

BCC Mtg. Date: September 18, 2018

Orange County Government

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



Final BCC Meeting Minutes

Tuesday, August 21, 2018

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

Vice Mayor Thompson called the meeting to order at 9:10 a.m.

Present: 7 - Mayor Teresa Jacobs, Commissioner Rod A. Love, Commissioner Jennifer Thompson, Commissioner Pete Clarke, Commissioner Betsy VanderLey, Commissioner Emily Bonilla, and Commissioner Victoria P. Siplin

Others present:

County Comptroller Phil Diamond as Clerk
County Administrator Ajit Lalchandani
Assistant 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 - County Mayor

Pastor Antwoyn Mells, Sr., Mt. Sinai Seventh-day Adventist Church

Pledge of Allegiance**Presentation**

Proclamation recognizing September as National Recovery Month

Public Comment

The following persons addressed the Board for public comment:

- Brittany Sellers
- Paige Vick

I. CONSENT AGENDA**Approval of the Consent Agenda**

A motion was made by Commissioner Clarke, seconded by Commissioner Thompson, to approve the Consent Agenda, including Addendum #1, County Administrator Item 5. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

A. COUNTY COMPTROLLER

1. [18-1082](#) Approval of the minutes of the July 16 and July 17, 2018 meeting of the Board of County Commissioners.
2. [18-1083](#) 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:

- August 3, 2018, to August 9, 2018; \$30,550,270.97
- August 10, 2018, to August 16, 2018; \$33,745,581.71

(Finance/Accounting)
3. [18-1084](#) Disposition of Tangible Personal Property as follows.
(Property Accounting)

a. Scrap assets

B. COUNTY ADMINISTRATOR

1. [18-1085](#) Approval for the Orange County Sheriff's Office to spend \$5,000 from the FY 2018 Law Enforcement Trust Fund to provide an eligible contribution to Harbor House. (Office of Management and Budget)
2. [18-1086](#) Approval of budget amendments #18-48, #18-49, #18-50, and #18-51. (Office of Management and Budget)
3. [18-1087](#) Approval of budget transfers #18-1293 and #18C-0145. (Office of Management and Budget)
4. [18-1088](#) Approval of CIP amendment #18C-0145. (Office of Management and Budget)

Addendum #1

5. [18-1141](#) Approval to add 75 new deputies to the Sheriff's FY 2018-2019 budget to serve as School Resource Officers. (Office of Management and Budget)

C. COUNTY ATTORNEY

1. [18-1089](#) Approval of proposed new Administrative Regulation titled "*Delegation of Limited Authority to Execute Agreements Relating to Animal Services.*"
2. [18-1090](#) Approval of Resolution 2018-M-25 of the Orange County Board of County Commissioners regarding approval of a form Rescue Agreement relating to the Animal Services Division.

3. [18-1091](#) Approval of the Mediated Settlement Agreement in the case of *Orange County v. Mohammad Sajjad, et al.*, Case No. 2017-CA-008978-O, Parcels 1009 and 7009, Boggy Creek Road South Project (Osceola County line to SR 417), and authorization for the County Attorney's Office to agree to the entry of the proposed Stipulated Final Judgment as to Parcels 1009 and 7009 on behalf of Orange County.

D. ADMINISTRATIVE SERVICES DEPARTMENT

1. [18-1092](#) Approval to award Invitation for Bids Y18-771-RC, Marks Street Senior Center Ballroom HVAC Replacement, to the sole responsive and responsible bidder, Air Mechanical & Service Corp. The total contract award amount is \$223,112. ([Administrative Services Department Capital Projects Division] Procurement Division)
2. [18-1093](#) Approval to award Invitation for Bids Y18-723-TA, Presidents Drive (PS 3177 to Sand Lake Road) Wastewater System Improvements, to the low responsive and responsible bidder, Metro Equipment Service, Inc. The estimated contract award amount is \$2,109,057.30. ([Utilities Department Engineering Division] Procurement Division)
3. [18-1094](#) Approval to award Invitation for Bids Y18-764-EB, Orange County Convention Center Campus Cooler Alert System, to the sole responsive and responsible bidder, Air Mechanical & Service Corp. The total contract award amount is \$1,022,700. ([Convention Center Capital Planning Division] Procurement Division)
4. [18-1095](#) Approval of Amendment No. 7, Contract Y15-1053, Wellness Nurse Services, with Adventist Health System/Sunbelt, Inc. dba Florida Hospital Centra Care, in the amount of \$39,245, for a revised contract amount of \$187,070. ([Office of Accountability Human Resources Division] Procurement Division)
5. [18-1096](#) Selection of CDM Smith Inc. to provide Continuing Professional Consulting Services for Construction Engineering and Inspection (CEI) Services, Request for Proposals Y18-906-CH. ([Public Works Department Highway Construction Division] Procurement Division)
6. [18-1097](#) Approval and execution of Commercial Lease Agreement between MDH ORL/JAX Portfolio, LLC and Orange County and delegation of authority to the Real Estate Management Division to exercise renewal option, furnish notices, and execute Tenant Estoppel Certificates, required or allowed by the lease, as needed for Vineland Warehouse Storage 3600 Vineland Road, Orlando, Florida, 32811 Lease File #10001. District 6. (Real Estate Management Division)

7. [18-1098](#) Approval and execution of Sovereignty Submerged Lands Fee Waived Lease Renewal between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Orange County and authorization to disburse funds to pay submerged lands renewal fee, recording fees, and record instrument for Moss Park and Lake Mary Jane - Boat Dock 12901 Moss Park Road, Orlando, Florida, 32832 Lease File #4022. District 4. (Real Estate Management Division)
8. [18-1099](#) Approval and execution of Distribution Easement from Orange County to Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for Eastern Regional Water Supply Facility. District 4. (Real Estate Management Division)
9. [18-1100](#) Approval and execution of Easement for Access and Utilities (Ingress/Egress and Utility Line Construction) between Orange County and M/I Homes of Orlando, LLC with Joinder and Consent to Easement for Access and Utilities from BFC Plant Street, LLC and authorization to record instrument for Heritage at Plant Street Easement. District 1. (Real Estate Management Division)
10. [18-1101](#) Approval and execution of Utility Easement from The School Board of Orange County, Florida to Orange County and authorization to record instrument for Liberty Middle School Permit #15-E-025 OCU File #:81049. District 4. (Real Estate Management Division)
11. [18-1102](#) Approval and execution of Utility Easement from The School Board of Orange County, Florida to Orange County and authorization to record instrument for Meadow Woods ES Permit #16-U-046 OCU File #85906. District 4. (Real Estate Management Division)
12. [18-1103](#) Approval of Special Warranty Deed, Utilities, Sidewalk, Multi-Purpose Pathway, Roadway Appurtenances, Landscaping, and Drainage Easement, Temporary Slope Easement, and Temporary Construction Easement from Lennar Homes, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Innovation Way South Transportation Corridor - Segment 1. District 4. (Real Estate Management Division)
13. [18-1104](#) Approval of Utility Easement from Racetrac Petroleum, Inc. to Orange County and authorization to record instrument for RaceTrac #1091 - Crystal Creek Permit: B16904152 OCU File #: 89026. District 1. (Real Estate Management Division)
14. [18-1105](#) Approval of Utility Easement from JSF Landstar Boulevard CMPI, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Synovus Bank and authorization to record instruments for JDA/Meadow Woods Site Work Only Permit: B16902960 OCU File #:

87606. District 4. (Real Estate Management Division)

15. [18-1106](#) Approval of Drainage Easement from Eagle Creek Development Corporation to Orange County and authorization to record instrument for Eagle Creek Village K Phase 1A. District 4. (Real Estate Management Division)
16. [18-1107](#) Approval of Sidewalk Easement from Avalon Business Centre, LLC to Orange County and Subordination of Encumbrances to Property Rights to Orange County from Axiom Bank, National Association and authorization to record instruments for Avalon Business Center Permit #B17905032. District 4. (Real Estate Management Division)
17. [18-1108](#) Approval of Utility Easement from MWAD Phase II, LLC to Orange County and Subordination of Encumbrance to Property Rights to Orange County from Maitland West LLLP and authorization to record instruments for Maitland West Apartments Phase 1 Permit #16-E-083 OCU File#: 87766. District 5. (Real Estate Management Division)

E. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [18-1109](#) 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 18-0560	LC 18-0548	LC 18-0567	LC 18-0440	LC 18-0512
LC 18-0597	LC 18-0551	LC 18-0256	LC 18-0443	LC 18-0517
LC 18-0600	LC 18-0637	LC 18-0461	LC 18-0483	LC 18-0534
LC 18-0511	LC 18-0492	LC 18-0603	LC 18-0485	LC 18-0570

2. [18-1110](#) Approval and execution of Air Pollution Control Specific Operating Agreement between the State of Florida Department of Environmental Protection (DEP) and Orange County. All Districts. (Environmental Protection Division)
3. [18-1111](#) Approval and execution of the Amended and Restated Agreement to offer donation of Real Property between Orange County, Florida and Hubbard Construction Company. District 2. (Environmental Protection Division)
4. [18-1112](#) Approval and execution of Proportionate Share Agreement for "Windermere Center" Reams Road by and between Reams Development, LCC and Orange County for a proportionate share payment in the amount of \$551,041. District 1. (Roadway Agreement Committee)
5. [18-1113](#) Approval and execution of Proportionate Share Agreement for Bonneville

Drive Properties Office Colonial Drive by and between Sunset Associates, LLC and Orange County for a proportionate share payment in the amount of \$7,996. District 5. (Roadway Agreement Committee)

6. [18-1114](#) Approval and execution of Proportionate Share Agreement for Plunk Property Dean Road and Lake Underhill Road by and between The Singleton Family Limited Partnership and Orange County for a proportionate share payment in the amount of \$382,425. District 3. (Roadway Agreement Committee)
7. [18-1115](#) Approval and execution of Hold Harmless and Indemnification Agreement Parcel ID: 32-23-28-1874-00-200 by and between Elliot Ferwerda and Orange County to construct a new residence, pool, pool deck, and pool enclosure at 9940 Lone Tree Lane, Orlando, Florida 32836. District 1. (Zoning Division)

F. FAMILY SERVICES DEPARTMENT

1. [18-1116](#) Approval and execution of License Agreement between Orange County, Florida and H.E.L.P. Community Development Corporation related to Not-for-Profit Community Center Utilization for the Provision of Services Benefitting the Public License Agreement No. 20180701 for East Orange Community Center. (Community Action Division)
2. [18-1117](#) Approval and execution of License Agreement between Orange County, Florida and H.E.L.P. Community Development Corporation related to Not-for-Profit Community Center Utilization for the Provision of Services Benefitting the Public License Agreement No. 20180702 for Taft Community Center. (Community Action Division)
3. [18-1118](#) Approval and execution of License Agreement between Orange County, Florida and H.E.L.P. Community Development Corporation related to Not-for-Profit Community Center Utilization for the Provision of Services Benefitting the Public License Agreement No. 20180703 for Hal P. Marston Community Center. (Community Action Division)
4. [18-1119](#) Approval and execution of License Agreement between Orange County, Florida and H.E.L.P. Community Development Corporation related to Not-for-Profit Community Center Utilization for the Provision of Services Benefitting the Public License Agreement No. 20180704 for Maxey Community Center. (Community Action Division)
5. [18-1120](#) Approval and execution of License Agreement between Orange County, Florida and H.E.L.P. Community Development Corporation related to Not-for-Profit Community Center Utilization for the Provision of Services Benefitting the Public License Agreement No. 20180706 for Holden Heights Community Center. (Community Action Division)

6. [18-1121](#) Approval and execution of License Agreement between Orange County, Florida and H.E.L.P. Community Development Corporation related to Not-for-Profit Community Center Utilization for the Provision of Services Benefitting the Public License Agreement No. 20180707 for John Bridges Community Center. (Community Action Division)
7. [18-1122](#) Approval and execution of License Agreement between Orange County, Florida and H.E.L.P. Community Development Corporation related to Not-for-Profit Community Center Utilization for the Provision of Services Benefitting the Public License Agreement No. 20180708 for Pine Hills Community Center. (Community Action Division)

G. PUBLIC WORKS DEPARTMENT

1. [18-1123](#) Approval and execution of Memorandum of Understanding by and between Meritage Homes of Florida, Inc. and Orange County, Florida. District 4. (Development Engineering Division)
2. [18-1124](#) Approval of Traffic Control Devices and "No Parking" signs installation in Lakeshore Preserve Phase 5. District 1. (Traffic Engineering Division)
3. [18-1125](#) Approval of extension of "No Parking" zone on the east side of Winter Garden Vineland Road from Glenmuir Boulevard, extending approximately 410 feet south. District 1. (Traffic Engineering Division)
4. [18-1126](#) Approval to decrease the speed limit on Reams Road from Delmar Avenue to Silverlake Park Drive from 45 mph to 35 mph. District 1. (Traffic Engineering Division)
5. [18-1127](#) Approval and execution of (1) Resolution 2018-M-26 of the Orange County Board of County Commissioners regarding the Highway Maintenance Memorandum of Agreement with the Florida Department of Transportation and (2) Florida Department of Transportation Highway Maintenance Memorandum of Agreement Contract No.: ASB16 Financial Project No.: 405787-1-78-02. Districts 2, 3, 5, and 6. (Roads & Drainage Division)
6. [18-1128](#) Approval of Bishop & Buttrey Borrow Pit #164 Permit Renewal and Orange County Code Section 16-8(b)(1)d Waiver Request and authorization to issue Excavation Permit #07-E5-717. District 5. (Development Engineering Division)
7. [18-1129](#) Approval to decrease the speed limit on Chickasaw Trail from Colonial Drive to 230 feet north of American Rose Parkway from 45 mph hour to 40 mph. District 3. (Traffic Engineering Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. [18-1130](#) Receipt of the following items to file for the record: (Clerk's Office)
 - a. Florida Public Service Commission Consummating Order. In re: Petition for approval of amended standard offer contract (Schedule COG-2) based on combustion turbine avoided unit, by Duke Energy Florida, LLC.
 - b. Florida Public Service Commission Order approving limited proceeding to include in base rates the revenue requirement for the citrus combined cycle project. In re: Petition for limited proceeding for approval to include in base rates the revenue requirement for the Citrus combined cycle project, by Duke Energy Florida, LLC.
 - c. Florida Public Service Commission Order approving petition to modify general rules and regulations governing electric service, billing residential and non-residential budget billing. In re: Petition for approval of modifications to Section No. IV, general rules and regulations governing electric services, Part VIII billing, residential and non-residential budget billing, by Duke Energy Florida, LLC.
 - d. Audit Report No. 470 - Follow-up of the Audit of the Accountability of Traffic Citations in Orange County - Orange County Sheriff's Office.

This item was received and filed.

III. DISCUSSION AGENDA**A. COUNTY ADMINISTRATOR**

1. [18-1131](#) Approval and execution of documents related to the conveyance of the Sanford Burnham Prebys Medical Discovery Institute's facilities at Lake Nona to the University of Central Florida:

Termination and Release Agreement (SBP - Funding Parties);
Termination of Memorandum of Ground Lease;
Termination and Release of Primary Leasehold Mortgage and Security Agreement;
Transfer Agreement;
County Deed;
Release and Termination of Easement Agreements;
Termination of Access License Agreement (Permanent Facilities);
Amended and Restated Funding Parties Agreement; and
Termination of Memorandum of Funding Parties Agreement;

Approval of:

Special Warranty Deed for Improvements;
Promissory Note;
Mortgage;
State of Florida Uniform Commercial Code Financing Statement Form
(County);
State of Florida Uniform Commercial Code Financing Statement Form
(State);
and Release of Use Restriction and Reverter;

Authorization to record instruments for:

Delegation of authority to the Manager of the Real Estate Management Division or designee to perform all actions necessary and incidental to the transfer of the Property pursuant to the Transfer Agreement, including authority to furnish and execute any notices or instruments required or allowed under the Transfer Agreement and to insert the transfer date into any of the foregoing instruments requiring the insertion of an effective date; and

Delegation of authority to the County Administrator or designee to do all other things necessary and incidental for the performance of County obligations under the foregoing instruments.

The following persons addressed the Board:

- Marcos Marchena
- Deborah German
- Dale Whittaker

A motion was made by Mayor Jacobs, seconded by Commissioner Thompson, to approve and execute the following documents related to the conveyance of the Sanford Burnham Prebys Medical Discovery Institute's Facilities at Lake Nona to the University of Central Florida: Termination and Release Agreement (SBP – Funding parties); Termination of Memorandum of Ground Lease; Termination and Release of Primary Leasehold Mortgage and Security Agreement; Transfer Agreement; County Deed; Release and Termination of Easement Agreements; Termination of Access License Agreement (Permanent Facilities); Amended and Restated Funding Parties Agreement; and Termination of Memorandum of Funding Parties Agreement; further, approve the Special Warranty Deed for Improvements; Promissory Note; Mortgage; State of Florida Uniform Commercial Code Financing Statement Form (County); State of Florida Uniform Commercial Code Financing Statement Form (State); and Release of Use Restriction and Reverter; further, authorize to record instruments; further, delegate authority to the Manager of the Real Estate Management Division or designee to perform all actions necessary and incidental to the transfer of the Property pursuant to the Transfer Agreement, including authority to furnish and execute any notices or instruments required or allowed under the Transfer Agreement and to insert the transfer date into any of the foregoing instruments requiring the insertion of an effective date; and further, delegate authority to the County Administrator or designee to do all other things necessary and incidental for the performance of County obligations

under the foregoing instruments. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

2. [18-1132](#) Appointment of four Orange County representatives to the School Impact Fee Study Advisory Committee, one representing the Greater Orlando Builders Association.

Assistant County Administrator Testerman recommended to the Board the following appointments to the School Impact Fee Study Advisory Committee:

- Eric Marks (Orange County Representative)
- Dottie Wynn (Orange County Representative)
- John Martinez (Orange County Representative)
- Tara Tedrow (Greater Orlando Builders Association Representative)

A motion was made by Commissioner VanderLey, seconded by Commissioner Love, to appoint the recommended Orange County Representatives to serve on the School Impact Fee Study Advisory Group; and further, confirm the Greater Orlando Builders Association Representative. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

B. COMMISSIONER'S REPORT

1. [18-1133](#) Commissioner Bonilla requests to discuss July 10, 2018, Board of County Commissioners Meeting Minutes specifically adoption of the Rural Residential Enclave Comprehensive Plan Amendment (2018-2-C-FLUE-1)

Following comments by Orange County Comptroller Phil Diamond, discussion ensued. Per County Rules of Procedure, the Clerk included in the minutes all the actions of the Board including the names of the mover and seconder, and the vote of each member of the Board.

The Board took no action to modify the draft meeting minutes to include verbatim comments made during the public hearing on July 10, 2018. Comments made are included on the meeting's audio recording.

The Board considered the July 10, 2018, meeting minutes as prepared by the Clerk.

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to approve the minutes of the July 10, 2018 meeting of the Board of County Commissioners. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

C. ADMINISTRATIVE SERVICES DEPARTMENT

1. [18-1134](#) Selection of one firm and an alternate to provide Children's Mobile Crisis Unit, Request for Proposals Y18-1069-AH, from the following two firms, listed alphabetically:
 - Aspire Health Partners, Inc.
 - Devereux Florida

([Health Services Department Fiscal and Operational Support Division]
Procurement Division)

A motion was made by Commissioner Siplin, seconded by Commissioner VanderLey, to appoint Devereux Florida, 480 points, as the selected firm; and further, appoint Aspire Health Partners, Inc., 418 points, as the selected alternate. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

IV. WORK SESSION AGENDA

A. HEALTH SERVICES DEPARTMENT

1. [18-1135](#) Criminal Mental Health Diversion Pilot.

A motion was made by Commissioner Thompson, seconded by Commissioner Clarke, to add \$400,000 into the FY 2018-2019 budget for the Criminal Mental Health Diversion Pilot program. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

B. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [18-1136](#) Funding for Solar and Energy Loan Fund (SELF).

The following persons addressed the Board:

- Doug Coward
- Duanne Andrade

A motion was made by Commissioner Bonilla, seconded by Commissioner Clarke, to add \$50,000 into the FY 2018-2019 budget as a placeholder for the Solar and Energy Loan Fund (SELF) for one year. The motion failed by the following vote:

Aye: 2 - Commissioner Clarke, and Commissioner Bonilla

Nay: 5 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner VanderLey, and Commissioner Siplin

V. RECOMMENDATIONS

1. [18-1137](#) August 2, 2018 Board of Zoning Adjustment Recommendations

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

Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

VI. PUBLIC HEARINGS

1. [18-965](#) Preliminary Subdivision Plan

Adam Smith, VHB, Inc., Waterleigh Planned Development/ Waterleigh Phase 3 Preliminary Subdivision Plan, Case # PSP-17-10-324; District 1

Consideration: Waterleigh Planned Development / Waterleigh Phase 3 Preliminary Subdivision Plan, Case # PSP-17-10-324, submitted in accordance with Orange County Code, Sections 38-1381, 34-69 and 30-89; This Preliminary Subdivision Plan (PSP) is a request to subdivide 355.02 acres in order to construct 709 single-family residential dwelling units. This request also includes the following waivers from Orange County Code: 1.) A waiver from Orange County Code Section 34-152(c) is granted to allow lots to front a mew (park, open space, or similar space), in lieu of the 20' access to a dedicated public paved street. Legal access to these lots shall be through an ingress/egress easement and/or alley tract; 2.) A waiver from Orange County Code Section 38-1384(i)(4) is granted to allow lots greater than 50' in width that face neighborhood squares and park to be front loaded in lieu of access from a rear alley or from a rear-yard garage.

Location: District 1, property generally located South of Old YMCA Road / West of Avalon Road; Orange County, Florida (legal property description in Planning Division)

The following person addressed the Board: Adam Smith.

A motion was made by Commissioner VanderLey, seconded by Commissioner Clarke, to make a finding of consistency with the Comprehensive Plan; and approve the 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: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

2. [18-969](#) Preliminary Subdivision Plan

Scott Gentry, Kelly, Collins & Gentry, Inc., Hamlin Planned Development - Unified Neighborhood Plan / Hamlin Self Storage & Infrastructure for Lots 2A & 2B Preliminary Subdivision Plan / Development Plan, Case # PSP-17-03-080; District 1

Consideration: Hamlin Planned Development - Unified Neighborhood Plan / Hamlin Self Storage & Infrastructure for Lots 2A & 2B Preliminary Subdivision Plan / Development Plan, Case # PSP-17-03-080, submitted in accordance with Sections 34-69 and 30-89, Orange County

Code; This request is subdivide 7.13 acres in order to create two lots, consisting of a 141,637 square foot self-storage facility on Lot 2A and infrastructure for Lots 2A & 2B.

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

The following persons addressed the Board:

- Scott Gentry
- David Russell
- Linda Sibley
- Laura Betts

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

- Exhibit 1, from Scott Gentry
- Exhibit 2, from Linda Sibley
- Exhibit 3, from Laura Betts

A motion was made by Commissioner VanderLey, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan; and approve the 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: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

3. [18-707](#) Board of Zoning Adjustment Board-Called

Alex Nokhodchi, Case #VA-18-04-015, May 3, 2018; District 3

Case No.: Board of Zoning Adjustment, Case # VA-18-04-015; May 3, 2018

Consideration: Request for a variance in the R-1A zoning district as follows: 1. To allow a side setback of 1.8 ft. in lieu of 5 ft. 2. To allow a rear setback of 3.8 ft. in lieu of 5 ft.

Location: District 3, property generally located North of E. Pineloch Ave., west of S. Brown Ave.; Orange County, Florida (legal property description on file in Zoning Division)

The following person addressed the Board: Alex Nokhodchi.

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

A motion was made by Commissioner Clarke, seconded by Commissioner VanderLey, to overturn the May 3, 2018 Board of Zoning Adjustment recommendation of denial of variance #1; further, approve variance #1 and variance #2; and further, approve the conditions of approval listed with the Board of Zoning Adjustment recommendation. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

4. [18-966](#) Planning and Zoning Commission Board-Called

Alison M. Yurko, Case # RZ-18-05-026, June 21, 2018; District 2

Case No: Planning and Zoning Commission Case # RZ-18-05-026; June 21, 2018

Consideration: Request is to consider a rezoning of 0.475 gross acres at Parcel ID# 32-21-29-6080-00-290 (f.k.a 6448 N. Orange Blossom Trail) from C-1 (Retail Commercial District) to C-2 (General Commercial District).

Location: District 2; Parcel ID# 32-21-29-6080-00-290 (f.k.a 6448 N. Orange Blossom Trail); or generally located west of Busby Avenue, south of National Street, and on the southwest side of N. Orange Blossom Trail; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Alison Yurko
- Janneth Robinson
- Vincent Robinson
- Vincent Robinson Jr.

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

- Exhibit 1, from Alison Yurko
- Exhibit 2, from Vincent Robinson

A motion was made by Commissioner Love, seconded by Commissioner Siplin, to make a finding of inconsistency with the Comprehensive Plan; and deny the requested zoning from C-1 (Retail Commercial District) to C-2 (General Commercial District). The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

5. [18-967](#) Substantial Change

Don Cousins, Discovery Church Inc., Sand Lake Plaza Planned Development (PD) Land Use Plan (LUP), Case # CDR-18-05-138, amend plan; District 3

Consideration: A PD substantial change to request the following waiver from Orange County Code: "A waiver from Section 38-1272(a)(5) is requested to allow for a maximum commercial building height of fifty feet (50') to be located fifty feet from the R-3 property line outside of the PD in lieu of a maximum height of thirty-five feet (35') within one hundred feet (100') of any residential; 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 3, property generally located North of W. Sand Lake Road and West of Voltaire Drive; 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 VanderLey, seconded by Commissioner Love, 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: 5 - Mayor Jacobs, Commissioner Love, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

Absent: 1 - Commissioner Thompson

Abstain: 1 - Commissioner Clarke

6. [18-914](#) Substantial Change

Linda Dodge, Orlando Executive Park, LLC., The Home Depot at Lee Road and I-4 Preliminary Subdivision Plan (PSP), Case # CDR-18-01-006, amend plan; District 2 (Continued from July 31, 2018)

Consideration: This Preliminary Subdivision Plan (PSP) substantial change is a request to remove the September 18, 2001, BCC Condition of Approval #3, which among other things required the existing billboard to be removed at the termination of the lease agreement (July 13, 2013), with no lease options permitted; pursuant to Orange County Code, Sections 34-69 and 30-89.

Location: District 2, property generally located north of Lee Road/ West of Interstate 4; Orange County, Florida (legal property description in Planning Division)

The following persons addressed the Board:

- Craig Swygert
- Tom Wilkes
- Linda Dodge

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

Exhibit 1, from Craig Swygert
Exhibit 2, from Tom Wilkes

A motion was made by Commissioner Love, seconded by Commissioner Thompson, to continue the public hearing until October 2, 2018, at 2 p.m. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

7. [18-756](#) Substantial Change

David E. Axel, Axel Real Estate, Lake Pickett Cluster Parcels 1, 2, & 3
Preliminary Subdivision Plan, Case # CDR-18-02-062, amend plan; District
5 (Continued from July 10, July 17, and August 7, 2018)

Consideration: Substantial change request to add gated entrances, revise project phasing, and delete the August 22, 2017, BCC condition of approval #36, which requires the HOA to maintain failing septic tanks at the homeowner's expense. This project is proposed to be a gated community pursuant to Orange County Code Section 34-280, 34-290, and 34-291.

Location: District 5; property generally located North of Lake Pickett Road / East of Chuluota Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Miranda Fitzgerald.

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

The following are proposed changes to the Conditions of Approval in the Staff Report:

Modify Condition of Approval 8:

8. ~~Developer shall contribute its pro-rata share of the safety improvements on Lake Pickett Road.~~

The following additional conditions of approval with respect to Lake Pickett Road shall apply:

a. Applicant will construct eastbound left turn lanes on Lake Pickett Road at both project entrances at the time of development of the first phase, such turn lanes to be designed in accordance with Florida Greenbook standards.

b. At the time of such turn lane construction, Applicant will mill and resurface the approximate eighty-five foot (85') gap between the eastern limits of the Heartwood PSP (PSP 17-01-012) turn lane taper and the project's east entrance turn lane taper, as well as the approximate five hundred foot (500') gap between the turn lane tapers at the project's east and west entrances.

c. Applicant will, at Orange County's discretion, either install or fund at a rate of One Dollar Twenty Five Cents (\$1.25) per linear foot ("Rumble Striping Payment"), profiled thermoplastic pavement markings ("Rumble Striping") for both edgelines and centerlines within the limits of resurfacing. Centerline striping will include reflective pavement markings ("RPM's")

d. At the time of development of each project entrance, Applicant shall install lighting of the project entry features and roadway lighting sufficient to light the entrance intersections to an initial average horizontal illumination level of 1.0 foot candle. The roadway lighting may be within the Applicant's property or within the Orange County right-of-way. If the lighting is installed within the County right-of-way, the maintenance cost for the lighting shall be included in the HOA's lighting maintenance contract with the utility company.

e. Applicant shall pay Fifty Thousand Dollars (\$50,000) toward the cost of any additional safety improvements that the County may determine are necessary on Lake Pickett Road within the project Limits, which limits shall extend from the eastern edge of the improvements to be made as

per Heartwood PSP (PSP 17-01-012) to 100 feet past the taper for the east project entrance ("Safety Improvement Payment"). The Safety Improvement Payment shall be due prior to issuance of the first building permit.

f. In consideration of the Applicant constructing the above improvements, making the Rumble Striping Payment (if applicable) and making the Safety Improvement Payment, Applicant shall not be required to construct or pay for any additional improvements to Lake Pickett Road, either within or outside the project Limits, including but not limited to, the paving of shoulders along the right-of-way or application of friction course materials beyond the \$50,000 cap, except as otherwise may be required by the Orange County subdivision regulations regarding adequate ingress and egress to and from the project.

g. The parties acknowledge that there is a pending Orange County roadway resurfacing project for the segment of Lake Pickett Road from Chuluota Road to Fort Christmas Road, which project may include the application of friction course materials and the construction of paved shoulders at Orange County's expense. The Applicant and Orange County shall work cooperatively to facilitate the roadway resurfacing project within the Project Limits; provided that such cooperation shall not result in additional expense to Applicant beyond the \$50,000 cap.

Delete Condition of Approval 9d:

~~9d. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaires used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaires used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaires from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaires and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.~~

Delete Condition of Approval 9h:

~~9h. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.~~

New Condition of Approval 9ff:

Recorded covenants and restrictions for this subdivision will include a provision that authorizes the Home Owners Association ("HOA") to maintain and repair failing septic tanks at the HOA's expense and grants access to the County and other appropriate agencies to inspect septic systems.

New Condition of Approval 9gg:

9gg. Florida Department of Health and Orange County septic tank regulations applicable to the project at the time of construction of each septic tank shall be complied with.

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, 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, modify Condition of Approval #8; further, delete Condition of Approval #9d; further, delete Condition of Approval #9h; further, add new Condition of Approval #9ff; and further, add new Condition of Approval #9gg. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

8. [18-1024](#) Ordinance

Relating to Taxation Granting an Economic Development Exemption from
Certain Ad Valorem Taxation for Amicus Biologics, Inc., a New Business

Consideration: AN ORDINANCE OF ORANGE COUNTY, FLORIDA RELATING TO TAXATION; GRANTING AN ECONOMIC DEVELOPMENT EXEMPTION FROM CERTAIN AD VALOREM TAXATION FOR AMICUS BIOLOGICS, INC., A NEW BUSINESS; PROVIDING FOR DEFINITIONS; PROVIDING FINDINGS; PROVIDING FOR THE ESTIMATED REVENUE LOSS ATTRIBUTABLE TO THE EXEMPTION GRANTED TO AMICUS BIOLOGICS, INC.; PROVIDING THE LEVEL OF EXEMPTION AND TERM THE EXEMPTION WILL REMAIN IN EFFECT; PROVIDING FOR APPLICABILITY; PROVIDING AN EFFECTIVE DATE.

A motion was made by Commissioner Thompson, seconded by Commissioner VanderLey, to adopt Ordinance 2018-19 of Orange County, Florida relating to taxation; further, grant an economic development exemption from certain ad valorem taxation for Amicus Biologics, Inc., and further, approve the Economic Development Ad Valorem Tax Exemption Agreement between Orange County and Amicus Biologics, Inc. The motion carried by the following vote:

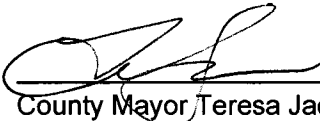
Aye: 7 - Mayor Jacobs, Commissioner Love, Commissioner Thompson, Commissioner Clarke, Commissioner VanderLey, Commissioner Bonilla, and Commissioner Siplin

✓ 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: 4:09 p.m.

ATTEST:



County Mayor Teresa Jacobs


Date: SEP 18 2018

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.