

# Orange County Government

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



## Final Meeting Minutes

Tuesday, January 14, 2020

9:00 AM

County Commission Chambers

**Board of County Commissioners**

**Call to Order**

County Mayor Demings called the meeting to order at 9:06 a.m.

**Present:** 6 - Mayor Jerry L. Demings, Commissioner Betsy VanderLey, Commissioner Mayra Uribe, Commissioner Maribel Gomez Cordero, Commissioner Emily Bonilla, and Commissioner Victoria P. Siplin

**Absent:** 1 - Commissioner Christine Moore

Others present:

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

**Invocation - District 5**

Minister Denise Lewis, Society of Servant Leaders

**Pledge of Allegiance**

**Presentation**

Proclamation recognizing January 20, 2020 as Dr. Martin Luther King Jr. Day

**Public Comment**

The following persons addressed the Board for public comment:

- Sally Baptiste
- Angel Baez-Camacho
- Jose Colon
- Andres Gaviria
- Camila Muriel
- Venor Toland
- David Sodar
- Darius Darvell Sneed

The following materials were presented to the Board during public comment:

Exhibit 1, from Sally Baptiste  
Exhibit 2, from Andres Gaviria

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

The Mayor deferred action on County Attorney Item 1; and further, a motion was made by Commissioner Uribe, seconded by Commissioner VanderLey, to approve the balance of the Consent Agenda. The motion carried by the following vote:

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

**A. COUNTY MAYOR**

1. **20-047** Confirmation of the Mayor's managerial appointment of Mark Tester as Executive Director, Orange County Convention Center.

**B. COUNTY COMPTROLLER**

1. **20-048** Approval of the minutes of the December 3, 2019 meeting of the Board of County Commissioners. (Clerk's Office)
2. **20-049** 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:
  - December 13, 2019, to December 19, 2019; \$39,925,248.02
  - December 20, 2019, to December 26, 2019; \$51,860,703.97
  - December 27, 2019, to January 02, 2020; \$98,366,252.89
  - January 03, 2020, to January 09, 2020; \$30,326,655.66.

(Finance/Accounting)

**C. COUNTY ADMINISTRATOR**

1. **20-050** Confirmation of Commissioner Bonilla's appointment of Beverly Haun to the Lake Pickett Advisory Board with a term expiring December 31, 2020. (Agenda Development Office)
2. **20-051** Approval and execution of Agreement between Orange County, Florida and City of Winter Park, Florida The Winter Park Canopy (1050 West Morse Blvd., Winter Park, Florida 32789). (Fiscal and Business Services Division)
3. **20-052** 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 2019-20 through 2021-22. (Human Resources Division)

4. **20-053** Approval for the Orange County Sheriff's Office to spend \$7,500 from the Law Enforcement Trust Fund to provide eligible contributions to National Latino Peace Officers Association, Central Florida Chapter (\$2,500) and Fraternal Order of Police (FOP) Lodge 93 "Cops and Kids" Program (\$5,000). (Office of Management and Budget)
5. **20-054** Approval of budget amendments #20-19, #20-20, #20-21, #20-22, #20-23, #20-24, #20-25, #20-26, #20-27, and #20-28. (Office of Management and Budget)

#### D. COUNTY ATTORNEY

1. **20-055** Approval and execution of Funding Agreement Among Orange County, Florida and City of Orlando, Florida and Dr. Phillips Center for the Performing Arts, Inc. Dr. Phillips Performing Arts Center.

(This item was deferred.)

#### E. ADMINISTRATIVE SERVICES DEPARTMENT

1. **20-056** Approval and execution of (1) Federally-Funded Subaward and Grant Agreement between the State of Florida, Division of Emergency Management and Orange County Agreement Number: H0398 Project Number: 4337-315-R in the amount of \$187,808.25 with the period of performance ending on January 31, 2022; (2) Request for Advance or Reimbursement of Hazard Mitigation Assistance Program Funds; (3) Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion; and (4) Federal Funding Accountability and Transparency Act for the South Econ Recreation Center. There is a required 25% project cost match in the amount of \$62,602.75, for a total project cost of \$250,411. (Capital Projects Division)
2. **20-057** Approval to award Invitation for Bids Y20-106-PD, Landscape Maintenance Roads and Drainage Division, to the low responsive and responsible bidder, Lawnwalker Service, Inc. for Lots B, C, and D. The estimated contract award amount is \$1,801,572.55 for a base year. ([Public Works Department Roads and Drainage Division] Procurement Division)
3. **20-058** Approval to award Invitation for Bids Y20-715-CH, University Boulevard and Forsyth Road Intersection Improvements, to the low responsive and responsible bidder, Stage Door II, Inc. The estimated contract award amount is \$323,571.50. ([Public Works Department Engineering Division] Procurement Division)
4. **20-059** Approval of Amendment No. 6, Contract Y19-2102, Children's Services Programming, with Boys & Girls Clubs of Central Florida, in the amount of \$51,975, for a revised total contract amount of \$2,146,901. ([Community and

Family Services Department Citizens' Commission for Children Division]  
Procurement Division)

5. **20-060** Selection of Lerch Bates Inc. to provide Design Services for the Orange County Courthouse Escalator Modernization, Request for Proposals Y20-807-RM. ([Administrative Services Department Capital Projects Division] Procurement Division)
6. **20-061** Approval and execution of Use and Occupancy Agreement between Orange County, Florida and State of Florida Department of Transportation and delegation of authority to the Real Estate Management Division to execute termination notice and furnish notices, required or allowed by the lease, as needed for Convention Center Employees & Contractors Parking Northeast corner of Interstate 4 and State Road 528 Lease File #4046. District 6. (Real Estate Management Division)
7. **20-062** Approval and execution of Subordination of Utility Interests from Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, to Orange County and authorization to disburse funds to pay recording fees and record instrument for Boggy Creek Rd (Osceola Cnty line to 600' N. of Central FI Greenway SR 417). District 4. (Real Estate Management Division)
8. **20-063** Approval and execution of County Deed from Orange County to Independent Insurance Agents of Central Florida, Inc. and authorization to record instrument for 845 N. Fern Creek Avenue, Orlando, Florida 32803. District 5. (Real Estate Management Division)
9. **20-064** Approval of Corrective Special Warranty Deed from Kerina Wildwood, LLC to Orange County, approval and execution of First Amendment to Utility Easement and First Amendment to Temporary Construction Easement between Kerina Wildwood, LLC and Orange County and authorization to disburse funds to pay recording fees and perform all actions necessary and incidental to closing for Palm Parkway Connector. District 1. (Real Estate Management Division)

#### **F. COMMUNITY AND FAMILY SERVICES DEPARTMENT**

1. **20-065** Approval and execution of License Agreement between Orange County, Florida and The University of Central Florida Board of Trustees related to State of Florida University Community Center Utilization for the Provision of Services Benefitting the Public License Agreement No. 20181001 for Holden Heights Community Center and authorization for the Director of the Community and Family Services Department to execute any permitted renewals of the license agreement so long as those renewals do not substantively change or alter the terms and conditions of the license agreement. (Community Action Division)

2. **20-066** Acceptance of University of Florida's appointment of Hannah Wooten as Orange County Extension Agent I, Commercial Horticulture. All Districts. (Cooperative Extension Division)
3. **20-067** Approval and execution of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at East Orange Head Start. This application is only executed by Orange County. (Head Start Division)
4. **20-068** Receipt and filing of Head Start Policy Council Program Information and Updates November 2019 and Head Start Policy Council Meeting Minutes September 26, 2019 for the official county record. (Head Start Division)

#### **G. PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT**

1. **20-069** 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. Districts 1, 2, 3, 4, and 6. (Code Enforcement Division)

LC 20-0079	LC 20-0075	LC 20-0142	LC 20-0103	LC 20-0068
LC 20-0133	LC 20-0115	LC 20-0158	LC 20-0108	LC 20-0069
LC 19-1034	LC 20-0121	LC 20-0164	LC 20-0153	LC 20-0082
LC 19-1086	LC 20-0123	LC 20-0165	LC 19-1026	LC 20-0083
LC 19-1094	LC 20-0125	LC 19-1114	LC 19-0968	LC 20-0088
LC 20-0004	LC 20-0126	LC 19-1121	LC 19-1051	LC 20-0095
LC 20-0060	LC 20-0127	LC 20-0024	LC 20-0055	LC 20-0101
LC 20-0073	LC 20-0132	LC 20-0056	LC 20-0059	LC 20-0150

2. **20-070** Approval of revision to the Fee Directory Fiscal Year 2019-2020 adding a fee of \$976 for Dynamic Art Application. District 6. (Planning Division)
3. **20-071** Approval and execution of Proportionate Share Agreement for OAP Prologis Phase 2 Boggy Creek Road by and between AMB Orlando Airport Park, LLC and Orange County for a proportionate share payment in the amount of \$95,616. District 4. (Roadway Agreement Committee)

#### **H. PUBLIC WORKS DEPARTMENT**

1. **20-072** Approval of Traffic Control Devices and "No Parking" signs installation in Encore at Ovation - Phase 1. District 1. (Traffic Engineering Division)
2. **20-073** Approval of Traffic Control Devices and "No Parking" signs installation in Encore at Ovation - Phase 2. District 1. (Traffic Engineering Division)
3. **20-074** Approval of Traffic Control Devices installation in Hamilton Gardens Phase

2A and 2B. District 1. (Traffic Engineering Division)

4. **20-075** Approval of Traffic Control Devices and “No Parking” signs installation in Oaks at Moss Park Phase N2 and O. District 4. (Traffic Engineering Division)
5. **20-076** Approval to change the traffic signal at Granada P.D. south entrance from flashing to full operation. District 1. (Traffic Engineering Division)
6. **20-077** Approval and execution of Mitigation Credits Purchase Agreement (Shingle Creek Regional Trail - Phase 1, Segment 3) by and between UMAM LLC and Orange County. District 1. (Engineering Division)
7. **20-078** Approval of modification to Excavation Permit #15-E4-0061, Farmland Reserve All Aboard Borrow Pit to extend the hours of operation and hauling. District 4. (Development Engineering Division)

#### **I. UTILITIES DEPARTMENT**

1. **20-079** Approval and execution of Utility Line Construction Reimbursement Agreement for CR 545 - Segment 4 Reclaimed Water Main Improvements by and between Orange County and D.R. Horton, Inc. in the total payment obligation amount of \$831,700. District 1.

#### **II. INFORMATIONAL ITEMS\*\***

##### **A. COUNTY COMPTROLLER**

1. **20-080** Receipt of the following items to file for the record: (Clerk’s Office)
  - a. City of Ocoee Ordinance No. 2019-035 (Annexation Ordinance for Daka Property - 8807 Hackney Prairie Road) Tax Parcel ID: 03-22-28-0000-00-052 & 03-22-28-0000-00-101 Case No. AX-09-19-85: Daka Property - 8807 Hackney Prairie Road Annexation. An Ordinance of the City of Ocoee, Florida, annexing into the corporate limits of the City of Ocoee, Florida, certain real property containing approximately +/-2.13 acres located on the north side of Hackney Prairie Road, approximately 2,683 feet east of North Clarke Road, pursuant to the application submitted by the property owner; finding said annexation to be consistent with the Ocoee Comprehensive Plan, the Ocoee City Code; providing for and authorizing the updating of official city maps; providing direction to the City Clerk; providing for severability; repealing inconsistent ordinances; providing for an effective date.
  - b. Minutes of the November 19, 2019 Meeting in the Sunshine. Commissioners Maribel Gomez Cordero and Mayra Uribe participated in a meeting of Faith Business Alliance, to discuss homeless community

resources.

c. Audit Report No. 479 - Investigation of Payments Made to Professional Guardian-Rebecca Fierle by AdventHealth

These items were received and filed.

### III. DISCUSSION AGENDA

#### A COUNTY ADMINISTRATOR

1. **20-081** Nomination of Crockett Bohannon to serve as an Orange County representative on the Library Board of Trustees with a term effective January 14, 2020 and expiring December 31, 2023. (Agenda Development Office)

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Bonilla, to nominate Crockett Bohannon for appointment as the Orange County representative on the Library Board of Trustees with a term effective January 14, 2020 and expiring December 31, 2023. The motion carried by the following vote:

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

2. **20-082** ***Adjourn as the Orange County Board of County Commissioners and convene as the Orange County Library District Governing Board***  
Appointment of Crockett Bohannon to the Library Board of Trustees with a term effective January 14, 2020 and expiring December 31, 2023;  
-and-  
Appointment of Danielle Levien to the Library Board of Trustees as a City of Orlando representative with a term effective January 14, 2020 and expiring December 31, 2023;  
-and-  
Approval of the January 8, 2019, April 9, 2019, July 15, 2019, September 9, 2019, and September 24, 2019 meeting minutes of the Library District Governing Board. (Agenda Development Office)  
***Adjourns the Orange County Library District Governing Board and reconvene as the Orange County Board of County Commissioners***

The Orange County Board of County Commissioners took no action. Refer to the Orange County Library District Governing Board Minutes appended to Legislative File 20-082, for action taken by the Orange County Library District Governing Board.

3. **20-083** Appointment to the Code Enforcement Board of Lyndell L. Mims in the general contractor category and Joseph H. Morgan in the architect category with terms expiring December 31, 2022. (Agenda Development Office)

A motion was made by Commissioner Siplin, seconded by Commissioner VanderLey, to appoint Lyndell Mims to the Code Enforcement Board in the general contractor category with a term expiring December 31, 2022; and further, appoint Joseph Morgan to the Code Enforcement



Board in the architect category with a term expiring December 31, 2022. The motion carried by the following vote:

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

4. **20-084** Reappointment of Ronald Rogers and Roxy Santiago to the Membership and Mission Review Board in the at large representative category with terms expiring December 31, 2021. (Agenda Development Office)

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to reappoint Ronald Rogers and Roxy Santiago to the Membership and Mission Review Board in the at large representative category with terms expiring December 31, 2021. The motion carried by the following vote:

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

5. **20-085** Appointment of two individuals to the Planning and Zoning Commission in the at large representative category with terms expiring December 31, 2021. (Agenda Development Office)

Board members made nominations as follows:

Mayor Demings nominated Evelyn Cardenas.

Mayor Demings nominated Bill Etienne.

Commissioner VanderLey nominated Tina Blake Boyer.

AYE votes cast by voice vote for Evelyn Cardenas as follows: Mayor Demings, Commissioners VanderLey, Uribe, Gomez Cordero, Bonilla, and Siplin  
Member absent - Commissioner Moore

Evelyn Cardenas received a majority to be appointed to the Planning and Zoning Commission in the at large representative category with a term expiring December 31, 2021; no further votes were cast.

AYE votes cast by voice vote for Bill Etienne as follows: Mayor Demings, Commissioners Uribe, Bonilla, and Siplin

NAY votes cast by voice vote for Bill Etienne as follows: Commissioners VanderLey and Gomez Cordero

Member absent - Commissioner Moore

Bill Etienne received a majority to be appointed to the Planning and Zoning Commission in the at large representative category with a term expiring December 31, 2021; no further votes were cast.

6. **20-086** Reappointment of Tara Early to the Tourist Development Tax Sports Incentive Committee in the citizen representative category with a term expiring December 31, 2022. (Agenda Development Office)

Mayor Demings nominated Tara Early.

AYE votes cast by voice vote for Tara Early as follows: Mayor Demings, Commissioners VanderLey, Uribe, Gomez Cordero, Bonilla, and Siplin  
Member absent - Commissioner Moore

Tara Early received a majority to be reappointed to the Tourist Development Tax Sports Incentive Committee in the citizen representative with a term expiring December 31, 2022; no further votes were cast.

7. **20-087** Appointment of Terry Prather to the Visit Orlando Board of Directors with a term expiring December 31, 2021.

A motion was made by Mayor Demings, seconded by Commissioner Siplin, to appoint Terry Prather to the Visit Orlando Board of Directors with a term expiring December 31, 2021. No vote was taken.

A motion was made by Commissioner Uribe, seconded by Commissioner Bonilla, to appoint Diana Font to the Visit Orlando Board of Directors with a term expiring December 31, 2021. The motion carried by the following vote:

Aye: Commissioner VanderLey, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

NAY: Mayor Demings

Discussion ensued.

The Board tabled the item.

## **B. ADMINISTRATIVE SERVICES DEPARTMENT**

1. **20-088** Selection of one firm and two ranked alternates to provide Continuing Consulting Services for the Geotechnical Engineering, Testing and Inspection for the Orange County Convention Center North/South Building Improvements, Request for Proposals Y20-902-JS, from the following three firms, listed alphabetically:

- Professional Service Industries, Inc. (PSI)
- Terracon Consultants, Inc.
- Universal Engineering Sciences, Inc.

([Convention Center Facility Operations Division] Procurement Division)

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to appoint Terracon Consultants, Inc., 484 points, as the selected firm; and further, appoint Professional Service Industries, Inc., 478.50 points, and Universal Engineering Sciences, Inc., 298.33 points, as the selected ranked alternates. The motion carried by the following vote:

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

### C. PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, that this item be Accepted. The motion carried by the following vote:

1. **20-089** Approval and execution of First Amendment to Road Network and Mitigation Agreement (The Grow, A/k/a Lake Pickett South) S.R. 50 and Chuluota Road by and among American Land Investments of Orange County, LLC, Banksville of Florida, Inc., Nivesa of Florida, Inc., and Orange County to provide for an alternative mitigation payment schedule totaling \$26 million. District 5. (Planning Division)

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to approve and execute the First Amendment to Road Network and Mitigation Agreement (The Grow, a/k/a Lake Pickett South) S.R. 50 and Chuluota Road by and among American Land Investments of Orange County, LLC, Banksville of Florida, Inc., Nivesa of Florida, Inc., and Orange County to provide for an alternative mitigation payment schedule totaling \$26 million. The motion carried by the following vote:

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

**Absent:** 1 - Commissioner Moore

### D. COUNTY MAYOR

1. **20-090** Open discussion on issues of interest to the Board.  
  
-District 2 - Enhancing Employee Retention  
-District 5 - Orange County Code 5-32

The Board took no action.

## IV. RECOMMENDATIONS

1. **20-001** December 5, 2019 Board of Zoning Adjustment Recommendations

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

**Aye:** 5 - Mayor Demings, Commissioner VanderLey, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

**Absent:** 1 - Commissioner Uribe

2. **20-002** December 19, 2019 Planning and Zoning Board Recommendations

A motion was made by Commissioner VanderLey, seconded by Commissioner Siplin, to approve the recommendations, with the exception of Case # RZ-19-10-044, Stephen Allen (Board Called) and Case # RZ-19-12-058, Ismael Portalatin (Board Called), 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 VanderLey, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

## V. PUBLIC HEARINGS

### 1. 20-034 Shoreline Alteration/Dredge and Fill

Henri and Nicolette Johnson, Lake Butler, permit, SADF-19-10-016; District 1

**Consideration:** Request for a Shoreline Alteration/Dredge and Fill Permit SADF # 19-10-016 to request a permit to construct a new seawall with backfill and riprap on Lake Butler, pursuant to Orange County Code, Chapter 33, Article IV, Windermere Water and Navigation Control District

**Location:** District 1; on property located adjacent to Lake Butler, located at 3444 S. Lake Butler Blvd., Windermere, FL 34786; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to accept the findings and recommendation of the Environmental Protection Division; and further, approve the Shoreline Alteration/Dredge and Fill Permit (SADF-19-10-016) for Henri and Nicolette Johnson subject to the conditions of approval listed in the Staff Report. The motion carried by the following vote:

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

### 2. 20-040 Shoreline Alteration/Dredge and Fill Public Hearing

Eric and Robin Leonard, Lake Willis, permit, SADF-19-10-015; District 1

**Consideration:** Request for a Shoreline Alteration/Dredge and Fill Permit SADF # 19-10-015 to request a permit to construct a riprap revetment on Lake Willis; pursuant to Orange County Code, Chapter 15, Article VI, Pumping and Dredging Control

**Location:** District 1; on property located adjacent to Lake Willis, located at 7014 Lake Willis Drive, Orlando, FL 32821; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to accept the findings and recommendation of the Environmental Protection Division; and further, approve the Shoreline Alteration/Dredge and Fill Permit (SADF-19-10-015) for Eric and Robin Leonard subject to the conditions of approval listed in the Staff Report. The motion carried by the following vote:

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

**3. 20-025 Shoreline Alteration/Dredge and Fill**

Linda McClung, Lake Gatlin, after-the-fact permit, SADF-19-11-018; District 3

**Consideration:** Request for an After-the-fact Shoreline Alteration/Dredge and Fill Permit SADF # 19-11-018 to make repairs to an unpermitted, existing seawall on Lake Gatlin; pursuant to Orange County Code, Chapter 33, Section 33-37, Article II, Lake Conway Water and Navigational Control District

**Location:** District 3; on property located adjacent to Lake Gatlin, located at 4716 Waterwitch Point Drive, Orlando, Florida 32806; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to accept the findings and recommendation of the Environmental Protection Division; and further, approve the After-the-Fact Shoreline Alteration/Dredge and Fill Permit (SADF-19-11-018) for Linda McClung subject to the conditions of approval listed in the Staff Report. The motion carried by the following vote:

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

**4. 20-031 Planning and Zoning Commission Rezoning Board-Called**

Khaled Hussein, Case # RZ-19-10-040, October 17, 2019; District 3

**Case:** Planning and Zoning Commission, Case # RZ-19-10-040; October 17, 2019

**Consideration:** This request is to consider a rezoning of 31.29 gross acres located at 8247 Lake Underhill Road; generally located north of Lake Underhill Road, south of Troxler Drive, west of S. Palermo Avenue, and east of S. Chickasaw Trail, from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to allow for the development of approximately fifty-eight (58) single-family residential dwelling units; pursuant to Orange County Code, Chapter 30.

**Location:** District 3; property located at 8247 Lake Underhill Road; generally located north of Lake Underhill Road, south of Troxler Drive, west of S. Palermo Avenue, and east of S. Chickasaw Trail; Orange County, Florida (legal property description on file in Planning Division)

New Restriction #4:

4. A drainage collection and conveyance system along the north property line adjacent to the Troxler Drive residents, if permittable, shall be addressed at the time of the Preliminary Subdivision Plan (PSP) phase of this project.

The following persons addressed the Board:

- Rick Baldocchi
- Jean M. French
- Sally Baptiste
- Norma Linden

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

A motion was made by Commissioner Uribe, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; further, approve the request from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) subject to the restrictions listed under the Planning and Zoning Commission recommendation in the Staff Report; and further, approve new restriction #4. The motion carried by the following vote:

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

**5. 20-032 Substantial Change**

James G. Willard, Shutts and Bowen, LLP, Hamlin West Planned Development / Land Use Plan (PD / LUP) - Case # CDR-19-03-111, amend plan; District 1

**Consideration:** A PD substantial change to create a flex area in RW-4, RW-4a, and CCM-10, allocate 305 dwelling units from the Neighborhood 3 entitlements to the PD, convert 73,968 square feet of non-residential uses in RW-4 to 445 multi-family dwelling units and allocate them to CCM-10, add multi-family standards to the PD, correct the legal description, adjust access locations, and allocate all fifty-four (54) hotel rooms to RW-4.

Additionally, the applicant has requested the following waivers from Orange County Code:

1. A waiver from Section 24-5 to allow the setback and frontage zones of the framework streets or alternative frame work streets within the Town Center Code to provide the buffering and separation for residential uses from non-residential uses in the Retail Wholesale (RW) and Corporate Campus Mixed Use (CCM) districts as provided for in Sec. 38-1390.41 and 38-1390.51 of the Town Center Code, in lieu of applying Sec. 24-5 buffer yard requirements.
2. A waiver from Section 38-1254(2)(d) to allow a minimum rear setback of forty (40) feet for nonresidential uses, in lieu of the required sixty (60) foot setback when adjacent to expressways.
3. A waiver from Section 38-1258(a) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property, as measured from the property line of the proposed multi-family development to the nearest property line of the single-family zoned property, shall be restricted to a single story in height.
4. A waiver from Section 38-1258(b) to allow one hundred (100 ) percent of multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, 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 shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1)

story or two (2) stories in height.

5. A waiver from Section 38-1258(c) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.

6. A waiver from Section 38-1258(d) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings in excess of three (3) stories (forty] (40) feet) in height may be permitted, subject to approval by the Board for County Commissioners (BCC). The application for these buildings shall include justification for the requested height. A compatibility plan shall be submitted for approval, which includes greater setbacks and increased buffers to protect adjacent properties.

7. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of twenty-five (25) feet and a six-foot high masonry, brick, or block wall.

8. A waiver from Section 38-1258(f) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of a six foot high masonry, brick, or block wall shall be constructed whenever a multi-family development is located adjacent to single-family zoned property.

9. A waiver from Section 38-1258(g) to allow a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.

10. A waiver from Section 38-1258(h) to allow a multi-family development to share recreation areas with other multi-family and single-family development in the Hamlin West PD and Hamlin Southwest PD when the combined recreational facilities meet the requirements of Sec. 38-1253, at time of PSP, MDP, or DP, are tracked on the subsequent PD change determination or amendment, and are provided prior to plat approval or certificate of occupancy for multi-family, in lieu of providing separate recreation areas within the multifamily development and located away from any single-family zoned property.

11. A waiver from Section 38-1258(i) to allow for a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.

12. A waiver from Section 38-1272(a)(5) to allow a maximum height of seventy-five (75) feet permitted under the Town Center Code within one hundred (100) feet of any residential use, in lieu of a maximum height of thirty-five (35) feet within one hundred (100) feet of any residential use; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

**Location:** District 1; property generally located north of Porter Road, south of New Independence Parkway, west of State Road 429, and east of Avalon Road; Orange County, Florida (legal property description on file in Planning Division)

County staff announced that Condition of Approval #7 was deleted in the staff report.

The following person addressed the Board: Jim Willard.

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

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

**Absent:** 1 - Commissioner Bonilla

**6. 20-033 Substantial Change**

James G. Willard, Shutts and Bowen, LLP, Hamlin Southwest Planned  
Development / Land Use Plan (PD / LUP) - Case # CDR-19-03-110; District  
1

**Consideration:** A PD substantial change to create district CCM-10b, transfer 110,135 square feet of non-residential uses from Hamlin UNP/PD to CCM-10b, and reallocate 165 dwelling units to CCM-10b and convert them to 44,682 square feet of non-residential uses.

Additionally, the applicant has requested the following waivers from Orange County Code:

1. A waiver from Section 24-5 to allow the setback and frontage zones of the framework streets or alternatives as applicable within Corporate Campus Mixed Use (CCM) districts Sec. 38-1390.41 and 38-1390.51 along with the street right of way to provide the separation and buffer yard requirements between nonresidential and residential uses.
2. A waiver from Section 38-1254(2)(d) to allow a minimum rear setback of twenty-five (25) feet for residential, in lieu of the required seventy-five (75) foot setback when adjacent to expressways.
3. A waiver from Section 38-1254(2)(d) to allow a minimum rear setback of forty (40) feet for nonresidential uses, in lieu of the required sixty (60) foot setback when adjacent to expressways.
4. A waiver from Section 38-1258(a) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred (100) feet of single-family zoned property, as measured from the property line of the proposed multi-family development to the nearest property line of the single-family zoned property, shall be restricted to a single story in height.
5. A waiver from Section 38-1258(b) to allow one hundred (100 ) percent of multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, 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 shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.
6. A waiver from Section 38-1258(c) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings located within one hundred fifty (150)



feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height.

7. A waiver from Section 38-1258(d) to allow multi-family buildings to be located and meet the maximum allowable building height allowed in the Town Center Code within fifty (50) feet of any single-family residential lot, in lieu of multi-family buildings in excess of three (3) stories (forty (40) feet) in height may be permitted, subject to approval by the Board for County Commissioners (BCC). The application for these buildings shall include justification for the requested height. A compatibility plan shall be submitted for approval, which includes greater setbacks and increased buffers to protect adjacent properties.

8. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of twenty-five (25) feet and a six-foot high masonry, brick, or block wall.

9. A waiver from Section 38-1258(f) to allow parking and other paved areas for multi-family development to be located to meet frontage standards of the Town Center Code and be at least ten (10) feet from any single-family property line. A ten (10) foot landscape buffer shall be provided consistent with Type D landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in lieu of a six foot high masonry, brick, or block wall shall be constructed whenever a multi-family development is located adjacent to single-family zoned property.

10. A waiver from Section 38-1258(g) to allow a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.

11. A waiver from Section 38-1258(h) to allow a multi-family development to share recreation areas with other multi-family and single-family development in the Hamlin West PD and Hamlin Southwest PD when the combined recreational facilities meet the requirements of Sec. 38-1253, at time of PSP, MDP, or DP, are tracked on the subsequent PD change determination or amendment, and are provided prior to plat approval or certificate of occupancy for multi-family, in lieu of providing separate recreation areas within the multifamily development and located away from any single-family zoned property.

12. A waiver from Section 38-1258(i) to allow for a multi-family development to access and not be fenced along any right-of-way serving platted single-family residential development, in lieu of not allowing access to any right-of-way serving platted single-family residential development.

13. A waiver from Section 38-1272(a)(5) to allow a maximum height of seventy-five (75) feet permitted under the Town Center Code within one hundred (100) feet of any residential use, in lieu of a maximum height of thirty-five (35) feet within one hundred (100) feet of any residential use.

14. A waiver from Section 38-1384(f)(2) to eliminate the requirement, in lieu of all lots sixty (60) feet in width or less include a pedestrian path or walkway from the primary entrance to the sidewalk.

15. A waiver from Section 38-1384(g)(3)(b) to allow for double wide garage entries on front-loaded lots that are less than sixty-five (65) feet in width, but greater than fifty (50) feet in width, in lieu of the requirement that prohibits double-wide garage entries on all front-loaded lots of less than sixty-five (65) feet in width.

16. A waiver from Section 38-1384(i)(4) to allow front loaded garages on all lots greater than fifty

(50) feet in width that face neighborhood parks and open space tracts that are less than 10,000 square feet in area, in lieu of all lots greater than fifty (50) feet in width that face neighborhood squares and parks shall be provided from a rear alley easement or from a front driveway where the garages are located at or beyond the rear wall of the primary structure; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

**Location:** District 1; property generally located north of Porter Road, south of New Independence Parkway, west of State Road 429, and east of Avalon Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Jim Willard.

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

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

**Absent:** 1 - Commissioner Bonilla

7. **20-039** Substantial Change

Thomas Daly, Daly Design Group, Plunk Planned Development / Land Use Plan (PD / LUP) - Case # CDR-19-10-343, amend plan; District 3

**Consideration:** A PD substantial change, to remove March 20, 2018, BCC conditions of approval #s 19d, 19g, and 19h regarding building setbacks and building heights in relation to Parcel #32-22-31-0000-00-020 (the "Caruso Parcel"); pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-120

**Location:** District 3; property located at 1466 S. Dean Road or generally north of Berry Dease Road and west of Dean Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Bill Maki.

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

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

8. **20-035** Substantial Change

Sam Sebaali, Florida Engineering Group, Inc., Coronado Townhomes Planned Development / Land Use Plan (PD / LUP) - Case #

CDR-19-07-238, amend plan; District 5

**Consideration:** A PD substantial change to reduce the PD perimeter setback on the western PD boundary to twenty-four (24) feet in lieu of twenty-five (25) feet. This request includes the following waiver from Orange County Code: 1. A waiver from Section 38-1254(1) to provide for a twenty-four (24) foot PD boundary setback along the west PD boundary only, in lieu of the minimum required twenty-five (25) foot PD boundary setback;

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

**Location:** District 5; property generally located east of N. Goldenrod and north of Bates Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Sam Sebaali.

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

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

**9. 20-038 Rezoning**

Raymond Stangle, Jordan & Associates Consulting, Inc., Rouse Road Villas PD, Case # LUP-18-01-037; District 5

**Consideration:** Request to rezone two (2) parcels containing 2.41 gross acres from R-1 (Single-Family Dwelling District) to PD (Planned Development District), in order to construct twenty four (24) fee-simple duplex units. In addition, the applicant has requested the following waivers from Orange County Code: 1. A waiver from Section 38-1501 to allow for a minimum duplex lot area of 3,550 square feet, in lieu of 8,000 square feet. 2. A waiver from Section 38-1501 to allow for a minimum duplex lot width of 50 feet, in lieu of 80 feet. 3. A waiver from Section 38-1501 to allow for a minimum rear yard of 5 feet, in lieu of 30 feet. 4. A waiver from Section 38-79(2) to allow for a minimum front yard setback of 20 feet, a side yard setback of 5 feet and a rear yard setback of 5 feet, in lieu of a minimum front yard setback of 25 feet, a side yard setback of 6 feet and a rear yard setback of 25 feet. 5. A waiver from Section 38-1502(B) to allow for a lot to abut an alley, in lieu of a street. 6. A waiver from Section 34-152(C) to allow for a lot to have access from a new park, open space, in lieu of having a minimum access width of twenty (20) feet to a dedicated public paved street. 7. A waiver from Section 34-152(C) to allow for a tract to have access from an external dedicated paved public street, in lieu of an internal dedicated paved public street; pursuant to Orange County Code, Chapter 30

**Location:** District 5; property located at 2801 & 2116 Rouse Road; or generally on the west side of Rouse Road, north of East Colonial Drive, and south of Eastwood Drive; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- John Nehmatallah

- Shakeel Khan
- Sally Baptiste
- Norma Linden
- Tom Glover

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

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to make a finding of inconsistency with the Comprehensive Plan; and further, deny the rezoning request, Case # LUP-18-01-037, from R-1 (Single-Family Dwelling District) to PD (Planned Development District). The motion carried by the following vote:

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

**10. 20-037 Rezoning**

Robert B. Paymayesh, P.E. Group LLC, Baldwin Park Plaza PD, Case # LUP-19-03-090; District 5

**Consideration:** Request to rezone 1.55 acres from P-O (Professional Office District) to PD (Planned Development District) in order to construct a 6,000 square foot car wash and up to 5,000 square feet of retail commercial uses on the site. No waivers from Orange County Code are requested; pursuant to Orange County Code, Chapter 30.

**Location:** District 5, property located at 1850 North Semoran Boulevard; generally located north of Old Cheney Hwy, west of Semoran Blvd., south of Baldwin Park St., and east of Truman Rd.; Orange County, Florida (legal property description on file in Planning Division)

New Condition of Approval #19:

19. If at any time, the owners of the Baldwin Park Plaza PD obtain ownership of the sliver property on the southern boundary of the PD, the property shall then make best efforts to obtain a cross-access easement from the owners of the Stowell Plaza PD to the south to provide for connectivity between the two PDs. When and if such cross-access easement is obtained, the owner of the Baldwin Park Plaza PD shall complete a Land Use Plan Amendment to the PD to reflect the cross-access easement and the incorporation of the sliver property.

The following person addressed the Board: Allison Turnbull Jones.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; and approve the rezoning request Case # LUP-19-03-090 to rezone 1.55 acres from P-O (Professional Office District) to PD (Planned Development District) in order to construct a 6,000 square foot car wash and up to 5,000 square feet of retail commercial uses on the site, subject to the conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report; and further approve new condition of approval #19. The motion carried by the following vote:

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

11. **19-1615** Amending Orange County Code, adopting 2019-2 Session I Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP) and where applicable concurrent rezoning request and Adoption of Ordinance (Continued from November 12, 2019 and January 14, 2020)

Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment

Amendment 2019-2-A-4-3 (fka 2019-1-A-4-2)

Jim Hall, Hall Development Services, Inc., for SBEGC, LLC

**Consideration:** Parks and Recreation/Open Space (PR/OS) to Medium Density Residential (MDR)

**Location:** 2900 Northampton Ave.; Generally located north of S. Alafaya Trl., west of Northampton Ave., south of Stoneybrook Blvd.; Parcel ID#: 01-23-31-0000-00-001 (portion of); 14.50 gross ac.

The following persons addressed the Board:

- Nanette Parratto-Wagner
- Louis Stancampiano
- Rebecca Wilson

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to continue Amendment 2019-2-A-4-3 and the rezoning public hearing until January 28, 2020, at 2 p.m. The motion carried by the following vote:

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

11. **19-1637** Concurrent Rezoning Request

Jim Hall, Hall Development Services, Inc., for SBEGC, LLC; District 4 Rezoning LUP-18-12-413

**Consideration:** Rezone from PD (Planned Development District) (Stoneybrook PD) to PD (Planned Development District) (Alafaya Apartments PD). Also Requested are 4 waivers from Orange County Code:

- 1) A waiver from Section 38-1258(j) to allow a minimum building separation of twenty (20) feet, in lieu of a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories;
- 2) A waiver from Section 38-1251 (b) to allow the maximum coverage of all buildings to not exceed 50% of the gross land area, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area;
- 3) A waiver from Section 38-1254(2)(c) to allow the setback from Arterial street rights-of-way to be twenty-five (25) feet, in lieu of fifty (50) feet; and

4) A waiver from Section 38-1258(d) to allow a maximum building height of forty-five (45) feet, three (3) stories, in lieu of forty (40) feet.

**Location:** 2900 Northampton Ave.; Generally located north of S. Alafaya Trl., west of Northampton Ave., south of Stoneybrook Blvd.; Parcel ID#: 01-23-31-0000-00-001 (portion of); 14.50 gross ac.

Due to the continuance of Amendment 2019-A-4-3 (fka 2019-1-A-4-2), the concurrent rezoning request was not considered.

**11. 20-091** Regular Cycle State-Expedited Review Comprehensive Plan Amendments Ordinance

Amending Orange County Code, adopting 2019-2 Session I Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184(3), F.S.

This item was continued based upon the continuation of Amendment 2019-2-A-4-3 (fka 2019-1-A-4-2) and Rezoning LUP-18-12-413.

**12. 19-1642** Amending Orange County Code, adopting 2019-2 Small Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP) and where applicable concurrent rezoning requests

and

Adoption of Ordinance (Continued from December 3, 2019)

Small-Scale Development Privately-Initiated Comprehensive Plan Amendment

Amendment 2019-2-S-2-2

Mario Golden for Deborah Postell

Medium Density Residential (MDR) to Medium-High Density Residential (MHDR); District 2

**Consideration:** Medium Density Residential (MDR) to Medium-High Density Residential (MHDR)

**Location:** 7856 Forest City Rd.; Generally located north of Riverside Park Rd., east of Hillcrest Ter., south of Pembroke Dr., and west of Forest City Rd.; Parcel ID#: 28-21-29-0000-00-043; 4.20 gross ac.

The following person addressed the Board: Tom Sullivan.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to continue the public hearing until March 10, 2020, at 2 p.m. The motion carried by the following vote:

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

**12. 19-1647** Ordinance/Comprehensive Plan

Amending Orange County Code, adopting 2019-2 Small Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP) and where applicable concurrent rezoning requests and Adoption of Ordinance (Continued from December 3, 2019 and January 14, 2020)

Small-Scale Development Privately-Initiated Comprehensive Plan Amendment

Amendment 2019-2-S-2-5

Tom Sullivan for ECP Grassmere, LLC

Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS); District 2

**Consideration:** Rural Settlement 1/1 (RS 1/1) to Commercial (C) Rural Settlement (RS)

**Location:** 2523 Junction Rd.; Generally located north of Orange Blossom Trl., east of Junction Rd., south of W. Ponkan Rd., and west of Cayman Cir.; Parcel ID#: 26-20-27-0000-00-020 (portion of); 5.00 gross ac.

The following person addressed the Board: Tom Sullivan.

A motion was made by Commissioner Uribe, seconded by Commissioner Bonilla, to continue the public hearing until February 11, 2020, at 2 p.m. The motion carried by the following vote:

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

**12. 19-1659** Small-Scale Development Privately-Initiated Comprehensive Plan Amendment

Amendment 2019-2-S-5-1

Neel Shivcharran, Galleon Consulting Group, LLC for 5565 Old Cheney, LLC

Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR) and Commercial (C); District 5

**Consideration:** Low-Medium Density Residential (LMDR) to Medium Density Residential (MDR) and Commercial (C)

**Location:** 5565 Old Cheney Hwy.; Generally located north of Old Cheney Hwy., east of Turrisi Blvd., and west of Moselle Ave.; Parcel ID#: 21-22-30-0000-00-011; 1.13 gross ac.

The following persons addressed the Board:

- Neel Shivcharran
- Mckenzie Singleton

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2,

Objectives FLU2.1 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU2.4.3, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-2-S-5-1, Low-Medium Density Residential (LMDR) to Commercial (C) and Medium Density Residential (MDR), up to 8,000 square feet of C-1 (Retail Commercial District) uses and ten (10) townhomes. The motion carried by the following vote:

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

**12. 19-1664 Small-Scale Development Privately-Initiated Comprehensive Plan Amendment**

Amendment 2019-2-S-5-4  
Tom Sullivan for Winter Park Prime Properties, LLC  
Low-Medium Density Residential (LMDR) to Commercial (C); District 5

**Consideration:** Low-Medium Density Residential (LMDR) to Commercial (C)

**Location:** 1123 W. Fairbanks Ave., Generally located north of W. Fairbanks Ave., east of Estill Ct., west of Adanson St., and south of Alton Ave.; Parcel ID#: 03-22-29-0900-02-000; 1.75 gross ac.

The following person addressed the Board: Tom Sullivan.

A motion was made by Commissioner Bonilla, seconded by Commissioner Gomez Cordero, to continue the public hearing until March 10, 2020, at 2 p.m. The motion carried by the following vote:

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

**12. 19-1665 Rezoning RZ-19-10-041  
R-1A (Single-Family Dwelling District) to C-1 (Retail Commercial District)**

**Consideration:** Rezone from R-1A (Single-Family Dwelling District) to C-1 (Retail Commercial District)

**Location:** 1123 W. Fairbanks Ave., Generally located north of W. Fairbanks Ave., east of Estill Ct., west of Adanson St., and south of Alton Ave.; Parcel ID#: 03-22-29-0900-02-000; 1.75 gross ac.

Due to the continuance of Amendment 2019-2-S-5-4, the concurrent rezoning request was not considered.

**12. 20-092 Small Scale Development Amendments Ordinance**

Amending Orange County Code, adopting 2019-2 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3187, F.S.



**Consideration:** AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING SMALL SCALE DEVELOPMENT AMENDMENTS AND RELATED TEXT AMENDMENTS PURSUANT TO SECTION 163.3187, FLORIDA STATUTES; AND PROVIDING EFFECTIVE DATES

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, determine that the amendments are in compliance; and further, adopt Ordinance 2020-01, approving the proposed Comprehensive Plan Amendments, consistent with today's actions. The motion carried by the following vote:

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

- 13. 19-1789** Transmittal of the 2019-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment to the 2010-2030 Comprehensive Plan (CP) (Comp Plan Clean-up Part 3 - Urban Design Element, Recreation Element, Open Space Element, and Conservation Element) (Continued from December 17, 2019)

Out of Cycle Regular Cycle Staff-Initiated Text Amendment (Comp Plan Clean-up to the Urban Design Element, Recreation Element, Open Space Element, and Conservation Element)

Amendment 2019-2-C-CP-3

Comprehensive Plan Administrative Clean-up to the Urban Design Element, Recreation Element, Open Space Element, and Conservation Element

A motion was made by Commissioner Uribe, seconded by Commissioner Bonilla, to make a finding of consistency with the Comprehensive Plan; further determine that the proposed amendment is in compliance; and further transmit Amendment 2019-2-C-CP-3. The motion carried by the following vote:

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

- 14. 20-023** Ordinance

Amending Orange County Code, Chapter 38, Article VII, Division 4.5, related to Dynamic Art in the I-Drive District Overlay Zone

**Consideration:** AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, BY AMENDING ORANGE COUNTY CODE PROVISIONS RELATED TO DYNAMIC ART IN THE I-DRIVE DISTRICT OVERLAY ZONE, INCLUDING DIVISION 4.5 OF ARTICLE VII OF CHAPTER 38 REGULATING DYNAMIC ART; AND PROVIDING AN EFFECTIVE DATE.

County staff recommended the following final revisions to the I-Drive District Overlay Zone Ordinance:

## Sec. 38-864.1.b - (General Standards)

(2) Location. Dynamic Art shall comply with the requirements of Chapter 479, Florida Statutes, including for permitting, to the extent those requirements ~~are~~ may be deemed applicable by the State of Florida Department of Transportation. At a minimum, Dynamic Art that would be visible from any portion of the main-traveled way of Interstate 4 or S.R. 528 shall be prohibited within 660 600 feet of the nearest right-of-way centerline of I-4 or S.R. 528, whichever the case may be, as measured from the applicable centerline to the nearest surface area of the Dynamic Art.

## Sec. 38-864.1.b - (General Standards)

(5) Permission/Authorization. Projections onto a building or parking structure from a source located on a neighboring property or across or over a public right-of-way shall require appropriate written permission/authorization from the County for public rights-of-way, and any affected property owner, entity, or organization.

## Sec. 38-864.1.b - (General Standards)

(7) ~~Text Recognition Acknowledgment of Artistic Sponsors; Artistic Sponsor Copy Area. Text~~ Artistic Sponsors may be recognized acknowledged only within the Artistic Sponsor Copy Area, within Dynamic Art, and Artistic Sponsor Copy Area shall adhere to the following criteria:

## Sec. 38-864.1.b(7) - (General Standards)

(D) ~~Text Copy Artistic Sponsor Copy Area~~ shall not be located more than one hundred (100) feet above the finished grade at the base of the building or parking structure.

The County's sole intent in permitting ~~Text~~ Artistic Sponsor Copy Area is to allow a limited duration of time, a limited amount of space, and a maximum height for the recognition acknowledgement of Artistic Sponsors. However, the County does not regulate the content of ~~Dynamic Art or of any associated Text Artistic Sponsor Copy Area.~~

## Sec. 38-864.1.c - (Dynamic Art Application)

(5) A signed and notarized affidavit from the applicant agreeing to comply with all Dynamic Art standards and requirements, ~~and~~

## Sec. 38-864.1 - (Dynamic Art Application Submittal, ....)

d. Dynamic Art Application Submittal, Review, Approval and Appeal Process.

Within seven (7) days of receipt of a Dynamic Art application, the Planning Division will notify the applicant whether the application is complete or identify the specific items to be completed or additional information needed. Within thirty (30) days after a determination of completeness, the Planning Division Manager shall review the application for compliance with the standards for Dynamic Art as set forth in this section, and review an potential safety hazard issues with the County Traffic Engineer pursuant to the traffic safety standards in Section 479.11(5) and (6), Florida Statutes. If the standards herein have been met, the Planning Division Manager shall approve the application. Should the County Traffic Engineer determine that proposed Dynamic Art will result in a traffic safety hazard based upon applicable traffic safety standards in Section 479.11(5) and (6), Florida Statutes, the application shall be denied.

Sec. 38-864.1.d. - (Dynamic Art Application Submittal, .....

Furthermore, if any Dynamic Art is found to constitute a traffic safety hazard after installation based upon applicable traffic safety standards in Section 479.11(5) and (6), the County Traffic Engineer shall require the operator of the Dynamic Art to either reduce the intensity of the condition or effect that causes the hazard to an acceptable level, or if such reduction is not feasible or possible, to remove or alter the Dynamic Art to eliminate the hazard. Finally, the County Traffic Engineer may require an immediate cessation of such conditions or effects where the County determines that an imminent danger to the traveling public exists.

Sec. 38-869 - (Definitions)

b. Defined Terms.

\* \* \*

(4) Artistic Sponsor Copy Area. The portion of the Dynamic Art Surface Area on a building or parking structure façade for the ~~recognition~~ acknowledgment of an Artistic Sponsor, as set forth in Section 38-864.1. Artistic Sponsor Copy Area shall be measured by the perimeter of the overall area within which such copy may be displayed.

Sec. 38-869 - (Definitions)

b. Defined Terms.

\* \* \*

(16) Dynamic Art. Designs or images on a building or parking structure that employ lighting displays, projections, videos or other electronic images and graphics, or any combination thereof. Such designs or images...

(17) Dynamic Art Surface Area. The cumulative surface area of any one building or parking structure elevation used for Dynamic Art, as defined in this Section.

The following persons addressed the Board:

- Hal Kantor
- Trippe Cheek
- Joshua Wallack
- Angel de la Portilla

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

- Exhibit 1, from Hal Kantor
- Exhibit 2, from Angel de la Portilla

Based upon input from public comment and agreed upon by the Board, the following changes were made:

Sec. 38-864.1. Dynamic Art.

a. Intent and Purpose.

These regulations are intended to establish Dynamic Art standards within the I-Drive District

Overlay Zone, with the purpose and goal of promoting broader-scale ~~non-commercial~~ works of art that are visible to the public, encouraging creativity, developing a stronger sense of place that activates the public realm and the built environment, and balancing a unique tourism and entertainment experience with the need for traffic safety.

b. General Standards.

(7) ~~Text Recognition~~ Acknowledgement of Artistic Sponsors; Artistic Sponsor Copy Area. ~~Text~~ Artistic Sponsors may be acknowledged ~~recognized~~ only within Artistic Sponser Copy Area, including by letters, words, or numbers, within Dynamic Art, and Artistic Sponser Copy Area shall adhere to the following criteria:

After subparagraph (D) of subparagraph 7:

The County's sole intent in permitting Artistic Sponsor Copy Area is to allow a limited duration of time, a limited amount of space, and a maximum height for the ~~recognition~~ acknowledgement of Artistic Sponsors may also include letters, words or numbers. However, the County does not regulate the content of ~~Dynamic Art or of any associated Text~~ Artistic Sponsor Copy Area.

b. Defined Terms.

\* \* \*

(4) Artistic Sponsor Copy Area. The portion of the Dynamic Art Surface Area on a building or parking structure façade for the ~~recognition~~ acknowledgment of an Artistic Sponsor, may also include letters, words, or numbers, as set forth in Section 38-864.1. Artistic Sponsor Copy Area shall be measured by the perimeter of the overall area within which such copy may be displayed. \_

A motion was made by Commissioner Siplin, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, allow staff to correct any non-substantial grammatical and/or scrivener's errors; and further, adopt Ordinance 2020-02 as recommended by the Planning and Zoning Commission, along with the additional changes as presented by Staff. The motion carried by the following vote:

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

15. 20-024 Ordinance

Amending Orange County Code, Section 25-140, pertaining to Taxation in Orange County, Florida

**Consideration:** AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING SECTION 25-140 OF THE ORANGE COUNTY CODE ("THE TOURIST DEVELOPMENT PLAN") TO PROVIDE AUTHORIZATION FOR ADDITIONAL FUNDING FOR THE PERFORMING ARTS CENTER; AND PROVIDING FOR AN EFFECTIVE DATE.

The following persons addressed the Board:

- Kathy Ramsberger

- Patty Moenssens
- Matthew Bharrat
- Ava Madara
- Lena Feliciano
- Sally Baptiste

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

A motion was made by Mayor Demings, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; and further, adopt Ordinance 2020-03 pertaining to Taxation in Orange County, Florida; Amending Section 25-140 of the Orange County Code ("The Tourist Development Plan") To Provide Authorization for Additional Funding for the Performing Arts Center. The motion carried by the following vote:

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

**Absent:** 1 - Commissioner Moore

and

#### I. CONSENT AGENDA (Deferred)

#### D. COUNTY ATTORNEY

1. **20-055** Approval and execution of Funding Agreement Among Orange County, Florida and City of Orlando, Florida and Dr. Phillips Center for the Performing Arts, Inc. Dr. Phillips Performing Arts Center.

A motion was made by Mayor Demings, seconded by Commissioner Siplin, to approve and execute the Funding Agreement Among Orange County, Florida and City of Orlando, Florida and Dr. Phillips Center for the Performing Arts, Inc. Dr. Phillips Performing Arts Center. The motion carried by the following vote:

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

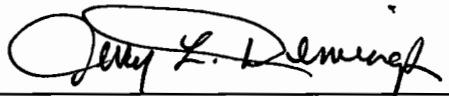
**Absent:** 1 - Commissioner Moore

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

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

ADJOURNMENT: 5:58 p.m.

ATTEST:




County Mayor Jerry L. Demings

Date: 2/11/20



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.