

Orange County Government

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



Draft Meeting Minutes

Tuesday, September 13, 2022

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

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

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

Invocation - District 5

Dr. Jeffrey Williamson, Director, Orange County Communications

Pledge of Allegiance**Presentation**

Proclamation recognizing September 15 through October 15, 2022 as Hispanic Heritage Month

Presentation

Proclamation recognizing Pediatric Cancer Awareness Month

Public Comment

The following persons addressed the Board for public comment:

- Michelle Ouimet
- Jeremy Laplanche
- Lee Perry
- Kelly Semrad

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

The Mayor deleted Administrative Services Department Consent Item 12; further, deferred action on Public Works Department Consent Item 3; and further, a motion was made by Commissioner Bonilla, seconded by Commissioner Moore, to approve the balance of the Consent Agenda. The motion carried by the following vote:

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

A. COUNTY MAYOR

1. **22-1124** Approval and execution of Orange County, Florida and University of Central Florida Board of Trustees FY 2022-2023 Grant Agreement and authorization to disburse \$101,250 as provided in the FY 2022-23 adopted budget.

(Office of Economic, Trade and Tourism Development)

B. COUNTY COMPTROLLER

1. **22-1125** Approval and execution of the minutes of the August 9, 2022 meeting of the Board of County Commissioners. (Clerk's Office)
2. **22-1126** Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Periods are as follows:

- August 26, 2022, to September 1, 2022; \$20,907,099.79
- September 2, 2022, to September 8, 2022; \$32,120,502.38

(Finance/Accounting)

3. **22-1127** Disposition of Tangible Personal Property as follows.(Property Accounting)
 - a. Scrap assets.
 - b. Return leased equipment to lessor.
 - c. Remove stolen asset from inventory.

C. COUNTY ADMINISTRATOR

1. **22-1128** Approval of the Membership and Mission Review Board's recommendations for advisory board appointments and reappointments. (Agenda Development Office)
 - A. Affordable Housing Advisory Board: Reappointment of Kevin D. Fitzpatrick, Jr. in the for-profit provider of affordable housing representative category with a term expiring June 30, 2024.
 - B. Arts and Cultural Affairs Advisory Council: Appointment of Stephanie Lerret to succeed Sami Haiman-Marrero in the District 4 representative category with a term expiring June 30, 2024.
 - C. Commission on Aging: Reappointment of Chandra E. Ewell in the business representative category and the reappointment of Javecia C. Colston in the active caregiver representative category with terms expiring June 30, 2024.
 - D. Disability Advisory Board: Appointment of Anjali Marajh to succeed Teara S. Johnson in the at large representative category with a term expiring June 30, 2023 and the appointment of Wendy K. Long, MSW to succeed Sandra Algarin in the at large representative category with a term expiring June 30, 2024.
 - E. Green PLACE Advisory Board: Appointment of Luis Olguin and Donald J. Kendzior in the agricultural interest representative category, and Susanne Pena in the academic/education representative category with terms expiring December 31, 2022; and the appointment of Elaine A. Imbruglia in the at

large representative category and Eric Rollings in the verified recognized environmental conservation organization representative category with terms expiring December 31, 2023.

F. Health Council of East Central Florida: Reappointment of Dan L. Becker in the health care consumer over 60 representative category with a term expiring September 30, 2024.

G. M/WBE Advisory Committee: Reappointment of Dionna Little Jones in the at large representative category with a term expiring June 30, 2024.

H. Parks and Recreation Advisory Board: Reappointment of Madeline Almodovar Ramirez in the natural resource representative category and Malika Harrison in the Mayor's representative category with terms expiring June 30, 2024; the appointment of Erica Bolivar to succeed Jeff Loeffert in the District 1 representative category with a term expiring June 30, 2024; and the appointment of Kelly Baumier to succeed Steven Coleman in the District 2 representative category with a term expiring June 30, 2023.

2. **22-1129** Approval of FY 2022-23 Regular, Administrative and Mayor/Board of County Commissioners (BCC) Staff Pay Plan Structural Adjustment, Salary Increase and Implementation Plan, and Personal Leave Sell Program. (Human Resources Division)
3. **22-1130** Approval and execution of Interlocal Agreement between City of Maitland and Orange County, Florida regarding The 800 Megahertz Radio System. (Information Systems and Services Division)
4. **22-1131** Approval for the Orange County Sheriff's Office to spend \$20,000 from the FY 2022 Law Enforcement Trust Fund-State Forfeitures for eligible contributions to the International Conference of Police Chaplains (\$10,000) and Orange County Police Athletic League (\$10,000). (Office of Management and Budget)
5. **22-1132** Approval to advance \$3,504,259 to the Orange County Tax Collector on October 1, 2022. This advance is necessary to maintain the financial operation of the office during the month of October 2022. (Office of Management and Budget)
6. **22-1133** Approval to make monthly draws to the Orange County Supervisor of Elections as follows: October 2022 and November 2022, equal amounts of \$3,708,502.50; and December 2022 through September 2023, equal amounts of \$741,700.50. (Office of Management and Budget)
7. **22-1134** Approval to make monthly draws to the Orange County Sheriff as follows: October 2022, the amount of \$34,964,261; November and December 2022, equal amounts of \$25,096,044; January 2023, the amount of \$50,192,088; February 2023 through July 2023, equal amounts of \$25,096,044; and August 2023, the amount of \$25,096,040. (Office of Management and Budget)

8. **22-1135** Approval to make quarterly payments to the Orange County Comptroller from the General Fund, Fire Rescue/911, Parks and Recreation, Public Service Tax, Building, Convention Center/Tourist Development Tax, Water Utilities, Solid Waste/Recycle, and Public Works funds for fees beginning October 2022 through July 2023. (Office of Management and Budget)
9. **22-1136** Approval to pay the first quarter billing for the Orange County Property Appraiser in the amount of \$6,265,073.61. (Office of Management and Budget)
10. **22-1137** Approval of budget amendment #22-57. (Office of Management and Budget)
11. **22-1138** Approval of budget transfers #22-1202, #22-1207, and #22-1208. (Office of Management and Budget)

D. COUNTY ATTORNEY

1. **22-1139** Approval of proposed revised Administrative Regulation 4.01, titled "Impact Fees."

E. ADMINISTRATIVE SERVICES DEPARTMENT

1. **22-1140** Approval to award Invitation for Bids Y22-1033-MB, Stormwater Pond and Primary Canal Cleaning and Restoration Services, to the low responsive and responsible bidder, RMS Constructors Group, LLC. The estimated contract award amount is \$1,412,100 for the base year. ([Public Works Department Stormwater Management Division] Procurement Division)
2. **22-1141** Approval to award Invitation for Bids Y22-1055-CR, Stormwater Pipe Video Inspection, Cleaning, Sealing and Related Services, to the low responsive and responsible bidder, EnviroWaste Services Group, Inc. The estimated contract award amount is \$2,496,522 for the base year. ([Public Works Department Roads and Drainage Division] Procurement Division)
3. **22-1142** Approval to award Invitation for Bids Y22-7001-CR, Michigan Campus Medical Examiner's Security Upgrades, to the low responsive and responsible bidder, CORE Engineering & Construction Inc. The estimated total contract award amount is \$160,940. ([Administrative Services Department Capital Projects Division] Procurement Division)
4. **22-1143** Approval to award Invitation for Bids Y22-7003-ZR, Force Main Lake Underhill at Chickasaw Trail, to the low responsive and responsible bidder, Metro Equipment Service, Inc. The total contract award amount is \$1,592,695. ([Utilities Department Engineering Division] Procurement Division)

5. **22-1145** Approval of Amendment No. 2, Contract Y19-1040A, Landscape Management Active and Inactive Water Plants, with Helping Hand Lawn Care, in the amount of \$41,020.50, for a revised estimated contract amount of \$441,220.50. ([Utilities Department Water Division] Procurement Division)
6. **22-1146** Approval of Amendment No. 3, Contract Y20-1067A, Plumbing Services, with Frank Gay Services, LLC, in the amount of \$108,079.50, for a revised total contract amount of \$798,079.50. ([Administrative Services Department Facilities Management Division] Procurement Division)
7. **22-1147** Approval of Funding Agreement, Y22-2220, for the Provision of Funding a Functional Family Therapy Team, with Bay Area Youth Services, Inc. dba BAYS Florida in the annual amount of \$636,000 for a one-year term. ([Community and Family Services Department Mental Health and Homelessness Issues Division] Procurement Division)
8. **22-1148** Approval to Purchase metered Postage for FY22-23, from the United States Postal Service Computerized Meter Resetting System (CMRS-PBP), a subsidiary of Pitney Bowes, in the estimated amount of \$822,150. ([Administrative Services Department Facilities Management Division] Procurement Division)
9. **22-1149** Selection of Cannon Cochran Management Services Inc. to provide Third Party Administrator Services, Request for Proposals Y22-193-MM. ([Administration and Fiscal Services Risk Management Division] Procurement Division)
10. **22-1150** Selection of CDM Smith Inc. to provide Construction, Engineering and Inspection for Shingle Creek Trail Phase 3, Request for Proposals Y22-815-CR. ([Public Works Department Highway Construction Division] Procurement Division)
11. **22-1144** Approval and execution of Warehouse Lease by and between LONGJOHN, LLC and Orange County and authorization for the Real Estate Management Division to exercise renewal options, estoppel certificates, subordinations, furnish notices, required, or allowed by the lease, as needed for Office of Emergency Management Warehouse 6649 Armory Court, Unit #8, Winter Park, Florida 32792. Lease File #1040. District 5. (Real Estate Management Division)
12. **22-1153** Approval and execution of Escrow Agreement Horizon West Library Demolition Fund by and among Orange County Library District; Orange County; and Orange County Comptroller and authorization for the Real

Estate Management Division to furnish notices or perform other actions, as required, or allowed by the Escrow Agreement, as needed for Horizon West Library Lease - Sportsplex Lease. Lease File #4033A. District 1. (Real Estate Management Division)

(This item was deleted.)

13. **22-1154** Approval and execution of Resolution 2022-M-47 of the Orange County Board of County Commissioners regarding the Application for the Use of State-Owned Uplands for Clarcona Park Lift Station and Electric Upgrades. District 2. (Real Estate Management Division)

F. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. **22-1155** Approval to process payment of Department of Juvenile Justice Invoices for FY 2022-2023 up to the amount of \$3,900,000. (Fiscal and Operational Support Division)
2. **22-1156** Approval and execution of Notice of Extension by and between Central Florida Expressway Authority and Orange County, Florida permitting Orange County additional time to construct the Horizon West Trail and authorization for the Mayor or designee to execute any further necessary amendments to such Agreement that do not change the scope of the project or increase the overall project budget. District 1. (Parks and Recreation Division)

G. FIRE RESCUE DEPARTMENT

1. **22-1157** Approval and execution of Public Emergency Medical Transportation Letter of Agreement by and between Orange County and the State of Florida, Agency for Health Care Administration in an amount not to exceed \$2,955,039.96. (Fiscal and Operational Support Division)

H. HEALTH SERVICES DEPARTMENT

1. **22-1158** Approval of the terms, conditions, and waivers found in the event permit application for the hosting of the 9th Annual Barktoberfest rescue appreciation event and authorization for the Manager of the Animal Services Division to execute the event permit application, approved event permit, and any associated amendments or additional Barktoberfest-related documents or forms that the City of Orlando may require in the future. (Animal Services Division)

I. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **22-1159** Approval and execution of Resolution 2022-M-48 of the Orange County Board of County Commissioners Regarding Certain Service Fees Charged by the Orange County Planning, Environmental, & Development Services

Department, Division of Building Safety to reduce specific building permit fees, including an additional reduction for up to a three-year period, creation of an Incentive Fund in the amount of \$3,000,000 for certified affordable housing, and authorization to revise the schedule of fees to take effect on October 1, 2022. All Districts. (Division of Building Safety)

2. **22-1160** Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) to increase the maximum allowable terminal platform size from 582 square feet to 795 square feet with a mitigation payment of \$500 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Luciano Medeiros Silva and Tatiana Almeida Souza Dock Construction Permit BD-22-05-098. District 1. (Environmental Protection Division)
3. **22-1161** Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b) to allow a side setback distance of 16.54 feet in lieu of the required 25 feet from the southern projected property line for the Bruce and Jennifer Paster Dock Construction Permit BD-22-05-091. District 2. (Environmental Protection Division)
4. **22-1162** Approval of U.S. Environmental Protection Agency Cooperative Agreement Grant No. (FAIN): 0P-02D27822-0 between the U.S. Environmental Protection Agency and Orange County with an award in the amount of \$44,382, relating to support of ambient air monitoring for fine particulate matter and authorization for the Environmental Protection Division Manager to make non-substantial amendments to the agreement, including additional service periods. The grant period is from August 1, 2022 through July 31, 2024. All Districts. (Environmental Protection Division)
5. **22-1163** Approval and execution of Subrecipient Agreements between Orange County, Florida and 1) City of Apopka; 2) City of Winter Park; 3) Grand Avenue Economic Community Development Corp.; 4) Harbor House of Central Florida, Inc.; 5) The Salvation Army; 6) Homes in Partnership, Inc.; 7) Catholic Charities of Central Florida, Inc.; 8) Grand Avenue Economic Community Development Corp.; and 9) Habitat for Humanity Greater Orlando and Osceola County, Inc. regarding U.S. Department of Housing and Urban Development ("HUD") Community Development Block Grant ("CDBG") Program FY 2021-2022. All Districts. (Housing and Community Development Division)
6. **22-1164** Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant

to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Neighborhood Services Division)

LC 22-0320	LC 22-0223	LC 22-0376	LC 22-0350	LC 22-0333
LC 22-0272	LC 22-0300	LC 22-0385	LC 22-0368	LC 22-0340
LC 22-0370	LC 22-0328	LC 22-0337	LC 22-0271	LC 22-0344
LC 22-0384	LC 22-0351	LC 22-0349	LC 22-0332	LC 22-0346

7. **22-1165** Approval of the Neighborhood Grants Advisory Board recommendation for December 2021 Non-Profit Safety Grant to Center for Independent Living in Central Florida, Inc. (\$10,000). All Districts. (Neighborhood Services Division)
8. **22-1166** Approval and execution of Proportionate Share Agreement for The Parks at Mount Dora Orange Blossom Trail by and between CND-MT DORA, LLC and Orange County for a proportionate share payment in the amount of \$2,568,426. District 2. (Roadway Agreement Committee)
9. **22-1167** Approval and execution of Orange County/MetroPlan Orlando (Urban Area Metropolitan Planning Organization) FY 2022-2023 Funding Agreement in the amount of \$543,354. All Districts. (Transportation Planning Division)

J. PUBLIC WORKS DEPARTMENT

1. **22-1168** Authorization to record the plat of McDonald's 8745625. District 1. (Development Engineering Division)
2. **22-1169** Approval and execution of Agreement for Traffic Law Enforcement on Private Roads by and between Orange County, Florida, and M/I Homes of Orlando, LLC for Tyson Ranch Townhomes. District 4. (Development Engineering Division)
3. **22-1170** Approval of the Bishop & Buttrey Borrow Pit #186 and authorization to issue Borrow Pit Excavation Permit No. 21-E5-0014 to Bishop & Buttrey, Inc. District 5. (Development Engineering Division)

(This item was deferred.)

K. UTILITIES DEPARTMENT

2. **22-1172** Approval of funding for the Orange County/City of Orlando Water Conserv II Joint Facilities Annual Target Budget with Woodard & Curran, Inc. The County's share of the estimated project budget is \$5,371,642. All Districts. (Water Reclamation Division)
3. **22-1173** Approval and execution of Florida Department of Environmental Protection v. Orange County Florida, OGC File No. #22-2254 Consent Order;

authorization for the County Administrator to execute the Consent Order; and authorization to pay civil penalties in the amount of \$1,000 and costs and expenses in the amount of \$250 for a total payment in the amount of \$1,250. All Districts. (Solid Waste Division)

4. **22-1174** Approval and execution of Poitras East Parcel N-7 (19-U-106) Wastewater Capital Charge Escrow Agreement by and among TDCP, LLC, Orange County, and the Orange County Comptroller. District 4. (Engineering Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. **22-1175** Receipt of the following items to file for the record: (Clerk's Office)
- a. The Florida Public Service Commission Order Suspending Tariff. In re: Petition for approval of new my energy bill + program with income qualified component, by Duke Energy Florida, LLC.
- b. City of Orlando Ordinance No. 2022-33. City of Orlando Ordinance with Exhibits A (Legal Description), Exhibits B, C, D, (Future Land Use and Zoning Maps), City of Orlando Fiscal Impact Statement and Orlando Sentinel Notice of Proposed Enactment, the Orlando City Council will consider proposed Ordinance 2022-33 entitled: An Ordinance of the City council of the City of Orlando, Florida, annexing to the corporate limits of the City certain land generally located north of East Michigan Street, east of Marlboro Street, south of East Jersey Avenue, and west of Gowen Street, and comprised of 0.88 acres of land, more or less, and amending the City's boundary description; amending the City's adopted growth management plan to designate the property as residential low intensity and mixed use corridor medium intensity on the City's official Future Land Use Maps; designating the property as the 1-2 Family residential and medium intensity mixed use corridor zoning districts, both with the traditional city overlay district, on City's official zoning maps; providing for amendment of the City's official future land use and zoning maps; providing for severability, correction of Scrivener's errors, permit disclaimer and an effective date.
- c. Orange County Industrial Development Authority Oaths of Office for the following individuals:
- Julio Rocha, Chairman
 - Paul Michelotti, as Vice Chairman
 - Casey Barnes, as Secretary
 - Michelle Grinage, as Assistant Secretary

d. Minutes of the July 20, 2022, Meeting in the Sunshine, Commissioners Emily Bonilla and Mayra Uribe met to discuss Rent Stabilization, Split Oak, and Rural Boundary.

These items were received and filed.

III. DISCUSSION AGENDA

A. ADMINISTRATIVE SERVICES DEPARTMENT

1. **22-1176** Selection of one firm and an alternate to provide Engineering Services for the Pine Hills Neighborhood Improvement District Septic to Sewer Retrofit Project, Request for Proposals Y22-816-TA, from the following two firms, listed alphabetically:

- Burgess & Niple, Inc.
- Tetra Tech, Inc.

([Utilities Department Engineering Division] Procurement Division)

A motion was made by Commissioner Wilson, seconded by Commissioner Siplin, to appoint Burgess & Niple, Inc., 500 points, as the selected firm; and further, appoint Tetra Tech, Inc., 455 points, as the alternate. The motion carried by the following vote:

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

Adjourn as the Orange County Board of County Commissioners and convene as the Community Redevelopment Agency of Orange County

B. PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. **22-1177** Approval and execution of Amended and Restated Agreement between the Orange County Community Redevelopment Agency and the Orange Blossom Trail Development Board, Inc. regarding Redevelopment Activities on Behalf of the CRA and authorization for the County Administrator to approve minor and non-substantive revisions made to the Agreement by the Orange Blossom Trail Development Board subsequent to the Board's approval. (Neighborhood Preservation and Revitalization Division)

A motion was made by Commissioner Siplin, seconded by Commissioner Uribe, to approve and execute the Amended and Restated Agreement between the Orange County Community Redevelopment Agency and the Orange Blossom Trail Development Board, Inc., regarding Redevelopment Activities on Behalf of the CRA; and further, authorize the County Administrator to approve minor and non-substantive revisions made to the Agreement by the Orange Blossom Trail Development Board subsequent to the Board's approval. District 6. The motion carried by the following vote:

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

Absent: 2 - Commissioner Moore, and Commissioner Bonilla

**Adjourn as the Community Redevelopment Agency of Orange County
and reconvene as the Orange County Board of County Commissioners**

2. **22-1178** MetroPlan Board Meeting Briefing. (Transportation Planning Division)

The Board took no action.

IV. WORK SESSION AGENDA

A. PUBLIC WORKS DEPARTMENT

1. **22-1179** Transportation Sales Tax Initiative Update on Staff Activities. (Fiscal and Operational Support Division)

The Board took no action.

2. **22-1180** Septic Tank Workgroup Subgroup D.

The Board took no action.

B. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT

1. **22-1181** Shingle Creek Basin Overview. (Environmental Protection Division)

The Board took no action.

Meeting Starts at 2:00 p.m.

V. RECOMMENDATIONS

1. **22-1182** August 18, 2022 Planning and Zoning Commission Recommendations

A motion was made by Commissioner Uribe, seconded by Commissioner Siplin, to approve the recommendations, with the exceptions of Case # RZ-22-04-027, John & Nancy McGrady (Board Called), and Case # RZ-22-08-070, Estaban Hernandez (Board Called), which were 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 Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

VI. PUBLIC HEARINGS

A. Affordable Housing Trust Fund

1. **22-970** Pertaining to the Adoption of Affordable Housing Trust Fund Plan 2023-2025. All Districts.

Consideration: Adoption of the Affordable Housing Trust Fund Plan 2023-2025

The following persons addressed the Board:

- Cynthia Laurent
- Shuan Bellamy
- Eric Grimmer

A motion was made by Commissioner Uribe, seconded by Commissioner Wilson, to adopt the Affordable Housing Trust Fund Plan FY 2023-2025 to include priority strategies, annual budget requirements, and program administration to direct annual expenditures of the Affordable Housing Trust Fund. All Districts. The motion carried by the following vote:

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

B. Conservation Area Impact

2. **22-1035** Case # CAI-21-07-042

Christmas Creek Ranch, LLC; After-the-Fact permit; District 5

Consideration: A request by Christmas Creek Ranch, LLC, for an after-the-fact permit to authorize direct impacts to 0.37 acre of Class I wetlands and 0.55 acre of secondary impacts to Class I wetlands to improve an existing field road and provide better access to the applicant's property and to provide a haul route for a borrow pit project which will be operated by Bishop & Buttrey, Inc.

Location: District 5; Wheeler Road, Christmas, FL

The following persons addressed the Board:

- Anna Long
- Dykes Everett
- Jim Golden
- Bobby Beagles

The following materials were presented to the Board:

- Exhibit 1, from Anna Long

- Exhibit 2, from Jim Golden

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to accept the findings and recommendation of the Environmental Protection Division staff; and further, approve the After-the-Fact Conservation Area Impact Permit CAI-21-07-042, subject to the twenty-two (22) conditions of approval listed in the staff report dated August 11, 2022. The motion carried by the following vote:

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

Nay: 1 - Commissioner Wilson

and

I. CONSENT AGENDA (Deferred)

J. PUBLIC WORKS DEPARTMENT

22-1170 Approval of the Bishop & Buttrey Borrow Pit #186 and authorization to issue Borrow Pit Excavation Permit No. 21-E5-0014 to Bishop & Buttrey, Inc. District 5. (Development Engineering Division)

A motion was made by Commissioner Bonilla, seconded by Commissioner Uribe, to schedule the Bishop & Buttrey Borrow Pit #186 and the Borrow Pit Excavation Permit No. 21-E5-0014 for a future public hearing at a date to be determined; and further, schedule a community meeting. The motion carried by the following vote:

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

VI. PUBLIC HEARINGS

C. Board of Zoning Adjustment Board-Called

3. **22-728** Case # SE-22-02-141

Jose Ramirez for Massey Street Apartments, February 3, 2022; District 4
(Continued from July 26, 2022)

Consideration: Request for a Special Exception in the R-2 zoning district to allow a 2-story multi-family development to be located within 100 ft. of the property line of a single-family dwelling district and use, as follows: 52.1 ft. from the east property line in lieu of 100 ft.; 30 ft. from the south property line in lieu of 100 ft.

Location: District 4; property located at 10002 and 10014 Massey St., Orlando, Florida 32815; Orange County, Florida (legal property description on file in Zoning Division)

Modified Condition of Approval #1:

1. Development shall be in accordance with the site plan ~~received December 22, 2021 and elevations received January 14, 2022,~~ elevations and landscape plan received May 18, 2022 as modified to reduce the unit count to 7 units; subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

New Condition of Approval # 6:

6. A six foot high solid masonry wall with a red brick façade shall be installed along the N. Dean Road frontage. The wall shall be set back 10 feet from the N. Dean Road right-of-way to allow installation of shrubs in a minimum 7-gallon container and a minimum of 30 inches high at the time of planting.

The following persons addressed the Board:

- Bob Ziegenfuss
- Robert Figueroa
- Ruth Flores
- Tinna Crowley

The following material was presented to the Board: Exhibit 1, from Bob Ziegenfuss.

A motion was made by Commissioner Gomez Codero, seconded by Commissioner Uribe, to make a finding of consistency with the Comprehensive Plan; further, approve the request subject to the five (5) conditions of approval listed under the Board of Zoning Adjustment recommendation in the staff report dated August 9, 2022; further, modify condition #1; and further, approve new condition of approval #6. The motion carried by the following vote:

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

Nay: 1 - Commissioner Siplin

4. **22-969** Case # VA-22-04-011

Robert Sojo for Florida Real Estate Property Partners Inc, July 7, 2022;
District 3

Consideration: Request for a variance in the R-3 zoning district to allow the construction of a single-family residence as follows: 1. A lot size of 4,062 sq. ft. in lieu of 4,500 sq. ft., 2. A south side street setback of 14 ft. in lieu of 15 ft., 3. An east rear setback of 5 ft. in lieu of 25 ft.

Location: District 3; property located at 2315 Marlboro St. Orlando, Florida 32806; Orange County, Florida (legal property description on file in Zoning Division)

The following persons addressed the Board:

- Robert Sojo
- Andrew Nutt

A motion was made by Commissioner Uribe, seconded by Commissioner Wilson, to make a finding of consistency with the Comprehensive Plan; and further, approve the request subject to the three (3) conditions of approval listed under the Board of Zoning Adjustment recommendation in the staff report dated August 19, 2022. The motion carried by the following vote:

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

Absent: 2 - Commissioner Gomez Cordero, and Commissioner Bonilla

5. 22-971 Case # VA-22-06-035

Samantha Gensler-Breuer for Northern Tool + Equipment, July 7, 2022;
District 3

Consideration: Request for a variance in the C-2 zoning district to allow a total of 297 square feet of sign copy area in lieu of 211.2 sq. ft. and to rescind the prior approval for VA-20-08-074.

Location: District 3; property located at 795 W. Sand Lake Road, Orlando, Florida 32809; Orange County, Florida (legal property description on file in Zoning Division)

The following person addressed the Board: Randy Goodman.

A motion was made by Commissioner Uribe, seconded by Commissioner Wilson to deny the request by Samantha Gensler-Breuer for Northern Tool + Equipment, Board of Zoning Adjustment, Case # VA-22-06-035. The motion carried by the following vote:

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

D. Preliminary Subdivision Plan

6. 22-1039 Case # PSP-22-05-186

Victor Perea, Burkett Engineering, Emerald Villas Preliminary Subdivision
Plan; District 2

Consideration: Victor Perea, Burkett Engineering, Emerald Villas Preliminary Subdivision Plan, Case # PSP-22-05-186, 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 36.2 acres in into 3 lots.

Location: District 2; property generally located North of Silver Star Road / West of Pine Hills Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Sean Hickman.

A motion was made by Commissioner Moore, seconded by Commissioner Gomez Cordero, to make a finding of consistency with the Comprehensive Plan; and further, approve the request subject to the thirteen (13) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated August 23, 2022. The motion carried by the following vote:

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

E. Development Plan

7. 22-1034 Case # DP-21-11-332

Scott M. Gentry, Kelly, Collins & Gentry, Inc., The Quadrangle Planned Development / Tract 23A - Palladium Student Housing Development Plan; District 5

Consideration: The Quadrangle Planned Development / Tract 23A - Palladium Student Housing Development Plan, Case # DP-21-11-332, submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This Development Plan (DP) is a request to construct a 250 unit / 898 bed student housing complex on a total of 4.46 acres.

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

The following persons addressed the Board:

- Scott Gentry
- Eric Grimmer

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; and further, approve the request subject to the fifteen (15) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated August 23, 2022. The motion carried by the following vote:

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

8. 22-1038 Case # DP-21-03-089

Brooks Stickler, Kimley-Horn & Associates, Inc., Alafaya Trail Property Planned Development / The Shops at Alafaya Trail Phase I & II Preliminary Subdivision Plan / Lot 4 - Starbucks Development Plan; District 4

Consideration: Alafaya Trail Property Planned Development / The Shops at Alafaya Trail Phase I & II Preliminary Subdivision Plan / Lot 4 - Starbucks Development Plan, Case # DP-21-03-089, submitted in accordance with Orange County Code, Chapter 34, Article III, Section 34-69 and Chapter 30, Article III, Section 30-89; This request is to construct a 2,500 square foot restaurant on a total of 9.99 acres.

Location: District 4; property generally located South of Iroquois Trail / West of North Alafaya Trail; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Brooks Stickler.

A motion was made by Commissioner Gomez Codero, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; and further, approve the request subject to the fourteen (14) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated August 23, 2022. The motion carried by the following vote:

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

F. Comprehensive Plan – Transmittal of Regular Cycle Privately-Initiated Text Amendment

9. **22-1040** Transmittal of Future Land Use Privately-Initiated Text Amendment, Jim Hall, HDSi, for City Center at O-town West, LLC (Continued August 9, 2022)

a. Amendment 2022-2-P-FLUE-1

Consideration: Text amendment to Future Land Use Element Policy FLU8.1.4 amending the maximum density/intensity of the Hannah Smith Property PD through the modification of the development program of the portion of the PD designated as Tract 4 on the PD Land Use Plan; District 1

The following person addressed the Board: Jim Hall.

A motion was made by Commissioner Wilson, seconded by Commissioner Moore to make a finding that the information contained in the application for the proposed amendment is sufficiently complete; further, make a finding that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and further, transmit Amendment 2022-2-P-FLUE-1 to the state reviewing agencies. The motion carried by the following vote:

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

G. Ordinance Comprehensive Plan - Adoption of Regular Cycle Amendment, Ordinance and Concurrent Rezoning Request

10. **22-892** Adoption of Regular Cycle Future Land Use Map, Ordinance and Concurrent

Rezoning, M. Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed,
P.A. for Rita J. Friedman (Continued from August 9, 2022)

a. Amendment 2022-1-A-1-1

Consideration: Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR).

Location: District 1; Generally located south of International Drive S., east of Wildwood Ave., and west of Vistana Palm Beach Dr.; Parcel ID#: 23-24-28-5844-00-680; 14.43 gross ac.

And

b. Ordinance for Proposed Amendment

Consideration: An Ordinance pertaining to Comprehensive Planning in Orange County, Florida; amending the Orange County Comprehensive Plan, commonly known as the "2010-2030 Comprehensive Plan," as amended, by adopting amendments pursuant to Section 163.3184(3), Florida Statutes, for the 2022 calendar year (First Cycle); and providing effective dates.

And

c. Rezoning LUP-21-11-353

Consideration: R-CE (Country Estate District) to PD (Planned Development District) (The Villages at Westwood PD/ LUP). Also requested are three (3) waivers from Orange County Code: 1) A waiver from Section 38-1300 to allow a maximum building height of sixty (60) feet in height for buildings located no closer than seventy-five (75) feet from the single-family residential zoned property to the east and west in lieu of a maximum building height of thirty-five (35) feet in height within one hundred (100) feet of single-family residential; 2) A waiver from Section 38-1476(a) to allow 1.65 spaces per unit in lieu of the required 2 spaces per unit for each dwelling unit that are two (2) and three (3) bedrooms for apartments of three (3) dwelling units or more; and 3) A waiver from Section 38-1476(a) to allow 1.4 spaces per unit in lieu of the required 1.5 spaces for each dwelling unit that are efficiencies and one-bedrooms for apartments of three (3) dwelling units or more.

Location: District 1; Generally located south of International Drive S., east of Wildwood Ave., and west of Vistana Palm Beach Dr.; Parcel ID#: 23-24-28-5844-00-680; 14.43 gross ac.

The following person addressed the Board: Rebecca Wilson.

A motion was made by Commissioner Wilson, seconded by Commissioner Uribe, make a finding of consistency with the Comprehensive Plan; further, determine that the proposed amendment is in compliance; further, adopt Amendment 2022-1-A-1-1, Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR); further, make a finding of consistency with the Comprehensive Plan; further, determine that the amendments are in compliance; further, adopt Ordinance 2022-32 approving the proposed Future Land Use Map Amendment, consistent with today's actions; further, make a finding of consistency with the Comprehensive Plan; further, make a finding of consistency with the Comprehensive Plan; further, approve the rezoning request from

R-CE (Country Estate District) to PD (Planned Development District); further approve three (3) waivers from Orange County Code: 1) A waiver from Section 38-1300 to allow a maximum building height of sixty (60) feet in height for buildings located no closer than seventy-five (75) feet from the single-family residential zoned property to the east and west in lieu of a maximum building height of thirty-five (35) feet in height within one hundred (100) feet of single-family residential; 2) A waiver from Section 38-1476(a) to allow 1.65 spaces per unit in lieu of the required 2 spaces per unit for each dwelling unit that are two (2) and three (3) bedrooms for apartments of three (3) dwelling units or more; and 3) A waiver from Section 38-1476(a) to allow 1.4 spaces per unit in lieu of the required 1.5 spaces for each dwelling unit that are efficiencies and one-bedrooms for apartments of three (3) dwelling units or more for Villages at Westwood Planned Development/Land Use Plan (PD/LUP), subject to the nineteen (19) conditions of approval listed under the Development Review Committee recommendation in the Staff Report dated September 13, 2022. The motion carried by the following vote:

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

H. Ordinance

11. **22-1042** Amending Orange County Code, Article IX, Chapter 21, pertaining to the use of Golf Carts on designated public roads and streets; All Districts

Consideration: An Ordinance amending Article IX of Chapter 21 of the Orange County Code ("Use Of Golf Carts on Designated Public Roads And Streets"); and providing an effective date.

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to adopt an amendment to the Golf Cart Ordinance 2022-33 to delete the registration requirement in Section 21-294(b). The motion carried by the following vote:

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

IV. WORK SESSION AGENDA (Continued)

B. PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT (Continued)

2. **22-1183** Town Center Preliminary Design Study Report (CR 545 - Avalon Road).
(Transportation Division)

The Board took no action.

√ 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: 6:13 p.m.

ATTEST:

County Mayor Jerry L. Demings

Date: _____

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.