

BCC Mtg. Date: Dec. 20, 2016

Orange County Government

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



Final BCC Meeting Minutes

Tuesday, October 4, 2016

9:00 AM

County Commission Chambers

Board of County Commissioners

Call to Order

County Mayor Teresa Jacobs called the meeting to order at 9:07 a.m.

Present: 6 - Mayor Teresa Jacobs, Commissioner Bryan Nelson, Commissioner Jennifer Thompson, Commissioner S. Scott Boyd, Commissioner S. Scott Boyd, and Commissioner Victoria P. Siplin

Absent: 1 - Commissioner Pete Clarke

Others present:

County Comptroller Martha Haynie as Clerk

County Administrator Ajit Lalchandani

County Attorney Jeffrey J. Newton

Deputy Clerk Katie Smith

Senior Minutes Coordinator Craig Stopyra

Minutes Coordinator Jennifer Lara-Klimetz

Invocation

Pastor Billy Brath, Live UCF

Pledge of Allegiance**Public Comment**

The following persons addressed the Board for public comment:

- Philip Seidenberg
- Catherine Ojeda Figueroa
- Spike Hopkins

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

- Exhibit 1, from Philip Seidenberg
- Exhibit 2, from Spike Hopkins

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

The Mayor deleted Administrative Services Department Consent Item 4; further, deferred action on Community, Environmental and Development Services Department Item 2 for consideration with public hearing for Ben Snyder, Hickory Nut, LLC, Avalon Cove PD/LUP, Case # LUP-15-07-193; further, deferred action on Community, Environmental and Development Services Department Item 5 for consideration with public hearing for Thomas A. Cloud, Gray

Robinson, Lake Bryan Planned Development/Land Use Plan (PD/LUP), Case # CDR-16-06-214; and further, a motion was made by Commissioner Boyd, seconded by Commissioner Thompson, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Edwards, and Commissioner Siplin

A. COUNTY COMPTROLLER

1. [16-001](#) Approval of the check register authorizing the most recently disbursed County funds, having been certified that same had not been drawn on overexpended accounts. Periods are as follows:

- September 16, 2016, to September 22, 2016; total of \$20,587,332.11.
- September 23, 2016, to September 29, 2016; total of \$33,947,566.66.
(Finance/Accounting)
2. [16-002](#) Approval to dispose of records held by the Comptroller in accordance with record retention schedules (GS1-SL and GS 11) as approved by the State of Florida, Bureau of Archives and Records Management. (Property Accounting)

B. COUNTY ADMINISTRATOR

1. [16-003](#) Approval and execution of A Resolution 2016-B-11 of the Board of County Commissioners of Orange County, Florida, approving the issuance by the Orange County Health Facilities Authority of its Revenue Refunding Bonds (Orlando Senior Health Network Project), Series 2016, in an aggregate principal amount not to exceed \$21,000,000; and providing an effective date. (Health Facilities Authority)
2. [16-004](#) Approval of a 3.5% Fiscal Year 2015-16 salary increase to employee ID#'s 112018, 112123, and 122635, retroactive to October 11, 2015. (Human Resources Division)
3. [16-005](#) Confirmation of the County Mayor's staff reappointments for the 4th Quarter FY 2015-2016. (Human Resources Division)

Carol A. Burkett, Director, Office Drug Free Community, Health Services
Loretta E. Cunniff, Deputy Director, Community, Environmental and Development Services
Sheena D. Ferguson, Manager, Business Development, Administrative Services
Paulette V. Julien, Deputy Chief, Corrections

Troy E. Layton, Manager, Utilities Field Services, Utilities
Bryan D. Lucas, Manager, Fleet Management, Administrative Services
Alex J. Morales, Manager, Fiscal & Operational Support, Fire Rescue
Yulita M. Osuba, Deputy Director, Convention Center
John L. Petrelli, Jr., Director, Risk Management & Professional Standards,
Office of Accountability
Ruby D. Rozier, Manager, Traffic Engineering, Public Works
Richard F. Steiger Jr., Manager, Facilities Management, Administrative
Services
Kimberly B. Stewart-Horan, Division Chief Communications, Fire Rescue
Michael J. Wajada, Division Chief, Fire Rescue

4. [16-006](#) Approval and execution of A Resolution 2016-B-12 of the Board of County Commissioners of Orange County, Florida approving for the purposes of Section 147 (f) of the Internal Revenue Code of 1986, as amended, the issuance of Orange County Industrial Development Authority Revenue Note (Hope Charter School and Legacy High School Project), Series 2016, in an aggregate principal amount not to exceed \$6,000,000.00; and providing for an effective date. (Industrial Development Authority)
5. [16-007](#) Approval to disburse payment for the Florida Association of Counties (FAC) membership fee totaling \$118,234 as provided in the FY 2016-17 adopted budget. (Office of Management and Budget)
6. [16-008](#) Approval to disburse payment for the East Central Florida Regional Planning Council (ECFRPC) annual assessment totaling \$209,068 as provided in the FY 2016-17 adopted budget. (Office of Management and Budget)
7. [16-009](#) Approval of budget amendments #16-60 and #16-61. (Office of Management and Budget)
8. [16-010](#) Approval of budget transfers #16-000001446 and #16-000001462. (Office of Management and Budget)
9. [16-011](#) Approval of CIP amendments #17C-001, #17C-002, #17C-003, #17C-004, #17C-005, #17C-006, and #17C-007. (Office of Management and Budget)

C. COUNTY ATTORNEY

1. [16-012](#) Approval and execution of the proposed Settlement Agreement and Release in the case of *Dorothy J. Copeland Howard v. Orange County*, Case No.: 2014-CA-8704-O.

D. ADMINISTRATIVE SERVICES DEPARTMENT

1. [16-013](#) Approval to award Invitation for Bids Y16-1082-MR, Tree Trimming and Related Services - Roads and Drainage Division, to the two low responsive

and responsible bidders, The Davey Tree Expert Company, in the estimated contract award amount of \$1,567,540.71 and Blades of Green, Inc., in the estimated contract award amount of \$1,862,720. The total estimated annual contract amount is \$3,430,260.71. ([Public Works Department Roads and Drainage Division] Procurement Division)

2. [16-014](#) Approval to award Invitation for Bids Y16-1110-MG, OEM Replacement Parts for Automotive and Light Trucks-Term Contract, to the low responsive and responsible bidder per item, Don Mealey Automotive, LLC for Item 1, in the estimated contract award amount of \$148,400 and Rush Truck Center of Florida, Inc. for Item 3, in the estimated contract award amount of \$184,500 for 1-year term contracts. ([Administrative Services Department Fleet Management Division] Procurement Division)
3. [16-015](#) Approval to award Invitation for Bids Y16-7006-EB, Bonnie Brook Pump Station Outfall Erosion Control Project, to the low responsive and responsible bidder, Condor Construction Corporation. The total contract award amount is \$377,125. ([Public Works Department Highway Construction Division] Procurement Division)
4. [16-016](#) Approval to award Invitation for Bids Y16-7007-RM, Orange County Convention Center Valencia & Chapin Theater Dressing Rooms Renovations, to the low responsive and responsible bidder, S.A. Casey Construction, Inc. The total contract award amount is \$914,084.04. ([Convention Center Capital Planning Division] Procurement Division)

(This item was deleted.)
5. [16-017](#) Approval to award Invitation for Bids Y17-702-CC, Regional History Center Chiller & Computer Room Air Conditioning Unit Replacement, to the low responsive and responsible bidder, Starr Mechanical, Inc. The total contract award amount is \$496,250. ([Administrative Services Department Capital Projects Division] Procurement Division)
6. [16-018](#) Approval and execution of Corrective Special Warranty Deed and Disclaimer from South Orange Properties, Inc. to Orange County and authorization to record instrument for Wetherbee Road - Phase II (Landstar Blvd to Harness Track Property). District 4. (Real Estate Management Division)
7. [16-019](#) Approval and execution of Utility Easement between the School Board of Orange County, Florida and Orange County and authorization to record instrument for Waterford ES OCU File No. 74646. District 4. (Real Estate Management Division)
8. [16-020](#) Approval and execution of Distribution Easement between Orange County and Duke Energy Florida, LLC, d/b/a Duke Energy and authorization to

record instrument for Young Pine Community Park. District 4. (Real Estate Management Division)

9. [16-021](#) Approval of Donation Agreement and Roadway Easement between E.C. Parkway Developments, LLC and Orange County and authorization to disburse funds to pay all recording fees and record instrument for Palm Parkway at Lake Street Intersection Improvements (Destination Parkway to Sand Lake Road). District 1. (Real Estate Management Division)
10. [16-022](#) Approval of Contract for Sale and Purchase subject to an appraisal that supports the purchase price and Warranty Deed between Allen Real Estate Holdings, LLC and Orange County, authorization to disburse funds to pay purchase price and closing costs and perform all actions necessary and incidental to closing for 2-Gen Center District 3 (Invest). District 3. (Real Estate Management Division)
11. [16-023](#) Approval of Conservation Easement between Waterford Trails Partnership, LLP and Orange County and authorization to record instrument for Waterford Trails Commercial #CAI-14-03-006. District 4. (Real Estate Management Division)
12. [16-024](#) Approval of Access and Utility Easement between Moss Park Properties, LLLP, f/k/a Moss Park Properties, LTD and Orange County and authorization to record instrument for Dowden Road Ph 1 OCU Permit: 14-U-025 OCU File #: 77446. District 4. (Real Estate Management Division)
13. [16-025](#) Approval of Utility Easement between Orchid Bay Development, LLC and Orange County, Subordination of Encumbrance to Property Rights to Orange County from Sunshine Restaurant Merger Sub, LLC and authorization to record instruments for IHOP - Orchid Bay NC OCU Permit: B15902141 OCU File #: 83227. District 1. (Real Estate Management Division)

E. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [16-026](#) Approval and execution of Orange County, Florida, Resolutions Establishing Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. Districts 1, 2, 3, 4, and 6. (Code Enforcement Division)

LC 16-0884 LC 16-0933 LC 16-0869 LC 16-0739 LC 16-0849
LC 16-0987 LC 16-0934 LC 16-0946 LC 16-0748 LC 16-0858
LC 16-0684 LC 16-0938 LC 16-0797 LC 16-0784 LC 16-0864
LC 16-0772 LC 16-0942 LC 16-0872 LC 16-0802 LC 16-0878
LC 16-0774 LC 16-0950 LC 16-0873 LC 16-0805 LC 16-0881
LC 16-0877 LC 16-0994 LC 16-0672 LC 16-0813 LC 16-0893

LC 16-0905 LC 16-0788 LC 16-0720 LC 16-0842 LC 16-0895
LC 16-0930 LC 16-0801 LC 16-0731 LC 16-0847 LC 16-0903

3. [16-028](#) Acceptance of Recommendation of the Environmental Protection Commission to approve the request for Variance to Orange County Code, Chapter 15, Article IX, Section 15-342(c), walkway width for the Santini Dock Construction Permit BD-16-06-061. District 1. (Environmental Protection Division)
4. [16-029](#) Acceptance of Recommendation of the Environmental Protection Commission to uphold the Recommendation of the Environmental Protection Officer to approve the request for Variance to Section 15-342(e) (Roof Height) for the Sing Dock Construction Permit BD-16-02-021. District 1. (Environmental Protection Division)
6. [16-031](#) Approval and execution of Agreement # P0220 Grant Agreement State of Florida Department of Economic Opportunity by and between the State of Florida, Department of Economic Opportunity and Orange County, Florida for the Community Planning Technical Assistance Grant in the amount of \$60,000. Districts 3 and 4. (Planning Division)

F. FAMILY SERVICES DEPARTMENT

1. [16-032](#) Receipt and filing of Head Start Policy Council Program Information and Updates August 2016 and Head Start Policy Council Meeting Minutes July 21, 2016 for the official county record. (Head Start Division)

G. FIRE RESCUE DEPARTMENT

1. [16-033](#) Approval of payment of the FY 2016-2017 annual fee associated with the Interlocal Agreement between Orange County and the Central Florida Fire Consortium in the amount of \$114,812.40 for membership services.
2. [16-034](#) Authorization for County staff to complete the Medicare Enrollment Application with all associated documents; delegation of authority to the County Administrator to serve as the Authorized Official to execute the application and all future Medicare revalidation enrollment applications and associated documentation; and assignment of the Director of the Fire Rescue Department to serve as the Delegated Official. (Fiscal & Operational Support Division)

H. HEALTH SERVICES DEPARTMENT

1. [16-035](#) Approval and execution of the Paratransit Services License for BrightStart Pediatrics, LLC to provide wheelchair/stretchers service. The term of this license is from October 1, 2016 through October 1, 2018. There is no cost to the County. (EMS Office of the Medical Director)

2. [16-036](#) Approval and execution of the renewal Certificate of Public Convenience and Necessity for Winter Garden Fire Rescue Department to provide Advanced Life Support Transport Service. The term of this certificate is from October 31, 2016 through October 31, 2018. There is no cost to the County. (EMS Office of the Medical Director)
3. [16-037](#) Approval of FY17 Department of Health and Human Services Substance Abuse and Mental Health Services Administration, Adult Drug Court Program Grant Number: 1H79T1026728-01 in the amount of \$975,000 over a three year period beginning September 30, 2016 through September 29, 2019. No match is required. (Office for a Drug Free Community)
4. [16-038](#) Approval of the U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance FY16 Award Number 2016-DJ-BX-0153, in the amount of \$405,024 for the period of October 1, 2015 through September 30, 2019. No match is required. (Office for a Drug Free Community)

I. PUBLIC WORKS DEPARTMENT

1. [16-039](#) Approval to install a "No Parking" zone on both sides of the road from 319 Windrose Drive extending 400 feet south. District 4. (Traffic Engineering Division)
2. [16-040](#) Approval of Traffic Control Devices and "No Parking" sign installations in Waterleigh Phase 1C. District 1. (Traffic Engineering Division)
3. [16-041](#) Approval and execution of State of Florida Department of Transportation Quiet Zone Improvement Agreement Amendment Number 1 FM#436014-1-52-04 between the State of Florida and Orange County. District 3. (Traffic Engineering Division)
4. [16-042](#) Approval and execution of Utility Relocation Agreement by and between Orange County and Bellsouth Telecommunications, LLC d/b/a AT&T Florida for the relocation of utility facilities on Wallace Road at Dr. Phillips Blvd. District 1. (Engineering Division)

J. UTILITIES DEPARTMENT

1. [16-043](#) Approval of commercial refuse license for Trash Taxi, LLC to provide solid waste hauling services to commercial generators in Orange County. All Districts. (Solid Waste Division)

II. INFORMATIONAL ITEMS**

A. COUNTY COMPTROLLER

1. [16-044](#) Receipt of the following items to file for the record: (Clerk's Office)
 - a. City of Winter Garden Notice of Annexation Ordinances, Attachment A (Legal Descriptions) and Attachment B (Location Maps) as follows:
 - Ordinance 16-47, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 0.15 ± acres located at 310 East Story Road on the south side of East Story Road, east of Summer Street and west of 9th Street into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.
 - Ordinance 16-50, An Ordinance of the City of Winter Garden, Florida providing for the annexation of certain additional lands generally described as approximately 1.7 ± acres located at 917 Carter Road on the east side of Carter Road, south of East Story Road and north of West Colonial Drive into the City of Winter Garden Florida; redefining the city boundaries to give the city jurisdiction over said property; providing for severability; providing for an effective date.
 - b. Minutes of the June 9 and June 21, 2016 Charter Review Commission.
 - c. Audit Report No. 458 - Audit of the Indirect Cost Rate Awarded in Contract Y13-813PH

This item was received and filed.

III. DISCUSSION AGENDA

A. ADMINISTRATIVE SERVICES DEPARTMENT

1. [16-045](#) Selection of one firm and an alternate to provide Professional Engineering Services for Class III Cell 2, Sequence 2, Request for Proposals Y16-813-RM, from the following two firms, listed alphabetically:
 - S2L, Incorporated
 - Stearns, Conrad and Schmidt, Consulting Engineering, Inc. (dba SCS) Engineers

([Utilities Department Solid Waste Division] Procurement Division)

A motion was made by Commissioner Nelson, seconded by Commissioner Thompson, to appoint S2L, Incorporated as the selected firm; and further, appoint Stearns, Conrad and Schmidt, Consulting Engineering, Inc. (dba SCS) Engineers as alternate. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Edwards, and Commissioner Siplin

Absent: 1 - Commissioner Clarke

B. FAMILY SERVICES DEPARTMENT

1. [16-046](#) Head Start Division Progress Report.

This item was no action.

C. COUNTY MAYOR

1. [16-047](#) Open discussion on issues of interest to the Board.

This item was no action.

ADDENDUM #1

D. COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. [16-078](#) Authorize staff to process refund of dishonored check fees in the amount of \$37,000.68. District 6.

A motion was made by Commissioner Nelson, seconded by Commissioner Edwards, that this item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Edwards, and Commissioner Siplin

Absent: 1 - Commissioner Clarke

IV. WORK SESSION AGENDA

A. UTILITIES DEPARTMENT

1. [16-048](#) Material Recovery Facilities Contract. (Solid Waste Division)

This item was no action.

PRESENTATION OF EMPLOYEE SERVICE AWARDS

Gary A. Bell (20), Fleet Management, Administrative Services; Vernard A. Batson (25), Community Action, Family Services; Thomas L. Crosskey (20), Fire Communications, Darrel J. McCrystal (35), Fire Operations, Fire Rescue; Sandra Santana (30), Fiscal & Operational Support, Arthur T. Erskine (20), Roads & Drainage, Public Works; Melvin W. Black (30), Field Services, Irene A. Taylor (30), Water, Shirley C. Lano (20), Customer Service, Dilsaz A. Walji (30), Fiscal & Operational Support, Utilities.

V. RECOMMENDATIONS

1. [16-049](#) September 15, 2016 Planning and Zoning Commission Recommendations

A motion was made by Commissioner Siplin, seconded by Commissioner Nelson, that this item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Edwards, and Commissioner Siplin

Announcement

County Administrator Lalchandani officially announced a Brownfield Notice. Florida Statutes requires this meeting be advertised and posted as well as the County making an announcement of the public hearing taking place. The purpose of the meeting is to designate a parcel located west of the intersection of Universal Boulevard and Destination Parkway and north of the Orange County Convention Center in unincorporated Orange County as a Brownfield Area. This topic will be brought before the Board of County Commissioners for a public hearing on October 18, 2016 at 2:00 p.m.

VI. PUBLIC HEARINGS

1. [16-050](#) Shoreline Alteration/Dredge and Fill

Darryl and Abigail Hoffman, Lake Killarney, permit; District 5

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit to re-construct an existing seawall, pursuant to Orange County Code, Chapter 15, Article VI. Pumping and Dredging Control; Section 15-218(d)

Location: District 5; on property located adjacent to Lake Killarney, located at 21 Killarney Drive; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Edwards, seconded by Commissioner Boyd, to approve the Shoreline Alteration/Dredge and Fill Permit (SADF-16-07-006) for Darryl and Abigail Hoffman, subject to the conditions listed in the staff report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Edwards, and Commissioner Siplin

2. [16-051](#) Shoreline Alteration/Dredge and Fill

Ronald and Laura McCoy, Lake Sawyer, after-the-fact permit; District 1

Consideration: Request for an After-the-fact Shoreline Alteration/Dredge and Fill Permit to re-construct an existing seawall on a canal connected to Lake Sawyer, pursuant to Orange County Code, Chapter 33, Article IV, Windermere Water and Navigation Control District; Section 33-129(d)

Location: District 1; on property located adjacent to Lake Sawyer, located at 6518 Sawyer Shores Lane; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Boyd, seconded by Commissioner Nelson, to approve the After-the Fact Shoreline Alteration/Dredge and Fill Permit (SADF-16-07-007) for Ronald and Laura McCoy, subject to the conditions listed in the staff report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Edwards, and Commissioner Siplin

3. [16-052](#) Preliminary Subdivision Plan

Scott M. Gentry, Kelly, Collins & Gentry, Inc., Hamlin PD/UNP/Hamlin North PSP/DP, Case # PSP-16-02-067; District 1

Consideration: Hamlin PD / UNP / Hamlin North PSP / DP - Case # PSP-16-02-067, submitted in accordance with Sections 34-69 and 30-89, Orange County Code; This Preliminary Subdivision Plan (PSP) is a request to subdivide and construct 113 single-family residential attached and detached dwelling units on 31.81 gross acres. The following waivers from Chapter 34 of the Orange County Code are also requested:

1. A waiver is requested from Sec. 34-152(C) to allow Lots T-77 through T-84 (as depicted on the Preliminary Subdivision Plan) to front a new, park, open space, etc. in lieu of the 20 foot access to a dedicated public street.
2. A waiver is requested from Sec. 34-152(C) to allow access to the pump station tract, Tract LS-1, external to the subdivision and via an access easement in lieu of a 20 foot fee simple access to a dedicated public paved street.

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

The following person addressed the Board: Scott Gentry.

A motion was made by Commissioner Boyd, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan (CP); and approve the request subject to the conditions of approval listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Edwards, and Commissioner Siplin

4. [16-053](#) Rezoning

Ben Snyder, Hickory Nut, LLC, Avalon Cove PD/LUP, Case # LUP-15-07-193; District 1

Consideration: Request to rezone one (1) parcel containing 67.08 gross acres from A-1 to PD, in order to develop 49 single-family lots with detached dwelling units; pursuant to Orange County

Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property located at 10150 Avalon Road; or generally located on the west side of Avalon Road / County Road 545, immediately south of Seidel Road; Orange County, Florida (legal property description on file)

The following person addressed the Board: Major Stacy.

A motion was made by Commissioner Boyd, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan (CP); and approve the request subject to the conditions listed under the PZC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Edwards, and Commissioner Siplin

2. [16-027](#) Approval and execution of Adequate Public Facilities Agreement for Avalon Cove PD by and between Hanover Hickory Nut, LLC and Orange County for the Horizon West - Village H. District 1. (Development Review Committee)

A motion was made by Commissioner Boyd, seconded by Commissioner Thompson, to approve this item. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

5. [16-054](#) Substantial Change

Scott M. Gentry, Kelly, Collins & Gentry, Inc., Hamlin PD/ UNP/Publix PSP/DP, Case # CDR-16-03-109, amend plan; District 1

Consideration: Substantial change request to add two (2) commercial buildings with a total of 19,911 square feet to Lot D of the existing Hamlin PD / UNP / Publix PSP / DP. This will result in a cumulative development program of 74,155 square feet of commercial on Lot D; pursuant to Sections 34-69 and 30-89, Orange County Code

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

The following person addressed the Board: Scott Gentry.

A motion was made by Commissioner Boyd, seconded by Commissioner Nelson, to make a finding of consistency with the Comprehensive Plan (CP); and approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Edwards, and Commissioner Siplin

6. [16-055](#) Substantial Change

Thomas A. Cloud, Gray Robinson, Lake Bryan Planned Development/Land Use Plan (PD/LUP), Case # CDR-16-06-214, amend plan; District 1

Consideration: A PD substantial change request to make the following changes to the PD/LUP, concurrent with a request to rescind the Lake Bryan Development of Regional Impact (DRI):

1. Incorporate existing DRI / Development Order (DO) Conditions 3 (Vegetation, Wildlife and Wetlands), 4 (Stormwater Management), 5 (Floodplains), 6 (Transportation Concurrency and Roadway Impact), 11 (Transportation Interconnectivity), 12 (Transit Systems) and 15 (Other / Historic Resources) as PD Conditions of Approval (with modifications);
2. Add / update Parcel ID numbers;
3. Add previous BCC Conditions of Approval; and
4. Add notes related to wetland, buffer, mitigation / enhancement and conservation area acreages, boat docks or ramps and impact permit requirements; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

Location: District 1; property generally located east of Vineland Avenue, west of International Drive, and north of World Center Drive; Orange County, Florida (legal property description on file)

The following person addressed the Board: Thomas Cloud.

A motion was made by Commissioner Boyd, seconded by Commissioner Edwards, to make a finding of consistency with the Comprehensive Plan (CP); and approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Edwards, and Commissioner Siplin

5. [16-030](#) Adoption and execution of Order Approving Rescission of the Development Order for the Lake Bryan Development of Regional Impact. District 1. (Planning Division)

A motion was made by Commissioner Boyd, seconded by Commissioner Edwards, to approve this item. The motion carried by the following vote:

Aye: 7 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Clarke, Commissioner Boyd, Commissioner Edwards, and Commissioner Siplin

7. [16-056](#) Substantial Change

Douglas Hoffman, Pulte Home Corporation, Lake Pickett Cluster Parcel 4 & 5 Preliminary Subdivision Plan - Substantial Change, Case # CDR 16-05-171, amend plan; District 5

Consideration: Substantial change request to add a gated entrance and to construct Pond 1 in Phase 2 in the Lake Pickett Cluster Parcel 4 & 5 Preliminary Subdivision Plan; pursuant to Sections 34-69 and 30-89, Orange County Code.

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

The following person addressed the Board: Jamie Poulos.

A motion was made by Commissioner Edwards, seconded by Mayor Jacobs, to make a finding of consistency with the Comprehensive Plan (CP); and approve the substantial change request subject to the conditions listed under the DRC Recommendation in the Staff Report. The motion carried by the following vote:

Aye: 6 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Commissioner Boyd, Edwards, and Commissioner Siplin

8. [16-057](#) Ordinance/Comprehensive Plan

Amending Orange County Code, adopting 2016-2 Out-of-Cycle Privately-Initiated Small-Scale Development Amendment to the 2010-2030 Comprehensive Plan (CP) and concurrent Substantial Change request; and Adoption of Ordinance

PRIVATELY-INITIATED SMALL SCALE DEVELOPMENT FUTURE LAND USE MAP AMENDMENT

Amendment: 2016-2-C-1-1

Applicant/Owner Jim Hall, VHB, Inc. / WPFF Majorca Land Investor, LLC

Consideration: Commercial (C) to High Density Residential (HDR)

Location: Generally located on the west side of Majorca Pl., west of Turkey Lake Rd., north of W. Sand Lake Rd., south of Toscana Blvd., and east of Dr. Phillips Blvd; Parcel ID #s Portions of 26-23-28-5411-00-030/031; 6.5 gross/net developable ac.

A motion was made by Mayor Jacobs, seconded by Commissioner Thompson, 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, FLU8.2.1, and FLU8.2.2; and Housing Element Goal H1 and Objective H1.1); and determine that the proposed amendment is in compliance; and further adopt Amendment 2016-2-C-1-1, Commercial (C) to High Density Residential (HDR). The motion carried by the following vote:

Aye: 5 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Edwards, and Commissioner Siplin

Nay: 1 - Commissioner Boyd

9. [16-058](#) Substantial Change

Applicant: Jim Hall, VHB, Inc. / WPFF Majorca Land Investor, LLC,
Case # CDR-16-08-297

Consideration: Substantial Change Request to the Majorca PD to add 325 multi-family

residential dwelling units to the development program with the following waiver requests:

1. A waiver from Orange County Code Section 38-1258(a) to allow a maximum height of 85 feet and 5 stories for multi-family buildings located within 25 feet of single-family residential, in lieu of a maximum height of a single story for multi-family buildings located within 100 feet of single-family zoned property.
2. A waiver from Orange County Code Section 38-1258(b) to allow a maximum height of 85 feet and 5 stories for 100% of the multi-family buildings located between 100 feet and 150 feet from single-family zoned property; in lieu of varying multi-family building heights, with a maximum of 50% of the buildings being a maximum of 3 stories and 40 feet and the remaining buildings being 1 or 2 stories when located between 100 feet and 150 feet from single-family zoned property.
3. A waiver from Orange County Code Section 38-1258(c) to allow a maximum height of 85 feet and 5 stories for multi-family buildings located within 150 feet of single-family zoned property, in lieu of a maximum building height of 3 stories and 40 feet for multi-family buildings located within 150 feet of single-family zoned property.
4. A waiver from Orange County Code Section 38-1258(d) to allow a maximum multi-family building height of 85 feet and 5 stories, in lieu of a maximum multi-family building height of 40 feet and 3 stories.
5. A waiver from Orange County Code Section 38-1258(e) to allow paved areas for multi-family development to be located 7 feet from any single-family zoned property, in lieu of 25 feet.
6. A waiver from Orange County Code Section 38-1258(f) to eliminate the requirement to construct a six-foot high masonry, brick, or block wall when multi-family development is located adjacent to any single-family zoned property.

Location: Generally located on the west side of Majorca Pl, west of Turkey Lake Rd., north of W. Sand Lake Rd., south of Toscana Blvd., and east of Dr. Phillips Blvd.; Parcel ID#s 26-23-28-5411-00-010/020/030/031 (overall Substantial Change Request; requested waivers would apply only to Parcel ID#s 26-23-28-5411-00-030/031); 26.81 gross ac./9.2 net developable ac.

Court Reporter: Christy LeRette, First Choice Reporting

The following persons addressed the Board:

- Kurt Ardaman
- Jim Hall
- Paul McGarigal
- Ron Chewning
- Ed Chittenden
- Charles Norman
- Nicci Dillon
- Louis Roeder
- Roy Messinger
- Fabricio Ponce

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

- Exhibit 1, from Jim Hall
- Exhibit 2, from Paul McGarigal
- Exhibit 3, from Ed Chittenden
- Exhibit 4, from Charles Norman
- Exhibit 5, from Roy Messinger

New Conditions of Approval

16. No preliminary subdivision plan or development plan shall be approved unless and until the Board of County Commissioners has approved a proportionate fair share agreement for the surrounding road network.
17. The number of multi-family residential units shall not exceed 300.
18. The applicant agrees to send the City of Orlando a written notice or letter withdrawing its consent (or not consenting, if consent wasn't previously given) to the pending annexation of the subject property scheduled for a second reading/public hearing with the City of Orlando City Council on October 24, 2016.

A motion was made by Mayor Jacobs, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the fifteen (15) conditions listed in the staff report; and further approve three (3) new conditions of approval. The motion carried by the following vote:

Aye: 5 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Edwards, and Commissioner Siplin

Nay: 1 - Commissioner Boyd

10. [16-059](#) Ordinance/Comprehensive Plan Public Hearing

Amending Orange County Code, adopting 2016-2 Small Scale Development Amendment to the 2010-2030 Comprehensive Plan (CP), adopting amendment pursuant to Section 163.3187, F.S.

2016-2 COMPREHENSIVE PLAN ADOPTION - SMALL SCALE DEVELOPMENT Ordinance

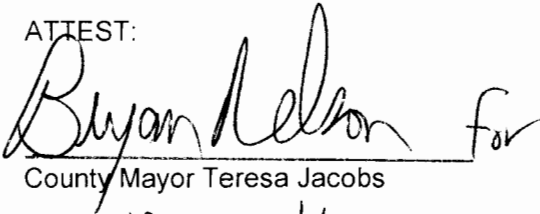
Consideration: AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "2010-2030 COMPREHENSIVE PLAN," AS AMENDED, BY ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES;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

A motion was made by Mayor Jacobs, seconded by Commissioner Thompson, to make a finding of consistency with the Comprehensive Plan; further determine that the amendment is in compliance; and further adopt the Ordinance 2016-20 consistent with today's actions, approving the proposed Future Land Use Map Amendment. The motion carried by the following vote:

Aye: 5 - Mayor Jacobs, Commissioner Nelson, Commissioner Thompson, Edwards, and Commissioner Siplin

Nay: 1 - Commissioner Boyd

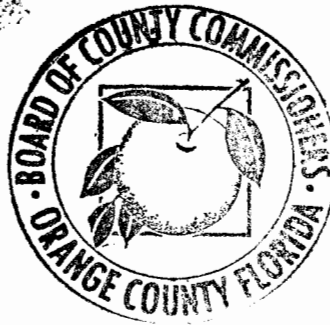
ATTEST:



County Mayor Teresa Jacobs

Date: 12-20-16

ATTEST SIGNATURE:

Martha O. Haynie
County Comptroller as Clerk




Katie Smith
Deputy Clerk

✓ 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>.

* * *

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.