

Orange County Government

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



Final Meeting Minutes - Final

Tuesday, October 25, 2022

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Jerry Demings called the meeting to order at 9:03 a.m.

Present: 7 - Mayor Jerry L. Demings, Commissioner Nicole Wilson, Commissioner Christine Moore, Commissioner Mayra Uribe, Commissioner Maribel Gomez Cordero, Commissioner Emily Bonilla, and Commissioner Victoria P. Siplin

Others present:

County Comptroller Phil Diamond as Clerk
County Administrator Byron Brooks
County Attorney Jeffrey Newton
Deputy County Administrator Chris Testerman
Deputy County Attorney Joel Prinsell
Public Works Director Joseph Kunkel
Senior Minutes Coordinator Noelia Perez

Invocation - District 1

Pledge of Allegiance

Public Comment

The following persons addressed the Board during public comment:

- Michelle Deflorimonte
- Justin Harvey
- Heather Grooms
- Jennifer Neira
- Ramon Rodriguez
- Juan Valenzuela
- Nancy Rodriguez

The following material was presented to the Board during public comment: Exhibit 1, Heather Grooms.

Presentation

Proclamation recognizing November 5 through November 12, 2022 as Week of the Family

Presentation

Proclamation recognizing October 23 through October 31, 2022 as Red Ribbon Week

Presentation

2022 Achievement of Excellence in Procurement Award

Presentation

2020 Government Finance Officers Association Triple Crown Award

I. CONSENT AGENDA

Approval of the Consent Agenda

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

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

A. COUNTY COMPTROLLER

1. **22-1337** Approval and execution of the minutes of the September 13, 2022 meeting of the Board of County Commissioners (Clerk’s Office)

2. **22-1338** Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts.

October 7, 2022 - October 13, 2022: \$42,428,091.51
October 14, 2022 - October 20, 2022: \$43,764,643.07

(Finance/Accounting)

3. **22-1339** Disposition of Tangible Personal Property as follows. (Property Accounting)

- Remove lost assets from inventory
- Scrap assets.
- Remove abandoned asset from inventory.
- Dispose of assets not found during previous inventory cycles.
- Sell assets through online auction.
- Offer assets to non-profits.
- Scrap remaining assets.

B. COUNTY ADMINISTRATOR

1. **22-1340** Appointment of Council Member Susan Lomas to the Community Action Board in the municipal elected official category with a term expiring December 31, 2026. (Agenda Development Office)

2. **22-1341** Approval and execution of Contract #Y23-142 between Orange County, Florida and United Arts of Central Florida, Inc. regarding the provision of funding for arts grants and services in the amount of \$1,454,937 for Fiscal Year 2022-2023 from the General Fund. (Arts and Cultural Affairs Office)

3. **22-1342** Approval and execution of Contract #Y23-141 Orange County, Florida and United Arts of Central Florida, Inc. Management/Fiscal Agency Agreement for Orange County Arts & Cultural Affairs Tourist Development Tax (TDT) Revenue - Arts & Cultural Affairs Grants Program in the amount of \$7,500,000, and authorization for the Procurement Manager to authorize extensions to the contract. (Arts and Cultural Affairs Office)

4. **22-1343** Approval and execution of Orange County, Florida and FusionFest, Inc. Funding Agreement relating to FusionFest 2023 and authorization to disburse \$200,000 as provided in the FY2022-23 adopted budget. (Arts and Cultural Affairs Office)

5. **22-1344** Approval and execution of Agreement Between Orange County, Florida and AFSCME Florida Public Employees' Council 79 American Federation of State, County and Municipal Employees, AFL-CIO Fiscal Years 2022-23 through 2024-25. (Human Resources Division)

6. **22-1345** Approval and execution of Agreement Between Orange County, Florida and The Jerry B. Haddock Lodge #86 of The Fraternal Order of Police, F.O.P. Lodge # 86 (A-Unit) Fiscal Years 2022-23 through 2024-25. (Human Resources Division)

7. **22-1346** Approval of revisions to Orange County Policy 307 Holidays with an effective date of January 1, 2023. (Human Resources Division)

8. **22-1347** Acceptance of the Department of Health and Human Services Substance Abuse Mental Health Services Administration FY 2022 Congressionally Directed Spending Projects - Non-Construction Award Number 1H79FG000876-01 in the amount of \$300,000 for a one-year period beginning on September 30, 2022. There is no match required. (Mental Health and Homelessness Division)

9. **22-1348** Approval for the Orange County Sheriff's Office to spend \$25,000 from the FY 2023 Law Enforcement Trust Fund-State Forfeitures for an eligible contribution to Operation New Hope. (Office of Management and Budget)

10. **22-1349** Approval to disburse \$150,000 to the Orange Blossom Trail Development Board on November 1, 2022 for administration in order to maintain normal operations for the first quarter of Fiscal Year 2022-23. (Office of Management and Budget)
11. **22-1350** Approval for staff to reimburse expenditures throughout FY 2022-23 for the Orange Blossom Trail Safe Neighborhood Improvement District as approved in the FY 2022-23 budget. (Office of Management and Budget)
12. **22-1351** Approval to pay the Clerk of Courts \$150,000 for FY 2022-23 communication expenses. (Office of Management and Budget)
13. **22-1352** Approval to disburse CRA funds totaling \$65,151,177 to Orange County's Community Redevelopment Agencies. (Office of Management and Budget)
14. **22-1353** Approval of budget transfer #22-1378. (Office of Management and Budget)
15. **22-1354** Ratification of policy to reimburse individuals up to \$5,000 for restoration/remediation expenses not covered by their Homeowner's Insurance Policy. (Risk Management Division)

C. ADMINISTRATIVE SERVICES DEPARTMENT

1. **22-1355** Approval to award Invitation for Bids Y22-157-KK, Burial and Cremation Services, to the sole responsive and responsible bidder, Waldon Professional Funeral Home and Cremation Services, LLC. The estimated annual contract award amount is \$794,895 for a three-year term. ([Health Services Department Medical Clinic Division] Procurement Division)
2. **22-1356** Approval to award Invitation for Bids Y22-1031-MM, Non-MSBU Retention Pond Weed Control, to the low responsive and responsible bidder, Waters Brothers Environmental, Inc. The estimated contract award amount is \$164,820 for the base year. ([Public Works Department Stormwater Management Division] Procurement Division)
3. **22-1357** Approval to award Invitation for Bids Y22-1048-GO, Waste Removal and Recycling Services for the Orange County Convention Center, to the low responsive and responsible bidder by lot, Waste Connections of Florida, Inc. The estimated contract award amount is \$21,463,750 for a five-year term. ([Convention Center Facilities Operations Division] Procurement Division)
4. **22-1358** Approval to award Invitation for Bids Y22-785-RC, Orange County Lake Lucie Conservation Area Equestrian Shade Structure, to the sole responsive and responsible bidder, S.A. Casey Construction, Inc. The total contract award amount is \$146,000. ([Administrative Services Department Capital Projects Division] Procurement Division)

5. **22-1359** Approval to award Invitation for Bids Y22-7016-EB, EPD New Near-Road Site Air Quality Monitoring Station, to the sole responsive and responsible bidder, Café' Construction & Development, Inc. The total contract award amount is \$266,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
6. **22-1360** Approval to award Invitation for Bids Y22-7029-TA, Fire Rescue Emergency Operation Center Renovation, to the low responsive and responsible bidder, Charles Perry Partners, Inc. The total contract award amount is \$3,022,000 inclusive of additive number one. ([Administrative Services Department Capital Projects Division] Procurement Division)
7. **22-1361** Approval to award Invitation for Bids Y22-7031-CC, Health Services Emergency Medical Supplies Warehouse (Office Phase), to the low responsive and responsible bidder, S.A. Casey Construction, Inc. The total contract award amount is \$207,289. ([Administrative Services Department Capital Projects Division] Procurement Division)
8. **22-1362** Approval to award Invitation for Bids Y22-7033-CC, Frederick Douglass HVAC Upgrades, to the sole responsive and responsible bidder, Air Mechanical & Service Corp. The total contract award amount is \$599,400. ([Administrative Services Department Capital Projects Division] Procurement Division)
9. **22-1363** Approval of Contract Y22-2418, Providing Funding for the Construction of a Community and Case Management Space for Low-Income Individuals Located in a Qualified Census Tract, Federal Subrecipient Agreement between Orange County, Florida and Ability Housing, Inc., in the not-to-exceed amount of \$250,000. ([Community and Family Services Department Mental Health and Homelessness Issues Division] Procurement Division)
10. **22-1364** Approval of Contract Y23-102, Motorola Master Agreement, with Motorola Solutions, Inc., in the contract award amount of \$2,750,000, for a one-year term. ([Administration and Fiscal Services Information Systems and Services Division] Procurement Division)
11. **22-1365** Approval of Amendment No. 4, Contract Y21-124, Enhanced Treatment Alternatives, with Aspire Health Partners, Inc., in the amount of \$190,398.60, for a revised contract amount of \$1,513,206.96. ([Health Services Department Fiscal and Operational Support Division] Procurement Division)
12. **22-1366** Ratification of Purchase Order M108791, Maintenance Renewal of Box Area Run Card Builder (BARB) and Dispatch Validator (DiVa), with Deccan International Corporation, in the amount of \$114,498. ([Fire Rescue Department Infrastructure and Asset Management Division] Procurement

Division)

13. **22-1367** Ratification of Purchase Order M108795, Renewal of Software Support and Licensing for DOC1, CODE1 and Mailstream Software, with Precisely Software Inc., in the amount of \$131,979.89. ([Utilities Department Customer Services Division] Procurement Division)
14. **22-1368** Selection of KPMG LLP to provide Grant Administration for Small Business and Gig Worker Grants, Request for Proposals Y22-501-AH. ([County Mayor Economic, Trade and Tourism Development Division] Procurement Division)
15. **22-1369** Selection of Civil/Site Engineering, Inc. to provide Construction Engineering and Inspection Services for Econlockhatchee Trail, Request for Proposals Y22-813-MB. ([Public Works Department Highway Construction Division] Procurement Division)
16. **22-1370** Approval and execution of Agreement for Sale and Purchase by and between Columnar Partnership Holding I, LLC and Orange County, Florida; approval of Special Warranty Deed from Columnar Partnership Holding I, LLC to Orange County, Florida; authorization for the Manager of the Real Estate Management Division to exercise all delegations of authority expressly provided for by the Agreement for Sale and Purchase; and authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Fire Station #32 (Hartzog Road Realignment). District 1. (Real Estate Management Division)
17. **22-1371** Approval and execution of Resolution 2022-M-57 of the Orange County Board of County Commissioners regarding Ratification of Interest in that Certain Grant of Perpetual, Non-Exclusive Ingress and Egress and Utility Easement Recorded on December 13, 2012 in Official Records Book 10489 at Page 6065 of the Public Records of Orange County, Florida and authorization to disburse funds to pay recording fees and record instrument for Lake Down Sub-Basin 15 Outfall Treatment Project (PN 14549). District 1. (Real Estate Management Division)
18. **22-1372** Approval of Memorandum of Understanding between Orange County Utilities Department and Orange County Planning, Environmental, and Development Services Department for Real Estate Transactions related to Presidents Drive - Air Quality Monitoring Station, approval and execution of Notice of Reservation, and authorization to disburse funds to pay recording fees and record instrument for Presidents Drive Ambient Air Quality Monitoring Station along Turnpike Corridor. District 6. (Real Estate Management Division)
19. **22-1373** Approval of Memorandum of Understanding between Orange County Planning, Environmental and Development Services Department and

Orange County Public Works Department for Real Estate Transactions related to Skyview Drive - Air Monitoring Station, approval and execution of Notice of Reservation, and authorization to disburse funds to pay recording fees and record instrument for Skyview Drive Ambient Air Quality Monitoring Shelter fka Sky Lake Canal - Air Monitoring Station. District 3. (Real Estate Management Division)

D. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. **22-1374** Approval and execution of Agreement between Orange County, Florida and Duke Energy Florida, LLC for Deputy Brandon Coates Community Park and authorization for the Mayor or designee to execute any further necessary amendments to such Agreement that do not change the scope of the project or increase the overall project budget. Duke Energy agrees to provide financial support in the amount of \$175,000 for this project. District 5. (Parks and Recreation Division)

E. CORRECTIONS DEPARTMENT

1. **22-1375** Approval and execution of Criminal Justice User Agreement between the Florida Department of Law Enforcement and Orange County Corrections Department to allow for the operation and regulation of the Florida Criminal Justice Network for information and data-sharing by criminal justice agencies. (Fiscal and Operations Support Division)

F. FIRE RESCUE DEPARTMENT

1. **22-1376** Approval of the FY 2022-2023 annual fee payment to Valencia College Fire Rescue Institute for Invoice #2310 in the amount of \$158,998.50 for membership training services associated with Interlocal Agreement between Orange County and Central Florida Fire Consortium. (Operations Division)
2. **22-1377** Approval and execution of Federally Funded Subaward Grant Agreement Emergency Management Performance Grant Agreement Number: G0374 for FY 2022-2023 in the amount of \$253,785. A match in the amount of \$253,785 is required. (Office of Emergency Management)
3. **22-1378** Approval and execution of the 2022 BJA FY22 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation Award Number: 15PBJA-22-GG-02066-JAGX, in the amount of \$397,070 for the period of October 1, 2021 through September 30, 2025. There is no match required. (Office of Emergency Management)

G. HEALTH SERVICES DEPARTMENT

1. **22-1379** Approval and execution of the U.S. Department of Justice, Office of Justice Programs, Comprehensive Opioid, Stimulant, and Substance Abuse

Program Award Number 15PBJA-22-GG-04396-COAP in the amount of \$1,600,000 for the period of October 1, 2022 through September 30, 2025, and authorization for the County Mayor or designee to approve any increases or decreases in the award amount. There is no match required. (Drug Free Community Office)

- 2. **22-1380** Approval of the Orange County Corrections Health Services Physician Employment Agreement between Orange County and Bora Gavric, M.D., for the position of Corrections Health Services Psychiatrist effective November 4, 2022.

H. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

- 1. **22-1381** Approval of a one-year time extension of expired Shoreline Alteration/Dredge and Fill Permit SADF-20-06-013 under new permit number SADF-20-06-013-EXT for Toll Southeast LP Company, Inc. District 3. (Environmental Protection Division)

Note: This item will be pulled to be considered with the matter that is the subject of Public Hearing F.10.

- 2. **22-1382** Approval and execution of Adequate Public Facilities Agreement for Kensington Church Village H PD by and between Kensington Church Orlando, Inc. and Orange County. District 1. (Development Review Committee)

This item was deferred.

- 3. **22-1383** 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. (Neighborhood Services Division)

LC 22-0420	LC 22-0160	LC 22-0423	LC 22-0334	LC 22-0389
LC 22-0345	LC 22-0352	LC 22-0197	LC 22-0353	LC 22-0390
LC 22-0373	LC 22-0412	LC 22-0365	LC 22-0386	LC 22-0400
LC 22-0379	LC 22-0414	LC 22-0437	LC 22-0387	LC 22-0402

- 4. **22-1384** Approval and execution of 23-C07 Service Funding Agreement by and between Orange County, Florida and Central Florida Regional Transportation Authority for FY 2022-23 in the amount of \$62,113,599. All Districts. (Transportation Planning Division)

- 5. **22-1385** Approval and execution of Bus Service Agreement 23-C04 by and between Central Florida Regional Transportation Authority d/b/a LYNX and Orange County, Florida relating to the providing of bus service in the International Drive Community Redevelopment Area of Orange County, Florida with a

funding request from the County in the amount of \$1,516,581. Districts 1 and 6. (Transportation Planning Division)

I. PUBLIC WORKS DEPARTMENT

1. **22-1386** Authorization to record the plat of Waterstar Orlando. District 1. (Development Engineering Division)
2. **22-1387** Authorization to record the plat of Alta at Horizon West. District 1. (Development Engineering Division)
3. **22-1388** Approval and execution of Orange County, Florida and Bike/Walk Central Florida FY 2023 Grant Agreement by and between Orange County and Bike/Walk Central Florida in the amount of \$72,000. All Districts. (Traffic Engineering Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. **22-1389** Receipt of the following items to file for the record: (Clerk's Office)
 - a. The Florida Public Service Commission. In re: Petition for a limited proceeding to approve clean energy connection program and tariff and stipulation, by Duke Energy Florida, LLC.
 - b. The Florida Public Service Commission Order Modifying Tariff. In re: Petition for approval of modifications to rate schedule tariff sheet No. 4.122 and determination under Rule 25-6.115(12), F.A.C, Duke Energy Florida, LLC.
 - c. Notice of Meetings Westwood/OCC Community Development District Fiscal Year 2023.
 - d. Notice of Meeting Dates Dowden West Community Development District Fiscal Year 2023.
 - e. Notice of Meeting Dates Storey Park Community Development District Fiscal Year 2023.
 - f. Board of Supervisors Meeting Dates Storey Drive Community Development District Fiscal Year 2023.
 - g. Notice of Meeting Dates Grande Pines Community Development District Fiscal Year 2023.
 - h. Notice of Meeting Dates Bonnet Creek Resort Community Development

District Fiscal Year 2023.

i. Board of Supervisors Meeting Dates Narcoossee Community Development District Fiscal Year 2023.

j. Board of Supervisors Meeting Dates Falcon Trace Community Development District Fiscal Year 2023.

k. City of Winter Garden Ordinance 22-26 with Exhibit A (Legal Description), and Exhibit B (Location Map) entitled: An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.59 ± acres located at 13023 West Colonial Drive, west of 9th street, east of South Dillard Street, south of Regal Downs Circle, and north of West Colonial Drive into the City of Winter Garden, Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.

l. City of Winter Garden Ordinance 22-29 with Exhibit A (Legal Description), and Exhibit B (Location Map) entitled: An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.75 ± acres located at 9th Street, West of 9th street, east of South Dillard Street, south of Regal Downs Circle, and north of West Colonial Drive into the City of Winter Garden, Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.

These items were received and filed.

III. DISCUSSION AGENDA

A. ADMINISTRATIVE SERVICES DEPARTMENT

1. **22-1390** Selection of two firms and an alternate to provide Engineering Services for Wekiwa Springs Septic Tank Retrofit Project Phases 4 and Above, Request for Proposals Y22-817-RC, from the following three firms, listed alphabetically:

- Barnes, Ferland and Associates
- Burgess & Niple, Inc.
- Tetra Tech, Inc.

([Utilities Department Engineering Division] Procurement Division)

A motion was made by Commissioner Moore, seconded by Commissioner Wilson, to appoint Barnes, Ferland and Associates, 475 points, and Tetra Tech, Inc., 450 points, as the selected firms; and further, appoint Burgess & Niple, Inc., 442.50 points, as the alternate. The motion carried by the following vote:

Aye: 5 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Gomez Cordero, and Commissioner Siplin

Absent: 2 - Commissioner Uribe, and Commissioner Bonilla

B. COUNTY ADMINISTRATOR

1. **22-1391** Florida Citrus Sports.

The Board took no action.

2. **22-1392** Approval of the Arts and Cultural Affairs Advisory Council's funding recommendations for Arts and Cultural Affairs Grants for Cultural Tourism for FY 2023. (Arts and Cultural Affairs Office)

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Wilson, to approve the Arts and Cultural Affairs Advisory Council's funding recommendations for 34 Arts and Cultural Affairs Grants for Cultural Tourism for FY23. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

IV. RECOMMENDATIONS

1. **22-1393** October 6, 2022 Board of Zoning Adjustment Recommendations

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to approve the recommendations, with the exception of Case # VA-22-10-105, Nathaniel Mitchell (Appeal Filed), which was pulled from 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 Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Siplin

Absent: 1 - Commissioner Bonilla

V. PUBLIC HEARINGS

A. Municipal Service Taxing Unit

1. **22-1033** Lake Pickett, amend general lake cleaning, maintenance, aquatic plant control and navigational improvements; District 5

Consideration: Amend by resolution a Municipal Service Taxing Unit (MSTU) for general lake cleaning maintenance and aquatic plant control to include Sunset Preserve Phase 5A subdivision and provide revised Exhibits for metes and bounds parcels, condominiums, and subdivisions using a millage assessment at Lake Pickett

Location: District 5; Parcel ID (Multiple Parcels); Section 03, Township 22; Range 32; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to approve the request as referenced in the Staff Report dated October 10, 2022. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

B. Petition to Vacate

2. 22-1190 PTV-21-02-006

Eddie Fernandez, on behalf of Nona Global Investment LLC, vacate a portion of an open and non-maintained right-of-way; District 3

Consideration: Resolution granting Petition to Vacate # 21-02-006, vacating a portion of a 30 foot wide by 158 foot long, open and non-maintained right-of-way known as Wakulla Street, containing approximately 4,740 square feet.

Location: District 3; The parcel addresses are 6590 Narcoossee Road and 7524 Bipe Lane; Sections 14 & 23, Township 23, Range 30; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to approve the request listed in the Staff Report dated October 25, 2022. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

C. Environmental Protection Commission Appeal

3. 22-972 Case # BD-21-10-140

Kimberly Marshall and James Lynde, Calvin Wimbish Dock Construction, permit; District 1

Consideration: Appeal of the decision of the Environmental Protection Commission, dated May 25, 2022, on the Environmental Protection Officer's recommendation to approve a request for a waiver to construct a terminal platform of 486 square feet for the Calvin Wimbish Dock Permit BD-21-10-140; pursuant to Orange County Code, Chapter 15, Article IX, Section 15-342(b)

Location: District 1; property located at 9000 Easterling Drive, Orlando, FL 32819; Orange County, Florida (legal property description on file)

This public hearing was withdrawn.

D. Preliminary Subdivision Plan

4. 22-1193 Case PSP-22-02-046

Eric Warren, Poulos & Bennett, LLC, BB Groves South Planned Development / Accolades Preliminary Subdivision Plan; District 1

Consideration: BB Groves South Planned Development / Accolades Preliminary Subdivision Plan, Case # PSP-22-02-046, submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This request is to subdivide 118.89 acres in order to construct 462 single-family attached and detached residential dwelling units. In addition, a waiver from Orange County Code Section 34-152(c) is requested to allow lots 426-429 to front a meadow, park, open space, or similar space in lieu of a County roadway.

Location: District 1; property generally located south of Flemings Road / west of Avalon Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Eric Warren.

New Condition of Approval # 37:

Storm water management tracts shall be owned and maintained by Orange County with the Use Agreement between the Home Owner's Association and the County to allow the HOA to install and maintain landscaping and/or irrigation within those tracts.

A motion was made by Commissioner Wilson, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; further, approve the request subject to the thirty six (36) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated October 3, 2022; and further, approve new condition of approval # 37. The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Siplin

Absent: 1 - Commissioner Bonilla

5. **22-1118** Case # PSP-21-02-046

Gregory Crawford, Florida Engineering Group, Neoteric at Dr. Phillips Preliminary Subdivision Plan; District 1

Consideration: Neoteric at Dr. Phillips Preliminary Subdivision Plan, Case # PSP-21-02-046, submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This Preliminary Subdivision Plan (PSP) is a request to subdivide 8.19 acres in order to construct 16 single-family residential dwelling units.

Location: District 1; property generally located North of Conroy Windermere Road / West of South Hiawassee Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Greg Crawford

- Bob Case
- George Bender
- Martin Forster

The materials referenced by the following speakers were not received by the Clerk prior to the close of the public hearing:

- Bob Case
- Martin Forester

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, George Bender.

A motion was made by Commissioner Wilson, seconded by Commissioner Bonilla, to continue the public hearing until December 13, 2022, at 2 p.m. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

6. 22-1030 Case # PSP-21-10-314

David Kelly, Poulos & Bennett, LLC, Oasis Reserve Preliminary Subdivision Plan; District 3 (Continued from August 30, 2022 and September 27, 2022)

Consideration: Oasis Reserve Preliminary Subdivision Plan, Case # PSP-21-10-314, submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This Preliminary Subdivision Plan (PSP) is a request to subdivide 14.59 gross acres in order to construct 56 single-family residential dwelling units.

Location: District 4; property generally located South of Curry Ford Road / West of Econlockhatchee Trail; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Dave Kelly
- Cassie Lynch
- John Marburg

The materials referenced by the speaker were not received by the Clerk prior to the close of the public hearing: Cassie Lynch.

New Condition of Approval # 27:

The updated removal of the two lots for the increased green space.

A motion was made by Commissioner Uribe, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; further, approve the request subject to the

twenty six (26) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated October 11, 2022; and further, approve new condition of approval # 27. The motion carried by the following vote:

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

Nay: 2 - Commissioner Wilson, and Commissioner Bonilla

E. Substantial Change

7. 22-1189 Case # CDR-22-04-151

Lance Bennett, Poulos & Bennett, LLC, Horizon West Village H Parcels 12A & 12B Planned Development / Land Use Plan (PD / LUP), amend plan; District 1

Consideration: A Change Determination Request (CDR) to amend Parcels 12A & 12B PD to allow for a Cell Tower use within the Upland Greenbelt. In addition, the applicant has requested the following waiver from Orange County Code: A waiver from Orange County Code Section 38-1427 (d) (2) (d) is requested to allow a monopole between 80 feet and 140 feet in height to be within zero feet (0') of vacant, un-platted, residentially-zoned lands in lieu of 280 feet; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located South of Hartzog / East of County Road 545; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Josh Edmondson.

A motion was made by Commissioner Wilson, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the ten (10) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated October 3, 2022. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

8. 22-1270 Case # CDR-21-03-093

Shridhar Rao, Landsmart Consultants, Orangewood N-2 Planned Development / Land Use Plan (PD / LUP); District 1

Consideration: A PD substantial change to create PD Parcel 11F out of PD Parcel 11D and convert existing entitlements from PD Parcel 11D to 326 multi-family units and 5,800 square feet of commercial for use within PD Parcel 11F. In addition, the applicant is requesting the following waiver from Orange County Code: A waiver from Section 38-1300 to allow multi-family buildings eighty (80) feet in height within PD Parcel 11F, in lieu of sixty (60) feet in height; pursuant to

Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

Location: District 1; property generally located International Drive; generally on the west side of International Drive, south of Parc Corniche Drive; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Jim Hall.

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the sixteen (16) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated October 10, 2022. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

9. 22-1271 Case # CDR-22-02-054

Rick Baldocchi, AVCON, Inc., Universal Boulevard Planned Development / South Central Parcels Preliminary Subdivision Plan; District 6

Consideration: Substantial change request is to subdivide 25.09 acres on Parcel 3 into 4 parcels, and add multi-family and hotel uses. In addition, a waiver from Orange County Code Section 34-152(c) is requested to allow Lot 3C to be accessed via an ingress-egress easement in lieu of fronting a dedicated public street; pursuant to Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89.

Location: District 6; property generally located South of Universal Boulevard / West of Destination Parkway; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Rick Baldocchi.

A motion was made by Commissioner Siplin, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the twenty one (21) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated September 26, 2022. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

F. Rezoning

10. 22-1265 Case # LUP-21-03-097

Lance Bennett, Poulos and Bennett, LLC, Kensington Church PD; District 1

Consideration: Request to rezone two (2) parcels totaling 10.00 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to develop a church community campus with a 17,296 square foot church, 9,970 square foot pre-school, and a soccer field with no lighting; pursuant to Orange County Code, Chapter 30

Location: District 1; property generally located South of Old YMCA Road and west of Lake Hickory Nut Drive, Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Josh Edmondson
- Kevin Valentine
- Ian Kimbrell
- Gail Moynihan
- Rachel Shea Bates

Modified Condition of Approval # 16:

16. The hours of operation for the outdoor playground, sport field, and any other outdoor activities shall be from 8:00 AM to 8:00 PM. No outdoor lighting or amplified sound shall be allowed for outdoor playfields.

A motion was made by Commissioner Wilson, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; further, approve the request to rezone two (2) parcels totaling 10.00 gross acres from A-1 (Citrus Rural District) to PD (Planned Development District) in order to develop a church community campus with a 17,296 square foot church, 9,970 square foot pre-school, and a soccer field with no lighting subject to the sixteen (16) conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report dated October 3, 2022; further, approve modified condition of approval # 16; and further, approve and execute the Adequate Public Facilities Agreement for Kensington Church Village H PD by and between Kensington Church Orlando, Inc. and Orange County. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

and

I. CONSENT AGENDA (Deferred)

H. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

2. 22-1382 Approval and execution of Adequate Public Facilities Agreement for Kensington Church Village H PD by and between Kensington Church Orlando, Inc. and Orange County. District 1. (Development Review Committee)

This item was approved.

PUBLIC HEARINGS (Continued)

F. Rezoning

11. 22-1272 Case # LUP-22-02-049

Thomas Daly, Daly Design Group, Corner Lake Gardens Land Use Plan;
District 5

Consideration: Request to rezone 74.19 gross acres from A-2 to PD, in order to construct 47 single-family residential dwelling units; pursuant to Orange County Code, Chapter 30

Location: District 5; property generally located South of Lake Pickett Road / West of Chuluota Road (State Road 419) (legal property description on file in Planning Division)

The following persons addressed the Board:

- Carolyn Haslam
- Tom Daly
- Tina Demostene
- Travis Miller
- Rhoni Bischoff
- Jennifer Roth Miller
- Paul Linder
- Kelli Langton
- Kelly Semrad , Exhibit 4
- Eugene Stoccardo

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

- Exhibit 1, Carolyn Haslam
- Exhibit 2, Tom Daly
- Exhibit 3, Travis Miller
- Exhibit 4, Jennifer Roth Miller
- Exhibit 5, Kelly Semrad

Per the Planning and Zoning Commission recommendations, the staff report listed 19 conditions of approval.

Condition of Approval # 18 as listed in the staff report was revised to read as follows:

18. ~~This project shall not be a gated community.~~ The project may be gated subject to demonstrating compliance with the Orange County Gated Communities Ordinance at the time of PSP.

During Board discussion, revised Condition of Approval # 18 was deleted:

~~18. The project may be gated subject to demonstrating compliance with the Orange County Gated Communities Ordinance at the time of PSP.~~

Condition of Approval # 19 has been renumbered as Condition of Approval # 18:

~~19.~~18. In lieu of conventional (non-nitrogen-reducing) Onsite Sewage Treatment and Disposal Systems (OSTDS), also referred to as septic systems, the development shall implement advanced nitrogen reducing septic systems approved by the Florida Department of Health.

New Conditions of Approval # 20-22 were renumbered as New Conditions of Approval # 19-21:

~~#20~~ 19: Community boat ramps and semi-private docks are prohibited on Corner Lake. A community park, if any, shall be secured with a fence and a gate.

~~#21~~ 20: There shall be a maximum of twelve lakefront lots and each lakefront lot shall be a minimum of 1 acre in size, excluding the area below the normal high water elevation (NHWE), and a minimum of one half acre of net buildable area; a minimum of 75% of the lots internal to the subdivision, shall be a minimum of ½ acre in size.

~~#22~~ 21: Any traffic safety improvements at the project's entrance on Lake Pickett Road will be reviewed and determined at the PSP stage of this project.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; and approve the request to rezone 74.19 gross acres from A-2 to PD, in order to construct 47 single-family residential dwelling units subject to the nineteen (19) conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report dated October 3, 2022; further, delete condition of approval # 18; further, renumber condition of approval # 19 to # 18; and further, approve the renumbered new conditions of approval # 19, # 20, and # 21 as presented by staff. The motion carried by the following vote:

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

Nay: 1 - Commissioner Wilson

G. Preliminary Design Study

12. 22-1192 Town Center Preliminary Design Study; District 1

Consideration: A Preliminary Design Study (PDS) to evaluate the addition of travel lanes to the existing two-lane sections of CR545 (Avalon Road) from Schofield Road to McKinney Road; a distance of approximately 1.8 miles. The study also includes improvements to Porter Road.

The following person addressed the Board: Gonzalo Mercado.

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, approve the CR 545 - Horizon West

Town Center Preliminary Design Study; and further, authorize staff to initiate the design, right-of-way acquisition and construction phases of project. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

H. Borrow Pit Excavation Permit

13. **22-1264** Excavation Permit # 22-E5-0012

CPG Florida, LLC, CPG - East Colonial Drive Borrow Pit; District 5

Consideration: The applicant is seeking approval of a new Borrow Pit Excavation Permit No. 22-E5-0012 to create an approximate 60 acre borrow pit with a total approximate soil volume of 2,700,000 cubic yards. The borrow pit will export approximately 100,000 cubic yards per year of clean fill material to various approved project sites inside and outside of Orange County limits.

Location: District 5; located at 20978 E. Colonial Drive, Christmas, Florida 32709, Orange County, Florida Parcel ID. No. 36-22-32-0000-00-003. The site is located south of E. Colonial Drive and east of State Road 520. (Legal property descriptions on file)

County staff indicated the location as 20973 E. Colonial Drive, east S.R 50, and east of S.R. 520.

The following persons addressed the Board:

- Jim Golden
- Bobby Beagles
- Carol Frederick
- Kelly Semrad
- Eugene Stoccardo

The following materials were received by the Clerk prior to the close of the public hearing. The materials referenced by the speaker were not presented to the Board:

Submittal 1, Jim Golden
Submittal 2, Jim Golden

The material referenced by the speaker was not received by the Clerk prior to the close of the public hearing: Bobby Beagles.

Modified Conditions of Approval # 2 and # 13:

2. Operating and hauling from 7:00 a.m. to 5:00 p.m., Monday through Friday, and Saturday from 8:00 a.m. to 3:00 p.m. No operating or hauling on Sunday.

13. Hauling operations for the borrow pit shall not commence unless and until the Florida

Department of Transportation permit is approved and issued for the driveway access onto east State Road 50. Hauling operations shall not commence unless and until those FDOT (Florida Department of Transportation) intersection improvements include an east bound deceleration lane and a west bound deceleration lane and associated road improvements and signage. The deceleration lanes shall be as generally depicted on the conceptual illustration (Sheet 3B) prepared by Grove Scientific & Engineering and introduced into the record at the BCC public hearing held on October 25, 2022.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to approve the CPG - East Colonial Drive Borrow Pit; further, authorization to issue the Borrow Pit Excavation Permit No. 22-E5-0012 subject to seventeen (17) conditions of approval listed in the Staff Report dated October 17, 2022; and further, approve modified conditions of approval # 2 and # 13. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

I. Planning and Zoning Commission Rezoning Board-Called

14. 22-1268 Case # RZ-22-04-027

Alison Yorko, P.A., August 18, 2022; District 3

Consideration: Request to rezone from A-2 (Farmland Rural District) to I-2 / I-3 (Industrial District - General) in order to allow for I-2 / I-3 uses, including outdoor truck parking and storage.

Location: District 3; property located at 2504 Dowden Road; generally south of Dowden Road, approximately 625 feet east of Boggy Creek Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Alison Yurko
- Brian Crudele

Modified Condition of Approval # 3:

3. Automotive repair ~~business~~ shall be prohibited;

New Conditions of Approval # 4 and # 5:

4. Parking and storage of semi-trucks and semi-truck trailers shall be prohibited; and

5. There shall be no storage of inoperable vehicles.

A motion was made by Commissioner Uribe, seconded by Commissioner Bonilla, to make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request from A-2 (Farmland Rural District) to I-2 / I-3 (Industrial District - General) in order to allow for I-2 / I-3 uses, including outdoor truck parking and storage subject to the three (3) restrictions listed under

the Planning and Zoning Commission recommendation in the Staff Report dated October 3, 2022; further, modify restriction # 3; and further, approve new restrictions # 4 and # 5. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

15. 22-1269 Case # RZ-22-08-070

Esteban Hernandez, August 18, 2022; District 6

Consideration: Request to rezone from C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District) in order to allow for C-1 uses plus the C-2 use of outdoor storage of materials.

Location: District 6; property located at 5855 W Colonial Dr; generally north of SR 408, east of N. Powers Dr, west of N. Pine Hills Rd, and south of Silver Star Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Esteban Hernandez.

A motion was made by Commissioner Siplin, seconded by Commissioner Bonilla, to make a finding of consistency with the Comprehensive Plan; and further, approve the rezoning request from C-1 (Retail Commercial District) to C-2 Restricted (General Commercial District) in order to allow for C-1 uses plus the C-2 use of outdoor storage of materials subject to the five (5) restrictions listed under the Planning and Zoning Commission recommendation in the Staff Report October 3, 2022. The motion carried by the following vote:

Aye: 7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

J. Ordinance/Comprehensive Plan - Adoption of Small-Scale Amendments and Ordinance

16. 22-1267 Adoption of Future Land Use Map Amendment SS-22-05-048, Ordinance, and Concurrent Rezoning RZ-22-05-050, Manuel Cordero

a. Amendment SS-22-05-048

Consideration: A request to change the Future Land Use designation from Planned Development - Office (PD-O) to Low-Medium Density Residential (LMDR); pursuant to Part II, Chapter 163, Florida Statutes and Orange County Code Chapter 30

Location: District 2; property located at 2707 Calloway Drive; generally located on the south side of Herbison Drive, east of Forest City Road; Orange County, Florida (legal property description on file in Planning Division)

And

b. Ordinance for Proposed Amendment

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 Small-Scale development amendments pursuant to Section 163.3187, Florida Statutes; and providing effective dates.

And

c. Rezoning RZ-22-05-050

Consideration: A request to change the zoning from P-O (Professional Office District) to R-1 (Single-Family Dwelling District); pursuant to Part II, Chapter 163, Florida Statutes and Orange County Code Chapter 30

Location: District 2; property located at 2707 Calloway Drive; generally located on the south side of Herbison Drive, east of Forest City Road; Orange County, Florida (legal property description on file in Planning Division)

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, adopt Amendment SS-22-05-048, Low-Medium Density Residential (LMDR) Future Land Use; further, adopt the associated Small-Scale Ordinance 2022-36; and further, approve the concurrent rezoning request from P-O (Professional Office District) to R-1 (Single-Family Dwelling District). The motion carried by the following vote:

Aye: 6 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Bonilla

Absent: 1 - Commissioner Siplin

17. **22-390** Adoption of Future Land Use Map Amendment SS-22-01-103, Ordinance, and Concurrent Rezoning RZ-22-01-001, Jonathan Martin, Kimley-Horn and Associates, Inc. (Continued from April 26, 2022, June 21, 2022 and September 27, 2022)

a. Amendment SS-22-01-103

Consideration: A request to change the Future Land Use Map designation from Commercial (C) to Planned Development - High Density Residential - Student Housing (PD-HDR-Student Housing) to allow for student housing apartment development; pursuant to Part II, Chapter 163, Florida Statutes and Orange County Code

Location: District 5; property located at 11731 E. Colonial Drive; generally located north of E. Colonial Drive, approximately 250 feet west of N. Alafaya Drive (legal property description on file in the Planning Division)

And

b. Ordinance for Proposed Amendments

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 Small-Scale Development Amendments pursuant to Section 163.3187, Florida Statutes; and providing effective dates.

And

c. Rezoning RZ-22-01-001

Consideration: Request to rezone one (1) parcel containing 3.64 gross acres from C-1 to PD, in order to construct a 600-bed student housing development. The request also includes the following waivers from Orange County Code: 1. A waiver from Section 30-248(d)(3) to allow a minimum 50 foot driveway length in lieu of 70 feet. 2. A waiver from Section 38-1251(b) to allow a maximum building coverage of all buildings up to sixty percent (60%) of the project in lieu of thirty percent (30%) of the gross land area. 3. A waiver from Section 38-1251(d) to allow a maximum height of seventy-five (75) feet for residential development in lieu of a maximum height of thirty-five (35) feet. 4. A waiver from Section 38-1254(1) to allow a fifteen (15') foot PD setback along Orpington Street, ten (10') foot PD setback along Crescent Blvd., and twenty-five (25') foot PD setback along remaining boundaries and no increase due to structure height from all boundaries of the PD in lieu of a minimum twenty-five foot (25') setback from all boundaries of the PD and increases due to structure height. 5. A waiver from Section 38-1254(2)(e) to allow a fifteen foot (15') building setback along the north boundary (Orpington Street) and ten feet (10') along the west boundary (Crescent Boulevard) in lieu of twenty feet (20') from all other rights-of-way. 6. A waiver from Section 38-1258(a) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height and located a minimum of eighty-five (85) feet from single family zoned property in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property restricted to single story in height. 7. A waiver from Section 38-1258(b) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height located between one hundred plus (100+) feet to one hundred and fifty (150) feet of a single-family zoned property in lieu of 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. 8. A waiver from Section 38-1258(c) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height located within one hundred and fifty (150) feet of single-family zoned property in lieu of three (3) stories (forty [40] feet) in height. 9. A waiver from Section 38-1259(b) to allow a minimum distance separation of eighty-five (85) feet between student housing development and single-family zoned property in lieu of a minimum distance separation of four hundred feet (400'). 10. A waiver from Section 38-1259(d) to allow for a vegetative buffer in lieu of a six-foot high masonry, brick or block wall constructed whenever a student housing development is located adjacent to any right-of-way. 11. A waiver from Section 38-1259(k) to allow five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height in lieu of a maximum building height of three (3) stories (forty [40] feet). 12. A waiver from Section 38-1272(a)(1) to allow eighty (80) percent impervious coverage in lieu of a maximum impervious coverage of seventy (70) percent of the net land area. 13. A

waiver from Section 38-1476(a) to allow for student housing parking at a ratio of nine tenths (0.9) spaces per bedroom, in lieu of one (1.0) space per bedroom; pursuant to Orange County Code, Chapter 30

Location: District 5; property located at 11731 E. Colonial Drive; generally north of E. Colonial Drive, west of Alafaya Trail, and east of Crescent Boulevard; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Jonathan Martin
- William Jervy
- Margery Jervy
- Sonia Rodriguez
- Brian Thomas
- Mikey Grindstaff (phonetic)

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, Sonia Rodriguez.

The following material was received by the Clerk prior to the close of the public hearing. The material referenced by the speaker was not presented to the Board: Submittal 1, Sonia Rodriguez.

Modified Condition of Approval # 15:

15. In connection with the development of the Fifty South Student Housing Planned Development (the "Project"), the Developer will, at Developer's expense, construct and/or install within existing Orange County right-of-way, to Orange County standards for design and construction, one of the following improvement options (the "Options"); such Option to be determined by Orange County before final approval of the Development Plan for the Project, or no later than six (6) months from the final approval of the Development Plan for the Project, or unless the Board of County Commissioners decides prior to that six month period which option to operate:

OPTION 1. Either a "cul-de-sac" or a "hammer-head" at the intersection of Crescent Blvd. and Cochin St. to prevent cut-through traffic from Alafaya Trail to Colonial Drive. Additionally, the improvements may include (i) a "crash gate" at Cochin St. to allow emergency vehicles the ability to access Crescent Blvd. from Cochin St. with pedestrian accessibility, and/or (ii) removal of a portion of asphalt at the western end of Cochin St. with a provision of a stabilized surface to allow emergency vehicles the ability to access Crescent Blvd. as well as to allow for a pedestrian connection:

OPTION 2. Developer shall install the following "traffic calming" improvements in or along Crescent Blvd., provided, however, any stop signs shall be warranted and approved by the BCC prior to installation in accordance with Section 21 -231(h), Orange County Code: (i) Stop signs going both directions at the intersection of Crescent Blvd. and Cochin St.; (ii) Stop signs going all

three directions at the intersection of Crescent Blvd. and Minorca St.; (iii) Stop signs going all four directions at the intersection of Crescent Blvd. and Orpington St.; (iv) Speed table(s) on Crescent Blvd. approximately half-way between Cochin St. and Minorca St. or at a location determined by the County traffic Engineer; and (v) Speed table(s) on Crescent Blvd. approximately half-way between Minorca St. and Orpington St. or at a location determined by the County traffic Engineer.

If the County has not yet selected one of the Options by the time Developer submits for Development Plan approval, Developer may submit alternative plans for Option 1 and Option 2 at the Development Plan phase so that the County can evaluate both Options in connection with the Development Plan review. If the County has not selected an Option within six (6) months following the approval of the Development Plan for the Project, the Developer may proceed with Option 2 to satisfy this condition. The Developer will be required to complete the applicable Option prior to the issuance of a final Certificate of Occupancy for the Project. Nothing herein is intended to delay or supersede the standard development process for the Project.

Renumber Condition of Approval # 16 to Condition of Approval # 18

~~16.~~ 18. The following waivers from Orange County Code are granted:

- a. A waiver from Section 30-248(d)(3) to allow a minimum 50-foot driveway length in lieu of 70-feet.
- b. A waiver from Section 38-1251(b) to allow a maximum building coverage of all buildings up to sixty percent (60%) of the project in lieu of thirty percent (30%) of the gross land area.
- c. A waiver from Section 38-1251 (d) to allow a maximum height of seventy-five (75) feet for residential development in lieu of a maximum height of thirty-five (35) feet.
- d. A waiver from Section 38-1254(1) to allow a fifteen (15') foot PD setback along Orpington Street, ten (10') foot PD setback along Crescent Blvd., and twenty-five (25') foot PD setback along remaining boundaries and no increase due to structure height from all boundaries of the PD in lieu of a minimum twenty-five foot (25') setback from all boundaries of the PD and increases due to structure height.
- e. A waiver from Section 38-1254(2)(e) to allow a fifteen foot (15') building setback along the north boundary (Orpington Street) and ten feet (10') along the west boundary (Crescent Boulevard) in lieu of twenty feet (20') from all other rights-of-way.
- f. A waiver from Section 38-1258(a) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy five [75] feet) in height and located a minimum of eighty-five (85) feet from single family zoned property in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property restricted to single story in height.
- g. A waiver from Section 38-1258(b) to allow multi-family buildings of five (5) stories (seventy [70]

feet) of dwelling units wrapping a 7-level parking structure (seventy five [75] feet) in height located between one hundred plus (100+) feet to one hundred and fifty (150) feet of a single-family zoned property in lieu of 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.

h. A waiver from Section 38-1258(c) to allow multi-family buildings of five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy five [75] feet) in height located within one hundred and fifty (150) feet of single family zoned property in lieu of three (3) stories (forty [40] feet) in height.

i. A waiver from Section 38-1259(b) to allow a minimum distance separation of eighty-five (85') feet between student housing development and single-family zoned property in lieu of a minimum distance separation of four hundred feet (400').

j. A waiver from Section 38-1259(d) to allow for a vegetative buffer in lieu of a six foot high masonry, brick or block wall constructed whenever a student housing development is located adjacent to any right-of-way.

k. A waiver from Section 38-1259(k) to allow five (5) stories (seventy [70] feet) of dwelling units wrapping a 7-level parking structure (seventy-five [75] feet) in height in lieu of a maximum building height of three (3) stories (forty [40] feet).

l. A waiver from Section 38-1272(a)(1) to allow eighty (80) percent impervious coverage in lieu of a maximum impervious coverage of seventy (70) percent of the net land area.

m. A waiver from Section 38-1476(a) to allow for student housing parking at a ratio of nine tenths (0.9) spaces per bedroom, in lieu of one (1.0) space per bedroom.

New Condition of Approval # 16:

16. If at the time of approval of the development plan the development is served by a UCF-affiliated shuttle or other transit option, one or more transit shelters shall be depicted on the mobility plan required by Section 38-1259(e) and those shelters must be located on or immediately adjacent to the development site to accommodate transit ridership to and from the development, consistent with Section 38-1259(i). If at the time of approval of the development plan the development is not served by a UCF-affiliated shuttle or other transit option, the developer shall make other arrangements for a shuttle or other transit option which must operate until such time that there is a UCF-affiliated shuttle or other transit operation serving the development.

New Condition of Approval # 17:

17. Balconies shall be prohibited on any apartment units facing the exterior of the project.

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to make a

finding of consistency with the Comprehensive Plan; further, adopt Amendment SS-22-01-103, Planned Development - High Density Residential - Student Housing (PD-HDR-Student Housing); further, adopt the associated Small-Scale Ordinance 2022-37; further, approve the concurrent rezoning request of one (1) parcel containing 3.64 gross acres from C-1 to PD, in order to construct a 600-bed student housing development subject to the sixteen (16) conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report dated October 3, 2022; further, modify condition of approval # 15; further renumber condition of approval # 16 (waivers) to condition of approval # 18; and further, approve new conditions of approval # 16 and #17. The motion carried by the following vote:

Aye: 6 - Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Mayor Demings

K. Comprehensive Plan - Transmittal of Regular Cycle Staff-Initiated Map and Text Amendment

18. 22-1274 Transmittal of Future Land Use Staff-Initiated Map and Text Amendment 2022-2-B-FLUE-7

a. Amendment 2022-2-B-FLUE-7

Text and map amendments to the Future Land Use Element and Future Land Use Map Series of the Comprehensive Plan implementing the recommendations of the Boggy Creek Small Area Study, including establishing the Boggy Creek USA Expansion Area to the Urban Service Area (USA) boundary, adding Map 5a, Boggy Creek USA Expansion Area to the Future Land Use Map Series, and adopting guidelines and principles for Future Land Use Map (FLUM) amendments and development within the USA expansion area. The text and map amendments also create the Orlando-Kissimmee Farms Rural Residential Enclave and add Map 25(e), Orlando-Kissimmee Farms Rural Residential Enclave, to the Future Land Use Map Series; District 4

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Bonilla, to make a finding that Amendment 2022-2-B-FLUE-7 is sufficiently complete; and further, transmit Amendment 2022-2-B-FLUE-7 to the state reviewing agencies. The motion carried by the following vote:

Aye: 6 - Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Mayor Demings

L. Ordinance/Comprehensive Plan - Adoption of Regular Cycle Amendments, Ordinance and Concurrent Rezoning Request

19. 22-1273 Adoption of Future Land Use Map Amendment 2021-1-A-4-1, Amendment 2021-1-B-FLUE-4 - FLU8.1.4 Text Amendment, Amendment 2021-1-B-FLUE-5 - FLU1.2.4 Text Amendment, Ordinance, and Concurrent Rezoning LUP-21-01-006, Matthew Gillespie, P.E., Kimley-Horn and

Associates, Inc., for Bennett Place Land Trust (Continued from October 11, 2022)

a. Amendment 2021-1-A-4-1

Applicant: Matthew Gillespie, P.E., Kimley-Horn and Associates, Inc., for Bennett Place Land Trust Rural/Agricultural (R) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR) and Urban Service Area (USA) Expansion; District 4

And

b. Amendment 2021-1-B-FLUE-4

Text Amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2021-1-A-4-1; District 4

And

c. Amendment 2021-1-B-FLUE-5

Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA), associated with Amendment 2021-1-A-4-1 District 4

And

d. Ordinance for Proposed Amendments

And

e. Rezoning LUP-21-01-006

Consideration: Request to rezone A-2 (Farmland Rural District) to PD (Planned Development District) (Bennett Place PD). Also requested are fifteen (15) waivers from Orange County Code: Waivers 1-5 are requested within Transition Zone 5, as shown on the Land Use Plan: 1) A waiver from Section 38-1254, to allow a 25' minimum building setback from an arterial street, in lieu of a 50' setback for multifamily; 2) A waiver from Section 38-1272, to allow a 25' minimum building setback from an arterial street, in lieu of a 40' setback for commercial; 3) A waiver from Section 38-1258(a), to allow five (5) story multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to a single story in height; 4) A waiver from Section 38-1258(b), to allow multi-family buildings located eighty (80) feet from single-family zoned property with a maximum of one hundred (100) percent of the buildings being five (5) stories (not to exceed eighty (80) feet) in height in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to 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; 5) A waiver from Section 38-1258(c), to allow five (5) story, eighty (80) feet in height multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories forty (40) feet in height; Waivers 6-8 are requested within Transition Zone 4, as shown on the Land Use Plan: 6) A waiver from Section 38-1258(a), to allow four (4) story multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single story in height; 7) A waiver from Section 38-1258(b), to allow multi-family buildings located eighty (80) feet from single-family zoned property with a maximum of one hundred (100) percent of the buildings being four (4) stories (not to exceed sixty-five (65) feet) in height in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property to 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; 8) A waiver from Section 38-1258(c), to allow four (4) story, sixty-five (65) feet in height multi-family buildings eighty (80) feet from single-family zoned property, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories forty (40) feet in height; Waivers 9-10 are requested within Transition Zone 4 and 5, as shown on the Land Use Plan: 9) A waiver from Section 38-1258(d), to allow a maximum building height of five (5) stories, eighty (80) feet for multi-family buildings, in lieu of three (3) stories, forty (40) feet; 10) A waiver from Section 38-1234(3), in Transition Zone 5 to allow a 15% minimum open space requirement for multifamily development in lieu of a 25% minimum, as well as a 15% minimum open space requirement for commercial development, in lieu of a 20% minimum. In Transition Zone 4 a request is made to allow a 20% minimum open space requirement for multifamily development, in lieu of a 25% minimum; Waivers 11-13 are requested within Transition Zone 3 and 4, as shown on the Land Use Plan: 11) A waiver from Section 38-1258(a), to allow four (4) story, sixty-five (65) feet in height multi-family buildings ten (10) feet from single-family zoned property along the southern and southwestern property lines, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property being restricted to single story in height; 12) A waiver from Section 38-1258(b), to allow four (4) story, sixty-five (65) feet in height multi-family buildings ten (10) feet from single-family zoned property along the southern and southwestern property lines with a maximum of one hundred (100) percent of the buildings being four (4) stories (not to exceed sixty-five (65) feet) in height, in lieu of multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty(150) feet of single-family zoned property to 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; 13) A waiver from Section 38-1258(c), to allow four (4) story, sixty-five (65) feet in height multi-family buildings ten (10) feet from single-family zoned property along the southern and southwestern property lines, in lieu of multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property not exceeding three (3) stories forty (40) feet in height; Waivers 14-15 are requested within Transition Zone 3, 4 and 5 as shown on the Land Use Plan: 14) A waiver from Section 38-1258(e), to allow parking and other paved areas for multi-family developments to be located a minimum of fifteen (15) feet from any single-family zoned property, in lieu of twenty-five (25) feet; and 15) A waiver is requested from Section 38-1476(a), to allow for

a 5% parking reduction, in lieu of parking being required at a rate of one and a half (1.5) spaces per one (1) bedroom dwelling unit and two (2) spaces for two (2) and three (3) bedroom dwelling units; pursuant to Part 11, Chapter 163, Florida Statutes and Orange County Code

Location: District 4; property located at 14727 and 14831 Boggy Creek Rd.; generally located on the east side of Boggy Creek Rd., south of Whispering Pines Rd., north of Simpson Rd., and west of Happy Ln. (legal property description on file in Planning Division)

The following persons addressed the Board:

- Jim Willard
- Mary Wilson

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendments are in compliance; further, adopt Amendment 2021-1-A-4-1, Planned Development-Commercial/Medium Density Residential (PD-C/MDR) and Urban Service Area (USA) Expansion; further, adopt Amendment 2021-1-B-FLUE-4, (Amend FLU8.1.4), further, adopt Amendment 2021-1-B-FLUE-5 (Expand USA); further, make a finding of consistency with the Comprehensive Plan, further, determine that the amendments are in compliance; further, adopt Ordinance 2022-38 approving the proposed Future Land Use Map Amendment and associated text amendments, consistent with today's actions; further, make a finding of consistency with the Comprehensive Plan, and further, approve the concurrent rezoning request from A-2 (Farmland Rural District) to PD (Planned Development District) (Bennett Place PD) subject to the twenty two (22) conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report dated October 25, 2022. The motion carried by the following vote:

Aye: 6 - Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Mayor Demings

M. Comprehensive Plan - Transmittal of Regular Cycle Staff-Initiated Map and Text Amendment

- 20. 22-1275** Transmittal of Regular Cycle Future Land Use Map Amendment 2022-2-A-4-2, Amendment 2022-2-B-FLUE-5 - FLU8.1.4 Text Amendment, and Amendment 2022-2-B-FLUE-6 - FLU1.2.4 Text Amendment, Derek Ramsburg, P.E., Kimley-Horn and Associates, Inc., for 14857 Boggy Creek, LLC and CD Boggy Creek Land Trust (Continued from October 11, 2022)

a. Amendment 2022-2-A-4-2

Consideration: A request to change the Future Land Use Designation from Rural/Agricultural (R) to Planned Development-Medium-High Density Residential/ Commercial (PD-MHDR/C) and Urban Service Area (USA) Expansion; pursuant to Part 11, Chapter 163, Florida Statutes and Orange County Code

Location: District 4; Generally located east of the Boggy Creek Road corridor, at the intersection

of Boggy Creek Rd. and the Simpson Rd. right-of-way, north of the Orange County-Osceola County line. - Parcel ID#s: 34-24-30-6368-00-572 and 34-24-30-6368-00-680; 11.57 gross ac.

And

b. Amendment 2022-2-B-FLUE-5

Consideration: Text Amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2022-2-A-4-2; District 4

And

c. Amendment 2022-2-B-FLUE-6

Consideration: Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA), associated with Amendment 2022-2-A-4-2; District 4

The following person addressed the Board: Jim Willard.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Bonilla, to make a finding that Amendments 2022-2-A-4-2, 2022-2-B-FLUE-5, 2022-2-B-FLUE-6 are sufficiently complete; and further, transmit Amendments 2022-2-A-4-2, 2022-2-B-FLUE-5, 2022-2-B-FLUE-6 to the state reviewing agencies. The motion carried by the following vote:

Aye: 6 - Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Mayor Demings

NONAGENDA

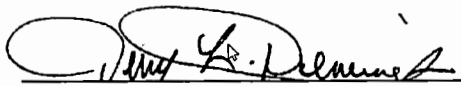
Commissioner Bonilla addressed the Board regarding a request by a group of citizens requesting a letter of support for the City of Winter Park grant application for the funding and study of lakes.

√ 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.

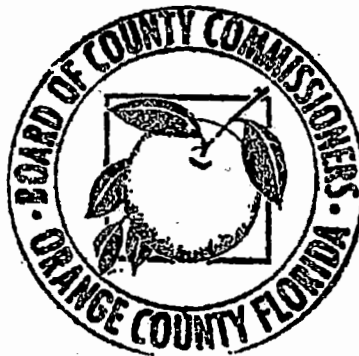
Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.

ADJOURNMENT: 7:33 p.m.

ATTEST:


County Mayor Jerry L. Demings

Date: November 29, 2022



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.