

BCC Mtg. Date: July 2, 2019

# Orange County Government

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



## Final Meeting Minutes

Tuesday, May 21, 2019

9:00 AM

County Commission Chambers

**Board of County Commissioners**

**Call to Order**

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

**Present:** 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 Noelia Perez  
Senior Minutes Coordinator Craig Stopyra

**Moment of Silence**

For the passing of former Orange County Commissioner Bob Freeman

**Invocation - District 5**

Venerable Chueh Fan, Guang Ming Temple

**Pledge of Allegiance**

**Presentation**

Proclamation recognizing May 19 through May 25, 2019 as Public Works Week

**Presentation**

Proclamation recognizing May as Asian Pacific American Heritage Month

**Public Comment**

The following persons addressed the Board for public comment:

- Marquis McKenzie
- Mohammad Ali
- Tom Narut

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

- Exhibit 1, from Mohammad Ali
- Exhibit 2, from Tom Narut

## I. CONSENT AGENDA

### Approval of the Consent Agenda

The Mayor deferred action on County Attorney Item 3; 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:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

### A. COUNTY COMPTROLLER

1. **19-791** Approval of the minutes of the April 9 and April 23, 2019 meetings of the Board of County Commissioners. (Clerk's Office)
2. **19-792** Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Periods are as follows:
  - May 3, 2019, to May 9, 2019; \$42,023,642.61
  - May 10, 2019, to May 16, 2019; \$23,729,159.48.(Finance/Accounting)
3. **19-793** Disposition of Tangible Personal Property as follows. (Property Accounting)
  - a. Scrap Assets.
  - b. Return leased equipment to vendor.
  - c. Dispose of assets totaled by our Third Party Administrator for its salvage value.
  - d. Scrap assets for salvage value.

### B. COUNTY ADMINISTRATOR

1. **19-794** Appointment of Akbar Allan Ali to the Pine Hills Local Government Neighborhood Improvement District Advisory Council in the District 6 representative category with a term expiring June 30, 2020. (Agenda Development Office)
2. **19-795** Appointment of Melissa Byrd to the Community Action Board in the Orange County School Board representative category with a term expiring

December 31, 2020. (Agenda Development Office)

3. **19-796** Confirmation of the Mayor's reappointment of Commissioner Bonilla to the Arts and Cultural Affairs Advisory Council with a term expiring June 30, 2021. (Agenda Development Office)
4. **19-797** Approval and execution of Art in the Chambers Loan and Exhibition Agreement by and between Orange County, Florida and Orlando Museum of Art (OMA) for the period of June 28, 2019 through October 18, 2019. (Arts and Cultural Affairs Office)
5. **19-798** Approval of budget amendment #19-24. (Office of Management and Budget)
6. **19-799** Ratification of payment of Intergovernmental claims of March 28, 2019, April 10, 2019, and April 24, 2019, totaling \$1,781,274.43. (Risk Management Division)

#### C. COUNTY ATTORNEY

1. **19-800** Approval of proposed revisions to Administrative Regulation 6.02.05, titled "Continuing Disclosure And Post-Closing Responsibilities For Debt Issues."
2. **19-801** Approval of the Mediated Settlement Agreement in the case of *Orange County v. Worship and Praise Center, Inc., et al.*, Case No. 2018-CA-008539-O, Parcels 1008 and 7008, Boggy Creek Road South Project (Osceola County line to SR 417), and authorization for the County Attorney's Office to agree to the entry of the proposed Stipulated Final Judgment as to Parcels 1008 and 7008 on behalf of Orange County.
3. **19-802** Approval of Revisions to Board Rules of Procedure.

(This item was deferred.)

#### D. ADMINISTRATIVE SERVICES DEPARTMENT

1. **19-803** Approval to award Invitation for Bids Y19-168-AV, Fire Protection Systems Preventative Maintenance and Repairs, to the low responsive and responsible bidder, National Fire Protection, LLC, in the estimated contract award amount of \$648,946.85 for Lot A and \$233,948.50 for Lot B for the base year. ([Administrative Services Department Facilities Management Division] Procurement Division)
2. **19-804** Approval to award Invitation for Bids Y19-610-AV, Yard Tractor for South Water Reclamation Facility, to the sole responsive and responsible bidder, Briggs Equipment dba Mackinnon Equipment and Services. The estimated contract award amount is \$105,838. ([Utilities Department Water Reclamation Division] Procurement Division)

3. **19-805** Approval to award Invitation for Bids Y19-724-RC, Moss Park Restroom, to the low responsive and responsible bidder, Broadway Contracting. The total contract award amount is \$538,000. ([Administrative Services Department Capital Projects Division] Procurement Division)
4. **19-806** Approval to award Invitation for Bids Y19-735-TA, Gravity System Improvements Package 15, 19, 20, 21, 22, to the low responsive and responsible bidder, Hinterland Group, Inc. The estimated contract award amount is \$2,571,471. ([Utilities Department Engineering Division] Procurement Division)
5. **19-807** Approval to award Invitation for Bids Y19-738-JS, Orange County Convention Center North/South Building Envelope Coating, to the low responsive and responsible bidder, Viktor Construction Corp. The total contract award amount is \$1,873,800. ([Convention Center Department Capital Planning Division] Procurement Division)
6. **19-808** Approval to award Invitation for Bids Y19-740-TA, Chiller Replacements at Utilities Administration Building, to the low responsive and responsible bidder, Air Mechanical & Service Corp. The total contract award amount is \$379,000. ([Utilities Department Operation and Support Division] Procurement Division)
7. **19-809** Ratification of Purchase Order M95940, Emergency Repair for 36-Inch Force Main Failure, with Prime Construction Group, Inc., for a not-to-exceed amount of \$1,500,000. ([Utilities Department Field Services Division] Procurement Division)
8. **19-810** Approval of Amendment No. 10, Contract Y14-177A, Landscape Maintenance - Active and Inactive Water Plants, with D3 Enviroscope, LLC in the amount of \$34,916.10, for a revised total estimated contract amount of \$226,216.10. ([Utilities Department Water Division] Procurement Division)
9. **19-811** Approval of Amendment No. 4, Contract Y17-1078A, Housing Opportunities for Persons with AIDS (HOPWA) Program Grant Contract with Aspire Health Partners, Inc. in the amount of \$100,000, for a revised total contract amount of \$1,178,222 ([Health Services Department Fiscal and Operational Support Division] Procurement Division)
10. **19-812** Approval of Contract Y19-1076-TJ, Maintenance and Support of Internet Based Orange County Water Resource Atlas, with the University of South Florida for the period of June 1, 2019 through May 31, 2023, in the not-to-exceed amount of \$268,160. ([Planning, Environmental, and Development Services Department Environmental Protection Division] Procurement Division)

11. **19-813** Approval of Contract Y19-1119, Maintenance and Support of Fire Station Alerting System, with US Digital Designs, Inc. in the estimated contract award amount of \$110,140.73 for a 1-year term. ([Fire Rescue Department Communications Division] Procurement Division)
12. **19-814** Selection of Advanced Data Processing, Inc., to provide Medical Transportation Billing Services, Request for Proposals, Y19-1005-AV. ([Fire Rescue Department Fiscal and Operational Support Division] Procurement Division)
13. **19-815** Approval and execution of Four Month Lease Agreement between The District Board of Trustees of the Tallahassee Community College and Orange County, Florida and delegation of authority to the Real Estate Management Division to exercise renewal options required or allowed by the lease, as needed for Tallahassee Community College - Orange County Lobbyist 300 West Pensacola Street, Suite F, Tallahassee, Florida 32301 Lease File #2056. Leon County. (Real Estate Management Division)
14. **19-816** Approval and execution of First Amendment to License Agreement for Road Improvements and Ingress and Egress by and between Orange County and Rosen Centre, Inc. and delegation of authority to the Real Estate Management Division to exercise renewal options and furnish notices required or allowed by the license, as needed for Convention Center Access Road between Rosen Hotel Complex and OCCC 9840 International Drive, Orlando, Florida 32819 Lease File #5005. District 6. (Real Estate Management Division)
15. **19-817** Approval and execution of First Amendment to Facility Use Agreement by and between Grand Cypress Orlando LLC and Orange County, Florida and delegation of authority to the Real Estate Management Division to exercise renewal options required or allowed by the lease, as needed for Grand Cypress Equestrian Center (SO Mounted Patrol) 1 Equestrian Drive, Orlando, Florida, 32836 Lease File #4037. District 1. (Real Estate Management Division)
16. **19-818** Approval and execution of Distribution Easement from Orange County to Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to record instrument for Rolling Hills Park Utility Easement. District 2. (Real Estate Management Division)
17. **19-819** Approval of Contract for Sale and Purchase and Warranty Deed between Sweetwater Golf & Country Club, Inc. and Orange County and authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for Pump Station 3226 (Sweetwater 1). District 2. (Real Estate Management Division)
18. **19-820** Approval of Drainage Easement from Ruth Christine Foust, Melinda F.

Ramsdell, and Cynthia F. Craft to Orange County and authorization to disburse funds to pay all recording fees and record instrument for Sloewood Drive Drainage Improvements. District 2. (Real Estate Management Division)

19. **19-821** Approval of Utility Easement from Northington Orlando Investors LLC to Orange County, Utility Easement from Destination Shoppes, LP. to Orange County, and Subordinations of Encumbrances to Property Rights to Orange County from Fifth Third Bank, Craft Capital USA, Inc. and Synovus Bank and authorization to record instruments for Addison at Universal Blvd. Site Work Permit # B16904162 OCU File #89108. District 6. (Real Estate Management Division)

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

1. **19-822** Approval and execution of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Frontline Outreach Head Start. This application is only executed by Orange County. (Head Start Division)
2. **19-823** Receipt and filing of Head Start Policy Council Program Information and Updates March 2019 and Head Start Policy Council Meeting Minutes February 21, 2019 for the official county record. (Head Start Division)
3. **19-824** Approval and execution of (1) State of Florida Statewide Voluntary Prekindergarten Provider Contract Form OEL-VPK 20 by and between Early Learning Coalition of Orange County, Florida and Orange County, Florida and (2) Delegation of Signing Authority for the State of Florida Statewide Voluntary Prekindergarten Provider Contract related to the Orange County Head Start Program; and approval of State of Florida Statewide Voluntary Prekindergarten Provider Contract Private Provider Attachment Form OEL-VPK 20PP by and between Early Learning Coalition of Orange County, Florida and Orange County, Florida. (Head Start Division)

#### **F. FIRE RESCUE DEPARTMENT**

1. **19-825** Approval and execution of 2018 Memorandum of Agreement (MOA) for Participating Orlando/Orange Urban Area Security Initiative (UASI) Agencies by and between the Orange County Sheriff's Office (OCSO) and Orange, Seminole, Brevard, Lake, Osceola, and Volusia Counties. (Office of Emergency Management)
2. **19-826** Approval and execution of Federally-Funded Subaward and Grant Agreement Contract Number: 19-DS-01-06-58-02-XXX by the State of Florida, Division of Emergency Management and Orange County in the amount of \$14,706. There is no local match required. (Operations Division)

**G. HEALTH SERVICES DEPARTMENT**

- 1. **19-827** Approval and execution of the renewal Certificate of Public Convenience and Necessity for the Ocoee Fire Department to provide Advanced Life Support Transport Service. The term of this certificate is from June 1, 2019 through June 1, 2021. There is no cost to the County. (EMS Office of the Medical Director)
- 2. **19-828** Approval and execution of the renewal Paratransit Services License for OWL, Inc. to provide wheelchair/stretchers service. The term of this license is from May 31, 2019 through May 31, 2021. There is no cost to the County. (EMS Office of the Medical Director)
- 3. **19-829** Approval and execution of the renewal Certificate of Public Convenience and Necessity for the Rocky Mountain Holdings, LLC d/b/a Air Care to provide Advanced Life Support Transport Service. The term of this certificate is from June 1, 2019 through June 1, 2021. There is no cost to the County. (EMS Office of the Medical Director)
- 4. **19-830** Approval and execution of the Paratransit Services License for Specialty Care Transport Inc. to provide wheelchair/stretchers service. The term of this license is from May 31, 2019 through May 31, 2021. There is no cost to the County. (EMS Office of the Medical Director)
- 5. **19-831** Approval and execution of the renewal Paratransit Services License for Florida Medical Transport, Inc. to provide wheelchair/stretchers service. The term of this license is from June 1, 2019 through June 1, 2021. There is no cost to the County. (EMS Office of the Medical Director)

**H. PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT**

- 1. **19-832** 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 19-0410 LC 19-0440 LC 19-0421 LC 19-0379 LC 19-0375  
 LC 19-0504 LC 19-0474 LC 19-0422 LC 19-0396 LC 19-0383  
 LC 19-0393 LC 19-0477 LC 19-0455 LC 19-0399 LC 19-0415  
 LC 19-0404 LC 19-0486 LC 19-0499 LC 19-0401 LC 19-0417  
 LC 19-0406 LC 19-0327 LC 19-0390 LC 19-0403 LC 19-0429  
 LC 19-0407 LC 19-0366 LC 19-0451 LC 19-0430 LC 19-0435  
 LC 19-0408 LC 19-0378 LC 19-0210 LC 19-0453 LC 19-0458  
 LC 19-0412 LC 19-0402 LC 19-0355 LC 19-0269 LC 19-0461



2. **19-833** Approval and execution of Third Amendment to Right of Way Agreement Hollywood Plaza Parking Garage International Drive by and between Hollywood Plaza Garage Realty, LLC and Orange County to adjust the timing of the conveyance and to provide for reimbursement of impact fees paid under protest. District 6. (Transportation Planning Division)
3. **19-834** Approval and execution of Proportionate Share Agreement for Cheddars Scratch Kitchen Turkey Lake Road by and between Westwood Blvd LLC and Orange County for a proportionate share payment in the amount of \$48,690. District 1. (Transportation Planning Division)

#### **I. PUBLIC WORKS DEPARTMENT**

1. **19-835** Approval of temporary multi-way stop installation at Reams Road/Ficquette Road and Summerlake Park Boulevard. District 1. (Traffic Engineering Division)
2. **19-836** Approval of multi-way stop installation at Beulah Road and Marshall Farms Road/Beard Road. District 1. (Traffic Engineering Division)
3. **19-837** Approval and execution of Project Addendum to Master Agreement by and between CSX Transportation, Inc. and Orange County for the design of the grade crossing surface at CSX Railroad Crossing No: 621489P on Exchange Drive, south of Presidents Drive and authorization to disburse \$15,000 for the preliminary engineering design. District 6. (Roads and Drainage Division)
4. **19-838** Approval and execution of Project Addendum to Master Agreement by and between CSX Transportation, Inc. and Orange County for the design of the grade crossing surface at CSX Railroad Crossing No: 621488H on Exchange Drive, north of West Landstreet Road and authorization to disburse \$15,000 for the preliminary engineering design. District 6. (Roads and Drainage Division)
5. **19-839** Approval and execution of (1) Interlocal Agreement between Orange County, Florida and City of Maitland, Florida regarding the transfer of jurisdiction of Lake Avenue from South East Street to South Orlando Avenue and (2) County Deed by Orange County and the City of Maitland. District 5. (Roads and Drainage Division)
6. **19-840** Approval of "No Parking" zone installation on both sides of Taborfield Avenue from Reams Road to Brinbury Street. District 1. (Traffic Engineering Division)
7. **19-841** Approval and execution of Central Florida Expressway Authority Application for a Temporary Right of Entry Permit. District 1. (Traffic Engineering Division)

Division)

8. **19-842** Approval and execution of Central Florida Expressway Authority Application for Utility Permit. District 1. (Traffic Engineering Division)
9. **19-843** Approval and execution of School Impact Fee Agreement regarding an alternative impact fee calculation for Creative Village Parcel M Apartments #18-006 by and among Creative Village Parcel M Owner, LLC, City of Orlando, The School Board of Orange County, Florida, and Orange County. District 6. (Traffic Engineering Division)

## J. UTILITIES DEPARTMENT

1. **19-844** Approval and execution of Joint Participation Agreement between City of Orlando and Orange County Regarding Construction of a County Water Main and County Reclaimed Water Main (Narcoossee Road Expansion) by and between Orange County and the City of Orlando, Florida, in an amount not-to-exceed \$5,581,740 for the construction of a 36-inch water main and 24-inch reclaimed water main. District 4. (Engineering Division)

## II. INFORMATIONAL ITEMS\*\*

### A. COUNTY COMPTROLLER

1. **19-845** Receipt of the following items to file for the record: (Clerk's Office)
  - a. Florida Public Service Commission Order Suspending Proposed SolarTogether Program Tariff. In re: Petition for approval of FPL SolarTogether program and tariff, by Florida Power and Light Company.
  - b. Orange County Industrial Development Authority Oaths of Office for the following members to the Orange County Industrial Development Authority:
    - Julio L Rocha, Member
    - Justin Vermuth, Chairman
    - Paul Michelotti, Vice Chairman
    - Casey Barnes, Secretary
    - William R. Parsons, Assistant Secretary
  - c. Florida Public Service Commission Final Order Approving Duke Energy Florida, LLC's First Solar Rate Base Adjustment. In re: Petition for a limited proceeding to approve first solar base rate adjustment, by Duke Energy Florida, LLC.

These items were received and filed.

## III. DISCUSSION AGENDA

**A. COUNTY ADMINISTRATOR**

1. **19-846** 2019 Legislative Session Update. (Legislative Affairs Office)

The following persons addressed the Board:

- Chris Carmody
- Robert Stewart Jr.

The Board took no action.

2. **19-847** Appointment of two Board members and one citizen member to the 2019 Value Adjustment Board and the designation of two alternate Board members and one alternate citizen member.

A motion was made by Mayor Demings, seconded by Commissioner Bonilla, to appoint Commissioner Moore and Commissioner Gomez Cordero as Board members to the 2019 Value Adjustment Board; and further, appoint Commissioner VanderLey and Commissioner Uribe as alternate Board members to the 2019 Value Adjustment Board. 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 Uribe, seconded by Commissioner Moore, to reappoint David Robinson as a citizen member to the 2019 Value Adjustment Board; and further, reappoint Robert Caldwell as an alternate citizen member to the 2019 Value Adjustment Board. 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

3. **19-848** Appointments to the Orlando Community Redevelopment Agency Advisory Board.

A motion was made by Mayor Demings, seconded by Commissioner VanderLey, to reappoint Commissioner Siplin to the Orlando Community Redevelopment Agency Advisory Board with a term expiring June 30, 2021; and further, appoint Doug Taylor as the citizen representative to the Orlando Community Redevelopment Agency Advisory Board with a term expiring June 30, 2020. 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 (Continued)****C. COUNTY ATTORNEY (Deferred)**

3. 19-802 Approval of Revisions to Board Rules of Procedure.

Commissioner Bonilla's proposed recommendations and discussion to Consent Agenda Item, C3, Approval of Revisions to Board Rules of Procedure:

Section 1.03 Suspension of Rules

These rules may be suspended at any time with respect to any single matter before the Board but only upon five votes of the Board members present at the meeting and only if at least five members are present.

Section 2.01(C). Emergency Meetings

In accordance with Section 210 of the Charter, any ordinances enacted under emergency provisions ~~will~~ ~~shall~~ must be effective for a limited period of thirty days. However, at the Board's discretion, the ordinance may be reenacted in the manner provided by law.

Section 2.05 Absence of County Mayor and Vice-Mayor.

Clarify with regarding to who will determine quorum in the absence of County Mayor, Vice Mayor and Immediate Past Vice Mayor.

Section 2.07 Agenda

Include Public Comment among list of morning agenda items.

Section 2.07 Agenda D. The Afternoon Agenda, #2

Remove the word "timed" from the section. Also change the word "discussion" to "testimony".

Section 2.07 E. Agenda Preparation and Deadlines.

Seeking clarification to Section 2.07 E. (a) and (b).

Section 2.08 Consent Agenda.

B. Withdrawal of Items.

Section 2.10 Voting by the Board.

E. Votes on Appointments.

Requesting advanced notice of vacancies to the various boards and nomination votes taken on paper.

Section 4.13 Motion to Rescind

C. Losing Side: If the Board member voted on the losing side of the Board's previous action ~~or was absent during the Board's previous action~~, the motion to rescind shall be in order only if:

Section 4.13 Motion to Rescind

D. Motions Out of Order. The motion to rescind shall not be in order if:

~~7. More than two Board meeting have occurred since the previous action was taken.~~

~~8. The Board membership has changed after the previous action that is the subject of the motion to rescind.~~

The motion to accept Commisisoner Bonilla's amendments with the exception of Section 4.13 Motion to Rescind, died for a lack of a second.

Commissioner Bonilla withdrew her motion to amend Section 4.13 Motion to Rescind. D. Motions Out of Order, Lines 7 and 8.

7. More than ~~two~~ four Board meetings have occurred since the previous action was taken.
8. The Board membership has changed ~~after the previous action~~ in full that is the subject of the motion to rescind.

County Staff recommended the following amendments to Consent Agenda Item, C3, Approval of Revisions to Board Rules of Procedure:

#### Section 2.05 Absence of County Mayor and Vice-Mayor.

In the absence of ~~both~~ the County Mayor, ~~and~~ the Vice-Mayor and Immediate Past Vice-Mayor, at a meeting of the Board, the County ~~Administrator~~ Attorney or designee shall determine whether a quorum is present and, if a quorum is present, the County Administrator shall call for the election of a Presiding Officer for that meeting. The Presiding Officer elected for the meeting shall preside over that meeting ~~or unless and~~ until the County Mayor, ~~or the Vice-Mayor~~ or Immediate Past Vice-Mayor arrives. The Presiding Officer shall relinquish the chair upon the arrival of either the County Mayor, ~~or the Vice-Mayor~~ or Immediate Past Vice-Mayor upon conclusion of the business immediately before the Board.

#### Section 2.07 Agenda

##### A. The Morning Agenda:

1. The morning agenda shall include:
  - a. Constitutional Officers' Reports, if any.
  - b. Report of the County Mayor
  - c. Reports of the Commissioners
  - d. Staff Reports
  - e. Informational Items
  - f. Public Comment.
  - f.g. Such other items as may be requested from time to time and approved by the County Mayor.

##### Section 2.07 Agenda D. The Afternoon Agenda, #2

2. The agenda shall ~~be a timed agenda, except that it will~~ state that the public discussion and public hearings will be held at the time shown or as soon thereafter as time permits.

#### Section 4.13 Motion to Rescind

C. Losing Side: If the Board member voted on the losing side of the Board's previous action ~~or was absent during the Board's previous action~~, the motion to rescind shall be in order only if:

A motion was made by Commissioner Siplin, seconded by Commissioner VanderLey, to approve Consent Agenda Item C3, Approval of Revisions to Board Rules of Procedure; and

further, approve amendments as presented by County Staff to Section 2.05 Absence of County Mayor and Vice-Mayor, Section 2.07 Agenda, A.1.f. and A.1.g., Section 2.07 Agenda, D.2., and Section 4.13 Motion to Rescind, C. Losing Side. The motion carried by the following vote:

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

**Nay:** 1 - Commissioner Bonilla

### Nonagenda

Commissioner Uribe addressed the Board regarding District 3's kick-off event for a summer literacy program.

### Announcement

County Attorney Newton announced that a closed attorney client meeting will be held on June 4, 2019. Notice is hereby given pursuant to Subsection 286.011(8) Florida Statutes, that a closed attorney client executive session will be held at the end of the morning business on the Board's agenda on Tuesday, June 4, 2019, in the County Administrator's Executive Conference Room, 5th Floor, of the County Administration Building. By the Orange County Board of County Commissioners so that the County Attorney may seek the Board's advice concerning Florida's Association for Constitutional Officers, Inc. vs Orange County, Florida and Bill Cowles, Orange County Supervisor of Elections, 9th Judicial Circuit Court Case #2016-CA-011202-O. The names of all persons expected to attend the meeting are Orange County Mayor Jerry L. Demings, County Commissioners Betsy VanderLey, Christine Moore, Myra Uribe, Maribel Gomez Cordero, Emily Bonilla and Victoria P. Siplin, County Administrator Byron Brooks, County Attorney Jeffrey Newton, Assistant County Attorney William Turner and an official court reporter. The executive session is expected to last for one hour.

## IV. RECOMMENDATIONS

### 1. 19-849 May 2, 2019 Board of Zoning Adjustment Recommendations

County Staff noted the conditions that were listed for Case #SE-19-06-046, which were included in the Recommendations booklet on page 206 were not the complete conditions the Board of Zoning Adjustment recommended. The conditions listed on page 211 of the Recommendations booklet are the correct conditions of approval.

A motion was made by Commissioner Siplin, seconded by Commissioner Uribe, to approve the recommendations with the exception of Case # SE-19-05-041, House of Prayer Church of the Living God (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

**Absent:** 1 - Commissioner Moore

## V. PUBLIC HEARINGS

1. **19-595** Municipal Service Benefit Unit

North of Alberts - Westside and Westside Village, amend for retention pond(s) maintenance; District 1

**Consideration:** Amend by resolution a Municipal Service Benefit Unit for retention pond(s) maintenance to include the Westside Village subdivision at North of Alberts - Westside.

**Location:** District 1; Parcel ID (Multiple parcels); Section 25, Township 23, and Range 27; Orange County, Florida (legal property description on file)

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, 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. **19-596** Municipal Service Benefit Unit

Watermark Area, amend for streetlighting and for retention pond(s) maintenance; District 1

**Consideration:** Amend by resolution a Municipal Service Benefit Unit for streetlighting and for retention pond(s) maintenance to include Watermark Phase 3 and Watermark Phase 4 subdivisions at Watermark Area

**Location:** District 1; Parcel ID (Multiple parcels); Sections 04 and 09, Township 24, and Range 27; Orange County, Florida (legal property description on file)

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, 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

3. **19-597** Municipal Service Benefit Unit

Westside Village, establish for streetlighting; District 1

**Consideration:** Establish by resolution a Municipal Service Benefit Unit for streetlighting to include 151 lots at the Westside Village subdivision

**Location:** District 1; Section 25, Township 23, and Range 27; Orange County, Florida (legal property description on file)

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, 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

**4. 19-598 Municipal Service Benefit Unit**

Winding Bay - Phase 1A, establish for streetlighting; District 1

**Consideration:** Establish by resolution a Municipal Service Benefit Unit for streetlighting to include five (5) lots at the Winding Bay - Phase 1A subdivision

**Location:** District 1; Section 17, Township 24, and Range 27; Orange County, Florida (legal property description on file)

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, 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

**5. 19-599 Municipal Service Benefit Unit**

Woodland Park Area, amend for streetlighting and for retention pond(s) maintenance; District 4

**Consideration:** Amend by resolution a Municipal Service Benefit Unit for streetlighting to include Woodland Park Phases 3 and 4 and retention(s) pond maintenance to include Woodland Park Phase 4 and Sawgrass Landings subdivisions at Woodland Park Area

**Location:** District 4; Parcel ID (Multiple parcels); Section 18, Township 24, and Range 30; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Gomez Cordero, 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

**6. 19-600 Municipal Service Benefit Unit**

World Design Center Parcels 6A, 5, 6B, and 7A, establish for retention pond(s) maintenance; District 6

**Consideration:** Establish by resolution a Municipal Service Benefit Unit for retention(s) pond maintenance at World Design Center Parcels 6A, 5, 6B, and 7A

**Location:** District 6; Sections 04 and 33, Townships 23 and 24, and Range 29; Orange County, Florida (legal property description on file)

A motion was made by Commissioner Siplin, seconded by Commissioner Uribe, 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

7. **19-594** Board of Zoning Adjustment Appeal

Fernando Mariano

Francelis Gonzalez/Frank Case, Case # VA-19-03-010, March 7, 2019;  
District 1 (Continued from May 21, 2019)

**Case:** Board of Zoning Adjustment Case # VA-19-03-010; March 7, 2019

**Consideration:** Appeal of the recommendation of the Board of Zoning Adjustment on a request by applicant for a variance in the R-L-D zoning district to allow a rear (north) setback of 31 ft. in lieu of 50 ft.

**Location:** District 1; property generally located East end of Scenic Oak Court, north of Boca Point Drive and west of South Apopka Vineland Road; Orange County, Florida (legal property description on file at the Zoning Division)

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to continue the public hearing until July 2, 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

8. **19-580** Planning and Zoning Commission Appeal

Michael D. Harding, MHarding Enterprises, Inc., Case RZ-19-01-061,  
March 21, 2019; District 5

**Case:** Planning and Zoning Commission Case # RZ-19-01-061; March 21, 2019

**Consideration:** The request is to consider the rezoning and appeal of the March 21, 2019 Planning and Zoning Commission (PZC) Recommendation of Denial for Rezoning Case # RZ-19-01-061, in the name of Michael D. Harding, MHarding Enterprises, Inc., to rezone 0.83 gross acres from C-1 (Retail Commercial District) to C-2 (General Commercial District), in order to allow for outdoor storage and display of merchandise and overnight vehicle parking.

**Location:** District 5; property located at 7309 E. Colonial Drive; or generally located on the north side of E. Colonial Drive, the west side of Dorris Drive, approximately 1,100 feet east of N. Forsyth Road; Orange County, Florida (legal property description on file at Planning Division)

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to make a finding of inconsistency with the Comprehensive Plan and deny the rezoning request from C-1 (Retail Commercial District) to C-2 (General Commercial District) consistent with the Planning and Zoning Commission Recommendation. 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. 19-658 Preliminary Subdivision Plan**

James Hoffman, VHB, Inc., Monk Property Planned Development / Monk Property Preliminary Subdivision Plan, Case # PSP-18-10-340; District 1

**Consideration:** Monk Property Planned Development / Monk Property Preliminary Subdivision Plan, Case # PSP-18-10-340, 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 49.57 acres in order to construct 81 single-family residential dwelling units. This request also includes the following waivers from Orange County Code:

1) A waiver from Orange County Code Section 38-13855(b)(9)(c) is granted to allow a minimum rear-yard setback of 20' for any lots that are not abutting adjacent property along the eastern property line, in lieu of the minimum 25 ft. rear yard primary building setback required by code for lots within the Estate Home District.

2) A waiver from Orange County Code Section 38-1384(i)(4) is granted to allow lots greater than 50' in width that face neighborhood squares and parks to be front loaded in lieu of access from a rear alley or from a rear-yard garage.

**Location:** District 1; property generally located North of Overstreet Road / South of Winter Garden Vineland Road; 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 Uribe, 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

**10. 19-659 Preliminary Subdivision Plan**

Tony Reddeck, GAI Consultants, Inc., Bishop Planned Development / Bishop Landing Phase 3 Preliminary Subdivision Plan, Case # PSP-18-10-325; District 4

**Consideration:** Bishop Planned Development / Bishop Landing Phase 3 Preliminary Subdivision Plan, Case # PSP-18-10-325; submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This Preliminary Subdivision Plan (PSP) is a request to subdivide 14.83 acres in order to construct 53 single-family detached residential dwelling units.

**Location:** District 4; property generally located north of Simpson Road / West of Ward Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Tony Reddeck
- Janette Greenough
- Dallas Austin

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Siplin, 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

**11. 19-582 Substantial Change**

Eric Warren, Poulos & Bennett, LLC, Springhill Planned Development / Spring Hill Phases 1B-2, 1B-3, & 1B-4 Preliminary Subdivision Plan (PSP), Case # CDR-18-06-188, amend plan; District 1

**Consideration:** Substantial change request is to add nine townhomes and 20 single-family residential dwelling units within the previous future development area; number lots in Phase 1B-4 to match the plat; to revise a previously approved waiver from the July 11, 2017 BCC, adding lots and to recognize that the specific lots identified are those from the approved PSP; and to request a waiver from Orange County Code to allow front loaded lots to face a neighborhood square or park. This request also includes the following waiver from Orange County Code:

1) A waiver from Orange County Code Section 38-1384(i)(4) is granted to allow front-loaded lots to face a neighborhood square or park in lieu of the requirement that all lots greater than fifty (50) feet in width that face neighborhood squares or parks shall be provided access from a rear alley. This waiver is specific to Park P-4 and lots 186-190; Park P-5 and lots 335-340; and Park P-6 and lots 408-410. These park and lot identification numbers are specific to the approved PSP, and may change with platting; pursuant to Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89

**Location:** District 1; property generally located South of Flamingo Crossing Boulevard / West of Avalon Road; Orange County, Florida (legal property description on file in Planning Division)

County staff noted the substantial change request also includes Springhill Phases 1B-5 Preliminary Subdivision Plan.

The following person addressed the Board: Lance Bennett.

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.     19-660           Substantial Change**

James McNeil, Jr., Akerman, LLP, Orangewood N-2 Planned Development / Grande Pines Parcel 11D Preliminary Subdivision Plan (PSP), Case # CDR-18-07-231, amend plan; District 1

**Consideration:** This request is to change the use from single-family residential to short-term rental; add a site plan for proposed amenity included in Phase 1 Park P-1; revise the PSP boundary to remove the commercial tracts fronting International Drive; and to add gates off International Drive and Westwood Boulevard; pursuant to Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89

**Location:** District 1; property generally located south of Central Florida Parkway / East of Westwood Boulevard; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Jim McNeil
- Abed Ereikpt
- Christina Baxter
- Chuck Costa

New Condition of Approval #9 as follows:

9. Developer shall notify the neighboring property thirty (30) days prior to construction of Phase 4 at the address provided.

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

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

**Absent:** 1 - Commissioner Bonilla

**13.     19-664           Ordinance**

Repealing Orange County Ordinance 96-7, as amended by Ordinance 2007-15 and 2013-10, Orange County Code Chapter 2, Article V, Division 7, pertaining to Orange County Educational Facilities Authority

**Consideration:** AN ORDINANCE PERTAINING TO THE ORANGE COUNTY EDUCATIONAL FACILITIES AUTHORITY; REPEALING ORANGE COUNTY ORDINANCE NO. 96-7, AS AMENDED BY ORDINANCE NOS. 2007-15 AND 2013-10 AND CODIFIED IN CHAPTER 2, ARTICLE V, DIVISION 7 OF THE ORANGE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE AND FILING WITH THE STATE OF FLORIDA SPECIAL DISTRICT ACCOUNTABILITY

## PROGRAM

A motion was made by Commissioner VanderLey, seconded by Commissioner Bonilla, to adopt Ordinance 2019-03 pertaining to the Orange County Educational Facilities Authority; further, repeal Orange County Ordinance No. 96-7, as amended by Ordinance Nos. 2007-15 and 2013-10, and codified in Chapter 2, Article V, Division 7 of the Orange County Code; and further, provide an effective date and filing with the State of Florida Special District Accountability Program. 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

**14. 19-680** Ordinance/Comprehensive Plan

Amending Orange County Code, adopting 2019-1 Regular Cycle and Small Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP) and concurrent rezoning requests

and

Adoption of Ordinances

Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment

Amendment 2019-1-A-1-2

Robert Reese for 18 Avalon Road, LLC; District 1

**Consideration:** Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR)

**Location:** 14544 Avalon Rd.; Generally located on the west side of Avalon Rd., north of Arrowhead Blvd., east of the Orange/Lake County Line, and south of Grove Blossom Wy.; Parcel ID#: 31-24-27-0000-00-020; 18.33 gross ac.

The following person addressed the Board: Robert Reese.

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective FLU8.2, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.4(F), FLU7.4.4, FLU8.1.4, FLU8.2.1, and FLU8.2.2; Housing Element Goal H1 and Objective H1.1; and Conservation Element Objective C1.4); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-A-1-2, Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Medium-High Density Residential (GC-PD-MHDR), up to 360 multi-family dwelling units. 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

**14. 19-681** Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment

Amendment 2019-1-A-1-3

Adam Smith, VHB / Adventist Health System/Sunbelt, Inc. and Pulte Home Corp.; District 1

**Consideration:** Planned Development-Low-Medium Density Residential (PD-LMDR) to Planned Development-Commercial/Low-Medium Density Residential (PD-C/LMDR)

**Location:** Generally located west of Palm Pkwy., east of Lemon Lake Blvd., and south of Fenton St. and the proposed Daryl Carter Pkwy. Extension; Parcel ID#s: 14-24-28-1242-69-241 (portion of); 15-24-28-6505-00-010/020/030/040/050/060/070/080/090/100/110/120/130/140/150/160/170/180/190/200; 15-24-28-6505-01-001; 15-24-28-6505-15-001; 15-24-28-6505-19-001; 15-24-28-6505-23-001; 15-24-28-7774-00-020 (portion of); 15-24-28-7774-00-025; 16.72 gross ac.

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU1.4.1, FLU1.4.4, 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 2019-1-A-1-3, Planned Development-Low-Medium Density Residential (PD-LMDR) to Planned Development-Commercial/Low-Medium Density Residential (PD-C/LMDR), Residential: up to 20 townhome units; Non-residential: up to 200,000 square feet, to include an off-site (freestanding) emergency department and commercial and office uses permitted in the C-1 (Retail Commercial) zoning district. 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

**14. 19-682** Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment

Amendment 2019-1-A-1-4

Daniel T. O'Keefe, Shutts &amp; Bowen LLP / Diamond Resorts Cypress Pointe III Development, LLC; District 1

**Consideration:** Activity Center Mixed Use (ACMU) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)

**Location:** Generally located east of Ruby Lake Rd., north of Lake St., and south of Lemon Lake Blvd.; Parcel ID#s: 15-24-28-6211-17-010 (portion of), 15-24-28-6211-14-010/130, 15-24-28-6211-15-010/131, 15-24-28-6211-16-010/130/150, 15-24-28-6211-17-131, 15-24-28-6211-24-010/090/131, 15-24-28-6211-25-010/130, 15-24-28-6211-98-010/090/130, and 15-24-28-6211-99-010/130/170; 17.67 gross ac.

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU2, Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.1.5, FLU1.4.1, FLU1.4.4, 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 2019-1-A-1-4,

Activity Center Mixed Use (ACMU) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR), up to 400 multi-family dwelling units and 15,000 square feet of C-1 (Retail Commercial District) uses. 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

**14. 19-683** Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment

Amendment 2019-1-A-4-1

Thomas R. Sullivan, Gray Robinson, P.A.; District 4

**Consideration:** Planned Development-Industrial/Commercial/Conservation (PD-IND/C/CONS) to Planned Development-Medium Density Residential/Industrial/Parks and Recreation/Open Space (PD-MDR/IND/PR/OS)

**Location:** Generally located south of the intersection of S. Alafaya Trl. and S. Avalon Park Blvd., and east of Innovation Wy.; Parcel ID#: 12-23-31-0000-00-002; 33.85 gross ac.

The following person addressed the Board: Tom Sullivan.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Moore, to adopt Amendment 2019-1-A-4-1, Planned Development-Industrial/Commercial/Conservation (PD-IND/C/CONS) to Planned Development-Medium Density Residential/Industrial/Parks and Recreation/Open Space (PD-MDR/IND/PR/OS), the District Commissioner will be looking for a number of environmental and compatible conditions to be included in the Planning Determination, Change Determination that will be coming to the Board in the next few months. In particular, the District Commissioner expects the conditions related to the appropriate permit uses, buffering and expressed condition regarding remediation and documentation related to the waste removal and cleanup of the former waste disposal site on the property. The motion carried by the following vote:

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

**Nay:** 2 - Commissioner Bonilla, and Commissioner Siplin

**14. 19-684** Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment

Amendment 2019-1-A-4-3

Erika Hughes, VHB/Boggy Creek Retail Development, LLC; District 4

**Consideration:** Planned Development-Commercial (PD-C) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR)

**Location:** 5757 Simpson Rd.; Generally located north of Simpson Rd., west of Boggy Creek Rd., south of Lake Nona Blvd., and east of Ward Rd.; Parcel ID#: 33-24-30-0000-00-015; 16.76 gross ac.

The following person addressed the Board: Erika Hughes.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU1, Objective FLU1.1 and FLU1.4, and Policies FLU1.1.1, FLU1.1.2(), FLU1.1.2(B), FLU1.1.4(A), FLU1.1.4(B), FLU1.4.1, FLU1.4.2, FLU1.4.4, FLU8.1.2, FLU8.2.1, FLU8.2.10, and FLU8.2.11); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-A-4-3, Planned Development-Commercial (PD-C) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR), up to 45,750 square feet of retail commercial uses and up to 336 multi-family residences. 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

**14. 19-685 Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment**

Amendment 2019-1-A-5-1

Thomas R. Sullivan, Gray Robinson, P.A., for Marolyn Cowart Russell, Trustee, and Park Square UCF, LLC; District 5

**Consideration:** Commercial (C) to Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR) (Student Housing)

**Location:** 12151 E. Colonial Dr.; Generally located north of E. Colonial Dr., east of N. Alafaya Trl., south of Orpington St., and west of Woodbury Rd.; Parcel ID#s: 22-22-31-9461-00-010/011; 22-22-31-0000-00-091 (portion of); 12.28 gross ac.

The following person addressed the Board: Tom Sullivan.

A motion was made by Commissioner Bonilla, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU1, Objectives FLU1.1, FLU1.4, and FLU2.1, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.2(F)(1)(2)M FLU1.1.4(A), FLU1.1.4(B), FLU1.4.1, FLU1.4.2, FLU8.1.2, FLU8.1.4, and FLU8.2.1); further, determine that the proposed amendment is in compliance; further, adopt Amendment 2019-1-A-5-1, Commercial (C) to Planned Development-Commercial/Medium Density Residential (Student Housing) (PD-C/MDR) (Student Housing), up to 162 student housing units (up to 650 beds) or up to 802,375 square feet of commercial development; and further, make a finding of consistency with the Comprehensive Plan; and approve the rezoning request from Retail Commercial District (C-1) and General Commercial District (C-2) to Planned Development District (PD) subject to the fifteen (15) conditions of approval included 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

**and**

**14. 19-686 Concurrent Rezoning Request**



Thomas R. Sullivan, Gray Robinson, P.A., for Marolyn Cowart Russell,  
Trustee, and Park Square UCF, LLC  
Rezoning LUP-19-01-001 (Burlington PD)

**Consideration:** Request to rezone from Retail Commercial District (C-1) and General Commercial District (C-2) to Planned Development District (PD). Also requested are three (3) waivers from Orange County Code:

- 1) A waiver from Section 38-1258(f) to allow a six (6) foot composite screening or precast concrete wall system, in lieu of a six-foot high masonry, brick, or block wall whenever a student housing development is located adjacent to right-of-way;
- 2) A waiver from Section 38-1259(g) to allow a maximum density rate of 1 bedroom shall count at one-quarter dwelling unit (1 bedroom = ¼ dwelling unit), in lieu of the required 1 bedroom - ½ dwelling unit; and
- 3) A waiver from Section 38-1259(h) to allow the student housing buildings to be a maximum of three (3) stories fifty (50) feet and the student housing parking garage a maximum height of five (5) stories sixty (60) feet, in lieu of three (3) stories forty (40) feet.

**Location:** District 5; 12151 E. Colonial Dr.; Generally located north of E. Colonial Dr., east of N. Alafaya Trl., south of Orpington St., and west of Woodbury Rd.; Parcel ID#s: 22-22-31-9461-00-010/011; 22-22-31-0000-00-091 (portion of); 12.28 gross ac.

The concurrent rezoning request LUP-19-01-001 was approved.

**14. 19-687 Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment**

Amendment 2019-1-A-5-2

Chris Dougherty, S&ME, Inc./ The Wise Partnership; District 5

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

**Location:** 6575 E. Colonial Dr.; Generally located north of E. Colonial Dr., west of N. Forsyth Rd., south of Hanging Moss Rd., and east of Commerce Blvd.; Parcel ID#: 22-22-30-0000-00-001; 10.09 gross ac.

The following person addressed the Board:

- Chris Dougherty
- Virginia Traver

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU1, Objectives FLU1.1, FLU2.1 and FLU1.4, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), FLU1.4.1, FLU1.4.2, FLU1.4.16, FLU8.1.2, AND FLU8.7.11); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-A-5-2, Commercial (C) to Medium-High Density Residential (MHDR), up to 350 multi-family residences. 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

14. **19-688** Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment  
Amendment 2019-1-A-5-3  
Geoff Rogers, Silver City Properties, Ltd.; District 5

**Consideration:** Commercial (C) to Planned Development-Commercial/High Density Residential (Student Housing) (PD-C/HDR) (Student Housing)

**Location:** 3714 N. Forsyth Rd.; Generally located north of University Blvd., east of N. Semoran Blvd., south of Aloma Ave., and west of N. Forsyth Rd.; Parcel ID#: 03-22-30-0000-00-029; 13.14 gross ac.

The following person addressed the Board: James Johnston.

A motion was made by Commissioner Bonilla, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal flu1, Objectives FLU1.1, FLU2.1 and FLU1.4, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.2(F)(1)(2), FLU1.1.4(A), FLU1.1.4(B), FLU1.4.1, FLU1.4.2, FLU8.1.2, FLU8.1.4, FLU8.2.1); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-A-5-3, Commercial (C) to Planned Development-Commercial/High Density Residential (Student Housing) (PD-C/HDR) (Student Housing), up to 30,000 square feet of commercial uses and up to 2,400 student housing bedrooms (600 dwelling units) student housing. 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

14. **19-689** Regular Cycle Staff-Initiated Text Amendment  
Amendment 2019-1-B-FLUE-1  
Text amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County; Countywide

A motion was made by Commissioner Bonilla, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-B-FLUE-1, consistent with today's actions. 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

14. **19-690** Regular Cycle Staff-Initiated Text Amendment  
Amendment 2019-1-B-FLUE-2  
Text amendment to reduce required minimum density and clarify the timing of road agreements for Horizon West Village I Special Planning Area;

## District 1

The following person addressed the Board: Kathy Hattaway.

A motion was made by Commissioner VanderLey, seconded by Commissioner Uribe, to adopt Amendment 2019-1-B-FLUE-2: FLU4.3.10 to clarify the timing of road agreements for Horizon West Village I Special Planning area, similar to the existing requirements for Villages F, H, and the Town Center and FLU4.1.4 to reduce the minimum overall density per net developable acre for Horizon West Village I Special Planning Area from seven (7) dwelling units per acre to five (5) dwelling units per acre. 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

**14. 19-691** Regular Cycle State-Expedited Review Comprehensive Plan Amendments Ordinance

Amending Orange County Code, adopting 2019-1 Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184 and 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 AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2019 CALENDAR YEAR (FIRST CYCLE); AND PROVIDING EFFECTIVE DATES.

County staff proposed the following revisions to the May 8, 2019 Draft Ordinance for the 2019-1 Regular Cycle Amendments:

1. Revise the recitals beginning at Line 25 at page 1 of the draft ordinance to read as follows, with new wording shown by underlines, and deleted wording shown by strike-throughs:

c. On January 17, 2019, the Orange County Local Planning Agency ("LPA") held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance, except for Amendment 2019-1-B-FLUE-2; and

d. On February 12, 2019, the Orange County Board of County Commissioners held a public hearing on the transmittal of the proposed amendments to the Comprehensive Plan, as described in this ordinance, except for Amendment 2019-1-B-FLUE-2; and

e. On February 21, 2019, and March 12, 2019, respectively, the LPA and the Board held transmittal public hearings on Amendment 2019-1-B-FLUE-2; and

e.f. On April 11, 2019, the Florida Department of Economic Opportunity ("DEO") issued a letter to the County relating to the DEO's review of the proposed amendments to the Comprehensive Plan, as described in this ordinance, except for Amendment 2019-1-B-FLUE-2; and

g. On April 8, 2019, the DEO issued a letter to the County relating to the DEO's review of Amendment 2019-1-B-FLUE-2; and

f.h. On April 18, 2019, the LPA held a public hearing at which it reviewed and made recommendations regarding the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance; and

g.i. On May 21, 2019, the Board held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to adopt them.

2. Insert Amendment 2019-1-B-FLUE-2, the text amendments to FLU Policies 4.1.4 and 4.3.10 with underlines and strike-throughs, at Line 60 at page 4 of the draft ordinance.

A motion was made by Commissioner Uribe, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; further, determine that the amendments are in compliance; and further, adopt Ordinance 2019-04, approving the proposed Future Land Use Map and Text Amendments, including revisions to Ordinance for the 2019-1 Regular Cycle amendments as presented by staff, and consistent with today's prior actions. 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

**14. 19-692 Small Scale Development Privately-Initiated Amendment**

Amendment 2019-1-S-2-2

The School Board of Orange County/Julie Salvo; District 2

**Consideration:** Low Density Residential (LDR) to Medium Density Residential (MDR)

**Location:** 1410 S. Central Ave.; Generally located north of W. 18th St., east of Marvin C. Zanders Ave., south of W. 17th St., and west of S. Central Ave.; Parcel ID#: 16-21-28-6044-03-090; 0.22 gross ac.

The following person addressed the Board: Julie Salvo.

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective FLU1.1, FLU2.1, FLU8.2, Policies FLU1.1.5, FLU1.4.2, FLU1.4.4, FLU8.2.1 and FLU8.2.11; Neighborhood Element Policy N1.1; and Public Schools Facilities Element Objective PS2.1, PS2.2, Policies PS2.1.1, PS2.1.2, and PS2.2.7); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-S-2-2, Low Density Residential (LDR) to Medium Density Residential (MDR), for a Orange County Public Schools Adult Learning Center. 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

**14. 19-693** Small Scale Development Privately-Initiated Amendment

Amendment 2019-1-S-3-1

Jordan Theis/Trident Real Estate Investments, LLC; District 3

**Consideration:** Low Density Residential (LDR) to Office (O)

**Location:** 4414 Massachusetts St.; Generally located north of Anderson Rd., east of Conway Rd., south of Lake Margaret Dr., and west of Hurd Ave.; Parcel ID#: 08-23-30-8940-02-080; 0.49 gross ac.

A motion was made by Commissioner Uribe, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective FLU1.4 and FLU8.2, Policies FLU1.1.4(A), FLU1.4.1, FLU1.4.2, FLU2.3.6, FLU8.1.1, FLU8.2.1, FLU8.2.5.1, FLU8.2.5.2); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-S-3-1, Low Density Residential (LDR) to Office (O), conversion of a single-family residence into an office. 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

**14. 19-694** Small Scale Development Privately-Initiated Amendment

Amendment 2019-1-S-3-2

Harlan Hanson, Harlan Hanson, Inc./Carse Limited Partnership 1; District 3

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

**Location:** 1700 S. Bumby Ave.; Generally located on the west side of S. Bumby Ave., south of Henderson Dr., east of Cloverlawn Ave., and north of Carlton Dr.; Parcel ID#s: 06-23-30-1432-02-010/030/041; 1.74 gross ac.

The following person addressed the Board: Tom Ball.

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to continue the public hearing until November 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

**14. 19-695** Small Scale Development Privately-Initiated Amendment

Amendment 2019-1-S-4-1

Stephen Allen, P.E., for Eagle Global Holding, Inc.; District 4

**Consideration:** Rural Settlement 1/2 (RS 1/2) to Planned Development- Commercial/Office (PD-C/O) and Urban Service Area (USA) Expansion

**Location:** Generally located east of Narcoossee Rd., north of Nemours Pkwy., and south of Vickrey Pl.; Parcel ID#: 20-24-31-9302-00-011; 3.15 gross ac.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objectives FLU6.2 and FLU6.3 and Policies FLU6.2.14, FLU6.3.2, FLU6.3.2.1, FLU6.3.2.2, FLU6.3.2.4, FLU6.3.3, FLU6.3.4, FLU6.3.4.1, and FLU8.2.1); further, determine that the amendment is in compliance; and further, adopt Amendment 2019-1-S-4-1, Rural Settlement 1/2 (RS 1/2) to Planned Development-Commercial/Office (PD-C/O) and Urban Service Area (USA) Expansion, up to 22,716 square feet of commercial and/or office development in the frontage zone and up to 25,156 square feet of office uses in the transition zone. 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

**14. 19-696** Small Scale Development Privately-Initiated Amendment

Amendment 2019-1-S-4-2

Erika Hughes, VHB/Francisco Bonnemaison; District 4

**Consideration:** Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR) to Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR)

**Location:** 14646 Boggy Creek Rd.; Generally located north of Simpson Rd., east of Boggy Creek Rd., south of Lake Nona Blvd., and west of Ward Rd.; Parcel ID: 33-24-30-0000-00-035; 8.50 gross ac.

The following person addressed the Board: Erika Hughes.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU1, Objectives, FLU1.1 and FLU1.4 and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.4.1, FLU1.4.2, FLU2.2.17, FLU2.3.7, FLU8.1.2, FLU8.1.3, FLU8.1.4, FLU8.2.1, FLU8.2.2, FLU8.2.10, FLU8.2.11); further, determine that the amendment is in compliance; and further, adopt Amendment 2019-1-S-4-2, Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR) to Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR), up to 50,000 square feet of retail commercial uses, up to 100,000 square feet office space, and up to 170 multi-family residences. 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

**14. 19-697 Small Scale Development Privately-Initiated Amendment**

Amendment 2019-1-S-5-1

Duc Pham, Lan Pham, and Van Pham; District 5

**Consideration:** Office (O) to Low Density Residential (LDR)**Location:** 2020 Crescent Blvd.; Generally located north of Orpington St., east of Rouse Lake Rd., south of Graduate Dr., and west of Crescent Blvd.; Parcel ID#: 15-22-31-5748-09-090; 2.02 gross ac.

The following person addressed the Board: Joshua Treadway.

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Objective FLU8.2 and Element Policies FLU1.1.2(B), FLU1.1.2(C), FLU8.1.1, FLU8.2.1, FLU8.2.5.1, and FLU8.2.5.2); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-S-5-1, Office (O) to Low Density Residential (LDR), to lot split to create two parcels and construct a single-family residence. 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**14. 19-698 Small Scale Development Privately-Initiated Amendment**

Amendment 2019-1-S-5-2

Drew Shofner, BluRock Commercial Real Estate, LLC/John W. and Marjorie H. Doyle; District 5

**Consideration:** Low-Medium Density Residential (LMDR) to Commercial (C)**Location:** 10116 Union Park Dr.; Generally located on the south side of Union Park Dr., east of N. Dean Rd., north of E. Colonial Dr., and west of Royal Vista Ct.; Parcel ID#: 17-22-31-7400-00-160 (portion of); 0.23 gross ac.

The following person addressed the Board: Drew Shofner.

A motion was made by Commissioner Bonilla, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Objective FLU8.2, and Policies FLU1.1.5, FLU1.4.4, FLU1.4.6, and FLU8.2.1); further, determine that the amendment is in compliance; and further, adopt Amendment 2019-1-S-5-2, Low-Medium Density Residential (LMDR) to Commercial (C), to continue to use the subject portion of the property for parking in conjunction with the existing retail flower shop located immediately south of the subject property. 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

**14. 19-699 Small Scale Development Privately-Initiated Amendment**

Amendment 2019-1-S-5-3

Robert Paymayesh, PE Group, LLC / Shahriar Ekbatani, Baldwin Park Professional Plaza, LLC; District 5

**Consideration:** Office (O) to Planned Development-Commercial (PD-C)**Location:** 1850 N. Semoran Blvd.; Generally located north of Old Cheney Hwy., west of N. Semoran Blvd., south of Baldwin Park St., and east of Truman Rd.; Parcel ID#: 16-22-30-0000-00-011; 1.58 gross ac.

The following person addressed the Board: Robert Paymayesh.

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 Objectives FLU1.1, FLU2.2 and FLU8.2, and Policies FLU1.4.1, FLU1.4.2, FLU1.4.4, FLU 2.4.1, FLU 2.4.2, FLU 8.1.4, FLU 8.2.1, FLU8.2.6, FLU8.2.10 and FLU8.2.11); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-S-5-3, Office (O) to Planned Development-Commercial (PD-C), to allow a 6,000 square foot carwash and 5,000 square feet of additional commercial uses. 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**14. 19-700 Small Scale Development Privately-Initiated Amendment**

Amendment 2019-1-S-5-4

Steven Shea, Civil &amp; Site Engineering, Inc./Semoran Vista, Inc. Shahrzad Shamsaee; District 5

**Consideration:** Office (O) to Planned Development-Commercial (PD-C)**Location:** 1427 N. Semoran Blvd.; Generally located north of Old Cheney Hwy., east of N. Semoran Blvd., south of Cornelia Ave., and west of Myrtle St.; Parcel ID#: 15-22-30-5024-01-260; 3.45 gross ac.

The following person addressed the Board: Steven Shea.

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 Objectives FLU1.1, FLU2.2 and FLU8.2, and Policies FLU1.4.1, FLU1.4.2, FLU1.4.4, FLU 2.4.1, FLU 2.4.2, FLU 8.1.4, FLU 8.2.1, FLU8.2.6, FLU8.2.10 and FLU8.2.11); further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-S-5-4, Office (O) to Planned Development-Commercial (PD-C), to allow up to 45,000 square feet of retail commercial and office uses. 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



14. **19-701** Amending Orange County Code, adopting 2019-1 Small Scale Development Amendment to the 2010-2030 Comprehensive Plan (CP) (Continued May 21, 2019) and Adoption of Ordinance

Small Scale Development Privately-Initiated Amendment

Amendment 2019-1-S-5-5

Bryan Potts, P.E., for Florida Housing Affordability, Inc.; District 5

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

**Location:** 2460 Rouse Rd.; Generally located north of E. Colonial Dr., east of N. Dean Rd., south of J. Blanchard Trl., and west of Rouse Rd.; Parcel ID#: 16-22-31-8972-00-080; 4.99 gross ac.

The following person addressed the Board: Bryan Potts.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to continue the public hearing until July 2, 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

14. **19-702** Small Scale Development Privately-Initiated Amendment

Amendment 2019-1-S-5-6 (fka 2018-2-S-5-1)

Michelle Rivero Family Trust, Carlos A. Rivero, Trustee; District 5

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

**Location:** 15932 and 15816 E. Colonial Dr.; Generally located north of Old Cheney Hwy., east of S. Tanner Rd., south of E. Colonial Dr., and west of Parry Ln.; Parcel ID#s: 19-22-32-7876-03-050/060; 2.45 gross ac.

Amendment 2019-1-S-5-6 (fka 2018-2-S-5-1) was withdrawn by the applicant.

and

14. **19-703** Concurrent Rezoning Request

Michelle Rivero Family Trust, Carlos A. Rivero, Trustee  
Rezoning RZ-18-10-036

**Consideration:** Request to rezone from C-1 (Retail Commercial District) and A-2 (Farmland Rural District) to C-1 (Retail Commercial District)

**Location:** District 5; 15932 and 15816 E. Colonial Dr.; Generally located north of Old Cheney Hwy., east of S. Tanner Rd., south of E. Colonial Dr., and west of Parry Ln.; Parcel ID#s: 19-22-32-7876-03-050/060

Based upon the applicant's withdrawal of Amendment 2019-1-S-5-6 (fka 2018-2-S-5-1), the rezoning request RZ-18-10-036 was not considered.

**14. 19-704 Small Scale Development Privately-Initiated Amendment**

Amendment 2019-1-S-5-7

Ryan Courech / Meridian Rentals, LLC; District 5

**Consideration:** Office (O) to Low Density Residential (LDR)**Location:** 2650 Lotafun Ave.; Generally located south of Lotafun Ave., east of N. Wymore Rd., and north of Euston Rd.; Parcel ID#: 02-22-29-4068-02-030; 0.10 gross ac.

The following person addressed the Board: Howard Axner.

A motion was made by Commissioner Bonilla, seconded by Commissioner Gomez Cordero, 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, and FLU8.2.1; and Housing Element Goal H1 and Objective H1.1); further, determine that the amendment is in compliance; and further, adopt Amendment 2019-1-S-5-7, Office (O) to Low Density Residential (LDR), to allow one (1) single-family dwelling unit. 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

**14. 19-705 Small Scale Staff-Initiated Text Amendment**

Amendment 2019-1-S-FLUE-1

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

A motion was made by Commissioner Uribe, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-S-FLUE-1, consistent with today's actions. 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

**14. 19-706 Small Scale Staff-Initiated Text Amendment**

Amendment 2019-1-S-FLUE-2

Text amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA); Countywide

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; and further, adopt Amendment 2019-1-S-FLUE-2, consistent with today's actions. 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

**14. 19-707 Small Scale Development Ordinance**

Amending Orange County Code, adopting 2019-1 Small Scale Development Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184 and 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 VanderLey, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; further, determine that the amendments are in compliance; and further, adopt Ordinance 2019-05, approving the proposed Future Land Use Map and Text Amendments, consistent with today's actions. 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

**15. 19-592 Ordinance**

Amending Orange County Code, Division 4.5, Article VII, Chapter 38, pertaining to the I-Drive District Overlay Zone and Chapter 31.5 regarding signage definitions - 2nd hearing (1st hearing on May 7, 2019)

**Consideration:** AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, BY AMENDING ORANGE COUNTY CODE PROVISIONS RELATED TO THE I-DRIVE DISTRICT OVERLAY ZONE; AMENDING DIVISION 4.5 OF ARTICLE VII OF CHAPTER 38 TO PROVIDE FOR DYNAMIC ART REGULATIONS, AMEND THE USES BY TRANSECT TABLE, ALLOW FOR LIVE/WORK UNITS AS A RESIDENTIAL USE, PERMIT AND REGULATE OPEN AIR MARKETS, REPEAL CERTAIN PROHIBITED USES, AMEND BICYCLE PARKING AMOUNT AND DESIGN REQUIREMENTS, ELIMINATE PAVEMENT MATERIAL REQUIREMENTS FOR LOADING FACILITIES, AND ADD DEFINITIONS; AMENDING CHAPTER 31.5, ORANGE COUNTY CODE, REGARDING SIGNS, TO EXEMPT DYNAMIC ART FROM THE DEFINITIONS OF "SIGNAGE" AND "WORK OF ART"; AND PROVIDING FOR AN EFFECTIVE DATE.

County staff recommended to postpone all proposed amendments relating to Open Air Markets for further consideration.

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

- 1) Remove all Proposed Amendments Relating to "Open Air Markets"
- 2) Dynamic Art:
  - a. Hours of Operation - Sub-Districts 1 & 2: 7:00 am - 12:00 am; Sub-District 3: 7:00 am - 2:00 am
  - b. Limited to any Building or Parking Structure with greater than 3 stories / 35 feet.
  - c. Motorist Safety - 660' Separation from I-4 & 528 Centerline
  - d. Motorist Safety - Subtle Lighting & Pattern Changes
  - e. Motorist Safety - Deny Application or Modify / Cease Operations (With References to County Traffic Engineer & Appeal Process)
  - f. Max. Text Coverage - 10% / Not to Exceed 672 SF
  - g. Intermittent Text Coverage - Max. of 30 Seconds / Minute
  - h. Max. Text Coverage Display Height - 100 Feet
  - i. Dynamic Art May Be Subject to Other Jurisdictional Permits

1. Sec. 38-864.1.b.(8) - Hours of Operation

Dynamic Art Installations may only operate between 7:00 a.m. and 12:00 a.m. of the following day within Sub-Districts 1 and 2, and 7:00 a.m. - 2:00 a.m. of the following day within Sub-District 3.

2. Sec. 38-864.1.d - Traffic Safety Hazards

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 any potential traffic safety hazard issues with the County Traffic Engineer. If the standards herein have been met, the Planning Division Manager shall accept the application. Should the County Traffic Engineer determine that proposed Dynamic Art will result in a traffic safety hazard, the application shall be denied. Furthermore, if any Dynamic Art is found to constitute a traffic safety hazard after installation, 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.

Any decision of the Planning Division Manager to deny an application for Dynamic Art, or the Planning Division Manager's failure to render a decision in accordance with the time requirements of this section, may be appealed to the Board of County Commissioners for a de novo determination of whether the application complies with the criteria in this Section. Appeals of any decision of the Planning Division Manager to deny a Dynamic Art application for reasons associated with First Amendment protections, may also be immediately reviewed as a matter of right by a court of competent jurisdiction upon the filing of an appropriate pleading by an

aggrieved party. Likewise, any determination by the County Traffic Engineer about a traffic safety hazard may be appealed to the Board or a court of competent jurisdiction, whichever the operator of the Dynamic Art deems appropriate.

3. Sec. 38-864.1.b.(7)(D) - Height Limitation for Text

Text Copy Area shall not be located more than one hundred (100) feet above the finished grade at the base ~~above the first 3 stories or the first 35 feet~~ of the building or parking structure.

The following persons addressed the Board:

- Luann Brooks
- Angel de la Portilla
- Trippe Cheek
- Maria Triscari
- Micah Bass

Based upon input during Public Comment and agreed upon by County Staff, the following revision to Section 38-864.1d, first paragraph, last sentence to read as follows:

Should the County Traffic Engineer determine based upon applicable traffic safety standards that proposed Dynamic Art will result in a traffic safety hazard, the application shall be denied.

Based upon input during Public Comment and agreed upon by County Staff, the last sentence of Section 38-869. Definitions. to read as follows:

b. Defined Terms.

Dynamic Art. Designs or images on a ~~buildings and or~~ structures that employ lighting displays, projections, videos or other electronic images and graphics, or any combination thereof, ~~but not text~~. Such designs or images shall consist of ~~subtle~~ changing or moving elements of color, shapes, symbols, images, graphics and patterns, as created by artists, creative agencies or studios, design professionals or others. ~~With the exception of within any Text Copy Area, Dynamic Art may not display text.~~

A motion was made by Commissioner Siplin, seconded by Commissioner VanderLey, to make a finding of consistency with the Comprehensive Plan; further, allow staff to correct any non-substantial grammatical or scrivener's errors; and further, adopt Ordinance 2019-06 as recommended by the Planning and Zoning Commission on January 17, 2019 and February 20, 2019, along with the final recommendations as presented and revised by Staff. The motion carried by the following vote:

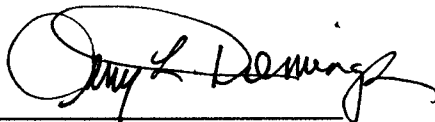
**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

√ 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>.

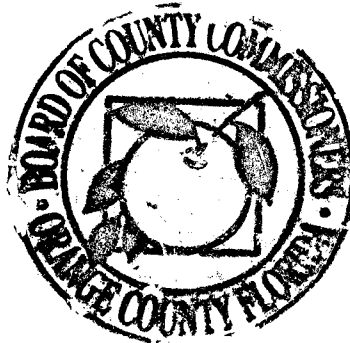
ADJOURNMENT: 5:51 p.m.

ATTEST:




County Mayor Jerry L. Demings

Date: 7/2/19



ATTEST SIGNATURE:

Phil Diamond  
County Comptroller as Clerk

  
Katie Smith  
Deputy Clerk

\* \* \*

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

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

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

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

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