

Orange County Government

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



Final Meeting Minutes

Tuesday, February 26, 2019

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Demings called the meeting to order at 9:05 a.m.

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

Others present:

County Comptroller Phil Diamond as Clerk
County Administrator Byron Brooks
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 Craig Stopyra

Invocation - District 6

Pastor Stovelleo Stovall, God is Able Outreach

Pledge of Allegiance

Presentation

Art in the Chambers

Presentation

Proclamation designating February 26, 2019 as Chief Master Sergeant Richard R. Hall Jr., USAF, Retired Day

Presentation

Proclamation designating February 26, 2019 as Platoon Sergeant Charles O. Foreman, USMC Day

Presentation

Proclamation designating February 26, 2019 as Buffalo Soldier Motorcycle Club Orlando Day

Public Comment

The following persons addressed the Board for public comment:

- Cheryl Dirienzo
- Marilyn Hankins
- Mike Dugre
- Richard Grace

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

I. CONSENT AGENDA

Approval of the Consent Agenda

The Mayor deferred action on Administrative Services Department Items 17, 18, 19, 20, 21 and 22; further, deleted Community and Family Services Department Item 4; further, deferred action on Public Works Department Item 1; and further, a motion was made by Commissioner Uribe, seconded by Commissioner Moore, to approve the balance of the Consent Agenda, including Addendum #1. The motion carried by the following vote:

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

A. COUNTY COMPTROLLER

1. [19-281](#) Approval of the minutes of the January 29, 2019 meeting of the Board of County Commissioners. (Clerk's Office)

2. [19-282](#) 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:
 - February 8, 2019, to February 14, 2019; \$39,617,467.02
 - February 15, 2019, to February 21, 2019; \$19,692,662.35.(Finance/Accounting)

3. [19-283](#) Disposition of Tangible Personal Property as follows.
(Property Accounting)
 - a. Scrap assets

B. COUNTY ADMINISTRATOR

1. [19-284](#) Confirmation of the Mayor's appointments of 1) Commissioner Bonilla to the Arts and Cultural Affairs Advisory Council with a term expiring June 30, 2019; 2) Mayor Demings to the Citizens' Commission for Children with a term expiring December 31, 2020; 3) Commissioner Gomez Cordero to the Community Action Board with a term expiring December 31, 2020; and 4)

Commissioner Uribe to the Community Action Board with a term expiring December 31, 2019; and the Mayor's reappointment of Commissioner Siplin to the Community Action Board with a term expiring December 31, 2022. (Agenda Development Office)

2. [19-285](#) Reappointment of Timothy S. Haberkamp to the Pine Hills Local Government Neighborhood Improvement District Advisory Council in the District 2 representative category with a term expiring June 30, 2021. Note: This will be a third term for Mr. Haberkamp and will require a supermajority vote of the Board of County Commissioners. (Agenda Development Office)
3. [19-286](#) Confirmation of Commissioner Moore's reappointment to the Lake Ola Advisory Board of Harrison T. Bucklew and Sharlee Hollingsworth with terms expiring December 31, 2020 and Henry Land, II with a term expiring December 31, 2019. (Agenda Development Office)
4. [19-287](#) Confirmation of the appointment of Gina Dole to the Membership and Mission Review Board as the Mayor's representative with a term expiring December 31, 2020. (Agenda Development Office)
5. [19-288](#) Approval and execution of Orange County, Florida and Orlando Economic Partnership, Inc. Grant Agreement relating to Base Realignment & Closure Threat Mitigation to Modeling, Simulation & Training Industry and authorization to disburse \$25,000 as provided in the FY 2018-19 adopted budget. (Office of Economic, Trade, and Tourism Development)
6. [19-289](#) Approval of Budget Amendments #19-13 and #19-14. (Office of Management and Budget)
7. [19-290](#) Ratification of payment of Intergovernmental claims of December 20, 2018, January 3, 2019, January 10, 2019, January 17, 2019, and January 31, 2019, totaling \$1,545,115.50. (Risk Management Division)

ADDENDUM #1

8. [19-352](#) Approval and execution of Memorandum of Agreement between Orange County and Orange County Fire Fighters Association, Local 2057 extending promotional eligibility lists for Fire Captain (IB-16-260R) and Engineer (IB 17-5R). (Human Resources Division)

C. ADMINISTRATIVE SERVICES DEPARTMENT

1. [19-291](#) Approval and execution of State-Funded Grant Agreement by the State of Florida, Division of Emergency Management and Orange County Board of County Commissioners Agreement Number: F0004 Project Number: DEM-SR00004 in the amount of \$800,000 with the period of performance ending on September 30, 2021. There is no match required. (Capital

Projects Division)

2. [19-292](#) Approval and execution of State-Funded Grant Agreement by the State of Florida, Division of Emergency Management and Orange County Board of County Commissioners Agreement Number: F0005 Project Number: DEM-SR00005 in the amount of \$1,030,000 with the period of performance ending on September 30, 2021. There is no match required. (Capital Projects Division)
3. [19-293](#) Approval and execution of State-Funded Grant Agreement by the State of Florida, Division of Emergency Management and Orange County Board of County Commissioners Agreement Number: F0006 Project Number: DEM-SR00006 in the amount of \$15,000 with the period of performance ending on May 31, 2020. There is no match required. (Capital Projects Division)
4. [19-294](#) Approval to award Invitation for Bids Y19-169-SW, Fire Suppression on Heavy Equipment for Orange County Solid Waste, to the low responsive and responsible bidder, FQS Bear Equipment, Inc. The estimated contract award amount is \$1,332,730 for the base year. ([Utilities Department Solid Waste Division] Procurement Division)
5. [19-295](#) Approval to award Invitation for Bids Y19-706-EB, Force Main West Package 2, to the low responsive and responsible bidder, Cathcart Construction Company-Florida LLC. The estimated contract award amount is \$1,045,262.05. ([Utilities Department Engineering Division] Procurement Division)
6. [19-296](#) Approval to award Invitation for Bids Y19-709-CH, Western Regional Water Supply Facility Improvements Phase 3B, to the low responsive and responsible bidder, Prime Construction Group, Inc. The contract award amount is \$4,899,720. ([Utilities Department Engineering Division] Procurement Division)
7. [19-297](#) Approval to award Invitation for Bids Y19-717-TA, Eastern Water Reclamation Facility IRP Electrical System Improvements Project, to the low responsive and responsible bidder, Wharton-Smith, Inc. The contract award amount is \$2,647,000. ([Utilities Department Engineering Division] Procurement Division)
8. [19-298](#) Approval to award Invitation for Bids Y19-718-TA, Eastern Water Reclamation Facility In-Plant Pump Station Replacement, to the low responsive and responsible bidder, Hinterland Group, Inc. The total contract award amount is \$1,323,642. ([Utilities Department Engineering Division] Procurement Division)
9. [19-299](#) Approval of Amendment No. 3, Contract Y17-1054, Meter Boxes, with

Consolidated Pipe & Supply Company, in the amount of \$118,668.53, for a revised total estimated contract amount of \$1,394,360.52. ([Utilities Department Field Services Division] Procurement Division)

10. [19-300](#) Approval of Amendment No. 9, Contract Y14-114, Orange County Convention Center Sustainability Initiatives, with TLC Engineering for Architecture Inc., in the amount of \$30,000, for a revised total annual contract amount of \$157,675. ([Convention Center Facilities Operations Division] Procurement Division)
11. [19-301](#) Approval of Contract Y19-1018-MV, SaniGLAZE, to Cubix, Inc., in the estimated contract award amount of \$1,440,000 for a 3-year term. ([Administrative Services Department Facilities Management Division] Procurement Division)
12. [19-302](#) Approval of Warranty Deed from Sant Commercial Building, Inc. to Orange County, 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, and authorization to perform all actions necessary and incidental to closing for Reams Road (Sant) RAC. District 1. (Real Estate Management Division)
13. [19-303](#) Approval and execution of Modification of Utility Easement between AIEM Industrial Properties, LLC and Orange County, approval of Subordination of Encumbrances to Property Rights to Orange County from First Colony Bank of Florida and authorization to record instruments for Dogipot Warehouse Permit: B17903273 OCU File#: 94048. District 4. (Real Estate Management Division)
14. [19-304](#) Approval of Special Warranty Deed from Lennar Homes, LLC to Orange County and authorization to record instrument for Storey Park Parcel L (Lift Station) Permit #17-U-012 OCU File #90366. District 4. (Real Estate Management Division)
15. [19-305](#) Approval of Utility Easement from Zimmer Poster Service, LLP, successor to Zimmer Poster Service, to Orange County and authorization to record instrument for Zimmer Commerce Center Permit # B 17902268 OCU File #95606. District 3. (Real Estate Management Division)
16. [19-306](#) Approval of Special Warranty Deeds from Toll FL XII Limited Partnership to Orange County, approval and execution of Partial Terminations of Conservation and Access Easement between Toll FL XII Limited Partnership and Orange County, approval and execution of Resolution 2019-M-03 regarding Authorization to Convey Certain County Property Interests to the School Board of Orange County, Florida, approval and execution of County Deed from Orange County to the School Board of

Orange County, Florida, and authorization to perform all actions necessary and incidental to closing for Village F (Seidel Road) RAC Toll/Seidel - Lakeshore (School APF Conveyance) Toll/Seidel - Lakeshore (Access Road). District 1. (Real Estate Management Division)

17. [19-307](#) Approval of Special Warranty Deeds, Slope Easement, Transit, Pedestrian and Utility Easement, Pedestrian and Landscape Easement, and Temporary Construction Easements from M.L. Carter Services, Inc., Trustee under a Florida land trust known and designated as "Carter-Orange 105 Sand Lake Land Trust" to Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector. District 1. (Real Estate Management Division)

(This item was deferred.)

18. [19-308](#) Approval of Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, and Temporary Construction Easement from The School Board of Orange County, Florida to Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector. District 1. (Real Estate Management Division)

(This item was deferred.)

19. [19-309](#) Approval of Special Warranty Deed, Drainage Easements, Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, and Temporary Construction Easements from Pulte Home Company, LLC to Orange County, approval of Drainage Easement, Slope Easement, Pedestrian and Landscape Easement, and Transit, Pedestrian and Utility Easement from Adventist Health System/Sunbelt, Inc. and Pulte Home Company, LLC to Orange County, and approval of Slope Easement, Pedestrian and Landscape Easement, and Transit, Pedestrian and Utility Easement from Adventist Health System/Sunbelt, Inc. to Orange County, approval and execution of Subordination of Utility Interests between Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, d/b/a Progress Energy Florida, Inc., and Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector. District 1. (Real Estate Management Division)

(This item was deferred.)

20. [19-310](#) Approval of Special Warranty Deed, Drainage Easements, Slope Easement, Pedestrian and Landscape Easement, and Transit, Pedestrian and Utility Easement from Hilton Resorts Corporation to Orange County and

authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector. District 1. (Real Estate Management Division)

(This item was deferred.)

21. [19-311](#) Approval of Special Warranty Deed from Kerina, Inc. to Orange County, Special Warranty Deed, Utility Easement, Drainage Easement, Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, and Temporary Construction Easement from Kerina Wildwood, LLC to Orange County, and Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, Temporary Drainage Easement, and Temporary Construction Easement from Kerina Village, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector. District 1. (Real Estate Management Division)

(This item was deferred.)

22. [19-312](#) Approval of Utility Easement from Kerina Village, LLC and The School Board of Orange County, Florida and authorization to record instrument for Palm Parkway Connector (RIFCC). District 1. (Real Estate Management Division)

(This item was deferred.)

D. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. [19-313](#) Approval and execution of Third Amendment to Facility and Land Use Agreement between The School Board of Orange County, Florida and Orange County, Florida regarding Head Start Program 2018-2019. There is no cost to the County. The lease will terminate on July 31, 2019. (Head Start Division)
2. [19-314](#) Approval of Orange County Head Start Program Application for Federal Assistance related to Cost-of-Living Adjustment (1.77%) FY 2018-2019 in the estimated amount of \$231,317; and approval and execution of (1) Certification of Filing and Payment of Federal Taxes and (2) Employee Compensation Cap Compliance Assurance. An in-kind match of \$57,830 is required. (Head Start Division)
3. [19-315](#) Receipt and filing of Head Start Policy Council Program Information and Updates January 2019 and Head Start Policy Council Meeting Minutes December 20, 2018 for the official county record. (Head Start Division)
4. [19-316](#) Approval of \$1.8M to be added to Contract Y17-2057 with the Homeless Services Network, retroactive to February 1, 2019. (Mental Health and

Homeless Issues Division)

(This item was deleted.)

E. FIRE RESCUE DEPARTMENT

- 1. [19-317](#) Approval and execution of Affiliation Agreement between Orange County, Florida and Criti Care EMS, Inc., related to Fire Rescue’s Emergency Medical Technician (“EMT”) Educational Field Experience Program. There is no cost to the County. (Operations Division)

F. HEALTH SERVICES DEPARTMENT

- 1. [19-318](#) Approval and execution of the renewal Certificate of Public Convenience and Necessity for Orlando Fire Department to provide Advanced Life Support Transport Service. The term of this certificate is from March 1, 2019 through March 1, 2021. There is no cost to the County. (EMS Office of the Medical Director)

G. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

- 1. [19-319](#) Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division)

LC 19-0117	LC 19-0119	LC 19-0058	LC 19-0132	LC 19-0182
LC 18-0984	LC 19-0120	LC 19-0168	LC 19-0135	LC 19-0190
LC 18-1002	LC 19-0185	LC 18-0991	LC 19-0147	LC 19-0193
LC 18-1005	LC 19-0205	LC 19-0070	LC 19-0156	LC 19-0194
LC 19-0043	LC 19-0206	LC 19-0082	LC 19-0170	LC 19-0197
LC 19-0047	LC 19-0096	LC 19-0105	LC 19-0177	LC 19-0199
LC 19-0053	LC 19-0098	LC 19-0118	LC 19-0178	LC 19-0201
LC 19-0085	LC 19-0150	LC 19-0131	LC 19-0180	LC 19-0202

- 2. [19-320](#) Approval and execution of Resolution 2019-M-04 of the Orange County Board of County Commissioners regarding the Board’s support and approval of use of County-Contributed Mitigation Funds by the South Florida Water Management District for the Acquisition of Land within designated areas of the Orange County portion of the Shingle Creek Area. District 1. (Environmental Protection Division)

- 3. [19-321](#) Approval and execution of Project Administration Agreement (#2018-12-07) Between Orange County, Florida And Southern Territorial Headquarters of The Salvation Army d.b.a. The Salvation Army of Orlando, Florida Regarding the Emergency Solutions Grant Program FY 2018-2019 in the amount of

\$50,000. All Districts. (Housing and Community Development)

4. [19-322](#) Approval and execution of Proportionate Share Agreement for The Blake at Hamlin Avalon Road/CR 545 by and between SLF IV/Boyd Horizon West JV, LLC and Orange County directing both the proportionate share payment in the amount of \$14,129 and future transportation impact fees that may be associated with the project pursuant to the Escrow Agreement for the Hamlin West Amended and Restated Road Network Agreement to be utilized towards the completion of Avalon Road/CR 545 improvements. District 1. (Roadway Agreement Committee)
5. [19-323](#) Approval and execution of Proportionate Share Agreement for Hamlin Daycare Avalon Road/CR 545 by and between SLF IV/Boyd Horizon West JV, LLC and Orange County directing both the proportionate share payment in the amount of \$28,258 and future transportation impact fees that may be associated with the project pursuant to the Escrow Agreement for the Hamlin West Amended and Restated Road Network Agreement to be utilized towards the completion of Avalon Road/CR 545 improvements. District 1. (Roadway Agreement Committee)
6. [19-324](#) Approval and execution of Proportionate Share Agreement for Hamlin Self-Storage Avalon Road/CR 545 by and between SLF IV/Boyd Horizon West JV, LLC and Orange County directing both the proportionate share payment in the amount of \$2,065 and future transportation impact fees that may be associated with the project pursuant to the Escrow Agreement for the Hamlin West Amended and Restated Road Network Agreement to be utilized towards the completion of Avalon Road/CR 545 improvements. District 1. (Roadway Agreement Committee)
7. [19-325](#) Approval and execution of Proportionate Share Agreement for Restaurant at Hamlin NEC Avalon Road/CR 545 by and between Hamlin Retail Partners East, LLC and Orange County directing both the proportionate share payment in the amount of \$14,129 and future transportation impact fees that may be associated with the project pursuant to the Escrow Agreement for the Hamlin West Amended and Restated Road Network Agreement to be utilized towards the completion of Avalon Road/CR 545 improvements. District 1. (Roadway Agreement Committee)
8. [19-326](#) Approval and execution of Proportionate Share Agreement for Walk-On's Bistreaux & Bar Sand Lake Road and Turkey Lake Road by and between I Shops, LLC and Orange County for a proportionate share payment in the amount of \$59,286. District 6. (Roadway Agreement Committee)
9. [19-327](#) Approval of Hold Harmless and Indemnification Agreement Parcel ID: 07-23-30-9052-05-030 by and between William J. Davis and Debra M. Davis and Orange County to construct a sunroom at 2424 Overlake Avenue, Orlando, Florida 32806. District 3. (Zoning Division)

H. PUBLIC WORKS DEPARTMENT

1. [19-328](#) Approval of Farmland Reserve Grapefruit Borrow Pit and authorization to issue Excavation Permit #18-E4-0086 to Farmland Reserve, Inc. District 4. (Development Engineering Division)

(This item was deferred.)

2. [19-329](#) Approval and execution of Federally-Funded Subaward and Grant Agreement by the State of Florida, Division of Emergency Management and Orange County, Florida Agreement Number: H0121 Project Number: 4337-23-R for the Orlo Vista/Westside Manor project. The total cost of the project is \$1,226,355 with Orange County contributing \$306,588.75 (25%) of the funding. The term for the funding is one year. All Districts. (Stormwater Management Division)
3. [19-330](#) Approval and execution of (1) Resolution 2019-M-05 of the Orange County Board of County Commissioners regarding the Local Agency Program Supplemental Agreement with the Florida Department of Transportation for the Wallace Road and Dr. Phillips Boulevard Project and (2) State of Florida Department of Transportation Local Agency Program Supplemental Agreement FPN 435587-1-58/68-01 Supplemental No. 1 in the amount of \$182,454, for a revised estimated total cost of \$1,483,782. District 1. (Transportation Planning Division)
4. [19-331](#) Authorization to record the plat of Windermere Professional Park. District 1. (Development Engineering Division)

I. UTILITIES DEPARTMENT

1. [19-332](#) Approval of Change Order Number 1, Contract No. Y18-761-TA, Orange County Utilities University Blvd. and Rouse Rd. for Emergency Repair, with Metro Equipment Service, Inc. in the amount of \$488,955.16, for a revised contract amount of \$1,367,355.16. District 5. (Field Services Division)
2. [19-333](#) Approval of Resolution 2019-M-06 of the Orange County Board of County Commissioners regarding Compliance with Section 2.02 of the Interlocal Agreement of the Water Cooperative of Central Florida Recognizing Commissioner Betsy VanderLey as the Designated Supervisor of the Governing Board of the Water Cooperative of Central Florida. All Districts.

II. INFORMATIONAL ITEMS****A. COUNTY COMPTROLLER**

1. [19-334](#) Receipt of the following items to file for the record: (Clerk's Office)

a. Minutes of the January 3, 2019 Meeting in the Sunshine. Commissioners Emily Bonilla and Christine Moore met to discuss Solar and Energy Loan Fund, Fee Waiver Request, Wayne Harrod Property, and Split Oak Forest.

b. Minutes of the February 4, 2019 Meeting in the Sunshine. Mayor Jerry Demings and Commissioner Betsy VanderLey met to discuss Horizon West Regional Park.

c. Florida Public Service Commission Notice of Proposed Agency Action Order Approving Initial Rates & Charges and Order Approving Water and Wastewater Certification Nos. 673-W and 574-S. In re: Application for certificates to provide water and wastewater service in Orange County by RSPI MHC, LLC.

d. City of Apopka Notice of Annexation Ordinances, Vicinity Maps, and Exhibits A and B as follows:

- Ordinance 2681, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Construesse USA, Inc. and located at 2600 Rock Springs Road, providing for directions to the City Clerk, severability, conflicts, and an effective date.

- Ordinance 2692, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Patricia and Maxine Lu, Roger and Randall Welker, Earl and Adelaida Wilson, Poul and Sharon Jensen, Guyitay, James Howard Holt Junior, Freddie and Sandra Jones, and Sallie Jackson and located as depicted within Exhibit "A" of said Ordinance, providing for directions to the City Clerk, severability, conflicts, and an effective date.

- Ordinance 2693, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Williams Family Trust, and by Judy Bain and Williams Family Trust and located as depicted within Exhibit "A" of said Ordinance, providing for directions to the City Clerk, severability, conflicts, and an effective date.

- Ordinance 2694, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County,

Florida, owned by Bruce and Jeannie Hatcher; and Robert and Cynthia Henderson and located as depicted within Exhibit "A" of said Ordinance, providing for directions to the City Clerk, severability, conflicts, and an effective date.

- Ordinance 2695, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Earl and Adelaida Wilson, Patrick Connelly, and Yong Sun & Byung Sook Pak; and located as depicted within Exhibit "A" of said Ordinance, providing for directions to the City Clerk, severability, conflicts, and an effective date.

- Ordinance 2696, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by CHS Management Corp. and located at Plymouth Sorrento Road, providing for directions to the City Clerk, severability, conflicts, and an effective date.

- Ordinance 2701, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Emerson Point Phase II, LLC, located at 1900 South Hawthorne Avenue; and the unimproved public road right-of-way to the North; providing for directions to the City Clerk, severability, conflicts, and an effective date.

- Ordinance 2707, An Ordinance of the City of Apopka, Florida, to extend its territorial and municipal limits to annex pursuant to Florida Statute 171.044 the hereinafter described lands situated and being in Orange County, Florida, owned by Ramjit Bhoodram Life Estate, Ramjit Ethel R Life Estate, REM: Ramjit Family Trust; located at 2378 Marden Road; providing for directions to the City Clerk, severability, conflicts, and an effective date.

These items were received and filed.

III. DISCUSSION AGENDA

A. COUNTY ADMINISTRATOR

1. [19-335](#) Appointment of a County Commissioner to the East Central Florida Regional Planning Council.

A motion was made by Commissioner VanderLey, seconded by County Mayor Demings, to appoint Commissioner Mayra Uribe to the East Central Florida Regional Planning Council. The motion carried by the following vote:

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

2. [19-336](#) Endorsement of a member of the Board of County Commissioners to serve as the Orange County representative on the Wekiva River Basin Commission.

A motion was made by Commissioner Bonilla, seconded by Commissioner VanderLey, to endorse Commissioner Christine Moore to serve as the Orange County representative on the Wekiva River Basin Commission. The motion carried by the following vote:

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

I. CONSENT AGENDA (Deferred)

H. PUBLIC WORKS DEPARTMENT

1. [19-328](#) Approval of Farmland Reserve Grapefruit Borrow Pit and authorization to issue Excavation Permit #18-E4-0086 to Farmland Reserve, Inc. District 4. (Development Engineering Division)

A motion was made by County Mayor Demings, seconded by Commissioner VanderLey, to approve the Farmland Reserve Grapefruit Borrow Pit and authorization to issue Excavation Permit #18-E4-0086 to Farmland Reserve, Inc. The motion carried by the following vote:

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

III. DISCUSSION AGENDA (Continued)

B. ADMINISTRATIVE SERVICES DEPARTMENT

1. [19-337](#) Selection of four firms and three ranked alternates on a lot-by-lot basis to provide Health and Support Services for Persons with HIV Spectrum Disease, Request for Proposals Y19-180-SW, from the following firms listed alphabetically:

Lot A - Mental Health and Substance Abuse-Outpatient Services
- Aspire Health Partners, Inc.
- Hope and Help Center of Central Florida, Inc.
- Turning Point of Central Florida, Inc.

Lot B - Early Intervention Services
- AIDS Healthcare Foundation

- Miracle of Love, Inc.
- State of Florida, Department of Health, Lake County Health Department

Lot C - Psychosocial Support Services (Peers)

- Center for Multicultural Wellness and Prevention, Inc.
- Miracle of Love, Inc.

Lot D - Substance Abuse Treatment Services-Residential Services

- Aspire Health Partners, Inc.

([Health Services Department Public Safety Division] Procurement Division)

A motion was made by Commissioner Siplin, seconded by Commissioner VanderLey, to appoint Aspire Health Partners, Inc., Lot A: 415 points, as the selected firm; and further, appoint Turning Point of Central Florida, Inc., Lot A: 340 points, and Hope and Help Center of Central Florida, Inc., Lot A: 305 points, as the selected ranked alternates. The motion carried by the following vote:

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

A motion was made by Commissioner Siplin, seconded by Commissioner VanderLey, to appoint State of Florida, Department of Health, Lake County Health Department, Lot B: 415 points, as the selected firm; and further, appoint AIDS Healthcare Foundation, Lot B: 385 points, as the selected ranked alternate. The motion carried by the following vote:

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

A motion was made by Commissioner Siplin, seconded by Commissioner Gomez Cordero, to appoint Center for Multicultural Wellness and Prevention, Inc., Lot C: 385 points as the selected firm; and further, appoint Miracle of Love, Inc., Lot C: 349 points, as the selected ranked alternate. The motion carried by the following vote:

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

A motion was made by Commissioner Siplin, seconded by Commissioner Bonilla, to appoint Aspire Health Partners, Inc., Lot D: 415 points, as the selected firm. The motion carried by the following vote:

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

C. PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [19-338](#) Approval and execution of Resolution of the Orange County Board of County

Commissioners regarding affirming support and financial commitment for the acquisition of certain pristine natural lands known as the Harrod Property. District 5.

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to approve and execute Resolution 2019-M-07 of the Orange County Board of County Commissioners regarding affirming support and financial commitment for the acquisition of certain pristine natural lands known as the Harrod Property. The motion carried by the following vote:

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

IV. WORK SESSION AGENDA

A. COUNTY ADMINISTRATOR

1. [19-339](#) Community Development Districts.

The Board took no action.

B. PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [19-340](#) Transportation Impact Fee Study - Part 1.

The Board took no action.

V. TRAINING SESSION

A. COUNTY MAYOR

1. [19-341](#) Board Training Session Regarding Rules and Procedures.

The Board of County Commissioners convened to discuss the Board's Rules and Procedures. County staff presented on the following topics:

- Roles / Responsibilities Executive and Legislative Branch
- Board Rules of Procedure
- Quasi-Judicial Proceedings
- Appointments/ Nominations MMRB and Exempt Boards

Board discussion ensued. County staff contributed to the discussion.

The Board took no action.

VI. RECOMMENDATIONS

1. [19-342](#) February 7, 2019 Board of Zoning Adjustment Recommendations

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to approve the recommendations, with the exception of Case #SE-19-03-198, Bryan Potts (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: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

VII. PUBLIC HEARINGS

1. [19-132](#) Municipal Service Benefit Unit

Notice of Intent Resolution to Use the Uniform Ad Valorem Method of Collection of Non-Ad Valorem Assessments; All Districts

Consideration: Adoption of a Resolution authorizing the Orange County Board of County Commissioners to use the uniform method of collecting non-ad valorem assessments levied by the Orange County Board of County Commissioners as provided in Section 197.3632, Florida Statutes.

Location: All Districts; Multiple parcels and Sections, Townships, and Ranges; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Uribe, seconded by Commissioner VanderLey, to approve the request as referenced in the staff report. The motion carried by the following vote:

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

2. [19-202](#) Petition to Vacate

Kerina Village LLC, Daryl M. Carter Trust, and the School Board of Orange County Florida, Petition to Vacate 15-12-026; vacate a portion of right-of-way; District 1

Consideration: Resolution granting Petition to Vacate # 15-12-026, vacating a portion of a 60 foot and 30 foot wide non maintained, partially improved Orange County right-of-way known as Fenton Street, containing approximately 3.17 acres, a 130 foot wide unopened and unimproved right-of-way known as Fenton Street (Segment B), containing approximately 9.12 acres, a portion of a 60 foot wide unopened and unimproved right-of-way known as Smith Bennett Road connector, containing approximately 0.55 acres and a 60 foot wide, unopened and unimproved right-of-way known as Granby Street, containing approximately 1.66 acres. The total area petitioned to be vacated is 14.50 acres.

Location: District 1; One parcel address is 11011 S. Apopka Vineland Road and the others are unaddressed; S10, 14 and 15/T24/R28; Orange County, Florida (legal property description on file)

County staff indicated the Real Estate Management, Engineering, Transportation Planning, Roads and Drainage and Environmental Protection Divisions have consented to the request. All utility providers have also consented; however, various utility companies have requested utility easements over portions of the rights-of-way requested to be vacated. The petitioners have executed the utility easements and, if the vacation is approved, the easements will be subsequently recorded. Orange County requires additional drainage easements over all ponds associated with the "Daryl Carter Connector Road" project which will be provided to the County at a later time, if this PTV is approved.

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to approve the Special Warranty Deeds, Slope Easement, Transit, Pedestrian and Utility Easement, Pedestrian and Landscape Easement, and Temporary Construction Easements from M.L. Carter Services, Inc., Trustee under a Florida land trust known and designated as "Carter-Orange 105 Sand Lake Land Trust" to Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector; further, approve Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, and Temporary Construction Easement from The School Board of Orange County, Florida to Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector; further, approve the Special Warranty Deed, Drainage Easements, Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, and Temporary Construction Easements from Pulte Home Company, LLC to Orange County; further, approve the Drainage Easement, Slope Easement, Pedestrian and Landscape Easement, and Transit, Pedestrian and Utility Easement from Adventist Health System/Sunbelt, Inc. and Pulte Home Company, LLC to Orange County; further, approve the Slope Easement, Pedestrian and Landscape Easement, and Transit, Pedestrian and Utility Easement from Adventist Health System/Sunbelt, Inc. to Orange County; further, approve and execute the Subordination of Utility Interests between Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, d/b/a Progress Energy Florida, Inc., and Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector; further, approve the Special Warranty Deed, Drainage Easements, Slope Easement, Pedestrian and Landscape Easement, and Transit, Pedestrian and Utility Easement from Hilton Resorts Corporation to Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector; further, approve the Special Warranty Deed from Kerina, Inc. to Orange County, Special Warranty Deed, Utility Easement, Drainage Easement, Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, and Temporary Construction Easement from Kerina Wildwood, LLC to Orange County, and Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, Temporary Drainage Easement, and Temporary Construction Easement from Kerina Village, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector; further, approve the Utility Easement from Kerina Village, LLC and The School Board of Orange County, Florida and authorization to record instrument for Palm Parkway Connector (RIFCC); and further, approve the request subject to the resolution adopting this petition to vacate not being recorded until executed drainage easements acceptable to the County, for all ponds associated with the "Daryl Carter Connector Road" project, have been delivered to the County and all conditions precedent to placing such drainage easements on a BCC agenda for acceptance by the County have been satisfied. The motion

carried by the following vote:

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

and

I. CONSENT AGENDA (Deferred)

C. ADMINISTRATIVE SERVICES DEPARTMENT

17. [19-307](#) Approval of Special Warranty Deeds, Slope Easement, Transit, Pedestrian and Utility Easement, Pedestrian and Landscape Easement, and Temporary Construction Easements from M.L. Carter Services, Inc., Trustee under a Florida land trust known and designated as “Carter-Orange 105 Sand Lake Land Trust” to Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector. District 1. (Real Estate Management Division)

This item was approved.

and

18. [19-308](#) Approval of Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, and Temporary Construction Easement from The School Board of Orange County, Florida to Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector. District 1. (Real Estate Management Division)

This item was approved.

and

19. [19-309](#) Approval of Special Warranty Deed, Drainage Easements, Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, and Temporary Construction Easements from Pulte Home Company, LLC to Orange County, approval of Drainage Easement, Slope Easement, Pedestrian and Landscape Easement, and Transit, Pedestrian and Utility Easement from Adventist Health System/Sunbelt, Inc. and Pulte Home Company, LLC to Orange County, and approval of Slope Easement, Pedestrian and Landscape Easement, and Transit, Pedestrian and Utility Easement from Adventist Health System/Sunbelt, Inc. to Orange County, approval and execution of Subordination of Utility Interests between Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation, d/b/a Progress Energy Florida, Inc., and

Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector. District 1. (Real Estate Management Division)

This item was approved.

and

20. [19-310](#) Approval of Special Warranty Deed, Drainage Easements, Slope Easement, Pedestrian and Landscape Easement, and Transit, Pedestrian and Utility Easement from Hilton Resorts Corporation to Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector. District 1. (Real Estate Management Division)

This item was approved.

and

21. [19-311](#) Approval of Special Warranty Deed from Kerina, Inc. to Orange County, Special Warranty Deed, Utility Easement, Drainage Easement, Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, and Temporary Construction Easement from Kerina Wildwood, LLC to Orange County, and Slope Easement, Pedestrian and Landscape Easement, Transit, Pedestrian and Utility Easement, Temporary Drainage Easement, and Temporary Construction Easement from Kerina Village, LLC to Orange County and authorization to perform all actions necessary and incidental to closing for Palm Parkway Connector. District 1. (Real Estate Management Division)

This item was approved.

and

22. [19-312](#) Approval of Utility Easement from Kerina Village, LLC and The School Board of Orange County, Florida and authorization to record instrument for Palm Parkway Connector (RIFCC). District 1. (Real Estate Management Division)

This item was approved.

VII. PUBLIC HEARINGS (Continued)

3. [19-136](#) Board of Zoning Adjustment Board-Called

Steven LaBret, Case # VA-18-12-158, December 6, 2018; District 3

Consideration: Request for variances in the C-1 zoning district to allow a 2-COP license (beer & wine only) for consumption on premises as follows: 1). Located 519 ft. from a religious institution

in lieu of 1,000 ft. 2). Located 622 ft. from a religious institution in lieu of 1,000 ft.

Location: District 3, property generally located North side of Curry Ford Rd., Orlando, Florida 32822; Orange County, Florida (legal property description on file in Zoning Division)

The following person addressed the Board:

- Steven LaBret
- Ivette Rosa
- Jose Rosa
- Mildred Fernandez
- Ron Newby
- Jim Scarborough
- Daniel Paixao
- Luis Acevedo
- Leroy Eldridge
- Robert Luciano
- Ruth Cintron
- Madie Hotard

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

- Exhibit 1, from Steven LaBret
- Exhibit 2, from Luis Acevedo

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

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to deny the request to allow beer and wine. The motion carried by the following vote:

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

4. [19-135](#) Board of Zoning Adjustment Appeal

Michael Harding, Case # SE-18-12-172, December 6, 2018; District 3

Consideration: Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant for a special exception to amend condition of approval #8 from February 1, 2018 (SE-18-02-154) to allow vehicular access on-site to Russell Ave.

Location: District 3; property generally North of Curry Ford Rd., west of Russell Ave.; Orange County, Florida (legal property description on file in Zoning Division)

The following persons addressed the Board:

- Giovanni Fernandez
- Sandra Senner

County staff modified Conditions of Approval #'s 1, 3, 4, 6, and 8:

1. Development in accordance with the site plan and elevations dated November 18, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the ~~Board of Zoning Adjustment~~ Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The parking lot shall comply with ~~Chapter 38-1476~~ Article XI, Off Street Parking and Loading Regulations, Chapter 38 of the Orange County Code.

6. ~~A permit shall be issued within 6 months or this approval becomes null and void. All required permits, including a site work permit, wall permits and right-of-way utilization permits shall be issued and work associated with such permits shall be inspected and approved within 6 months (by not later than August 26, 2019) or the special exception approval shall automatically become null and void.~~

8. ~~A six (6)~~ An eight (8) foot high post and panel wall shall be installed along the western 125 ft. of the north property line. A four (4) foot high concrete or masonry ~~high~~ knee wall shall be installed along the eastern 25 feet of the north property line and along the eastern ~~portion of the parking lot~~ property line from the north property line south to the access along Russell Avenue.

A motion was made by Commissioner Uribe, seconded by Commissioner VanderLey, to approve the request subject to the Conditions of Approval listed in the Staff Report with modified Conditions of Approval #'s 1, 3, 4, 6, and 8. The motion carried by the following vote:

Aye: 5 - Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Bonilla

Nay: 2 - Mayor Demings, and Commissioner Siplin

5. [19-160](#) Development Review Committee Appeal

A. Kurt Ardaman, Fishback Dominick, Orangewood N-1 Planned Development / N-1 Westwood Preliminary Subdivision Plan / Parcel 4 - Westwood Hotel Development Plan, Case # DP-18-01-017; District 1
(Continued from February 26, 2019)

Consideration: Appeal of the decision of the Environmental Protection Commission recommendation of denial of an after-the-fact request for variance to side-setback for dock permit application BD-18-05-056.

Location: District 1; property located at 9184 Grand Island Way, on Lake Lartigue; Orange County, Florida (legal property description on file in Environmental Protection Division)

Court Reporter: Jennifer B. Sanders, First Choice Reporting & Video Services

The following persons addressed the Board:

- Kurt Ardaman
- Greg Lee

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to continue the public hearing until March 12, 2019, at 2 p.m. The motion carried by the following vote:

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

6. [19-137](#) Environmental Protection Commission Appeal

Scott Mathemeier, 9184 Grand Island Way, appeal of the decision of the Environmental Protection Commission (EPC) of denial of an after-the-fact request for variance to side-setback for dock permit application BD-18-05-056; District 1

Consideration: Appeal of the decision of the Environmental Protection Commission recommendation of denial of an after-the-fact request for variance to side-setback for dock permit application BD-18-05-056.

Location: District 1; property located at 9184 Grand Island Way, on Lake Lartigue; Orange County, Florida (legal property description on file in Environmental Protection Division)

The following persons addressed the Board:

- Scott Mathemeier
- Timothy James
- Sheila Cichra

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

A motion was made by Commissioner VanderLey, seconded by Commissioner Siplin, to affirm the decision of the Environmental Protection Commission and deny the variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side-setback) for Scott Mathemeier Dock Construction Permit BD-18-05-056. The motion carried by the following vote:

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

7. [19-134](#) Preliminary Subdivision Plan

Eric E. Warren, Poulos & Bennett, LLC, San Lorenzo Townhomes Planned Development / San Lorenzo Preliminary Subdivision Plan, Case # PSP-18-05-168; District 3

Consideration: San Lorenzo Townhomes Planned Development / San Lorenzo Preliminary Subdivision Plan, Case # PSP-18-05-168, submitted in accordance with Sections 34-69 and 30-89 Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide 13.49 acres in order to construct 72 single-family detached residential dwelling units.

Location: District 3, property generally located South of Pershing Avenue / West of Goldenrod Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Eric Warren.

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

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

Absent: 1 - Commissioner VanderLey

8. [19-159](#) Preliminary Subdivision Plan

Jennifer Stickler, Kimley-Horn & Associates, Inc., Hubbard Place Planned Development / Hubbard Place Preliminary Subdivision Plan, Case # PSP-17-09-278; District 1

Consideration: Hubbard Place Planned Development / Hubbard Place Preliminary Subdivision Plan, Case # PSP-17-09-278, submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This Preliminary Subdivision Plan (PSP) is a request to subdivide 16.59 acres in order to construct 13 single-family detached residential dwelling units. This project is proposed to be a gated community under Orange County Code Sections 34-280, 34-290, and 34-291.

Location: District 1; property generally located South of Lady Bet Drive / West of South Apopka Vineland Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Chuck Whittall
- Dave Froelich

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

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

9. [19-004](#) Rezoning

Thomas Daly, Daly Design Group, Inc., Tyson Ranch Planned Development / Land Use Plan Amendment (PD/LUPA), Case # LUP-18-02-056; District 4
(Continued from January 8, 2019 and February 26, 2019)

Consideration: Request to rezone 75.29 gross acres from A-2 (Farmland Rural District) to PD (Planned Development District) in order to construct 350 multi-family dwelling units, 330 attached single-family dwelling units, 187,389 square feet of commercial and office uses, and 250 hotel rooms. This request also includes a Master Sign Plan. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-79(20)(j) to allow 40' rear to rear townhome building separations within Parcel 4, in lieu of a 60' rear to rear separation for townhome buildings;
2. A waiver from Section 38-79(20)(f) to allow a maximum 50% of buildings to be (4) four units within Parcel 4, in lieu of a maximum 25% of building to be (4) four units;
3. A waiver from Section 38-1258(d) to allow 3-story (45' height) multi-family buildings within parcel 3, in lieu of 3-story and 40' in height;
4. A waiver from Section 38-1258(a) to allow a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, 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 single story in height;
5. A waiver from Section 38-1258(b) to allow 100% of the multi-family buildings to be 3 story (45' height) to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of Parcel 3 adjacent to internal PD Parcel 4, 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 a 3 story (45' height) multi-family building to be located 85' from the east property line of Parcel 3, 65' from the west property line of Parcel 3 abutting the Ward Property PD Parcel 14, and 105' on the west property line of parcel 3 adjacent to internal PD Parcel 4, in lieu of Multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (40 feet) in height, except as provided in (d) below;
7. A waiver from Section 38-1258(e) to allow parking and other paved areas for multi-family development on parcel 3 to be located ten (10) feet from the east property line adjacent to single-family zoned property line. A (10)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code, in

lieu of parking and other paved areas for multi-family development shall be located at least twenty-five (25) feet from any single-family zoned property. A twenty-five (25)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in Chapter 24 of the Orange County Code;

8. A waiver from Section 38-1258(f) to allow a 6' high aluminum fence on the east and west property line of Parcel 3, 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 38-1254(1) to allow a 3 story (45' height) multi-family building to be located 85' on the east side of Parcel 3, 65' from the west side of Parcel 3 abutting the Ward PD Parcel 14, and 105' from internal Parcel 4, in lieu of structures in excess of two (2) stories should increase this setback to reflect the additional structural height;

10. A waiver from Section 38-1272(5) to allow a 6 story (75' height) hotel within Parcel 1 north of Pond 10, in lieu of a maximum commercial building height of 50' and 35' within 100' of any residential property;

11. A waiver from Section 38-1603 to allow a 60' non-residential building setback from the center line of Boggy Creek Rd (minor arterial urban) and 40' from the property line whichever is greater, in lieu of a 120' non-residential building setback from the center line of Boggy Creek Rd (minor arterial rural); and

12. A waiver from Section 24-5(3) to allow a 10' landscape buffer on the north and west side of Parcel 2, in lieu of a 15' Type "C" landscape buffer; pursuant to Orange County Code, Chapter 30.

Location: District 4; property generally located South of State Road 417, North of Simpson Road, and West of Boggy Creek Road; Orange County, Florida (legal property description on file in Planning Division)

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to continue the public hearing until March 26, 2019, at 2 p.m. The motion carried by the following vote:

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

10. [19-133](#) Substantial Change

Chris Straub, River Oaks Landing HOA, Pegasus Planned Development / River Oaks Preliminary Subdivision Plan, Case # CDR-18-11-373, amend plan; District 5

Consideration: Substantial change request to amend the previously approved December 12, 1995, BCC Conditions of Approval requiring an annual inspection of the streets and drainage systems and require such inspections every three years instead, and other ancillary changes; pursuant to Orange County Code, Section 34-69 and Section 30-89.

Location: District 5, property generally located North of Lokanotosa Trail / West of Rouse Road; Orange County, Florida (legal property description on file in Planning Division)

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee

recommendation in the Staff Report. The motion carried by the following vote:

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

11. [19-138](#) Substantial Change

Adam Smith, VHB, Inc., Waterleigh Planned Development / Land Use Plan (PD / LUP), Case # CDR-18-03-073, amend plan; District 1

Consideration: A PD substantial change to revise the conceptual layout for the Village Center, request conditional uses for the Village Center, eliminate parcels 10, 14, and 23, and update the unit counts and acreages for parcels 11, 13, 24, 25, 26, 27, 30, and 31. Additionally, the applicant has requested the following three (3) waivers from Orange County Code: 1. A waiver from Section 38-1389(d)(3)(g) to allow 70% of the build-to-line to be by landscaped street walls, in lieu of 50% for public street frontages. The total requirement for buildings and street walls will remain at 70% per code. 2. A waiver from Section 38-1389(d)(4)(d) to allow for no maximum parking lot frontage within the Village Center, in lieu of 65' for major local streets and 200' for other streets. 3. A waiver from Section 38-1389(d)(4)(h) to allow parking in the front of buildings in areas where the building face addresses the major external streets in lieu of parking in the rear and sides of buildings; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located west of the intersection C.R 545 (Avalon Road) and Flamingo Crossings Boulevard; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: John Prowell.

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

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

12. [19-139](#) Substantial Change

James H. McNeil, Jr., Akerman, LLP, Orangewood N-2 Planned Development / Land Use Plan (PD / LUP), Case # CDR-18-07-230, amend plan; District 1

Consideration: A PD substantial change to change the use of Parcel 11D from single-family residential to short-term rental in order to provide consistency with BCC condition of approval # 10 from June 30, 2015 and to remove the potential elementary school site from parcel 11D. In addition, the following two (2) waivers from Orange County Code are requested: 1. A waiver from 38-1203(3) is granted to allow the project to be governed by a Preliminary Subdivision Plan, in

accordance with the applicable provisions of Chapter 34, and any other applicable provisions of Orange County Code related to residential development, in lieu of the requirement to submit a Development Plan(s). 2. A waiver is granted to allow the project to be treated as a residential project and be governed by the standards in Chapter 38, Article VIII, related to Residential Site Standards, and any other applicable provisions of Orange County Code related to residential development, in lieu of the standards set forth in Chapter 38, Article VIII, and any other applicable provisions of Orange County Code related to Tourist Commercial Site Development Standards or commercial components of a planned development (PD); pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1, property generally located south of Central Florida Parkway and West of International Drive; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Carolyn Haslam.

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

13. [19-049](#) Substantial Change

John Prowell, VHB, Inc, Wetherbee Acres Planned Development / Land Use Plan (PD / LUP), Case # CDR-18-08-263, amend plan; District 4 (Continued from February 12, 2019)

Consideration: A PD substantial change to request the following waivers from Orange County Code: 1. A waiver from Section 38-79(20)(f) to allow for 60% of units to be in buildings containing 5 or more units, in lieu of 75% of units to be in buildings containing 5 units or more; 2. A waiver from Section 38-1258(g) to allow multi-family development to share access with single-family development, in lieu of not allowing access to multi-family development from a right-of-way serving single-family development; and 3. A waiver from Section 38-1258(a) & (b) to allow multi-family buildings greater than 75' from single-family properties to have an allowable height of 40 feet (3-stories), in lieu of requiring 50% of buildings between 100 and 150 feet to be one or two-story structures and buildings less than 100' from single-family properties to be limited to a single-story; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 4; property generally located south of E. Wetherbee Road and west of Boggy Creek Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: John Prowell.

New Condition of Approval #9(f):

9(f). The access to the Yates PD, as shown on the plan, has been deleted, and access shall only be provided from Wetherbee Road.

Existing Condition of Approval #9(f) in the Staff Report should then be renumbered to Condition of Approval #9(g).

A motion was made by Commissioner Gomez Cordero, seconded by County Mayor Demings, to make a finding of consistency with the Comprehensive Plan; further, approve the request subject to the Conditions of Approval listed under the Development Review Committee recommendation in the Staff Report; and further, approve new Condition of Approval #9(f). The motion carried by the following vote:


Aye: 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, 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: 4:34 p.m.

ATTEST:



County Mayor Jerry L. Demings

Date: MAR 26 2019

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.