, and nothing in the decision to approve this land use plan amendment, 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. All acreages regarding 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. Within PD Parcel 3, Multi-family residential shall be limited to a maximum of 380 dwelling units on a maximum of 19 acres and commercial shall be limited to a maximum of 45,000 square feet; however, the combined development program shall be limited to maximum number of PM peak hour trips addressed by the approved traffic study.

7. Billboards, portable signs and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.

8. 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.

9. Outdoor sales, storage and display shall be prohibited.

10. The following Education Condition of Approval shall apply:

   b. Developer shall comply with all provision of the Capacity Enhancement Agreement entered into with the Orange County School Board as of February 25, 2014.

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

e. Orange County shall be held harmless by the developer and its successor(s) and / or assign(s) under the Capacity Enhancement Agreement, in any dispute between the developer and Orange County Public Schools over any interpretation or provision of the Capacity Enhancement Agreement.

At the time of platting, documentation shall be provided from Orange County Public Schools that this project is in compliance with the Capacity Enhancement Agreement.

11. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 1, 1985, shall apply:

a. Development in accordance with the Land Use Plan dated received January 11, 1985 and support information, The Zoning Resolution and Commercial Site Review Ordinance #81-19.

03/26/2014: THE PRECEDING CONDITION HAS BEEN REPLACED BY NEW COA #1.

b. The additional right-of-way for Dean Road shall be dedicated to Orange County at no cost. Payment of a voluntary traffic impact fee of $1,098 per unit. Upon adoption of county-wide Transportation Impact Fee Ordinance, the Ordinance will supersede this requirement. Fees shall be paid at the issuance of certification of occupancy.

c. Access rights along Dean Road shall be dedicated to Orange County, except at the approved entrance.

d. The proposed plan identified two Conservation Areas on the site. The Planning Department has performed a preliminary field inspection of these areas and determined that the areas are larger than shown on the plan. Additional information regarding the location of wetland vegetation and soils (including muck probes), must be provided with the Development Plan for these areas so that the precise boundaries can be established. Development rights over all Conservation Areas shall be dedicated to Orange County.
e. The applicant’s request for 17 DU/Acre for garden apartments shall exclude all Conservation Areas. This may result in fewer units than shown on the Land Use Plan.

f. Buffer requirements adjacent to A-2 zoned property to the south shall meet the requirements for road frontage of the Landscape Ordinance #74-1.

03/26/2014: THE PRECEDING CONDITION IS NO LONGER APPLICABLE.

g. The developer shall obtain water service from Orange County subject to County Resolutions and Ordinance.

h. The developer shall obtain wastewater service from Orange County subject to County Resolutions and Ordinances. The developer has 50,000 GPD of wastewater capacity in the Eastern Subregional (Permit No. 0118), upon completion of the Phase III improvements.

AS AMENDED ON 04/09/2014: THIS SENTENCE NO LONGER APPLIES.

i. Prior to any development plan approval, the developer shall submit a master water/wastewater plan to Orange County Public Utilities for review and approval.

j. Prior to any development plan approval, the entranceways for this property and the adjoining property shall be approved by the Orange County Engineering Department.

MOTION CARRIED.

2. LUP-14-02-032 – DISTRICT 3
RIVAS CHICKASAW TRAIL LAND USE PLAN

Present for discussion was Jose Rivas, Jr. and Phillip Hollis, via tele-conference. Also present was Mercedes Fonseca, District 3 Commissioner’s Office. Olan Hill, the Project Manager, presented the TRG Summary Report to DRC.
DEVELOPMENT REVIEW COMMITTEE
APPROVED MEETING MINUTES
MARCH 26, 2014

This item went to TRG on March 5, 2014. The applicant is proposing to rezone the 5.97 acre subject property from R-2 and R-3 to PD, to allow for the consideration of 80,000 square feet of self-storage uses (with up to 40 parking spaces for outdoor storage internal to the site and completely screened from public view), 30,000 square feet of professional office, and 15 multi-family residential dwelling units.

The applicant has submitted a concurrent FLUM amendment application (2014-1-S-FLUM-1) to amend the property’s FLUM designation from LDR to Planned Development – Self Storage / Office / Medium Density Residential (PD-Self Storage/O/MDR). Both requests will be considered by the Planning and Zoning Commission on April 17, 2014.

There is also 25’ of additional needed right-of-way along Chickasaw Trail within the subject PD boundary that is being addressed through a separate and pending Road Agreement, and will be considered by the Roadway Agreement Committee (RAC) on April 2, 2014.

DRC informed the applicant that the land use plan shall not move forward to the Board of County Commissioners until the Road Agreement is approved and the two shall move forward concurrently. The applicant was also informed that staff will not support any future waiver requests regarding additional parking spaces.

*MOTION by Alberto Vargas, seconded by Andres Salcedo, TO RECOMMEND APPROVAL OF THE RIVAS CHICKASAW TRAIL LAND USE PLAN, subject to the following conditions of approval, subject to approval of a revised plan, and subject to the Road Agreement moving forward to the Board of County Commissioners’ simultaneously with the Land Use Plan.*
1. Development shall conform to the Rivas Chickasaw Trail PD Land Use Plan dated "Received March 26, 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, ordinance and regulations, except to the extent that any applicable county laws, ordinances or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities or intensities. In the event of a conflict or inconsistency between a condition of approval of this land use plan and the land use plan dated "Received March 26, 2014," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners at the public hearing where this development was approved, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered or approved.

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

4. The applicant must submit a mobility analysis for review and approval through the County's Concurrency Management Office prior to obtaining a building permit.
5. All acreages regarding 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 developer shall obtain water and wastewater service from Orange County Utilities.

7. Billboards, portable signs, and pole signs shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5.

8. 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.

9. Outdoor sales and display shall be prohibited. However, up to forty (40) parking spaces within internal portions of the site may be used for outdoor storage of recreational vehicles, boats or similar items, when completely screened from public view beyond the site perimeter. No storage of vehicles, boats, or similar items shall be permitted until such time as the self storage facility is constructed.

10. Excluding any portion of a 1st floor self-storage facility façade that is designed as a “decorative screen wall” and adjacent to a Type B buffer area, all self-storage facility-related building facades shall be designed to the meet criteria outlined in Orange County Code Section 38-1389(c)(2)(d).

11. A master utility plan shall be submitted to Orange County Utilities 30 days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.

12. Plumbing fixtures and electrical outlets shall be prohibited within individual self-storage units. Manufacturing shall be prohibited within self storage units.

13. Unless the property is vested and/or exempt, the applicant shall be subject to school concurrency and required to go through the review process prior to plating.

14. The property shall be platted prior to issuance of a Certificate of Completion for the first Development Plan / Preliminary Subdivision Plan.

MOTION CARRIED.
3. DP-14-01-007 – DISTRICT 4
EAGLE CREEK PD / PARCEL N COMMERCIAL CENTER PSP / LOTS 2 & 3 INFRASTRUCTURE DP

Present for discussion was Tony Reddeck. Sean Bailey, the Project Manager, presented the TRG Summary Report to DRC.

This item went to TRG on February 19, 2014. The applicant is proposing construction of infrastructure on Lots 2 & 3 within a 15.43 acre tract in the Eagle Creek PD.

MOTION by Mitch Gordon, seconded by Joe Kunkel, TO APPROVE THE LOTS 2 & 3 INFRASTRUCTURE DEVELOPMENT PLAN subject to the following conditions of approval, and to place this item on today's consent agenda for final approval.

1. Development shall conform to the Eagle Creek Planned Development; Orange County Board of County Commissioners (BCC) approvals; Parcel N Commercial Center Preliminary Subdivision Plan; BCC approvals; Commercial Center Lots 2 & 3 Infrastructure Development Plan dated "February 21, 2014" and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

2. 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.

3. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Plan Development.
4. 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 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. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.

6. Prior to construction plan approval, certification with supporting calculations shall be submitted, which states that this project is consistent with an approved Master Utility Plan for the PD.

MOTION CARRIED.

4. **DP-13-10-259 – DISTRICT 1 TURKEY LAKE ROAD CONDOMINIUMS (AKA SAND LAKE CONDO'S) PD / LAKEVUE SHORES DP**

Present for discussion were Matt Young, Kurt P. Kehoe, and William Sullivan. Tammi Chami, the Project Manager, presented the TRG Summary Report to DRC.

This item was continued from the February 12, 2014, DRC Meeting, in order for BCC approval of the Conservation Area Impact Permit (CAI-13-11-031), which was approved on March 25, 2014, prior to returning to DRC for further review.

MOTION by Mitch Gordon, seconded by Joe Kunkel, **TO APPROVE THE LAKEVUE SHORES DEVELOPMENT PLAN** subject to the following conditions of approval, subject to allowing the DRC Chair to amend / delete / or modify Condition of Approval #13 without having to return to DRC (clarification added 04/09/2014), and to place this item on today's consent agenda for final approval.
1. Development shall conform to the Turkey lake Road Condominiums Planned Development; Orange County Board of County Commissioners (BCC) approvals; Lakevue Shores Development Plan dated "Received January 28, 2014;" and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

2. 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.

3. The applicant must obtain a capacity encumbrance letter (CEL) prior to approval of the plat.

4. Prior to mass grading, clearing, grubbing or construction, the applicant is noticed that this site shall comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

5. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.

6. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with 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.

7. Billboards and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5.

8. Short term/transient rental is prohibited.
9. The building height shall transition from east to west with the maximum height along Big Sand Lake reduced from 55 feet as advertised to 50 feet and as shown on the LUP dated May 18, 2001, with a maximum 75-foot height transition area, and a maximum height of 100 feet on the eastern portion of the property. The roof tops shall have a peaked appearance from the west elevation.

10. No motorized watercraft shall be permitted on Big Sand Lake.

11. Property shall be platted prior to issuance of any vertical permits.

12. Improvements on Turkey Lake Road, as shown on the Development Plan and approved as part of the construction plans, shall be the sole responsibility of the developer.

13. A 20-foot wide Transit Easement adjacent to Turkey Lake Road is required from this property or an alternative, as approved by the County Engineer (as amended on 04/09/2014). This easement will be dedicated to the County when this parcel is platted.

MOTION CARRIED.

5. DP-14-02-028 – DISTRICT 4
SKY LAKE SOUTH PD / WATERBRIDGE DOWNS SHOPPING CENTER / LOT 5 – KRYSAL RESTAURANT DP

Present for discussion was Bob Ziegenfuss. Sean Bailey, the Project Manager, presented the TRG Summary Report to DRC.

This item went to TRG on March 5, 2014. This Development Plan proposes a 1,702 square foot drive-thru fast food restaurant on 0.75 acres within the Waterbridge Downs Shopping Center (Lot 5).

MOTION by Mitch Gordon, seconded by Joe Kunkel, TO APPROVE THE LOT 5 – KRYSAL RESTAURANT DEVELOPMENT PLAN subject to the following conditions of approval, and to place this item on today’s consent agenda for final approval.
1. Development shall conform to the Sky Lake South Planned Development; Orange County Board of County Commissioners (BCC) approvals; Waterbridge Downs Shopping Center Preliminary Subdivision Plan; BCC approvals; Lot 5 - Krystal Restaurant Development Plan dated "Received March 7, 2014;" and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

2. 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.

3. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Plan Development.

4. Prior to construction plan approval, documentation must be provided that this project has the legal right to tie into the master drainage system.

5. The applicant must apply for and obtain a capacity encumbrance letter prior to obtaining a building permit and must apply for and obtain a capacity reservation certificate prior to certificate of occupancy. If the project is vested from concurrency, the applicant must provide a copy of the vested rights certificate prior to obtaining a building.

6. Prior to construction plan approval, certification with supporting calculations shall be submitted, demonstrating that this project is consistent with the approved master utility infrastructure hydraulic calculations for this PD.

7. Billboards, portable signs, and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5.

8. Outdoor sales, storage and display shall be prohibited.
9. A cross access parking agreement is required, if one has not already been submitted.

**MOTION CARRIED.**

6. **DP-14-01-017 – DISTRICT 4 WATERFORD LAKES PD / WATERFORD LAKES TOWN CENTER / “J” SHOPS EXPANSION DP**

Present for discussion was Deborah Gackenback. Sean Bailey, the Project Manager, presented the TRG Summary Report to DRC.

This item went to TRG on February 19, 2014. This Development Plan proposes a 5,935 square foot of retail / restaurant space within the existing Waterford Lakes Town Center on 0.93 acres.

**MOTION by Mitch Gordon, seconded by Alberto Vargas, TO APPROVE THE “J” SHOPS EXPANSION DEVELOPMENT PLAN, subject to the following conditions of approval, and to place this item on today’s consent agenda for final approval.**

1. Development shall conform to the Waterford Lakes Planned Development; Orange County Board of County Commissioners (BCC) approvals; Waterford Lakes Town Center Preliminary Subdivision Plan; BCC approvals; "J" Shop Expansion Development Plan dated "Received February 25, 2014;" and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances or regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

2. 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.
3. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with approved master stormwater plan for this Plan Development.

4. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal. 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. Prior to earthwork or construction, if one acre or more will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.

6. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that the shared private water and wastewater systems have sufficient capacity to support this DP.

7. Outdoor sales, storage and display shall be prohibited.

MOTION CARRIED.

7. DP-14-02-023 – DISTRICT 1
GRANADA PD / TRADER JOE’S AT PARKSIDE DP

Present for discussion were Art Wellington, and Randy Cohen. Sean Bailey, the Project Manager, presented the TRG Summary Report to DRC.

This item went to TRG on March 5, 2014. This Development Plan proposes to construct 15,500 square feet of commercial / retail uses and a ¼ acre park site on 2.57 acres within the Granada PD Northeast Parcel B.

MOTION by Mitch Gordon, seconded by Joe Kunkel, TO APPROVE THE TRADER JOE’S AT PARKSIDE DEVELOPMENT PLAN subject to the following conditions of approval, and to place this item on today’s consent agenda for final approval.
1. Development shall conform to the Granada Planned Development; Orange County Board of County Commissioners (BCC) approvals; Trader Joe's at Parkside Development Plan dated "Received *;" and to the following conditions of approval. Development based upon this approval shall comply with all applicable federal, state and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

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 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. Landscaping, hardscape, irrigation, etc. located in the County right-of-way shall require a Use Agreement prior to installation.
6. Prior to issuance of the Certificate of Completion for this project, the off-site improvements shall be completed.

7. 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 certificate of occupancy. If the applicant already has it then a copy of the Vested Right Certificate or a valid CEL will be required prior to obtaining a building permit.

8. Prior to earthwork or construction, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.

9. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of 70% coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, approval of mass grading or construction plans, a letter of credit or cash escrow shall be submitted to the County to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit.

10. Billboards, portable signs, and pole signs shall be prohibited. Ground and fascia signs shall comply with Ch. 31.5 with the exception of any waivers explicitly granted by the BCC.

11. Outdoor sales, storage and display shall be prohibited.

12. The park shall be completed prior to Certificate of Occupancy of any new building on the existing church property within PD Northeast Parcel B.

13. Fast food restaurants with drive-thrus shall be prohibited within PD Parcel Northeast Parcel B.

14. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP).

15. The Developer shall obtain wastewater and reclaimed water service from Orange County Utilities.
16. The commercial (C-1 uses) within the subject 2.55-acre tract of PD Northeast Parcel B shall be restricted to the 15,500 total square feet, regardless of use (commercial, office, or mixed use).

17. The seventy-five (75) foot park/open space buffer located along the entire length of the western boundary line of the Parkside at Dr. Phillips parcel (as shown on the Land Use Plan) shall only allow for passive park type amenities; and any parking, retention, or other type of use in support of the commercial activity shall be prohibited within this area. Additionally, a landscape buffer consisting of a 8' concrete/block wall along the western boundary line with shade trees planted 40' on center and two understory trees between each of the shade trees shall be planted along the wall within the park/open space buffer.

18. There shall be a one-hundred (100) foot west boundary building setback within subject 2.55 acre tract of PD Northeast Parcel B.

19. An 8' wall on the west property line, which wraps around the north side of the property and extends 15' to the east along the north property line shall be required.

20. Applicant agrees to construct median improvements along Sand Lake Road immediately in front of PD Northeast Parcels B and C. Such improvements shall consist of landscaping in the median and a turn lane that will accommodate a U-Turn for westbound traffic. Applicant shall also use best efforts to establish a property owners’ association for other median improvements along Sand Lake Road between Turkey Lake Road and Apopka Vineland Road which improvements may be provided reclaimed water at no expense to such association pursuant to Resolution 2002-M-03. All improvements constructed by the applicant shall use reclaimed water from Orange County at the applicant’s expense until such time as a property owners’ association may be established. The improvements in front of the applicant’s property shall be maintained by the applicant, the established association or through MSTU/MSBUs.

21. A left turn lane on Sand Lake Road directly in front of Parcel B & C shall be constructed prior to Certificate of Occupancy of the first building.

22. The following waivers from Orange County Code are applicable to PD Northeast Parcel B only:

   a. A waiver from Orange County Code Section 24-5(a)(3) is granted to allow a minimum 10' landscape buffer width along the north perimeter abutting residential, in lieu of the required 15' wide buffer; and
b. A waiver from Section 38-1272(a)(3)(b) is granted to allow for a minimum twenty (20) foot setback from an arterial roadway (Sand Lake Road), in lieu of a minimum 40' building setback from an arterial roadway.

23. No outdoor speakers, televisions, or amplifications on the commercial portion of PD Northeast Parcel B shall be permitted, unless a Special Event Permit is obtained from the County.

24. The property shall be platted prior to issuance of any vertical permits.

25. All previous applicable BCC Conditions of Approval, dated January 28, 2014; dated March 12, 2013; February 16, 2010; February 21, 2006; September, 2005; January 2, 1979; May 16, 1974; and January 22, 1974 shall apply.

MOTION CARRIED.

STAFF DISCUSSIONS

Community Meetings

Discussion was brought up regarding community meetings. The Chair stated that the Project Manager’s (PM) will be the facilitators of their respective community meetings. Planning will continue to schedule the meetings, but the PM’s are responsible for attending and facilitating the meetings.

Waterford Office Park MSP

Zoning requested clarification as to how DRC would like for staff to process minor modifications to the Master Sign Plan, i.e. adding a single sign. At what point does the change go from non-substantial to substantial? Can it be handled through a variance through BZA or does it require a public hearing through the BCC? It was determined by the DRC that if the submittal is not part of a Master Sign Plan then the applicant shall just comply with code or go to BZA for a variance; if it is within a MSP then it must go through DRC.
Plan Submittals

Apparently new plans are being entered into the system after the submittal deadline dates have passed. If the reviewing divisions assign and plan out their reviews based upon those dates, the addition of new plans after the deadline can create problems causing other reviews to be delayed.

Also, the normal review times for revised plan is 10 business days and shortened review times for revised plans is five (5) business days. Some projects have less than a 5 day turnaround time which also can become problematic for reviewing staff as it causes other reviews to be delayed.

It was the determination of the Chair, that staff will meet and adjust the Plan Submittal Guidelines in order to allow flexibility between the submittal date and the time allotted for DRC staff to log in the plans. Eric Raasch, John Smogor, and Whitney Evers will work on the schedule and on a disclaimer to place on the application and the Plan Submittal Guideline.

Respectfully submitted,

Lisette M. Egipciaco
Development Coordinator
Planning Division
AFFIDAVIT OF LISETTE M. EGIPCIA CO

STATE OF FLORIDA

SS:

COUNTY OF ORANGE

I, Lisette M. Egipciaco, hereby state on personal knowledge, as follows:

1. I am the Development Coordinator for the Development Review Committee under Chairman, John Smogor.

2. My duties as Development Coordinator include scheduling Development Review Committee meetings for new developments within Orange County, preparing staff reports for said meetings, preparing and submitting minutes for the Development Review Committee members, requesting public hearings for development projects and appeals, and preparing posters, letters or any other information necessary to inform the public of proposed developments.

3. In the course of my duties as Development Coordinator, I record the approval of the Development Review Committee meeting minutes by its members at which time a copy is distributed to each developer, consultant or other interested parties. I attest that the attached minutes are true and are an accurate reflection of the minutes of March 26, 2014, to the best of my knowledge.

[Signature]
Lisette M. Egipciaco

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing Affidavit was acknowledged before me this day of April 9, 2014, by Lisette M. Egipciaco, who is personally known to me, and did not take an oath.

[Notary Seal and Signature]
DANIELA SCIPIONI
NOTARY PUBLIC
COMMISSION EXPIRES

(407) 398-0153 FloridaNotaryService.com