

BCC Mtg. Date: July 2, 2019

Orange County Government

*Orange County Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393*



Final Meeting Minutes

Tuesday, June 4, 2019

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Demings called the meeting to order at 9:02 a.m.

Present: 6 - Mayor Jerry L. Demings, Commissioner Betsy VanderLey, Commissioner Christine Moore, Commissioner Mayra Uribe, Commissioner Emily Bonilla, and Commissioner Victoria P. Siplin

Absent: 1 - Commissioner Maribel Gomez Cordero

Others present:

County Comptroller Phil Diamond as Clerk
County Administrator Byron Brooks
Deputy County Administrator Chris Testerman
County Attorney Jeffrey J. Newton
Deputy County Attorney Joel Prinsell
Deputy Clerk Katie Smith
Senior Minutes Coordinator Craig Stopyra
Senior Minutes Coordinator Jennifer Lara-Klimetz

Invocation - District 6

Father Charles T. Myers, The Episcopal Church of St. John the Baptist

Pledge of Allegiance**Presentation**

Mayor's Distinguished Service Award in honor of Ronald Plummer

Public Comment

The following persons addressed the Board for public comment:

- Trini Quiroz
- Jan Clanton
- Michael Harding
- Rick Keppler
- Carmen Torres
- Javier Figueroa
- Charles Myers
- Ivan Vazquez
- Ahlzira Barrera (phonetic)
- Susan Valentine
- Trippe Cheek
- Micah Bass

The following material was presented to the Board during public comment: Exhibit 1, from Trippe Cheek.

I. CONSENT AGENDA

Approval of the Consent Agenda

The Mayor deferred action on Planning, Environmental, and Development Services Department Item 2; and further, a motion was made by Commissioner Bonilla, seconded by Commissioner Moore, to approve the balance of the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

A. COUNTY MAYOR

1. **19-857** Confirmation of the Mayor's managerial appointment of David Rathbun as Deputy Fire Chief, Fire Rescue Department and LaShun Nale-Stadom as Division Chief, Fire Rescue Department.

B. COUNTY COMPTROLLER

1. **19-858** Approval of the minutes of the May 7, 2019 meeting of the Board of County Commissioners. (Clerk's Office)
2. **19-859** Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Periods are as follows:

- May 17, 2019, to May 23, 2019; \$31,676,045.12
- May 24, 2019, to May 30, 2019; \$21,776,059.39

(Finance/Accounting)
3. **19-860** Disposition of Tangible Personal Property as follows. (Property Accounting)
 - a. Scrap assets.
 - b. Demolish assets.
 - c. Cannibalize assets.
 - d. Trade-in assets toward the purchase of new equipment.

C. COUNTY ADMINISTRATOR

1. **19-861** Confirmation of the reappointment of David S. McDonald to the Lake Ola Advisory Board with a term expiring December 31, 2020. (Agenda Development Office)

2. **19-862** Confirmation of the appointment of Jennifer Anderson to the Tourist Development Tax Grant Application Review Committee as the District 5 representative with a term expiring December 31, 2020. NOTE: This item will require a supermajority vote of the Board of County Commissioners. (Agenda Development Office)
3. **19-863** Approval and execution of Interlocal Agreement between Orange County, Florida, Orange County Clerk of the Courts, and the Ninth Judicial Circuit Court regarding funding of Jury Services in the amount of \$356,220. (Office of Management and Budget)
4. **19-864** Approval of budget amendments #19-25, #19-26, #19-27, #19-28, #19-29, and #19-30. (Office of Management and Budget)

D. ADMINISTRATIVE SERVICES DEPARTMENT

1. **19-865** Approval to award Invitation for Bids Y19-1066-MV, Fleet Management Sublet Truck Parts and Repairs, to the low responsive and responsible bidder, Rush Truck Centers of Florida, Inc. dba Rush Truck Center Orlando. The estimated contract award amount is \$2,190,000 for a 3-year term. ([Administrative Services Department Fleet Management Division] Procurement Division)
2. **19-866** Approval to award Invitation for Bids Y19-728-RC, Barnett Park Restroom, to the low responsive and responsible and M/WBE compliant bidder, Boulevard Contractors Corp. The total contract award amount is \$589,239. ([Administrative Services Department Capital Projects Division] Procurement Division)
3. **19-867** Approval to award Invitation for Bids Y19-744-RC, Magnolia Park & Eco-Tourism Utility Extension, to the low responsive and responsible bidder, Uribe Site Development, Inc. The total contract award amount is \$484,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
4. **19-868** Approval to award Invitation for Bids Y19-745-RC, Lila Mitchell Community Center HVAC Replacement, to the low responsive and responsible bidder, Air Mechanical & Service Corp. The total contract award amount is \$1,947,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
5. **19-869** Approval of Amendment No. 4, Contract Y16-179-MV, Limerock Road Base, with Dixie Lime & Stone Company in the amount of \$35,000, for a revised total contract amount of \$435,000. ([Utilities Department Field Services Division] Procurement Division)

6. **19-870** Approval and execution of First Amendment to Temporary Construction Easement between Orange County and City of Orlando and authorization to record instrument for Dean Road Extension (University Blvd to Seminole County Line). District 5. (Real Estate Management Division)
7. **19-871** Approval and execution of Subordination of Utility Interests between Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation and Orange County and authorization to record instrument for VOA-Nerbonne PD Wildwood Avenue and Westwood Boulevard. District 1. (Real Estate Management Division)
8. **19-872** Approval of Access and Utility Easement from Arden Park Master Homeowners Association, Inc. and Standard Pacific of Florida to Orange County, approval and execution of Resolution 2019-M-21 regarding Ratification of Interest in that certain Quit Claim Deed recorded on November 29, 2018, as Document #20180691321 in the Public Records of Orange County, Florida and authorization to record instruments for Arden Park North Phase 3 (3A & 3B) Permit 17-U-024/17-U-035 File #91166/92306. District 2. (Real Estate Management Division)
9. **19-873** Approval of Slope Easement from Hamlin Retail Partners West, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for New Independence Parkway 4-Laning. District 1. (Real Estate Management Division)
10. **19-874** Approval of Drainage Easement from Waterleigh Master Community Association, Inc. to Orange County and Temporary Drainage Easement from D.R. Horton, Inc. to Orange County and Subordination of Encumbrance to Property Rights to Orange County from D.R. Horton, Inc., Waterleigh Master Community Association, Inc., and Waterleigh Phase 2, SFR Community Association, Inc., and Subordination of Encumbrance to Property Rights to Orange County from D.R. Horton, Inc. and Waterleigh Master Community Association, Inc. and authorization to record instruments for Waterleigh Phase 2D. District 1. (Real Estate Management Division)
11. **19-875** Approval of Subordination of Encumbrances to Property Rights to Orange County from Centennial Bank and authorization to record instrument for Child Day Care at Hunters Creek Permit B18906703 OCU File #97307. District 4. (Real Estate Management Division)
12. **19-876** Approval of Warranty Deed from Wal-Mart Stores East, LP to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Domain Dr. Phillips LLC, CDCG 4 MTH 2 LP, Granada Master Owners Association, Inc. and CRP-GREP Overture Dr. Phillips Owner, L.L.C., approval and execution of Subordination of Utility Interests between Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, d/b/a Progress Energy Florida, Inc.

and Orange County and authorization to record instruments for Granada Loop 17-E-030 Case #PSP-16-11-380. District 1. (Real Estate Management Division)

13. **19-877** Approval of Special Warranty Deed from J Acquisitions Volusia, LLC to St. Johns River Water Management District with All Aboard Florida Project Mitigation Deed Restrictions in favor of Orange County, Florida and Special Warranty Deed from Keewin Conservation, LLC to St. Johns River Water Management District with All Aboard Florida Project Mitigation Deed Restrictions in favor of Orange County, Florida, delegation of authority to the Real Estate Management Division to approve minor revisions to the Special Warranty Deeds prior to execution and recording which do not affect the substantive rights of Orange County, and authorization to record instruments for All Aboard Florida Project Site - CAI-17-11-030. Volusia County (J Acquisitions Volusia, LLC) Seminole County (Keewin Conservation, LLC). (Real Estate Management Division)

E. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. **19-878** Approval and execution of License Agreement between Orange County, Florida and Silent Hope Corp related to Not-for-Profit Community Center Utilization for the Provision of Services Benefitting the Public License Agreement No. 20190501 for Holden Heights Community Center and authorization for the Director of the Community and Family Services Department to execute any permitted renewals of the license agreement so long as those renewals do not substantively change or alter the terms and conditions of the license agreement. (Community Action Division)
2. **19-879** Approval and execution of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Mount Sinai Head Start. This application is only executed by Orange County. (Head Start Division)
3. **19-880** Receipt and filing of Head Start Policy Council Program Information and Updates April 2019 and Head Start Policy Council Meeting Minutes March 28, 2019 for the official county record. (Head Start Division)
4. **19-881** Approval and execution of State of Florida Department of Environmental Protection Standard Grant Agreement Agreement Number: T1813 for the West Orange Trail Plant Street Bridge in the amount of \$92,059 and authorization for the County Mayor or designee to execute any necessary amendments to such Grant Agreement that do not change the scope of the project or increase the overall project budget. (Parks and Recreation Division)
5. **19-882** Approval and execution of License Agreement between Equal Justice Institute and Orange County, Florida and City of Orlando, Florida regarding

Placement of Historical Marker on Orange County, Florida's Property. All Districts. (Regional History Center)

F. PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. **19-883** Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division)

LC 19-0484	LC 19-0482	LC 19-0472	LC 19-0424	LC 19-0494
LC 19-0411	LC 19-0487	LC 19-0498	LC 19-0427	LC 19-0497
LC 19-0443	LC 19-0488	LC 19-0511	LC 19-0450	LC 19-0503
LC 19-0447	LC 19-0491	LC 19-0437	LC 19-0452	LC 19-0507
LC 19-0466	LC 19-0423	LC 19-0400	LC 19-0467	LC 19-0513
LC 19-0473	LC 19-0442	LC 19-0464	LC 19-0490	LC 19-0517
LC 19-0476	LC 19-0454	LC 19-0414	LC 19-0492	LC 19-0518
LC 19-0478	LC 19-0462	LC 19-0416	LC 19-0493	LC 19-0520

2. **19-884** Approval of Conservation Area Impact Permit No. CAI-18-06-031 for Thomas Opfell. District 5. (Environmental Protection Division)

(This item was deferred.)

3. **19-885** Approval of Conservation Area Impact Permit No. CAI-19-02-010 modifying previously approved CAI-17-11-030 for Virgin Trains USA Florida, LLC. Districts 4 and 5. (Environmental Protection Division)

4. **19-886** Approval and execution of (1) Subordination Agreement by and among Barings Multifamily Capital, LLC, Orange County, Florida, and ONIC-Golden Oaks, LLC to refinance Golden Oaks Apartments and (2) Certification Regarding Subordinate Loan Documents. District 6. (Housing and Community Development Division)

5. **19-887** Approval and execution of Proportionate Share Agreement for Gentry Park Phase 2B Dean Road by and between Parker Development Group, LLC and Orange County for a proportionate share payment in the amount of \$22,932. District 4. (Transportation Planning Division)

G. PUBLIC WORKS DEPARTMENT

1. **19-888** Approval to install "No Parking" zones on both sides of Hawk Crest Lane from the western parcel line of 7921 Hawk Crest Lane to the driveway of 7950 Hawk Crest Lane. District 2. (Traffic Engineering Division)

2. **19-889** Approval of "No Parking" signs installation on San Antonio Avenue starting

765 feet south of Honour Road on the west side and extending south approximately 500 feet. District 6. (Traffic Engineering Division)

3. **19-890** Approval and execution of (1) Locally Funded Agreement between the State of Florida Department of Transportation and Orange County Financial Management No.: 439235-1-52-01 for State Road 551 (North Goldenrod Road) and (2) Resolution 2019-M-22 of the Orange County Board of County Commissioners regarding the Locally Funded Agreement with the Florida Department of Transportation for the Milling and Resurfacing of State Road 551 from S.R. 50 to S.R. 426 in the amount of \$143,100 to upgrade from standard concrete strain poles to galvanized mast arm structures at the intersection of State Road 551 (North Goldenrod Road) and Palmetto Avenue. Districts 3 and 5. (Traffic Engineering Division)
4. **19-891** Approval and execution of (1) Off System Construction and Maintenance Agreement Between State of Florida, Department of Transportation ("Department") and Orange County, Florida, a Charter County and a political subdivision of the State of Florida ("Local Government") FM #: 439235-1-52-01 and (2) Resolution 2019-M-23 of the Orange County Board of County Commissioners regarding the Off System Construction and Maintenance Agreement with the Florida Department of Transportation for the Milling and Resurfacing of State Road 551 from S.R. 50 to S.R. 426. Districts 3 and 5. (Traffic Engineering Division)

II. DISCUSSION AGENDA

A. COMMISSIONER'S REPORT

1. **19-892** Commissioner VanderLey would like to discuss a Variance Application Fee Waiver.

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to approve the Board of Zoning Adjustment variance application fee waiver for Rick Keppler in the amount of \$638 based on financial hardship. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

B. FIRE RESCUE DEPARTMENT

1. **19-893** 2019 Hurricane Season Update.

The Board took no action.

C. ADMINISTRATIVE SERVICES DEPARTMENT

1. **19-894** Selection of one firm and one ranked alternate to provide Consulting

Services for Sustainability Initiatives, Request for Proposals Y19-170-KB, from the following three firms, listed alphabetically:

- FCM Engineering
- Le-Huu Partners
- TLC Engineering Solutions, Inc.

([Convention Center Facility Operations Division] Procurement Division)

A motion was made by Mayor Demings, seconded by Commissioner Uribe, to appoint TLC Engineering Solutions Inc., 449 points, as the selected firm; and further, appoint Le-Huu Partners, 344 points, as the selected ranked alternate. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

Adjourn as the Orange County Board of County Commissioners and convene as the Pine Hills Local Government Neighborhood Improvement District Board of Directors

D. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. **19-895** Acceptance of 2018-2019 Annual Report Pine Hills Neighborhood Improvement District. (Community Action Division)

Based upon input from Commissioner Siplin, the following modification was made to the recommendations:

~~Allow~~ The ability to evaluate the land use updates that accommodate infill redevelopment where appropriate.

A motion was made by Commissioner Siplin, seconded by Commissioner Moore, to accept the 2018-2019 Pine Hills Neighborhood Improvement District Annual Report; and further, approve the modification to the recommendations. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

Adjourn as the Pine Hills Local Government Neighborhood Improvement District Board of Directors and reconvene as the Orange County Board of County Commissioners

E. COUNTY MAYOR

1. **19-896** Open Discussion on issues of interest to the Board.

Commissioner Bonilla withdrew her Open Discussion item regarding Staffing Policies.

III. EXECUTIVE SESSION

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

1. **19-897** Discussion regarding *Florida Association For Constitutional Officers, Inc. v. Orange County, Florida, and Bill Cowles, Orange County Supervisor of Elections, Ninth Judicial Circuit Court Case No. 2016-CA-011202-O.*

IV. RECOMMENDATIONS

1. **19-898** May 16, 2019 Planning and Zoning Commission Recommendations

A motion was made by Commissioner Uribe, seconded by Commissioner VanderLey, to approve the recommendations; subject to the usual right of appeal by any aggrieved party. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

V. PUBLIC HEARINGS

1. **19-671** Board of Zoning Adjustment Board Called

Rod Billette, Case #VA-19-04-015, April 4, 2019; District 2

Case No.: Board of Zoning Adjustment, Case # VA-19-04-015; April 4, 2019

Consideration: Request for variances in the R-CE zoning district to allow a lot split with minimum lot widths as follows:

- 1) To allow a minimum lot width of 85 ft. in lieu of 130 ft.
- 2) To allow a minimum lot width of 52 ft. in lieu of 130 ft.

Location: District 2; property located at 7751 Sadler Rd., Mount Dora, FL 32757, north side of Sadler Rd., west of N. Orange Blossom Trail on Lake Ola; Orange County, Florida (legal property description on file in Zoning Division)

A motion was made by Commissioner Moore, seconded by Commissioner VanderLey, to continue the public hearing until August 6, 2019, at 2 p.m. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

2. **19-672** Board of Zoning Adjustment Board Called

Ivan Prieto, Case #VA-19-04-016, April 4, 2019; District 6

Case No.: Board of Zoning Adjustment, Case # VA-19-04-016; April 4, 2019

Consideration: Request for variances in the P-O zoning district to allow an existing accessory structure as follows:

- 1) To allow a rear yard setback of 2 ft. in lieu of 30 ft.
- 2) To allow a side yard setback of 3 ft. in lieu of 10 ft.

This is a result of code enforcement action.

Location: District 6; property located at 1315 N. Pine Hills Rd., Orlando, FL 32808, East side of N. Pine Hills Rd., north of Hernandez Dr; Orange County, Florida (legal property description on file in Zoning Division)

The following person addressed the Board: Teresita Luco (phonetic).

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

The applicant announced her withdrawal of the request for the side yard setback variance.

A motion was made by Commissioner Siplin, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; and approve the variance to allow a rear yard setback of 2 ft. in lieu of 30 ft. subject to the conditions of approval with the Board of Zoning Adjustment recommendation. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

3. 19-709 Board of Zoning Adjustment Board-Called

Iglesia De Dios En Bithlo, Case #SE-18-12-159, April 4, 2019; District 5

Case No.: Board of Zoning Adjustment, Case # SE-18-12-159; April 4, 2019

Consideration: Request for Special Exceptions and Variances in the A-2 and R-T-2 zoning districts as follows:

- 1) Special Exception to allow an existing religious institution to remain.
- 2) Special Exception to allow the construction of a new 500 seat sanctuary building with attendant ancillary uses.
- 3) Variance to allow the continued use of unpaved parking.
- 4) Variance to allow a church spire to extend 20 ft. above the 35 ft. maximum height in lieu of 10 ft.

Location: District 5; property located at 2049 8th St and 18606 Hollister Rd., Orlando, FL 32820, southeast corner of Hollister Rd. and 8th St., in Bithlo; Orange County, Florida (legal property description on file in Zoning Division)

The following persons addressed the Board:

- Teresa Johnston
- Jerusha Johnson
- Barbara Catanzaro

- Christian Soto
- Brenda Rogers
- Alfonso Vargas
- Lisette Torres (phonetic)
- Brenda Antimarchi (phonetic)

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to remand the case to the Board of Zoning Adjustment so that the Board of Zoning Adjustment may review and make a recommendation to the Board of County Commissioners on the modified plans. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

4. 19-670 Land Use Plan Amendment

Moriah Kosch Worth, Contravest Development Partners, LLC, Lake Bryan Resort Planned Development (PD), Case # LUPA-18-09-297; District 1

Consideration: To rezone a 13.45 gross acre portion of the subject parcel from C-1 (Retail Commercial District) to PD (Planned Development District) and incorporate the portion of the parcel into the Lake Bryan Resort PD, and revise the development program to construct 266 multi-family dwelling units and 1,766 hotel and timeshare units; pursuant to Orange County Code, Chapter 30.

Location: District 1; property located at International Drive South; or generally located west of International Drive South, east of Lake Bryan, approximately 2,600 feet north of World Center Drive; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Dan O'Keefe.

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; and approve the request subject to the conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

5. 19-710 Rezoning

Luke Classon, Appian Engineering, LLC, Rouse Road Subdivision Planned Development (PD), Case # LUP-18-08-253; District 5

Consideration: Request to rezone one (1) parcel containing 12.92 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District), in order to construct forty-one (41) detached single-family dwelling units. In addition, the applicant has requested the following

two (2) waivers from Orange County Code:

1) A waiver from Section 38-1254(1) is requested to allow for a 5' building side setback along the southern property boundary of the proposed project site, in lieu of the 25' PD perimeter setback. The 25' PD perimeter setback will still be applied to the northern, eastern, and western property boundaries of the proposed project site.

2) A waiver from Section 38-1254(2)(E) is requested to allow for a 13' front porch setback, in lieu of the required 20' front setback. The 20' front setback shall be maintained for the main building structure. This will allow a maximum of a 7' porch extending beyond the main structure; pursuant to Orange County Code, Chapter 30.

Location: District 5; property located at 2735 Rouse Road; or generally on the east side of Rouse Road, north of Lokanotosa Trail, and south of Rivers End Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Luke Classon
- Norma Leanne Leonard

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the rezoning request Case # LUP-18-08-253 to rezone one (1) parcel containing 12.92 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct forty-one (41) detached single-family dwelling units subject to the conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report; and further, approve the Conservation Area Impact Permit No. CAI-18-06-031 for Thomas Opfell. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

and

I. CONSENT AGENDA (Deferred)

F. PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

2. **19-884** Approval of Conservation Area Impact Permit No. CAI-18-06-031 for Thomas Opfell. District 5. (Environmental Protection Division)

This item was approved.

V. PUBLIC HEARINGS (Continued)

6. **19-662** Substantial Change

Kathy Hattaway, Poulos & Bennett, LLC, Meadow Woods Planned

Development / Land Use Plan (PD / LUP), Case # CDR-18-10-335, amend plan; District 4 (Continued from June 4, 2019 and June 18, 2019)

Consideration: A PD substantial change request to change the use on PD Parcels 2.1 and 3.2 from Open Space and Fire / Police, respectively, to Community Commercial and utilize existing unused commercial entitlements within the PD for the proposed commercial development, which will be assigned at the Preliminary Subdivision Plan (PSP) / Development Plan (DP); pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4; property generally located South of Wetherbee Road and east of Orange Avenue; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Kathy Hattaway
- Eduardo Rivera
- Audrey Watterson
- Diane Anderson
- Robert Ovletrea

A motion was made by Commissioner Uribe, seconded by Commissioner Bonilla, to continue the public hearing until June 18, 2019, at 2 p.m. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

7. **19-663** Substantial Change

Robert B. Paymayesh, PE Group LLC, Nadeen Tanmore II Planned Development / Land Use Plan (PD / LUP), Case # CDR-18-09-307, amend plan; District 1

Consideration: A Change Determination Request (CDR) to assign the existing PD entitlements to Parcels 1, 2, and 3, and to increase the PD entitlements by adding 100,000 square feet of commercial uses, 341 multi-family residential units, and 300 hotel rooms and assigning them to Parcel 4. The request is also to remove BCC Condition of Approval #13C from April 5, 2011, which prohibits residential uses on the PD; to amend BCC Condition of Approval #7 from July 10, 2018 to increase the overall PD entitlements; to add two new access points to Parcel 3; to add an access point (right-in/right-out) to Parcel 4; to show two previously approved access points that were omitted on the latest PD amendment; to revise the Parcel 4 area from 36.26 acres to 37 acres per an updated survey; and to delete the 50' building setback from existing onsite drainage ponds; 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 north of World Center Drive, east of State Road 535 and, east and west of International Drive; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Miranda Fitzgerald.

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

8. 19-784 Substantial Change

James H. McNeil Jr., Akerman, LLP, Ivey Groves Planned Development / Land Use Plan (PD / LUP) - Case # CDR-18-08-258, amend plan; District 1

Consideration: A PD substantial change to allow the ability for the developer to use one of the single-family residences on Platted Lot 59 / Lot 201 of the Ivey Groves Subdivision Preliminary Subdivision Plan (PSP) as a corporate guest house for a period of 3 years from the date of Board of County Commissioners approval or sixty (60) days after the developer sells the land / home in the subdivision, whichever is sooner. Pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-120.

Location: District 1; property located at 10110 Royal Island Court, generally located west of Winter Garden Vineland Road and north of Vista Boulevard; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Jim McNeil
- Dorina Lora
- Sara Bridges

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to continue the public hearing until December 17, 2019, at 2 p.m. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

9. 19-783 Substantial Change

William E. Burkett, Burkett Engineering, Inc., Collegiate Village Planned Development / Land Use Plan (PD / LUP), Case # CDR-18-06-206, amend plan; District 5

Consideration: A PD substantial change request to amend approved uses, decrease

Commercial square footage from 166,000 to 153,600, increase student housing from 1,400 beds to 1,800 beds, eliminate the multi-family age restricted units, add on-street parking on Lots 6-9, and request the following waivers from Orange County Code: 1) A waiver from Section 38-1259(c) is requested to allow a total of 1,800 beds of student housing, in lieu of 750 bedrooms for PD Parcel 1 and Lots 6 and 6A and Collegiate Village Inn. 2) A waiver from Section 38-1258(d) and 38-1259(h) is requested to allow a maximum building height up to 100 feet for student housing, in lieu of a maximum building height of three stories (40 feet) for Parcel 1 and Lots 6 and 6A and Collegiate Village Inn. 3) A waiver from Section 38-1476(a) is requested to allow for a reduction in parking requirements for commercial / retail development of 3.6 parking spaces per 1,000 square feet of gross floor area, in lieu of 5 spaces per 1,000 square feet of gross floor area for Lots 7, 8 and 9 and commercial development that may be a part of Lot 6 and/or Collegiate Village Inn. 4) A waiver from Section 38-1501 is requested to allow container stores to be a minimum of 160 square feet, in lieu of a minimum 500 square feet for Lots 7, 8 and 9. 5) A waiver from Section 38-79(87) is requested to allow multiple food vendors to operate as described in the Paseo programming on Sheet 4 of the Land Use Plan; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 5; property generally located South of University Boulevard, west of Alafaya Trail; Orange County, Florida (legal property description on file in Planning Division)

Court Reporter: Sandy Narup, Orange Legal

The following persons addressed the Board:

- Bill Burkett
- Norman Nash

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

New Condition of Approval # 9:

9. Vehicular access to and from the subject development shall be limited to emergency vehicles only from Socrates Drive and Khayyam Avenue.

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; and further, approve new condition of approval # 9. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

10. **19-785** Substantial Change

Eric Warren, Poulos & Bennett, LLC, Springhill Planned Development / Land

Use Plan (PD / LUP) - Case # CDR-18-10-351, amend plan; District 1

Consideration: A PD Substantial change request to reallocate thirty-four (34) units from PD Parcel 15 to PD Parcel 35. In addition, the applicant has requested the following three (3) waivers from Orange County Code for PD Parcel 35 only:

1.) A waiver from Section 38-1258(a) to allow multi-family residential buildings located no less than ten (10) feet of single-family zoned property along the west parcel line and one hundred (100) feet along the south parcel line to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story in height.

2.) A waiver from Section 38-1258(b), to allow multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

3.) A waiver from Section 38-1258(c), to allow multi-family buildings located no less ten (10) feet of single-family zoned property along the west parcel line and one hundred (100) feet along the south parcel line to be constructed up to five-stories and 65 feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet in height; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 1; property generally located north of Water Spring Boulevard and West of Avalon Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Lance Bennett.

Modified Condition of Approval # 9:

a. A waiver from Section 38-1258(a), for Parcel 35, to allow multi-family residential buildings located within ten (10) feet of single-family zoned property along the west parcel line and one hundred (100) feet along the south parcel line to be constructed up to ~~five-four~~ five-four stories and ~~65-61~~ 65-61 feet in height, in lieu of the requirement that multi-family buildings within one hundred (100) feet of a single-family zoned property be restricted to a single-story in height.

b. A waiver from Section 38-1258(b), for Parcel 35, to allow multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to be constructed up to ~~five-four~~ five-four stories and ~~65-61~~ 65-61 in height, in lieu of the requirement that multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

c. A waiver from Section 38-1258(c), for Parcel 35, to allow multi-family buildings located within

ten (10) feet of single-family zoned property along the west parcel line and one hundred (100) feet along the south parcel line to be constructed up to ~~five~~ four-stories and ~~65-61~~ feet in height, in lieu of the requirement that multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; and further, approve modified condition of approval # 9 (a), (b), and (c). The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Gomez Cordero

11. 19-786 Substantial Change

Scott Gentry, Kelly, Collins & Gentry, Inc., Hamlin Planned Development - Unified Neighborhood Plan / RW-1B Commercial Preliminary Subdivision Plan / Development Plan, Case # CDR-18-10-350, amend plan; District 1

Consideration: Substantial change request to create Lot 6 with 85,789 square feet of commercial entitlements; pursuant to Sections 34-69 and 30-89, Orange County Code.

Location: District 1; property generally located East of Hamlin Groves Trail / North of New Independence Parkway; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Scott Gentry.

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

Aye: 4 - Mayor Demings, Commissioner VanderLey, Commissioner Uribe, and Commissioner Siplin

Absent: 3 - Commissioner Moore, Commissioner Gomez Cordero, and Commissioner Bonilla

13. 19-673 Amending Orange County Code, adopting Session IV 2018-2 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP) and Adoption of Ordinance (Continued from June 4, 2019)

Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment

Amendment 2018-2-A-1-2

Kathryn Hattaway, Poulos & Bennett; District 1

Consideration: Growth Center/Resort/Planned Development (GC/R/PD) to Growth

Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR)

Location: Generally located west of Avalon Rd., and north and south of Grove Blossom Wy.; Parcel ID#s: 30-24-27-0000-00-003 (portion of) and 31-24-27-0000-00-036; 108.03 gross ac.

Court Reporter: Candy Morgan, Landmark Reporting, Inc.

The following person addressed the Board: Kathy Hattaway.

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to continue the public hearing until July 2, 2019, at 2 p.m. The motion carried by the following vote:

Aye: 4 - Mayor Demings, Commissioner VanderLey, Commissioner Uribe, and Commissioner Siplin

Absent: 3 - Commissioner Moore, Commissioner Gomez Cordero, and Commissioner Bonilla

13. 19-674 Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment

Amendment 2018-2-A-1-4

Miranda F. Fitzgerald, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A. / Kerina Wildwood, Inc., Kerina Village, Inc., Kerina Inc., and Kerina Parkside Master, Inc.; District 1

Consideration: Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R) to Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)

Location: Generally located east and west of S. Apopka-Vineland Road, south of Buena Vista Woods Boulevard, and north of Lake Street; Parcel ID#s: 10-24-28-0000-00-005/053, 10-24-28-6670-11-000, 15-24-28-5844-00-050/071/130/142, and 15-24-28-5844-00-211 (portion of); 215.67 gross ac.

Court Reporter: Candy Morgan, Landmark Reporting, Inc.

The following persons addressed the Board:

- Miranda Fitzgerald
- Chuck Whittall
- Frank Ruggieri
- Phyllis Newman
- Todd Hockenberry
- Andria Estrella-Roa
- Raman Rama
- Christine Ball
- Lori Mazloum
- Jim Pasquinelli
- Israel Sanchez
- Wendy Waxman
- Jyoti Tangri
- Rajeev Tangri

- Kevin Murphy
- Kurt Kotzin
- Jennifer Stickler

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

- Exhibit 1, from Miranda Fitzgerald
- Exhibit 2, from Chuck Whittall
- Exhibit 3, from Frank Ruggieri
- Exhibit 4, from Jim Pasquinelli
- Exhibit 5, from Jennifer Stickler

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan (see Housing Element Goal H1 and Objective H1.1; Future Land Use Element Goal FLU.2, Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.4.4, FLU8.2.1, FLU8.2.10, and FLU8.2.2; and Conservation Element Objective C1.4 and Policy C1.4.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2018-2-A-1-4, Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R) to Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS), up to 301 single-family dwelling units, 400 multi-family dwelling units, 200 senior living units, 150,000 sq. ft. of neighborhood retail and/or office uses, 5.0-acre park, and 93.0 acres of conservation land/open space. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, and Commissioner Siplin

Absent: 2 - Commissioner Gomez Cordero, and Commissioner Bonilla

and

13. 19-675 Concurrent Substantial Change Request

Miranda F. Fitzgerald, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A. / Kerina Wildwood, Inc., Kerina Village, Inc., Kerina Inc., and Kerina Parkside Master, Inc.

Substantial Change CDR-18-04-110 (Kerina Parkside PD)

Consideration: Substantial Change Request to the Kerina Parkside PD to revise the development program of PD Tracts 4, 7, and 8, in association with Future Land Use Map Amendment #2018-2-A-1-4, to allow for the development of up to 301 single-family dwelling units, 400 multi-family dwelling units, 200 senior living units, 150,000 square feet of retail and office uses, and an Orange County 5.0 acre park. Also requested are twenty-five (25) waivers from Orange County Code: 1) A waiver from Section 24-4(a)(2)a to permit specimen palms along the northern boundary of Tract 7 lying outside of the BVN District, in addition to shade trees, to meet the vehicular use area requirements, with no more that 25% of the shade tree requirement being met with specimen palms, in lieu of limiting allowable trees to shade trees; 2) A waiver from

Section 24-5(3) to allow for neighborhood commercial uses to be located 7.5 feet from any single-family zoned property internal to the planned development within Tract 7, in lieu of fifteen (15) feet. A 7.5-foot landscape buffer shall be provided with hedges and trees consistent with Type C landscape buffer requirements in lieu of a fifteen (15)-foot landscape buffer; 3) A waiver from Section 38-79(20)(f) to allow neighborhoods comprised of buildings that contain only two (2), three (3), or four (4) units within Tract 4, in lieu of the requirement that at least seventy-five (75) percent of the attached units to be in buildings containing five (5) or more units; 4) A waiver from Section 38-79(20)(p) to allow for attached units with rear alley access a minimum front setback of ten (10) feet and a minimum rear setback of nine (9) feet as measured from the alley tract or alley easement within Tract 4, in lieu of minimum front and rear yard building setbacks of twenty (20) feet; 5) A waiver from Section 38-1254(2)e to allow a minimum side street setback of fifteen (15) feet for all single-family unit types and a minimum front setback of ten (10) feet and a minimum rear setback of nine (9) feet as measured from the alley tract or alley easement for single-family units with rear alley access within Tract 4, in lieu of minimum setback to local rights-of-way of twenty (20) feet; 6) A waiver from Section 38-1258(a) to allow a multifamily building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within the northern portion of Tract 7 outside of the BVN District, in lieu of the single-story height requirement where the multifamily buildings are located within one hundred (100) feet of single-family zoned property; 7) A waiver from Section 38-1258(b) to allow a multifamily building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within the northern portion of Tract 7 outside of the BVN District, in lieu of the varying building height where the multifamily buildings are located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned properties; 8) A waiver from Section 38-1258(c) to allow a multifamily building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within the northern portion of Tract 7 outside of the BVN District, in lieu of forty (40) feet/ three (3) stories in height where the multifamily buildings are located within one hundred and fifty (150) feet of single-family zoned properties; 9) A waiver from Section 38-1258(d) to allow a multifamily building with a maximum height of sixty (60) feet/four (4) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within the northern portion of Tract 7 outside of the BVN District, in lieu of forty (40) feet/ three (3) stories in height; 10) A waiver from Section 38-1258(e) to allow for parking and other paved areas for multi-family development to be located 7.5 feet from any single-family zoned property internal to the planned development within Tract 7 and Tract 8, in lieu of twenty-five (25) feet. A 7.5-foot landscape buffer shall be provided with hedges and trees consistent with Type C landscape buffer requirements in lieu of a twenty-five (25)-foot landscape buffer; 11) A waiver from Section 38-1258(f) to require no wall when a multi-family development is located adjacent to any single-family zoned property internal to the planned development within Tract 7, in lieu of a 6 (six)-foot high masonry, brick, or block wall; 12) A waiver from Section 38-1258(f) to allow a combination of masonry, brick, or block with aluminum fence (rail or picket) when a multi-family development is located adjacent to any single-family zoned property along the southern boundary of Tract 7, in lieu of a masonry, brick, or block wall; 13) A waiver from Section 38-1272(a)(5) to allow a commercial building with a maximum height of sixty (60) feet with a minimum setback of 25 feet from single-family zoned property located in internal or external to the

PD within the northern portion of Tract 7 outside of the BVN District, in lieu of a maximum building height of fifty (50) feet or thirty-five (35) feet within one hundred (100) feet of any residential; 14) A waiver from Section 38-1392.1, within the portion of Tract 4 lying within the BVN District, the portion of Tract 7 lying within the BVN District, and Tract 8, to allow minimum building setbacks of twenty-five (25) feet along the southern boundary of Tract 8; twenty-five (25) feet along the western boundary of Tract 8; thirty (30) feet along the northern boundary of Tract 8; and twenty-five (25) feet along the southern boundary of Tract 4 and Tract 7 in lieu of thirty-five (35) feet minimum building setback requirement to lands with residential zoning, residential future land use or physical residential use; and to allow a minimum rear setback of nine (9) feet as measured from the alley tract or alley easement in lieu of a minimum rear yard building setback of fifteen (15) feet. This waiver does not apply to the portion of Tract 7 lying within the BVN District that is within 200 feet of the Ruby Lake PD single-family development; 15) A waiver from Section 38-1392.2(2)c to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path within the portion of Tract 7 lying within the BVN District and Tract 8, in lieu of ten (10) feet along one side of the pedestrian path; 16) A waiver from Section 38-1392.2(3)c to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path within the portion of Tract 7 lying within the BVN District and Tract 8, in lieu of twelve (12) feet along one (1) side (or six (6)-foot on each side) of the connecting pathway; 17) A waiver from Section 38-1392.5(1) to allow for a minimum landscaped area of eight (8) percent of a parking lot within the portion of Tract 7 lying within the BVN District and Tract 8, in lieu of ten (10) percent and a minimum landscape planter width of ten (10) feet from face of curb to face of curb in lieu of thirteen (13) feet from face of curb to face of curb. Cumulative tree caliper inches will be provided per code requirements; 18) A waiver from Section 38-1392.5(2) to allow for a minimum of 1 canopy tree (as defined by BVN code as 4" caliper or greater) for every 10 parking spaces within the portion of Tract 7 lying within the BVN District and Tract 8, in lieu 0.8 caliper inches of canopy trees for every parking space. It is also requested to permit specimen palms, in addition to canopy trees, to meet the requirement; 19) A waiver from Section 38-1393 within the portion of Tract 7 lying within the BVN District and Tract 8, to allow a multifamily and/or non-residential building with a maximum height of sixty (60) feet / four (4) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within Tract 7 and a senior living building (commercial or multifamily) with a maximum height of ninety (90) feet / six (6) stories with a minimum setback of 25 feet from single-family zoned property located internal or external to the PD within Tract 8, in lieu of the graduated building height/setback requirements listed therein. This waiver does not apply to the portion of Tract 7 lying within the BVN District that is within 200 feet of the Ruby Lake PD single-family development; 20) A waiver from Section 38-1394(1)(c) to permit specimen palms in addition to canopy trees and palms in addition to understory trees within the portion of Tract 4 within the BVN District, the portion of Tract 7 within the BVN district, and Tract 8, in lieu of three (3) shade trees for every one hundred (100) feet, four-inch caliper, 14-foot height minimum; or five (5) under-story trees in tree-wells for every one hundred (100) feet. Palms may comprise no more than 25% of the required shade trees or understory trees; 21) A waiver from Section 38-1394(2) within the portion of Tract 4 within the BVN district, the portion of Tract 7 within the BVN District, and Tract 8 to allow for specimen palms in lieu of laurel oaks and in addition to live oaks as streetscape shade trees. Palms may comprise no more than 25% of the required streetscape shade trees; 22) A waiver from Section 38-1394.1(a) to allow for the green space around the base of each single-story building to be zero

feet (0') if abutted by a sidewalk within the portion of Tract 7 within the BVN District and Tract 8, in lieu of ten feet (10') around the base of each single-story building within the commercial or vertical mixed-use developments; 23) A waiver from Section 38-1394.1(a)(2) to allow for tree planting requirements around the base of multi-family and non-residential buildings per Section 24-4(d) within the portion of Tract 7 within the BVN District and Tract 8, in lieu of (1) canopy tree for each one hundred (100) square feet of green space; 24) A waiver from Section 38-1396.1(2) to allow light fixtures other than the acorn-style fixtures within the portion of Tract 4 within the BVN District, the portion of Tract 7 within the BVN district, and Tract 8, in lieu of limiting all light fixtures to acorn-style; and 25) A waiver from Section 38-1501 to allow the minimum single-family detached lot width to be forty (40) feet within Tract 4, in lieu of forty-five (45) feet and a minimum side building setback of four (4) feet in lieu of five (5) feet. Single-family lots proposed within Tract 4 immediately adjacent to Tract 2 will match the lot widths and setbacks currently provided within Tract 2

Location: District 1; Generally located east and west of S. Apopka-Vineland Road, south of Buena Vista Woods Boulevard, and north of Lake Street; Parcel ID#s: 10-24-28-0000-00-005/053, 10-24-28-6670-11-000, 15-24-28-5844-00-050/071/130/142, and 15-24-28-5844-00-211 (portion of); 485.10 gross ac.

Court Reporter: Candy Morgan, Landmark Reporting, Inc.

New Condition of Approval # 25:

25. Any Preliminary Subdivision Plan (PSP) or Development Plan (DP) for Tracts 4 and 7 may not be approved until all requirements of the Fenton Street Petition to Vacate application (PTV-15-12-026) are completed to the County's satisfaction.

Delete waiver "L" under Condition of Approval # 12:

~~L. A waiver from Section 38-1258(f) to allow a combination of masonry, brick, or block with aluminum fence (rail or picket) when a multi-family development is located adjacent to any single-family zoned property along the southern boundary of Tract 7, in lieu of a masonry, brick, or block wall.~~

Modified Condition of Approval # 22:

22. Applicant shall provide up to five (5) acres for a park and/or ball fields which shall be located as depicted on the land use plan and shall be buffered appropriately. The applicant shall convey to the County the 5.0 acre park and/or ballfields as depicted on Sheet 4 of the Land Use Plan. In addition to the 5.0 acre park shown on Sheet 4 of the LUP, the applicant shall convey to the County the remnant triangular property to the northeast of the park site, which is created by the alignment of the north-south road that connects Buenavista Woods Boulevard to the Connector Road. The applicant shall also provide the sketch and legal description of the property to be conveyed prior to submittal of any PSP or DP within the PD, and shall convey the property to Orange County prior to January 1, 2020, unless the delay is out of the developer's control, in which event the property shall be conveyed as soon as practicable.

New Conditions of Approval # 26 and 27:

26. Sale of alcoholic beverages for on-premises consumption, including drinking establishments, cocktail lounges, pubs and bars is prohibited, with the exception of a food service establishment which derives more than 51 percent of its gross food and beverage revenue from the sale of food and non-alcoholic beverages, which may have ancillary alcoholic beverage sales.

27. All lots on the northern boundary of Tract 4 that are adjacent to single-family residential lots within Tract 2 shall conform to the minimum lot width and lot area of those lots within Tract 2.

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval, listed under the Development Review Committee recommendation in the Staff Report; further, approve new conditions of approval # 25, 26, and 27; further, delete waiver # 12(L) under condition of approval # 12; and further, approve modified condition of approval # 22. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, and Commissioner Siplin

Absent: 2 - Commissioner Gomez Cordero, and Commissioner Bonilla

13. 19-676 Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment

Amendment 2018-2-A-1-6
VHB, Inc.; District 1

Consideration: Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)

Location: Generally located north of Interstate 4 and south of Fenton St.; Parcel ID#s:

11-24-28-0000-00-020, 14-24-28-0000-00-012/018/027,
14-24-28-1242-60-000/66-000/66-001, 15-24-28-7774-00-023/024, and
14-24-28-1242-71-350/380; 86.84 gross ac.

Court Reporter: Candy Morgan, Landmark Reporting, Inc.

The following person addressed the Board: Chuck Whittall.

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

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan (See International Drive Element Goal 1 and 3; Housing Element Goal H1 and Objective OBJ H1.1; and Future Land Use Element Objectives FLU2.2 and FLU8.2 and Policies FLU1.1.1, FLU1.1.2A, FLU1.1.4D, FLU1.4.2, FLU1.4.4, FLU8.2.1, and FLU8.2.2); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2018-2-A-1-6, Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR) to Planned

Development-Commercial/Medium-High Density Residential (PD-C/MHDR), up to 1,800 residential dwelling units and up to 415,142 square feet of commercial uses. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, and Commissioner Siplin

Absent: 2 - Commissioner Gomez Cordero, and Commissioner Bonilla

and

13. 19-677 Concurrent Rezoning Request

VHB, Inc.

Rezoning LUPA-18-05-175 (Hannah Smith Property PD)

Consideration: Rezone from A-2 (Farmland Rural District) and PD (Planned Development District) to PD (Planned Development District) (Hannah Smith Property PD) Also requested are twenty-two (22) waivers from Orange County Code: 1) A waiver from Section 38-1393 to eliminate the BVN minimum setback/height limitations to allow a multi-family building with a maximum building height of one hundred fifteen (115) feet/nine (9) stories for Tract 1, in lieu of the proximity based requirements; 2) A waiver from Section 38-1254 within Tracts 1, 2, 3 and 4 to allow zero foot setback for internal lot lines, in lieu of the required minimum setback of twenty-five (25) feet; 3) A waiver from Section 38-1393 to allow a maximum height of 150 feet for non-residential development for Tract 4, in lieu of the proximity based requirements; 4) A waiver from Section 38-1394.1(a)(2) to allow for multi-family and non-residential buildings to allow for tree planting requirements around the building base area per Sec. 24-4(d) for all Tracts, in lieu of the one (1) canopy tree for each one hundred (100) square feet of green space; 5) A waiver from Section 38-1272(a)5 to allow the maximum building height to be fifty (50) feet, in lieu of thirty-five (35) feet for any commercial building within Tract 1; 6) A waiver from Section 38-1392.1 to allow a building setback of twenty-five (25) feet for Tracts 1, 2, 4 and 5, in lieu of thirty-five (35) feet minimum building setback requirement to lands with residential zoning, residential future land use or physical residential use; 7) A waiver from Section 38-1392.2(2)c within Tracts 2, 3, and 4 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path, in lieu of ten (10) feet along one side of the pedestrian path; 8) A waiver from Section 38-1392.2(3)c is requested within Tracts 2, 3, and 4 to allow for a minimum landscape strip width of five (5) feet along one side of the pedestrian path, in lieu twelve (12) feet along one (1) side (or six (6)-foot on each side) of the connecting pathway; 9) A waiver from Section 38-1391.1 to provide architectural design concepts with Development Plans, in lieu of providing a building architectural design concept or set of design guidelines as part of the planned development process; 10) A waiver from Section 38-1396.1(2) for Tracts 1, 2, 3 and 4 to allow light fixtures other than the acorn-style fixtures; 11) A waiver from Section 24-4(a)(2)a within Tracts 1, 2, 3, and 4 to permit palms, in addition to shade trees, to meet the vehicular use area requirements, with no more that 25% of the shade tree requirement being met with palms, in lieu of limiting allowable trees to shade trees; 12) A waiver from Section 38-1392.5(1) within Tracts 1, 2, 3 and 4 to allow for a minimum landscaped area of eight (8) percent of a parking lot, in lieu of ten (10) percent and a minimum landscape planter width of ten (10) feet from face of curb to face of curb, in lieu of thirteen (13)

feet from face of curb to face of curb. Cumulative tree caliper inches will be provided per code requirements; 13) A waiver from Section 38-1392.5(2) within Tracts 1, 2, 3 and 4 to allow for a minimum of one (1) canopy tree (as defined by BVN code as 4" caliper or greater) for every 10 parking spaces, in lieu of 0.8 caliper inches of canopy trees for every parking space. It is also requested to permit specimen palms, in addition to canopy tree; 14) A waiver from Section 38-1272 (a)(1) within Tracts 2,3, and 4 to allow a maximum impervious coverage not to exceed eighty (80) percent of the net land area, in lieu of seventy (70) percent of the net land area; 15) A waiver from Section 38-1394(1)(b) within Tracts 1, 2, 3 and 4 to allow one shade tree every fifty (50) feet at minimum of four-inch (4") caliper with a minimum height of fourteen (14) feet and three (3) ornamental trees every one-hundred (100) feet, in lieu of one (1) shade tree every forty (40) feet at a minimum of four-inch caliper with a minimum height of fourteen (14) feet and 3 ornamental trees every one hundred feet for collector roads. It is also requested to permit specimen palms, in addition to canopy trees, to meet the requirement; 16) A waiver from Section 38-1394(1)(c) within Tracts 1, 2, 3 and 4 to also permit specimen palms as canopy trees and palms as understory trees in reference to three (3) shade trees for every one hundred (100) feet, four-inch caliper, 14-foot height minimum; or five (5) under-story trees in tree-wells for every one hundred (100) feet; 17) A waiver from Section 38-1394(2) within Tracts 1, 2, 3 and 4 to allow for specimen palms, in lieu of laurel oaks and in addition to live oaks as streetscape shade trees; 18) A waiver from Section 38-1394.1(a) within Tracts 1, 2, 3 and 4 to allow for the green space around the base of each single-story building to be zero feet (0') if abutted by a sidewalk, in lieu of ten feet (10') around the base of each single story building within the commercial or vertical mixed use developments; 19) A waiver from Section 38-1394.1(b) within Tracts 1, 2, 3, and 4 to allow for a minimum ground sign planting area of one times the copy area of the ground sign, in lieu of three times the copy area of the ground sign; 20) A waiver from Section 38-1394.1(c) within Tracts 1, 2, 3 and 4 to allow for zero (0) feet of landscape buffer requirement between land uses internal to the PD; 21) A waiver from Section 38-1286 within Tract 4 to have no minimum lot width, in lieu of one hundred fifty (150) feet; and 22) A waiver from Section 38-1287(1) to allow a minimum building setback from an Arterial to be twenty-five (25) feet for Tract 4, in lieu of sixty (60) feet.

Location: District 1; Generally located north of Interstate 4 and south of Fenton St.; Parcel ID#s:

11-24-28-0000-00-020, 14-24-28-0000-00- 012/018/027,

14-24-28-1242-60-000/66-000/66-001, 15-24-28-7774-00-023/024, and

14-24-28-1242-71-350/380; 86.84 gross ac.

Court Reporter: Candy Morgan, Landmark Reporting, Inc.

Modified Condition of Approval # 11:

o. A waiver from Section 38-1394(1)(b) is requested within Tracts 1, 2, 3 and 4 to allow one shade tree every fifty (50) feet at minimum of four-inch (4") caliper with a minimum height of fourteen (14) feet and three (3) ornamental trees every one-hundred (100) feet, in lieu of one (1) shade tree every forty (40) feet at a minimum of four-inch caliper with a minimum height of fourteen (14) feet and 3 ornamental trees every one hundred feet for collector roads. It is also requested to permit specimen palms, in addition to canopy trees, to meet the requirement. Palms may comprise no more than 25% of the required shade trees.

p. A waiver from Section 38-1394(1)(c) is requested within Tracts 1, 2, 3 and 4 to also permit specimen palms as canopy trees and palms as understory trees in reference to three (3) shade trees for every one hundred (100) feet, four-inch caliper, 14-foot height minimum; or five (5) under-story trees in tree-wells for every one hundred (100) feet. Palms may comprise no more than 25% of the required understory trees.

q. A waiver from Section 38-1394(2) is requested within Tracts 1, 2, 3 and 4 to allow for specimen palms, in lieu of laurel oaks and in addition to live oaks as streetscape shade trees. Palms may comprise no more than 25% of the required streetscape shade trees.

New Conditions of Approval # 16 and 17:

16. Any Preliminary Subdivision Plan (PSP) or Development Plan (DP) for Tracts 1 and 2 may not be approved until all requirements of the Fenton Street Petition to Vacate application (PTV-15-12-026) are completed to the County's satisfaction.

17. The PD shall be limited to a maximum of 415,142 square feet of commercial uses and a maximum of 1,300 multi-family residential dwelling units.

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the rezoning request from Farmland Rural District (A-2) and Planned Development District (PD) to Planned Development District (PD) subject to the fifteen (15) conditions of approval, including the revised waivers, listed under the Planning and Zoning Commission recommendation in the Staff Report; further, approve new conditions of approval # 16 and 17; and further, approve modified condition of approval # 11 (o), (p), and (q). The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, and Commissioner Siplin

Absent: 2 - Commissioner Gomez Cordero, and Commissioner Bonilla

13. 19-678 Regular Cycle Staff-Initiated Comprehensive Plan Map Amendment

Amendment 2018-2-B-FLUE-2

Text Amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County; Countywide

Court Reporter: Candy Morgan, Landmark Reporting, Inc.

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2018-2-B-FLUE-2, consistent with today's actions. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, and Commissioner Siplin

Absent: 2 - Commissioner Gomez Cordero, and Commissioner Bonilla

13. 19-679 Regular Cycle State-Expedited Review Comprehensive Plan Amendments Ordinance

Amending Orange County Code, adopting Session IV 2018-2 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184(3), F.S.

Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2018 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING EFFECTIVE DATES.

Court Reporter: Candy Morgan, Landmark Reporting, Inc.

A motion was made by Commissioner VanderLey, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; further, determine that the amendments are in compliance; and further, adopt Ordinance 2019-07, consistent with today's actions, approving the proposed Future Land Use Map and Text Amendments. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, and Commissioner Siplin

Absent: 2 - Commissioner Gomez Cordero, and Commissioner Bonilla

12. 19-661 Roadway Conceptual Analysis

Avalon Road - Roadway Conceptual Analysis (RCA) Study; District 1

Consideration: The Orange County Transportation Planning Division has initiated a Roadway Conceptual Analysis (RCA) Study for the planned improvement (four-lane widening) of Avalon Road from Florida's Turnpike to W. Colonial Drive (SR 50), a distance of approximately 0.43 miles.

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to find the Avalon Road Roadway Conceptual Analysis Study consistent with the Comprehensive Plan, further, approve the study; and further, advance the project to roadway design, right-of-way acquisition, and construction phases when funding becomes available. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, and Commissioner Siplin

Absent: 2 - Commissioner Gomez Cordero, and Commissioner Bonilla

Aye: 5 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, and Commissioner Siplin

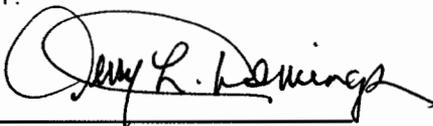
Absent: 2 - Commissioner Gomez Cordero, and Commissioner Bonilla

√ The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

ADJOURNMENT: 5:58 p.m.

ATTEST:



County Mayor Jerry L. Demings

Date: 7/2/19



ATTEST SIGNATURE:

Phil Diamond
County Comptroller as Clerk



Katie Smith
Deputy Clerk

* * *

Any person wishing to appeal any decision made by the Board of County Commissioners at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5517.

Para mayor información en español, por favor llame al (407) 836-3111.

NOTE: Reports from the County Mayor, the County Commissioners, the County Administrator, and the County Attorney may be presented at unscheduled times throughout the day, depending on the length of time required for advertised public hearings.

Copies of Specific Project Expenditure Reports and Relationship Disclosure Forms are not included with agenda items unless there is a listed expenditure or disclosure. Copies of these completed reports and forms may be obtained by contacting the relevant Department/Division Office.